# EXTENSIONS OF REMARKS

## UNITED STATES BUYING PRIVATELY OWNED LANDS IN EVERGLADES NATIONAL PARK

### HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. FASCELL. Mr. Speaker, I am pleased to report to our colleagues that the long-awaited acquisition of the remainder of the privately owned lands within the Everglades National Park is finally underway. The National Park Service has made the first purchases with the $10 million which we appropriated for fiscal year 1972 and I am hopeful that they will make sufficient progress for us to be able to appropriate the remaining $10 million of the authorization next year.

Mr. Bob Lettino, of the Miami Herald, has written a most interesting article indicating that the acquisition of this land is being made just in time to prevent large-scale development which would result in the ruination of these magnificent waterways and parklands. I commend his article to our colleagues:

[From the Miami Herald, Nov. 15, 1971]

UNITED STATES BUYS PRIVATE LAND IN GLADES PARK

(By Bob Lettino)

With $10 million in their checking account, federal authorities have begun to write the final chapter of the establishment and acquisition of Everglades National Park—the purchase of the last 55,000 acres of private land within park boundaries.

The process is complex. It may take years to finish.

The $10 million may or may not be half the money required to do the job.

A second $10 million has been authorized by Congress for the purpose, but it remains to be appropriated, or even budgeted. Hopefully the money will become available in fiscal 1973.

No one knows if the full $20 million will finish the job, because appraisal has just begun, and the final value of the remaining private land within the park will not be set until the appraisal is finished.

But the process of purchase has at last begun.

It is being done by a staff from the National Park Service, housed in an old, white, colonial-style building on the old Richmond Airbase at the deadend of Coral Reef Drive.

Priority has been given to a strip of land that lies southwest of Tamiami Trail's Loop Road.

This is the area in which real estate developers have been selling land like crazy all this spring and summer.

Brown Forester of the Park Service's land acquisition office says slightly more than 100 parcels—ranging from full 640-acre sections down to five-acre plots—have been appraised, with the value fixed at $800,000. A dozen or so owners have accepted offers made for their properties, which means they have sold to the government, although no actual transfer of titles has occurred.

This much, Forester says, has stopped land sales in the area and has slowed down canal digging and road building in the Loop Road area outside park boundaries.

Rep. Dante Fascell, who with the late Sen. Spessard Holland, sponsored the $20-million authorization legislation said:

"It's really Spessard's baby. He fought for it all along and I'm really sorry he isn't here to see the start of the purchasing. It's been far too long in coming and I'm committed to seeing the second $10 million appropriated."

John D. Pennekamp, The Herald's associate editor, who headed the pivotal committee that got state legislation passed to help create the park, said: "We better have a fish fry to celebrate."

Pennekamp referred to the December 1947 dedication by President Harry S. Truman of the park at Everglades City. A fish fry was part of the festivities.

The $10 million Congress appropriated last June came in the very nick of time. If Congress had not acted, developers could have built roads straight across the park boundary, on into the park, and built condominiums or whatever they wished right on the shores of Huston Bay. There are no zoning restrictions in that area of Monroe County (the county seat is 200 miles away in Key West) and the federal government simply did not own the land.

Last April the Joe Cotton Realty Corp. was selling tracts of an acre and a quarter even farther inside the park on Plate Creek Bay and Lostman's Five Bay. At that time, Joe Cotton gave the price of parcels on the creeks as $995; parcels with bay frontage sold for $3,500. Eight hundred parcels had been sold at the time, Joe Cotton said. All of this was legal.

Asked if buying land within the park wouldn't develop into a problem with the federal government eventually, if not immediately, Cotton replied:

"That's no situation at all. It's private land. We paid cash. We got the deeds."

Cotton neglected to add that at that very moment the $10 million was in the Department of Interior budget. It was appropriated two months later, in June.

One thing the sudden development boom did do was make Forester's job difficult. Now there are thousands of individual owners of private land in this area of the park, called the Northwest Extension. They live as far west as California and Oregon in the United States, some live in England, many are South Americans.

According to law, each owner has to be sent a letter offering the right to accompany the appraiser (a private individual hired by the government) on an inspection trip of the property. If the owner declines, the appraisal is made and a letter offering to buy at that price is sent the owner. If the owner accepts, that's it. In time payment is made and title transferred.

If the owner declines the offer, the next step is condemnation proceedings in U.S. District Court.

The majority of owners so far have accepted the offer made.

The Northwest Extension comprises 33,000 acres.

There is another cluster of private land within the park in Dade County. This is called the "Hole in the Doughnut" and comprises 22,000 acres. The priority on purchase of the land in Dade is low because the developer has been cooperative, having given the names of all to whom he sold to the government.

It was the sudden development in the Northwest Extension that caused problems by multiplying the individual ownership so rapidly.

Inadvertently the Park Service itself contributed to the problem, through the best of motives.

For years, if one wished to go by boat from Everglades City at the north end of the park to Flamingo at the south end, one could go "outside" via the Gulf of Mexico or "inside" through the creeks and bays of the Ten Thousand Islands.

Only the knowledgeable could use the tricky, unmarked inside route.

Before 1968 there was one fishing camp on private land at Alligator Bay. The only other homesite was that of Arthur Darwin, the hermit of the Wilderness Waterway, who will be 96 Dec. 17. He is the only man allowed to live on public land in the park. He has been granted permission to live out his life on Possum Key, 20 miles south of Everglades City.

In 1968 the park rangers began clearing and marking the Wilderness Waterway and in 1969, when the job was finished, the University of Miami printed "A Guide to the Wilderness Waterway."

This was all done in the interest of letting more people enjoy the unique terrain and wildlife of Everglades National Park.

It became a wilderness highway of sorts.

And then the developers got into the act.

They bought the large tracts of land and broke them up for sale. Fishing camps sprouted all over Lostman's Five and adjoining bays. Some were simple shacks. Others were elaborate. Still others were fabricated ashore and brought in by barge.

One day they will all be gone.

Should Arthur Darwin live to see that day, he then would be the only man living in Everglades National Park.

## AN EDUCATIONAL TV STATION PLANNED FOR HAGERSTOWN, MD.

### HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. BYRON. Mr. Speaker, I was pleased to learn recently that the Maryland Public Broadcasting Commission has filed an application with the Federal Communications Commission for a permit to establish and operate an educational television station covering the Hagerstown, Md., area.

I believe this will be a great step forward for educational television in the State of Maryland with benefits for the many residents of Washington and Frederick Counties. I would like to share with my colleagues an article from the Hagerstown Daily Mail of October 13 describing the proposed station:

EDUCATIONAL TV STATION PLANNED FOR HAGERSTOWN

The Maryland Public Broadcasting Commission has applied to the Federal Communications Commission (FCC) for permission to build a noncommercial educational television station to serve the Hagerstown area.

The station which will operate on UHF channel 33, will be a satellite of Station WMPB, the state's parent educational station in Baltimore. The Hagerstown satellite will be the second of six planned around the state.

The Public Broadcasting Commission has

already received the go-ahead from the General Assembly to build the station. The state is now negotiating with Chesapeake and Potomac Telephone Co. for a transmitter site on Fairview Mountain, according to Richard W. Smith, a spokesman for the agency.

The commission has nearly completed plans for the station in advance of the FCC application because there are no other parties interested in broadcasting in the Hagerstown area, he said.

FCC approval is virtually assured, Smith added.

An FCC permit to begin constructing the broadcasting tower will probably be issued in three or four months, he said, but the station will probably not begin operating for at least a year.

Only the transmitter, to cost about $500,000, will be located here, Smith added. All programs will be produced at the Baltimore studios and beamed to Fairview Mountain by "microwave relay." The station will generally carry the same programs as the Baltimore station, although occasional shows may be produced specifically for the Western Maryland audience, Smith explained.

The station will begin broadcasting at 8 a.m. with teacher-training material. Industrial-training programs will be transmitted from 8:30 to 9.

From 9 a.m. to 3 p.m., the station will send programs for use in the county schools.

More industrial training programs will be offered from 3 to 4 p.m. Children's programs, including Sesame Street, will be scheduled from 4 to 6. The station will beam high school equivalency courses and college courses in operation with the Hagerstown Junior College from 6 to 7. Programs of general interest will be offered in the evening.

## THE TRAGEDY OF COLONEL HERBERT

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. WALDIE. Mr. Speaker, I take this time today to call this body's attention to the unfortunate incidents surrounding the announced retirement of Lt. Col. Anthony Herbert.

It is not necessary, Mr. Speaker, to delve into the long story that surrounds this dedicated man. Suffice it to say that Colonel Herbert was our most decorated enlisted man in the Korean conflict and served with great energy, conviction, and pride in Vietnam. It was not until the latter conflict, however, that the amazing story of this man became known to millions of Americans.

Colonel Herbert is a dedicated career soldier. This man dedicated his life to the Army. He worked hard and improved his lot. He started out as a high school dropout and finishes his career as an educated officer. He lived by the book, constantly, believing those rules and regulations were written to be obeyed. There is never doubt where this man will stand on military issues. There is never the feeling that some regulations will be relaxed, some forgotten, and others enforced harshly. This man followed the book, and ultimately, it is this dedication to purpose and rules that is spelling the end to his career.

Lt. Col. Anthony Herbert, like many other soldiers, witnessed atrocities in Vietnam. Unlike many soldiers, Colonel Herbert realized his duty and reported those atrocities. His superiors, apparently, failed to complete the reports or follow up on them. Instead, Colonel Herbert—the man who had been named the "top commander" in Vietnam just a few weeks before—was given a poor fitness report and assigned to the rear.

Many military men would have taken this reprimand and said nothing. But, Mr. Speaker, we are dealing here with a dedicated soldier. He did not stop, he did not quit trying to see the rules and regulations he patterned his life after were followed. But he got nowhere.

It was not until the New York Times investigated the story, and Colonel Herbert began appearing on national television to tell his story, that the people and the Government realized what had happened.

The distinguished gentleman from Louisiana, the chairman of the House Armed Services Committee, Representative HÉBERT, immediately called on his committee to look into the matter. That body interviewed the colonel for an entire day, submitted its report to Chairman HÉBERT, and he involved himself in the case.

Mr. Speaker, I think the gentleman from Louisiana did a great service to his country and to the Armed Forces at that moment. He contacted the Secretary of the Army, asking him to review the case. That review brought the destruction of that patently unfair poor fitness report and the permanent promotion of Colonel Herbert to the rank of major.

Mr. Speaker, the distinguished chairman of the House Armed Services Committee did everything that could humanly be done to correct this inequity. The quick response to this tragic event by Chairman HÉBERT was highly commendable. But, unfortunately, the situation has developed to a point now beyond the grasp of even a man as capable as the gentleman from Louisiana.

Colonel Herbert has announced his intention to resign from the Army, effective in late February. He requested, and received, emergency leave so that he might provide help to his wife who is suffering under the nervous strain of this entire episode. It is here, Mr. Speaker, that this entire case stops being merely suspect and degenerates into a case of careless disregard and utter stupidity.

The U.S. Army has taken upon itself the position of judge, jury, and executioner in this matter. They have judged Colonel Herbert as incompetent—because he had the gall to say something was internally wrong with the Army. Their little clan of jurors decided the guilty verdict and sentenced him to continuous harassment until his Army career was dead. Now, a group of petty men are carrying out that verdict—calling Herbert's home at strange hours, then denying they called—conducting recruit saluting and posture lessons for this magnificent soldier as a demeaning exercise.

Mr. Speaker, I do not know if Colonel Herbert's atrocity charges are factual—only he and the South Vietnamese soldiers and American enlisted men know for sure. No one will really ever know, except Colonel Herbert, how much harassment is being given this dedicated man while he awaits retirement. And most certainly, Mr. Speaker, only the historians will ever know how much this incident and others like it will add to the deterioration of the U.S. Army.

We do not know one thing. This single case is symptomatic of a disorder occurring too frequently in our military services. It is one of the initial signs that the morale of our armies is desperately declining.

We are witnessing a change in the history of our armies. We are seeing the move toward a volunteer service, where men will sign their name to receive the training and experience that will help them defend our Government. We are seeing a time when that military is calling on us to allocate the funds and resources necessary to make the program work. Yet, in this time of great expectation, how many men will sign their name to become a part of a service that destroys its members for living by rules? How many young Americans will hesitate to volunteer now that they have seen what happens to a career soldier?

And how many of our good, dedicated, and trusting officers and noncommissioned officers will seek another term of service after looking at this incident and realizing that many things that happen around their lives are very similar?

In the midst of all this stupidity, all this complete ineptitude, all this complete frustration among those of us who really care, stands an honorable man who must end his military career because of harassment of his superiors in rank, but his inferiors as men.

All that is left now is a tribute to Lieutenant Colonel Herbert for the service he rendered this Nation in the Korean war and the job he tried to do in Vietnam. That stupid, regrettable war has had one more tragedy added to the columns of tragedies that depict its ugly course through history.

## GIRLS LATIN SCHOOL CAPTURES BADMINTON TROPHY

### HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mrs. HICKS of Massachusetts. Mr. Speaker, I would like to congratulate the Girls Latin School in Dorchester, Mass., which is in my congressional district, for again capturing the badminton trophy in competition recently held in Boston and becoming the city champions.

These fine American girls are upholding the finest traditions of the Boston public schools in keeping both physically and mentally awake at all times.

Credit must be extended to Miss Margaret Carroll, the headmaster of Girls Latin School, and to Mrs. Jean Thomsen, the girls' physical education instructor. Also to be congratulated are the Misses Libby Haynes, Elaine Johnson, both of the Jamaica Plain section of Boston; Laurel Boly of West Roxbury; and Joanne Mulligan of Dorchester, for their outstanding performance in the competition.

## TRIP TO SOVIET

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. BINGHAM. Mr. Speaker, today, Commerce Secretary Maurice Stans is leaving to begin a 3-week trip which will take him to the Soviet Union to discuss problems of international trade and finance with Soviet officials. Along with a bipartisan group of 56 of my colleagues, I have sent a telegram to the Secretary urging him during this visit "to impress upon the Soviet leadership the genuine and deep concern of the American people for the plight of Jews in the Soviet Union." We informed Mr. Stans that Americans are counting on him "to urge the U.S.S.R. to live up to its commitments in the Universal Declaration of Human Rights and two human rights conventions, guaranteeing these Soviet citizens the right to practice their religion and preserve their traditions without fear of reprisal or threat of harm and to emigrate to other lands if they desire to do so."

Following is text of telegram and list of signers:

As you discuss with Soviet officials problems of international trade and finance on your forthcoming visit, we urge you to impress upon them the genuine and deep concern of the American people for the plight of Jews in the Soviet Union. We count upon you to urge that the U.S.S.R. live up to its commitments in the Universal Declaration of Human Rights and two human rights conventions, guaranteeing these Soviet citizens the right to practice their religion and preserve their traditions without fear of reprisal or threat of harm and to emigrate to other lands if they desire to do so.

Jonathan B. Bingham (D–N.Y.), Bella S. Abzug (D–N.Y.), Bill Archer (R–Tex.), William A. Barrett (D–Pa.), John Brademas (D–Ind.), William S. Broomfield (R–Mich.).

Phillip Burton (D–Calif.), Shirley Chisholm (D–N.Y.), W. C. (Dan) Daniel (D–Va.), John G. Dow (D–N.Y.), Don Edwards (D–Calif.).

Peter H. B. Frelinghuysen (R–N.J.), Richard H. Fulton (D–Tenn.), Robert McClory (R–Ill.), Joseph P. Addabbo (D–N.Y.), Herman Badillo (D–N.Y.).

Mario Biaggi (D–N.Y.), Frank J. Brasco (D–N.Y.), John Buchanan (R–Ala.), Hugh L. Carey (D–N.Y.), Philip M. Crane (R–Ill.).

James J. Delaney (D–N.Y.), Robert F. Drinan (D–N.Y.), Joshua Eilberg (D–Pa.), Bill Frenzel (R–Minn.), Cornelius E. Gallagher (D–N.J.).

James R. Grover (R–N.Y.), William L. Hungate (D–Mo.), William J. Keating (R–Ohio), John M. Murphy (D–N.Y.), Norman F. Lent (R–N.Y.).

Patsy T. Mink (D–Hawaii), Edward I. Koch (D–N.Y.), David R. Obey (D–Wisc.), Bertram L. Podell (D–N.Y.), Henry S. Reuss (D–Wisc.).

Peter W. Rodino, Jr. (D–N.J.), Edward R. Roybal (D–Calif.), James H. Scheuer (D–N.Y.), Fletcher Thompson (R–Ga.), Jerome R. Waldie (D–Calif.), James A. Burke (D–Mass.).

Seymour Halpern (R–N.Y.), Joseph E. Karth (D–Minn.), Jack F. Kemp (R–N.Y.), Peter N. Kyros (D–Me.), Spark Matsunaga (D–Hawaii).

William S. Moorhead (D–Pa.), Robert N. C. Nix (D–Pa.), Edward J. Patten (D–N.J.), Charles B. Rangel (D–N.Y.), Donald W. Riegle, Jr. (R–Mich.).

Benjamin S. Rosenthal (D–N.Y.), William F. Ryan (D–N.Y.), Samuel S. Stratton (D–N.Y.), Robert O. Tiernan (D–R.I.), Lester L. Wolff (D–N.Y.).

## WILL THE HOUSE ENACT MEANINGFUL CAMPAIGN REFORM?

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. WALDIE. Mr. Speaker, sitting by the fire on a winter evening and reading the poetry of Bathhouse John Coughlin, late of the First Ward of Chicago, is not one of those cultural exercises I regularly engage in. But in view of the subject matter before the House this week I thought it might be not entirely inappropriate to share with you what I deem to be some of the poetry of the occasion. Those not privileged to be familiar with the works of Bathhouse John have missed not only a rare poetic experience but, I think, a political one. Political scientists may, in fact, wrestle for decades with some of the more subtle political implications and meaning of such works as "Ode to a Bowl of Soup," "Ode to a Bath Tub," "Suds and Spuds," and what is presumably his finest love poem, entitled, "Two Thirsts With but a Single Drink."

It is the various campaign spending reform proposals before the House this week that came to mind, however, and what I expect may be the ultimate fate of campaign reform legislation in this Congress, when I struggled for the deeper shades of meaning in a political reform sense I trust were contained in what is regarded as his masterpiece—"She sleeps at the side of the drainage canal."

With apologies to the distinguished gentleman who now represents the First Ward of Chicago and possibly with apologies to the entire delegation from Chicago, and even Illinois, and with the present campaign reform prospects clearly in mind, I would now like to share with you the passionate prophecy of the great First Ward poet when he wrote—

In her lonely grave she sleeps tonight
By the side of the drainage canal,
Where the whip-poor-will calls at the midnight hour,
They've buried my darling Sal.
A mile this side of Willow Springs
Not far from the Alton track,
They've planted my Sal, my dear old pal,
And these tears won't bring her back.

Mr. Speaker, scholars and students of the work of Bathhouse John will have no difficulty, I believe, in recognizing that Sal was but a poetic euphimism employed by the great political bard to describe the demise of the political processes of democracy in his day.

It is a mark of great poetry that it achieves a universality that lives on and speaks to us even today. And as I reflect on the sentiments contained in "She sleeps at the side of the drainage canal" the relevance of the fate of the various campaign reform proposals before the House this week seems to me to be alarmingly clear.

Mr. Speaker, the poetry of Bathhouse John not only speaks to the ages. Regretfully, I believe it has spoken to some Members of this Congress as well, and that the sentiments of that poem lie buried in some of the proposals being offered for our consideration this week, and that therein lies buried the hopes for genuine and meaningful reform of the political processes of our democracy.

Bathhouse John, fortunately—or unfortunately, depending on your view, never lived to write a poem about the system. You and I will write that poem this week. This is going to be our chance to write something for the ages. And it is going to be read by those seeking more poetry in this system than they feel they have been finding to date. Or in us. Or, I suspect in this case, than many of us are seeking or finding in ourselves as guardians not of an impending political campaign but of the larger processes of democracy itself, not for a party but for a people, for a process that makes democracy meaningful or makes it meaningless, one that gives it life or one that buries it by the side of the polluted Potomac.

Mr. Speaker, Bathhouse John was not one of the major poets of our democratic system.

The major poet was Carl Sandburg.

And one of the greatest of the collection of poems he bequeathed us was entitled, "The People, Yes."

That would be the collection of poems I would hope would speak to us this week—as it speaks to and for the people themselves.

And for those among us in this Congress who may tremble at the thought of genuine and meaningful campaign reform, I would summon a spirit of heroism and devotion to duty at least equal to that described in the lines from one of Sandburg's poems, entitled "Losers," recounting—

That sergeant at Belleau Woods,
Walking into the drumfires, calling his men,
Come on you . . . Do you want to live forever?

## FLORENCE FOWLER LYONS

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. SCHMITZ. Mr. Speaker, the voice of Florence Fowler Lyons has recently been silenced by a most untimely death. She was a very brave American woman, an unashamed patriot in a country where the efforts of its enemies have increasingly made patriotism a dirty word. She dared to think for herself and challenge what many of her fellow countrymen regarded as self-evident truths, which on closer examination proved to be nothing

of the kind. She was a careful and constant student of our proceedings here, a subscriber to the CONGRESSIONAL RECORD for many years. Those of us who carry on the fight for the America we love will miss her.

I am taking this opportunity to call to your attention the following editorial which appeared November 5 in the largest newspaper in Orange County, Calif., paying tribute to Florence Fowler Lyons.

[From the Santa Ana (Calif.) Register, Nov. 5, 1971]

FLORENCE FOWLER LYONS

The organization was six years old. It was backed by the armaments of empires. It was supported by the wealth of merchant princes and the tribute of nations. It combined the best brains from the leading universities, the most famous names in the chancelleries of power. It was solidly founded on the longings of millions for a brief moment of peace in which to till their land, rear their children, and worship their God.

Against this colossus came a woman. In physique she was frail. In intellect, she was tireless. For equipment she had a typewriter.

Those were the odds when Florence Fowler Lyons took on the United Nations in 1951. She wrote and she spoke. Her writings appeared in a few newspapers. But they were clipped, reproduced and circulated to millions. Florence Lyons did not resort to literary flourish. Her style was just the steady drumbeat of fact. Just fact, fact, fact, fact. Oh, how she beat that drum! The international planning clique could not answer her. So they did the next best thing, from their point of view; they tried to ignore her. But the facts kept coming.

Within 10 years, most Americans came to suspect that something was wrong with the United Nations. It wasn't, and isn't what it was cracked up to be. In the succeeding decade, it seemed that about half the population became convinced of what they previously only surmised.

That awakening was largely the accomplishment of Florence Lyons. In 20 years, she had beaten the international planning clique to an intellectual pulp. She had cut through the concealing propaganda and revealed the United Nations to be, not the edifice of peace as proclaimed by a servile press, but the ghastly enemy of human dignity.

Miss Lyons died Monday, age 60. Rites were Thursday in St. Mary's Church, Fullerton. She was buried in La Puente. After tremendous toil, she rests.

## NATIONAL BIBLE WEEK DESERVES UNIVERSAL SUPPORT

### HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. SIKES. Mr. Speaker, November 21–28 is National Bible Week, an interdenominational observance designed to stimulate increased study and reading of the Holy Scriptures.

In these troubled times, I know of no better direction for each of us than toward the spiritual guidance and encouragement of the Bible.

True, there are those who would tear at our faith in the Good Book. Some would have us believe the message contained in the Bible is a false message. They would direct us to materialistic things, and they would have us believe that dope, sex, and personal possessions are more important than belief in the Hereafter.

But the millions of us who believe otherwise will win this battle if only we continue to expand our beliefs and our faith through regular reading and study of the Bible.

It is for that reason that National Bible Week is being set aside. A special committee made up of Members of Congress are helping to pass the word to the Nation through newsletters, speeches, and personal efforts in cooperation with the Laymen's National Bible Committee.

It is impossible to overstress the important role of the Bible in modern society. Every legal system in the world is founded on the Ten Commandments. Every code of organized life has the Word of God as its center. Every system of government which is dedicated to the worth and dignity of men recognizes the Bible as the handbook of life.

The true strength of the Bible as a force for good can be measured by considering the fear with which totalitarianistic governments view it. Communism cannot live in a society founded on Biblical teachings. That particular form of government is dedicated to eradication of the Holy Word.

So, it befits us all each day, and especially during National Bible Week, November 21–28, to pledge a renewed program of study of the Bible.

Truly, there is no other book like it.

## FEDERAL CITY COLLEGE RESPONDS

### HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. FAUNTROY. Mr. Speaker, last week the House passed H.R. 11341, the District of Columbia Revenue Act of 1971. As I mentioned on the floor during the consideration of the bill, the committee staff submitted a report on the bill that was never reviewed by members of the committee. The report, as I indicated, is highly objectionable and wildly distorts many of the true facts about the District of Columbia.

One of the most outrageous sections of the report deals with Federal City College. The committee staff makes a number of unsubstantiated allegations about the college that should not go unchallenged. I want to share with my colleagues an analysis of the staff report that has been given to me by Dr. Harland Randolph, president of Federal City College, an analysis that I believe presents a more balanced picture of the situation at the College:

FEDERAL CITY COLLEGE'S RESPONSE TO THE REPORT OF THE HOUSE DISTRICT COMMITTEE, NOVEMBER 1, 1971

INTRODUCTION

This statement is a response to the House District Committees Report on the Federal City College. This statement will correct misinformation contained in that report, answer the report's allegations, and answer questions concerning the success of the College.

The Committee report contains factually incorrect statements and observations ranging from financial chaos to unfavorable media exposure of the College. Information contained in this statement was presented to the House District Committee in June, 1971. It is being restated for two reasons: (1) to provide facts to dispel the erroneous impressions created by the report, and (2) to provide information about the College that will allow an objective evaluation of the past, present and future successes of the College.

ADMINISTRATION AND MANAGEMENT

The Committee report states that the College has organizational and administrative problems and relates these problems to mismanagement of resources.

More than 30 nationally recognized consultants, educators and professionals in higher education have visited the College during 1971. Many of these experts were referred to the College by the Middle States Association of Colleges and Secondary Schools, the national accrediting body for this region. A summary of their written reports is that the College has shown remarkable stability and improvement in the areas of administration and management. None of these impartial experts found any basic condition at the College to be deplorable, nor did any of these consultants recommend any change in the fundamental directions of the College. They stated that as a developing institution, the College's level of operations are acceptable to superior for its stage of development and phenomenal growth.

Just as other colleges have a need to improve their organization and management, Federal City College will continue to improve in these areas.

FINANCES

The Committee report's allegation of "financial chaos" is in direct conflict with the reports of three (3) experts on college financial administration and management. These experts, Executive Vice President of the National Association of College and University Business Officers, Vice President and Treasurer of Duquesne University, and Chairman of the Board of Fry Consultants, said the College is utilizing its limited resources in effective ways.

In its March, 1971, report, the General Accounting Office (GAO) noted that the College has established budgetary and fund controls to correct past deficiencies. The GAO report further stated that "we believe that the system established is adequate to control appropriated funds."

The Assistant Director for Municipal Audits recently stated in a letter that " significant efforts are being made to provide improved record keeping and procedures which are designed to prevent the reoccurrence of deficiencies such as those set forth in our (earlier) reports."

RECORDS

Allegations of deficiencies in student record keeping are no longer accurate. Deficiencies did exist prior to April, 1971; they have been corrected and at present individual student records are available for all past and present students.

Since April, 1971, permanent records for the 12,331 students who have attended the College have been established in the Office of the Registrar. Permanent records on new students enrolled in the current quarter will be established upon receipt of grades for this quarter.

BUDGET REQUESTS

The charge of unsupported budget requests is wtihout base in fact. The College provides line-item justification for its budget

requests with back-up information. This information is provided during the College's testimony before the House Appropriations Subcommittee. Such information is also available to the House Revenue Committee. The College's budgets and justifications have been approved by (1) the Board of Higher Education, (2) the Mayor, (3) the City Council, and (4) the Senate and House Committees.

ENROLLMENT

The charge that the College enrollment records are in disarray is incorrect. During a three-day hearing before the House District Committee in July, the College provided enrollment data for each quarter of operation since Fall, 1968.

TUITION

The Committee reports that the tuition at Federal City College is too low and does not compare with tuition charged by community colleges in the area.

It is correct that the actual dollar amount charged for tuition alone at the College is lower than tuition charged by area community colleges; however, the tuition at Federal City College is comparable when the total costs for education paid by the student is considered.

When total costs are compared, the tuition charged by Federal City College meets the congressional requirement that tuition be comparable.

For example, a student attending Federal City College and using private transportation will pay approximately $276 per quarter. This is higher than the cost of attending any of the area community colleges where similar costs range from a high of $244 to a low of $191. A student attending Federal City College and using public transportation will pay approximately $225 per quarter compared with similar costs at area community colleges which range from a high of $281 to a low of $228.

In considering tuition at Federal City College, it is necessary to consider the total cost to the student, the income levels of the student's family and the effects of these factors on the ability of the student to attend college.

Historically, as a national policy the National Association of State Land Grant Universities and Colleges has consistently supported the principle of low or no tuition. The Association has maintained that society has a responsibility to make education available at a cost that people can afford. Since the Congress has placed Federal City College into this Association, the College has developed tuition and admission policies that are consistent with the policies of institutions that are members of the Association.

STAFF AND OPERATING COST

The charge that the College is over staffed at excessively high operating costs is factually incorrect. A department by department study of the staff workload conducted by the College reveals the opposite to be true.

The College has only 74% of the total personnel needed. Even with full funding for FY 1972, the College will be understaffed by 11%.

This personnel shortage is documented in a study by the College's Personnel Office (details of the study are available on request) and resulted in the following conclusion: The organization and planning capabilities of the College can be improved if the College (1) has a 26% increase in the personnel it needs in its administrative areas, (2) received an indication of what dollars were approved before half the fiscal year was over, (3) finds some way to reduce the workload on the present staff and get people trained in the coordinated use of our new systems.

SALARY OF PROFESSORS

The Committee states: "At Federal City College the average salary of professors is approximately $20,000 which in the judgment of your Committee is far in excess of that in any institution of higher education in the country."

This statement is factually incorrect. The average salary for full professors at the College is $17,768. This places Federal City College in the seventh or lowest rank among area institutions. The average salary for full professors in these area institutions ranges from a high of $20,841 to the low at Federal City College of $17,768.

OPERATING COST

The Committee report made a similar incorrect observation when it said that "the operating cost per student (at Federal City College) far outdistanced the national average."

The per student cost at the College for 1971–72 is $2,740 per FTE (Full Time Equivalent) student compared to the national average of $3,050.

EXPANSION OF THE COLLEGE

The Committee reports that "the College has expanded far in excess of and far beyond any representation to your Committee at the time it was established." This observation is both incorrect and conceptually invalid.

It is correct in the sense that Washington Technical Institute and Federal City College were expected to enroll a combined total of 6,500 students while Federal City College now enrolls approximately 8,000 students (including both operational and grant funds).

The observation is invalid because the original representations were based on incorrect assumptions regarding the demand for higher education within the District. The College has had more than 42,000 persons apply for admission since it opened.

Consistent with the Congressional mandate to establish a public system of higher education for the District, the College has moved to provide educational opportunities to the residents of the District that are comparable to opportunities provided by the other states in the nation.

There is an implied statement in the Committee's report that is false. The implication of the report is that the College did not respect Congressional wishes by permitting an enrollment which exceeded the original projection.

This implication is wrong. The College in each of its budget presentations has clearly indicated the size of the student body that would be supported by that budget. Each of these requests have been specifically approved by the Congress, District Government and the Board of Higher Education.

It should be understood that while the enrollment of the College has exceeded the original estimates which were too low, the College is nowhere close to meeting the effective demand for higher education in the District or close to providing residents of the District with the number of opportunities that are given to the residents of other states.

INVESTIGATION

The statement that the "College is under current investigation" is incorrect. There is no investigation of Federal City College underway.

Currently the District Government is conducting a comprehensive study of higher education in the District. The purpose of this study is to plan for the total higher education system within the District. Every state in the nation makes similar planning studies.

MEDIA COVERAGE

The contention of the Committee that the College has been "too often in disrepute even in an ordinarily favorable press" must be placed into proper perspective.

The College has had more problems than it deserves; however, the problems of Federal City College are small in comparison to those faced by many of the major universities in the nation.

The extent of media coverage is one indication of the importance of Federal City College to the Washington community and the nation's capital. Media has supported the institution with various editorials and by providing more time and space for favorable stories.

By giving front page coverage to problems of the College while giving less noticeable space to successes of the College, media has permitted some persons to believe that the College has more problems than successes.

While media has given front page to problems, they have failed to report when these problems have been solved. For example, the problem of student records is now solved. The problem with student government has been solved, the problem with the football team has been solved. The problem of conflict between administration and faculty is in the process of solution.

It is important that decision-makers look for evidence in addition to media coverage before making judgments about the viability of the College.

CONCLUSION

The Committee report raises four basic questions about Federal City College: (1) Is the College viable? (2) Can the College solve its problems? (3) Can the College provide a quality education for the residents of the District of Columbia? (4) Should the College be supported? The answer to each of these questions is yes.

Despite the limited resources and uncertainty of funding, 30 experts who visited the College since the first of the year have all testified to the viability of the institution. To quote the Vice President for Academic Affairs of Oakland Community College after a visit to Federal City College:

"The progress and expansion of the school matches that found in older institutions of higher education. You are confronted with all the usual problems of colleges plus that of being a special project of the U.S. Government with its attending high visibility . . . , however, my overall impression is very positive. I am particularly impressed with the freshness of your ideas for community education and the willingness of the College administration to develop a responsive program."

Like all colleges, Federal City College is faced with numerious problems. The College has demonstrated its ability to solve these problems.

The problem of student records which faced the College last year has been solved. Records are presently complete and easily retrievable. The problems surrounding the Student Government Association last year has been solved. A new student government has been established with proper financial controls. The problem of athletic eligibility was also solved.

The problems which face the College today and will face the College in the future are no more insurmountable than those of the past. The administration of the College is committed to their resolution.

Apart from solving the College's own internal problems, Federal City College has successfully brought its resources to bear on the problems of the District of Columbia. The President of the College in his May, 1970, report to the community, noted:

"As part of its urban commitment and its land grant responsibilities, the College operates 28 satellite centers where more than 30,000 people are helped to deal effectively with urban problems. The central mission of the College is to provide a high quality education for residents of the District that will enable them to improve their lives and to resolve critical problems facing Washington, D.C."

The best indication of the quality of education being provided by the College is the institution's acceptance as a recognized candidate for Middle States accreditation, the highest level of accreditation possible until the College graduates its charter class in

June, 1972. Being accepted for accreditation is considered the proper initiation of institutions of higher learning into the corporate community of colleges and universities. In the words of the Commission on Higher Education of the Middle States Association:

"Acceptance as a recognized candidate for Middle States accreditation attests that the Commission on Higher Education considers an institution to be offering its students, on at least a minimally satisfactory level, the educational opportunities implied by its objectives. In the Commission's view the institution's organization, structure, and staffing are acceptable for its stage of development, its sponsors are committed to supplying its needs and are able to do so, its governing board is functioning properly, and its academic and financial plans are well designed."

Until 1968, the year Federal City College came into existence, the District of Columbia, with a population greater than that of 11 states, was the only state in the nation without a public institution of higher education. The residual demand has been great. Since 1968 more than 42,000 persons have applied for admission to the College. This demand by District residents for public higher education amply demonstrates the need for broad support for the College.

The College is training a cadre of qualified people for the District's largest industry—government. More than 32% of the working students enrolled at Federal City College are employed by the Federal Government; another 21% are employed by the District Government. The education they are receiving at the College is enabling them to improve their performance on the job. An additional 2,000 employees of the Department of Health, Education, and Welfare are seeking degrees from branch campuses of Federal City College at their place of employment.

In addition to the productivity benefits of a better educated employee, an increase in the educational level of District residents can be translated into dollars. Studies have shown that there is a 28 to one return on educational dollars through increased earning power and an increase in the taxable revenue.

The College has demonstrated its viability and the quality of education it provides. The College has demonstrated its ability to bring its resources to bear on the problems of the District of Columbia. The College has clearly demonstrated that it deserves support.

## U.N. CHINA VOTE AND U.S. SUPPORT

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. FRASER. Mr. Speaker, news commentator James J. Kilpatrick, broadcasting over WTOP radio on October 27, put the United Nation's China vote into perspective. Once the decision to seat Peking had been taken, he views Taiwan's ouster as inevitable. In contrast to the clamor for reprisal, Mr. Kilpatrick urges that we continue to support the U.N. Inasmuch as the United Nations provides our most reasonable hope for future peace, Mr. Kilpatrick's comments are a welcome addition to the current debate.

The transcript of the broadcast follows:

JAMES J. KILPATRICK—COMMENTARY—CHINA AND U.N.

The United States now has taken a licking in the UN General Assembly on the matter of the Chinese seat. Red China is all the way in; Nationalist China is all the way out. We have wound up with a face full of egg foo yung; and certain questions arise:

Did we deserve this defeat? The answer is yes. In trying to preserve a seat for Taiwan in an assembly of nations, the U.S. was pursuing a policy that could not be defended in law or logic. Sentiment to one side, Taiwan simply is not a "nation." If the Formosans want unilaterally to declare their independence from the mainland, and if they can get away with it, more power to them. A Republic of Taiwan would be welcome. But the prospect seems unlikely, and the question will have to be left to the future.

Does our defeat matter? The answer is, not much. Once the Security Council seat has been awarded to Peking, the significant decision had been made. The General Assembly is an overblown cave of winds. Its impotent resolutions have no more power than the resolutions of a village PTA—and command about as much respect.

Finally, what do we do about this defeat? One suggestion, variously advanced, is that we cut off the UN's water by drastically whacking our financial support. A worse piece of international relations could not be devised. Such a move would be regarded as the vindictive act of a poor loser, and it would confirm everything our worst enemies have charged. For the time being, we are struck with the egg foo yung. We don't have to like it, but we have to eat it. This is J.J.K.

## CHANCES FOR STABILITY IN SOUTH VIETNAM SEEM BLEAK

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. HARRINGTON. Mr. Speaker, despite our efforts in Vietnam, despite our casualty list, the vast sums of money, the neglect of our domestic woes, and the internal conflict brought by the war, our stated goals in that country have not been achieved. Ostensibly, we were fighting to protect self-determination for South Vietnam. We were to bring stability.

President Nixon has announced another troop withdrawal of 45,000 men. The impression presented is of an ever-diminishing role in that conflict. The air war continues, though, just as heavily. But with fewer casualties each week, with a smaller army present, the American role seems to be one of bringing men out.

But an article in the November 11, 1971, Wall Street Journal by Peter R. Kann describes a far less than optimistic future for Vietnam, a future which shows a failure to achieve our stated goals.

"The situation has declined in the last 9 months," Mr. Kann reports. The long-term chances for stability in South Vietnam seem bleak. Public works programs are suffering from reduced American assets, and the Phoenix program designed to attack the Vietcong infrastructure has failed. Vietnamese exports total less the $15 million, and the most optimistic estimate is $100 million in exports by 1975.

Unfortunately, once we leave, we may be able to watch the country deflate like a balloon as our support is gone. At this time I wish to insert the article into the RECORD:

WHITHER VIETNAM? AMERICAN OFFICIALS IN SAIGON GROW INCREASINGLY PESSIMISTIC AS ROLE OF U.S. NEARS ITS END

(By Peter R. Kann)

SAIGON.—"There will be no debacle here before the '72 election in the States. But in the longer term? My computer says: 'Do not compute.' "

"I'm not saying Thieu won't be around four years from now, but I'm sure not betting that he will."

"A degree of military stability to 1974."

"1965 by 1973."

The quotes are from recent conversations with four old Vietnam hands—U.S. officials with a total of nearly 40 years of Vietnam service. Obviously, they aren't in complete agreement on what the future holds for this country to which they have devoted much of their adult lives. But, if there is a mood common to these men—and others like them—it seems to be one of growing uncertainty and, among many, of gathering gloom.

In the last nine months or so it seems that the "new optimists" have become tired optimists and that traditionally cautious in-house critics are turning into outright, though not public, pessimists. The reasons have less to do with any specific setbacks than with a somewhat fuzzy feeling that security had slipped, that political opportunities have been lost and that the time for new starts has passed.

ANOTHER BLUE PERIOD

Moods are by nature vague and, on the basis of experience here, exaggerated and transitory. But perhaps the present one is different. During earlier blue periods (after the 1968 Tet offensive for example) Americans at least could go out and try to do something about it: chalk up higher body counts, start a new pacification program, stop bombing, start bombing again, invade a neighboring nation or two.

But not these days. A large part of the current low mood may simply be the realization that America's active role in Vietnam is pretty much over. The American military, with just under 200,000 men still in this country, has all but ceased ground combat. Indeed, sapped by problems of drugs, race, discipline and morale, the U.S. military's very ability to fight if called upon to do so is increasingly in question. And America's influence with its Saigon client appears to be at its nadir—as demonstrated by President Nguyen Van Thieu's victory last month in a one-candidate electoral charade that embarrassed and angered the U.S. embassy.

America, of course, continues to perform important, perhaps vital, military and other functions for the Vietnamese. But how much longer and at what level America will aid the Vietnamese are in doubt. America and Vietnamese officials generally have been assuming that a U.S. "residual force" of about 40,000 men will be stationed in Vietnam for years to come. But wide disagreement has existed here as to what sort of functions that force should perform and how vital such a force really would be. Of late, there has been considerable concern as to whether there will be a residual force at all.

CONFUSING THE ENEMY—AND ALLIES

Some of these questions may be answered by President Nixon in a Vietnam policy speech, expected within the next few days. But for some time, the President's policy has seemed to have his officials and his allies confused along with the enemy. Thus, the whole residual-force issue is adding to the mood of uncertainty and unease. The defeat by the U.S. Congress of the foreign-aid bill compounds this problem. Also adding to the mood is the President's planned visit to China, the White House says Vietnam won't be discussed in Peking. But many here still think (some hope, others fear) that the trip could influence Vietnam's future.

In Washington, the view on Vietnam is more optimistic than that held by many U.S.

officials here. In fact, the Washington estimate is described as one of only slightly bounded optimism. A cross section of Washington officials believes that the security situation in Vietnam is improving, Saigon's army is fighting more efficiently, the economy is doing well and the political scene is at least tolerable.

Analysts in Washington say the pessimism often heard in Saigon comes from aides overly influenced by transitory or localized developments. They don't reflect the big picture, Washington's big-picture experts contend.

THE FACTOR OF TIME

One reason for the differences of viewpoints in the two capitals may be a time factor. Many here in Saigon are concerned with the longer-term prospects of the Vietnam government and how well it will ultimately deal with its many problems. In Washington, officials put more emphasis on the short term; this results in an optimism that officials feel jutifies continued troop withdrawals and slow political disengagement from the current Saigon government.

As ever, the question looming over all scenarios is what the aims and the capabilities of the Communists are. Hanoi, no less than Saigon, is worried over President Nixon's Peking visit and the possibility of some deal being made at its expense. Hanoi also has been indulging in increasing self-criticism over economic problems, poor public morale, crime and corruption. In June, North Vietnam was struck by its worst flood of the century. It may have left 10,000 dead and a third of the nation's rice crop destroyed. And Hanoi's manpower pool continues to be drained on the battlefields of South Vietnam, Cambodia and Laos.

"I think South Vietnam has a pretty good chance of surviving because I just don't see how the North Vietnamese can keep going," a senior U.S. official says. But another analyst puts it differently: "I would be optimistic about South Vietnam's future if it weren't for the dreadful ebullience of the enemy." How North Vietnam—which President Johnson is once said to have called "a raggedy-ass little country of 17 million people"—has been able to keep fighting this long against America's military might has confounded waves of U.S. war planners. The betting by most veteran analysts here seems to be that Hanoi will keep on fighting and thus confound some more.

The South Vietnamese, meanwhile, seem increasingly embittered by American policy. President Nixon's Vietnamization program will—sooner or later—get Americans out of the war. But no one has any indication that the President has a "game plan" for getting the Vietnamese out of it. The toll of combat deaths announced last week was down to two Americans, but the toll of South Vietnamese was 269. Indeed, South Vietnamese casualties this year are running ahead of 1968. Americans may view this as a success of the Vietnamization program, but that's little consolation to the Vietnamese.

As usual, the Vietnamese attitude is ambivalent and, at least to Western eyes, contradictory. On the one hand, there is resentment at America for "bugging out" and leaving Vietnam to cope with a continuing war. And among the Vietnamese the suspicion is growing that all the U.S. really cares about by now is a "decent interval" between withdrawal and collapse. "The stability here will last long enough to show that if the Vietnamese fail, it will be their own fault," says one ranking American official, who seems to confirm what the Vietnamese suspect.

On the other hand, the Vietnamese are increasingly open in their criticisms of the U.S. presence here; "Americans, go home" is a fashionable non-Communist slogan these days. More and more Vietnamese are talking, in vague terms, about a "Vietnamese solution to a Vietnamese war" once the American presence—and U.S. backing for President Thieu—is withdrawn. In this view the American presence postpones peace. The view may be naive, but it is significant that even some traditionally staunch anti-Communist Catholic priests are talking in this vein, and so are some younger South Vietnamese army officers.

Few Americans, of course, are talking about outright collapse here—at least not for some time. Pacification statistics still show more than 95% of the people living under government control. The economy continues to display a remarkable degree of stability, and President Thieu's reelection at least demonstrated the ubiquity and even efficiency of the government's administrative apparatus on an issue that counts to its leader.

The South Vietnamese army (ARVN) has been assuming more combat and other responsibilities as Americans withdraw. While the army has suffered some reverses in Laos and Cambodia, the Communists right now don't seem capable of inflicting a major military defeat on ARVN forces within South Vietnam. Main-force Communist units are mostly operating near the Cambodian and Laotian borders and are generally avoiding sustained contact.

In short, compared with two years ago, the present South Vietnamese position seems stronger in almost every respect.

But, compared with about nine months ago the present situation shows signs of slippage. Some observers believe that a military high point may have been reached at the beginning of 1971 and that security has been on a very gradual decline ever since. Veteran officials speak of an increase in enemy attacks on Mekong Delta militia outposts, of roads being a bit less safe to travel, of enemy units appearing closer to Saigon, of an increase in enemy infiltration and activity in the northern I Corps, of enemy inroads in formerly pacified hamlets in the key coastal province of Binh Dinh, and of ARVN forces being stretched too thin to defend the Central Highlands against a slowly mounting enemy threat there.

Much of this slippage may be an inevitable effect of American withdrawal. It is hard to see how even an improved South Vietnamese military force of 1.1 million plus about 200,000 American noncombatants can be as potent a military power as 1.1 million South Vietnamese soldiers and a half-million American combatants.

Moreover, the grace periods purchased by the June 1970 invasion of Cambodia and the April 1971 invasion of Laos are about up. Both operations, whatever their failings, certainly bought some precious time for South Vietnam, but that time was never claimed to be unlimited.

And the chances of another dramatic time-buying foray seem nil. For one thing, South Vietnam has no more neighbors (except North Vietnam) left to invade. Mainly, however, the declining American presence and logistical support seem to rule out a repetition of the drive against the Ho Chi Minh Trail complex or even a major ARVN assault deep inside Cambodia. U.S. military sources, however, are talking about ARVN launching some far smaller, briefer and less ambitious cross-border operations in coming months, and the South Vietnamese still do have about 19,000 troops occupying Cambodian territory along the border.

Optimistic scenarios for South Vietnam's future aren't bolstered by retrospective assessments of that Ho Chi Minh Trail operation or of ARVN's performance at Seoul, in Cambodia, four months later. In the Laotian trail operations, despite massive American air support of all sorts, ARVN was forced to pull out of Laos well before planned, and the most favorable assessment that anyone now makes of the operation is to call it a standoff. It may have demonstrated that ARVN with U.S. air power is roughly equal to the enemy, but how long will ARVN have even a fraction of that level of air support? The combat, of course, took place on enemy turf, and that may be to ARVN's credit. But the set-pieces of 1972 or 1973 combat may have to be fought closer to home.

If that foray was in some sense a standoff, Snoul was more of a rout. There, with less U.S. air support but on much more favorable terrain, the ARVN Fifth Division withdrew in panic, abandoning at least 50 vehicles and three artillery batteries to the enemy and losing at least 450 men killed and another 300 listed as missing.

Last month's confrontation between the North and South Vietnamese armies near the Cambodian town of Krek turned out more favorably for ARVN, which managed to reinforce and thus cause the enemy to hack off. But again there was heavy American air support and the ARVN division commander in charge stated: "American air power turned the tide; it was decisive, all-important." Once again, how long and at what level ARVN have available to it American air power—helicopters for troop lift and resupply, Cobra gunships, tactical bombers and B52s? No one is sure.

The future test for ARVN, whatever its level of U.S. support, could well come in the Central Highlands of II Corps. The present Vietnamese strategy (approved, if not devised, by American advisers) is to concentrate most ARVN forces in that corps along the narrow coastal plain in which more than 90% of that area's population lives. American advisers express confidence that Saigon forces can hold the coast. "To get the willing cooperation of those people is a very difficult, very long-term objective, but to get their forced cooperation is easy because of the geography," a high-ranking American says. Meanwhile, he adds, "there will be no more stomping the Central Highland boondocks; now the aim in the five Highland provinces is to just survive." He thinks that American bombing plus a few mobile ARVN units can prevent the Communists from overrunning Highland towns.

Other veteran American analysts question that strategy. One recalls that enemy inroads in the Highlands in 1965 nearly forced ARVN to withdraw from the Highland centers of Kontum and Pleiku. It was only the arrival of American forces that forestalled abandonment and prevented South Vietnam from being cut in two—in the view, among others, of Gen. William C. Westmoreland, the current Army chief of staff and former U.S. commander in Vietnam.

"If you control the Highlands, you eventually get the coast," one longtime analyst says. He sees a repetition of 1965 but without any Americans to ride in to the rescue—thus, "1965 by 1973." He and others suggest that enemy forces will try to consolidate control of the Highlands, adding the area to contiguous territory in southern Laos and northeast Cambodia that they already control. The Communists could then lay formal claim to a tri-country "liberalized zone" in future peace talks. Or they could use the zone as a vast base for attacks on the central coast of Vietnam, the Mekong River towns of south Laos and the heartland of Cambodia.

Most experts questioned tend to believe that within two to three years Saigon will have abandoned to the enemy large chunks of territory, if not towns, in the Central Highlands and the western part of I Corps in the north. "There will be a northeast-southwest line along which two-thirds of the regular South Vietnamese army will be fighting in conventional format," a ranking official says. He thinks ARVN could hold that line, at least to 1974.

Others wonder if Saigon could ever get two-thirds of its regular army into sustained combat. The ARVN high command recently

had to abandon efforts to send the Ninth Division north from its safer stomping grounds in the Mekong Delta; the division simply refused to go. In most ARVN units desertion rise dramatically when units are about to be shifted or sent into combat.

President Thieu frequently talks about a climactic showdown with the Communists in the dry season of 1973, but not all U.S. officials are confident that Mr. Thieu will be around by then. For public consumption the U.S. has tried to put the best possible face on his reelection, sending California Gov. Ronald Reagan and Treasury Secretary John Connally to congratulate him, stressing the dearth of democracy in most parts of the world, taking some solace from the Saigon government's election-day efficiency, telling the ARVN generals that President Thieu is still Washington's man and warning them against any thought of coups.

But, privately, U.S. officials' reactions to the election ranged from disappointment to dismay. Some believed democracy could be made meaningful here and thus see the Oct. 3 exercise in population control as a lost opportunity. Others are less concerned about Vietnamese democracy than about American leverage and thus see Mr. Thieu's election shenanigans as a kind of intramural contest between Mr. Thieu's palace and Ambassador Ellsworth Bunker's embassy, and, of course, the embassy lost.

There is a general American concern that the Vietnamese electorate, at least in urban areas, knows it was somehow cheated on Oct. 3 and that, as a result, Vietnam's numerous political factions may henceforth find more fertile ground for sowing seeds of political ferment. Officials also worry that an increasingly unpopular President Thieu will henceforth isolate himself further from his people and from social and political realities and that he will be more suspicious, more repressive, more reliant on vested interests, less reformist, less willing or able to deal with the moral malaise that infects almost every aspect of this society.

(One interesting indication of President Thieu's state of mind is the manner in which he has surrounded himself, politically and geographically, with members of a single trusted family. Le Van Tu, one of the president's closest cronies, is the chief of Gia Dinh Province, which surrounds Saigon. Tu's brother, his brother-in-law and two of his cousins are all chiefs in other provinces near Saigon—gateways for past military coups.)

While Mr. Thieu is markedly unamenable to U.S. influence, his fate ultimately remains tied to American aims. So long as America's paramount concern is stability under which orderly U.S. withdrawal can proceed, Mr. Thieu can presumably count on American backing. But if President Nixon chose rapid, complete withdrawal (or if a new American administration wanted to dump Mr. Thieu in hopes of achieving a political settlement with the Communists), President Thieu might be hard pressed to hang on. Even without any abrupt change in U.S. policy Mr. Thieu's position may get shakier. American influence with the ARVN generals is mostly based on American aid to fuel their patriotism and fatten their pocketbooks. And as U.S. aid inevitably declines, so may ARVN loyalty to America's man—Nguyen Van Thieu.

Pacification planners no longer seem to be bubbling with enthusiasm and new ideas. They find satisfaction in various developments of the last few years: improved performance by local militiamen, village and hamlet elections and land reform in the Mekong Delta. But public-works programs are being hurt by reduced American assets, a new program for "people's organizations" seems to have flopped, and the Phoenix program to attack the Vietcong infrastructure now is widely viewed as a failure. The program has been partly "Vietnamized," and, perhaps as a result, it is increasingly ineffectual and corrupted. There is also a feeling that the regional and popular forces that provide "territorial security" have gotten about as big and as good as they are going to get and that efforts to make them more mobile will probably fail.

An awareness is growing that Vietnam is an increasingly urbanized society (largely as a result of the war), that urban problems will worsen as American spending and employment decline and that the more politically sophisticated urban citizenry cannot be pacified with sheets of tin roofing or demonstration pigpens.

The expert who talks of gaining the "forced cooperation" of the people of the central coast is at least implying the crucial catch in pacification: Controlling people by military occupation or even pleasing them with increased prosperity is still some distance from really winning their hearts and minds. "These people are still Vietcong in their hearts," said an ARVN general recently of the people in some officially pacified hamlets of Binh Dinh Province.

Finally, pacification—whatever its failures and accomplishments—has always been a heavily American-motivated concept, and, as the American role in Vietnam diminishes, so probably will pacification.

Vietnam's economy, after years of inflationary crisis, now is something of a success story. At least galloping inflation has been checked. Economic controls are being relaxed. Rural prosperity is a reality in much of the Mekong Delta. A new round of economic reforms is expected to further stabilize and stimulate the economy.

But the longer-term outlook is gloomier. Vietnam's exports this year will total less than $15 million. Its imports, which keep inflation in check, total about $750 million a year, mostly financed by the U.S. Long-range plans for economic development remain hazy, and the most optimistic forecast one hears is $100 million in exports by 1975. Foreign private investment remains leery of Vietnam. There is talk of possible oil deposits off Vietnam's coasts, but so far it's only talk.

America is leaving behind here a vast complex of ports, airfields, bases and communications, but these aren't the kind of assets an underdeveloped economy can make good use of. For as far as anyone here is willing to peer into the future, Vietnam will be a beggar nation, overwhelmingly dependent on U.S. aid. And that aid is dependent on the whim of the American Congress.

The general view here is that without continued U.S. economic assistance at roughly the present level, the Vietnamese economy would collapse. Similarly, even the most critical or pessimistic U.S. officials seem to agree that to give the Saigon government even a fair chance of survival, America must continue providing military aid and material. A frequently mentioned figure for future military and economic assistance is $2.5 billion a year.

Another consensus is that some continued U.S. air power will be required, but no agreement exists on how much and what sort. Some analysts believe that the minimum requirements can be provided by planes based in Thailand and on aircraft carriers off Vietnam's coasts. Others see a need for at least a few Vietnam-based tactical air squadrons plus helicopters.

All sorts of "ideal" residual-force mixes are being mentioned these days. One, which assumes a residual force of about 40,000 men, breaks down like this: 500 helicopters with crews and maintenance and support units requiring about 10,000 men, three tactical air squadrons totaling about 4,000 men, four artillery battalions requiring a total of 5,000 men, a few thousand advisers, and another 20,000 logistics personnel with a small combat force to help protect their bases. The U.S. now has in Vietnam about 2,000 helicopters, a dozen artillery battalions, nine tactical air squadrons, 19 combat maneuver battalions and about 100,000 logistics personnel.

Other officials argue against any residual presence in Vietnam itself. Their reasons vary. One ranking official thinks the only way to assure the continuance of vital economic and military aid is to get all American soldiers out of Vietnam; this, he believes, might make a continued aid program more palatable to the U.S. public and its Congress.

Others fear for the safety of a residual force that would be largely dependent on ARVN troops for protection. Even enemy sapper attacks and mortar barrages could take a toll of American helicopter maintenance men or logistics units. An alternative would be to try to leave enough U.S. combat troops here to provide the protection.

However, the way the U.S. Army works it takes four or five support soldiers to back each combatant. Thus, the U.S. would wind up with a fat logistical structure to support the combat troops who would be protecting the logistical units that would be supporting the ARVN combat forces. And that would all add up to a very large residual force indeed.

Some officials see a residual force having adverse psychological effect on the Vietnamese. U.S. troops would be living in relative (to the Vietnamese) comfort in several big enclave bases. Their presence would continue to fuel various Vietnamese resentments (Americans living too well, warping their society, prostituting their women and so on) and there would no longer be the cogent counterargument that Americans are also out in the jungles dying for the Vietnamese. Rather, it would be a case of Vietnamese boys living in mud bunkers on the outskirts of U.S. bases, protecting (or failing to protect) the Americans.

Some officers further fear that even with a compact, all-volunteer residual force, there would continue to be problems of drugs discipline and morale.

And then there are those analysts who just don't see a residual force making much difference—except for delaying the inevitable. They figure that the only long-term hope for Vietnam is a political settlement with the Communists and that a U.S. residual presence only encourages the Saigon government to keep postponing that settlement.

In all the uncertainty and disagreement over residual forces, there is one thing that the old Vietnam hands seem to agree on: much of the current U.S. presence here could and should be reduced forthwith. One senior official says the mission council—the working committee of top U.S. officials in Vietnam—spends most of its time these days dealing with problems of the American presence in Vietnam rather than with the problems of Vietnam.

"We've just got to get leaner faster," another ranking officer says. And a third tells the story of discovering two adjacent military units on the sprawling U.S. logistics base at Cam Ranh. One was a signal unit and the other a base-support unit. The sole function of the signal unit, he says, was providing communications for the support unit, while the sole function of the support unit was providing services for the signal unit.

## STOP SALT

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. SCHMITZ. Mr. Speaker, the House Committee on Appropriations in its report on the Department of Defense ap-

propriations bill of this year had a few words to say about the strategic arms limitation talks which I would like to call to the attention of my colleagues.

While the Strategic Arms Limitation Talks have been in progress, the United States has refrained from increasing its strategic nuclear forces. The Soviets have increased their strategic forces rapidly during the same period. While it appears that today the United States has strategic strike capability which will continue to deter any possibility of a reasoned Soviet attack, the Committee believes that the Department of Defense cannot wait another year on an agreement in SALT while the Soviets produce additional strategic weapons and the United States does not.

The budget did not request one additional strategic bomber or one additional strategic missile, either land-based or sea-based, for our forces and none are provided in the authorizing legislation or in the accompanying bill.

One might ask why an administration which claims to base U.S. defense measures on the capabilities of the Soviet Union, as opposed to what can be divined of their intentions, is holding back on our strategic defenses because of talks. Talks certainly have nothing to do with capabilities and thus cannot serve as a factor one way or another in a U.S. force posture based solely on capabilities. Negotiations are nothing more than one indication of possible intentions.

In fact, using SALT to argue against, say, increasing our land-based ICBM force, is simply a roundabout way to argue against increasing U.S. forces on the basis of Soviet intentions without having to deal with such embarrassing factors as the Soviets historical record, the ideological bent of the Soviet leaders, or paradoxically, fast increasing Soviet military capabilities.

The administration has made a great contribution to a growing stock of Orwellian riddle lore. Question: When is an intention not an intention? Answer: When it is a SALT.

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## COPLEY PRESS DEPLORES U.N. ACTION

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### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. McCLORY. Mr. Speaker, the editorial messages of the Copley newspapers are a dynamic and energizing force in these restless times.

In addition to those expressions of opinion which are produced by their editorial writers, the Copley newspapers carry the columns of experienced journalists who possess both keen insight and broad perspective.

While I do not necessarily subscribe to all of the views which are contained in these editorials and columns, I find them most valuable. Examples of this valuable journalism were carried in the October 27 issue of the San Diego Union—a prominent newspaper of the Copley chain. These expressions relate to the recent vote in the U.N. to admit the People's Republic of China and to oust Nationalist China from its seat in the U.N. General Assembly.

I am pleased to attach these editorials for the edification of my colleagues and for all who are reached by this issue of the CONGRESSIONAL RECORD.

U.N. ACT PERILS CAUSE OF PEACE

Communist China held a double celebration in Peking last Monday—one to note the 21st anniversary of its declaration of war upon the United Nations forces in Korea and the other to celebrate its acceptance to full membership in the same world organization.

The 1950 Red Chinese declaration of war against the U.N. still stands. Also remaining on the U.N. ledger is the official resolution in which the world body condemned Communist China for its aggression in Korea.

As an act that lacked conscience, Monday's U.N. action has had few peers in history. Forgotten in the 76–35 vote was the Korean War, the U.N. resolution of condemnation and 22 years of hostility by the legions of Mao Tse-tung against the U.N. as well as the free nations of the world. Forgotten, in what Ambassador Bush condemned as a "carnival atmosphere," was the fact that Communist China was totally ineligible to join the world body under the U.N. Charter. Worst of all, the vote was bitterly cruel where Free China was concerned. The staunch dedication of that country over the years to the U.N. and to the cause of world peace is an inspiring example for us all.

The attitude of jubilation among members of the U.N. over Communist China's success, as well as their pleasure at the defeat of the United States of America, exhibits that not even they realize the cataclysmic events they have set into motion by yielding their principles to pressures of the moment.

Now the U.N. must face squarely the consequences of betraying its own morality. The cause of peace—the very reason for the U.N.'s existence—cannot be enhanced by rewarding an aggressor nation or by administering a parliamentary rebuff to the United States. Sooner or later, the small nations of the so-called Third World and in Asia which supported the unqualified entry of Communist China into the U.N. will understand also that their own security has become a far greater problem as a result of the intemperate actions of Oct. 25.

Finally, the nations—large and small—that perpetrated the melancholy affair will do well to ponder how their actions will alter the attitude of the United States, to which many of them are indebted for their very existence.

For more than a quarter of a century the United States has provided the strength, enlightenment and treasure that has contained communistic imperialism. By great sacrifice, including the blood of her young manhood, the United States has made it possible for millions of people to choose their own way of life. No other nation in the world today can replace the United States' role, a fact which should bring sobriety to many a capital.

The plain fact is, the U.N. and the prospects of peace around the world have suffered grave damage and to gloss it over would be the rankest kind of hypocrisy.

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THERE'S CAUSE TO WEEP FOR UNITED STATES

(By John J. O'Malley)

There will be many a tear shed for the Chinese Nationalist government, summarily ejected from the United Nations. The lamentations will center—and properly—on the fact that the 14 million man nation has never violated a U.N. rule, never failed to meet a U.N. obligation, never behaved meanly in the U.N. forum.

In short, and in fact, it will be affirmed that to cast a founding nation out of the world body without reason is both capricious and dishonorable.

Those who lament the cruel treatment of the Republic of China might better save their tears for two other—more pressing—tragedies.

Taiwan, after all, is still where it was last week. It is prosperous, orderly and well-governed by the Chiang Kai-shek regime. Its products are still popular around the world, international investment there is still profitable, and its word is respected.

The island is separated from the mainland by 100 miles of Taiwan Strait and all the soldiers in Mao's army cannot negotiate that ocean area.

Taiwan, in short, is safe and substantial, and its main loss—admittedly a grave one—is in Asian face.

No, those who would deplore the action in New York might better reserve their sadness for the United Nations and for the United States of America.

They are the real casualties of the wickedness in the great glass building.

The U.N. was created in 1945 as an organization of rules, and its survival as an organization must depend on its respect for rules. Now, in one abrupt moment, its fabric of rules has been damaged irreparably.

A government openly committed to world violence has been enfolded in the U.N. structure in violation of a basic rule.

A nation, condemned by the U.N. as an aggressor, has been accepted as a member in violation of a basic rule.

A founding nation, a member of the Security Council, has been ejected from the world body without cause and in violation of a rule that goes to the very heart of the U.N. Charter.

There is no doubt about it, whether the current action had been taken in connection with Nationalist China or some other legitimate member, it flouted the world body's bedrock philosophy and the U.N. will never be the same. Henceforward, it can be no more than a forum for discussion. Its actions will be subject to the whim of a bloc of tiny countries whose right to be called nations is in serious doubt, and whose major function is to serve the political ends of the Soviet Union and Communist China.

Nobody has reason to expect great or sober actions to flow from the body again, and the wonderful dream of 1945 is dead.

Sad though that fact is, the greater casualty is the United States.

Great nations, so history tells us, are not given to temporizing. They make plain precisely what they believe, precisely where they stand, and then they behave in a manner which inspires confidence in their word.

We have violated this great principle in the case of Nationalist China and Red China, temporizing like the man who sought to hedge his fate in the hereafter by declaring. "The Lord is a good man and the devil is not a bad man." He did not end up in Heaven for his pains and it is not likely that we will fare much better.

Nor is our international stature to be salvaged by the eloquent and well reasoned 11th hour supplications of Mr. Bush for rational and decent behavior by his U.N. colleagues.

The fact is, we wavered on a matter of principle and when the jackals of the world saw us on the run they concluded that the penalties for flouting our pleas would be minimal.

So it is that the United States of America, without which there never could have been a United Nations, is the real paroah, a victim of its own irresolute actions.

And for this, there is real cause to weep.

## H-BOMB TEST AT AMCHITKA

### HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. DANIEL of Virginia. Mr. Speaker, today as I glanced through the newspapers, two items—an editorial and a news article—caught my eye. Both relate to the recent H-bomb test at Amchitka.

The first item, the editorial, appeared in yesterday's Lynchburg News. The writer, building around the old saying: "It's a sorry dog that won't wag its own tail," makes the point that now the test is over and we experienced neither earthquake, tidal wave, nor radiation leakage, it might be in order for those who had criticized so bitterly to acknowledge their inaccuracy, and offer a kind word for our Nation. It is apparent that the doom-criers operate under an adage of more recent vintage:

I've made up my mind; don't confuse me with the facts.

At this point I include the editorial to which I have referred in the RECORD:

LET'S WAG A LITTLE

The Government is claiming that the nuclear test on Amchitka island proved that a new nuclear weapon is reliable. But there was another benefit of equal importance the Government didn't dwell upon: the test shut up, for the time being, anyway, the professional doomsayers who prophesized tidal waves, earthquakes and wholesale radiation leakage.

After the Supreme Court in its ponderous wisdom proclaimed that the Government could conduct the test—thus setting the precedent that the Supreme Court now has the authority to rule on defense experiments—the wailing voices predicting monumental catastrophes have been silent.—No explanation as to why their dire warnings were wrong. Perhaps they are still in a state of shock that the world didn't come to an end.

In the main, the critics of the Amchitka test are the same clique that is opposing the pipeline proposed to carry oil from the North Alaskan fields. This oil will be a vital factor in keeping the U.S. economy running, and fueling its military establishment.

Perhaps one should not raise the question: but one cannot help but wonder why these people fall into a frenzy whenever the government or private business undertakes something to benefit the economy or improve our military defenses? We wouldn't want anyone to read any innuendoes into that statement; my, no. But we would like an explanation—along with an explanation as to why they are always wrong in their predictions.

Why is it that these people find so little, if anything, to praise in the United States? Why is it that, according to them, this country is an international menace, its people bigoted and racists, cold-hearted and murderous, greedy and selfish, despoilers of the environment? At the same time they condemn us for not working harder to support the world, and demand we give more.

There are plenty of things going on that we don't like. We find no fault with our form of government, or our social institutions, but we do find fault with the way some are mismanaging them. We find fault with Government that continually expands its control over the economy and the lives of individuals; with the prostitution of profits from the expansion of business, the creation of new jobs, and higher wages, to undermining the society and government through tax-free foundations. We find fault with those who let our military defenses deteriorate in the face of growing totalitarian might. We find fault with those who betray our friends, our principles, our ideals. And we find fault with the people for letting this happen.

At the same time, we respect and admire the vitality of the people, young and old and middle-aged, who are, with fractional exceptions, trying to live and let live and upholding the right of all. Our hearts swell with pride at the way they have conducted themselves, by and large, in Vietnam, against a treacherous enemy, under impossible conditions laid down by their so-called "leaders" in Washington; at their courage and dedication exemplified by the voyages to the moon. There is nothing wrong with this country that high-principled, courageous leadership can not right, and put the country back on the path marked by the founding fathers.

There's an old saying: It's a sorry dog that won't wag its own tail. Right now, we're not wagging our tails enough. We have plenty to be proud of, and we should take heart. We should point with pride, and attempt to build on that which has proved beneficial to mankind. We should keep what is good and throw out what is bad and improve that which can be improved. We should, in short, tell our story, instead of remaining silent while the downgraders and doomsayers continually blacken our reputation.

And we should always be wary of the motives of those who never find anything good to say about the United States. Nothing; nation, people, institutions, what-not, is as uniformly bad as these people would have us believe we are.

Mr. Speaker, the other item to which I referred, the news article, reports that Dr. James Schlesinger, head of the U.S. Atomic Energy Commission, has recently testified before this body's Committee on Public Works regarding the possibility of preventing earthquakes by underground nuclear explosions to relieve pressure in the earth's crust. While I hasten to point out that this is purely theoretical at this time, think of the horrible suffering which might be avoided in those areas where earthquakes regularly take a toll in lives and in injuries. It is ironic that this article carries a foreign news service byline. This is surely worthy of further exploration. The article follows:

AMCHITKA TEST OFFERS CLUES TO EARTHQUAKES

WASHINGTON.—America's biggest underground nuclear test on Amchitka Island may have provided information useful in preventing natural earthquakes, according to Dr. James Schlesinger, the head of the U.S. Atomic Energy Commission.

Dr. Schlesinger told the House Public Works subcommittee that the possibility of preventing earthquakes merited further study by the AEC and by scientific experts outside the commission.

Dr. Schlesinger said some scientists believe explosions such as the Amchitka test in Alaska—code-named Cannikin—could be used to relieve stresses in the earth's crust, thus reducing the chances of a build-up that could cause an earthquake.

Dr. Schlesinger, referring to the controversy over the test, told the panel the explosion had been successful and to date there were no indications of any significant impact on the environment beyond the immediate test area.

## IN MEMORY OF A. LARS NELSON

### HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. FOLEY. Mr. Speaker, American agriculture has lost one of its greatest leaders in the untimely death of A. Lars Nelson. Mr. Nelson died as a result of a heart attack on Saturday, October 9, in Seattle, Wash., and was buried on October 13 in his home community of St. John, Wash. Lars, as he was known to countless thousands of friends, had been the master of the Washington State Grange since 1953 and a National Grange overseer since 1961. For 35 years, as a devoted and enormously energetic Grange member, he held numerous offices of every level of the National Grange. He used these important positions of leadership not only to advance the interests of hundreds of thousands of members, but to support in every way he could the needs of American agriculture and rural Americans everywhere. His preeminence as a leader in agriculture was recognized by his appointment to the Farm Credit Board National Advisory Committee.

But these and other activities can only suggest a small measure of his energy, commitment and generosity in behalf of others. Everyone who knew him was deeply impressed by his warmth, his openness, and generosity of spirit.

Mr. Speaker, I would like to include in the RECORD, the eulogy to Mr. Nelson given by the Reverend Robert Rector at memorial services at the Methodist Church in St. John, Wash., on October 13, 1971:

IN MEMORY OF A. LARS NELSON

The times in which we have been seen, crossing and criscrossing the face of the earth—the present times—are supposed to be an age of reality.

Yet, all of our confidence in reality, does not insulate against realities we are not prepared to face.

Over and over again, the reality that catches us unprepared is death. A. Lars Nelson is gone.

Our immediate reaction is grief and loss. We gather together now, to say thank you and goodby. We are a strange community this afternoon. Some of us knew him as a youngster, some remember his high school days. Some of us were his fellow workers. But, few of us can say we knew him well.

Lars had such a strong personality that the man inside often remained a mystery. Only a small number can say, "I knew him inside and out."

We knew him as "grange master". It became his whole life. And it is hard for us to think of him as gone. We depended upon him, too much.

Son of a pioneer family, Lars grew up in our community, sacking grain, plowing behind a horse and eating dirt. It was harder then, harder than it is now; and let us not forget that.

Perhaps it was that extra measure of hard work that drove men to the grange. Everyone supported it—everyone believed in it. The grange was perhaps the only way out.

But more than anything else, the War and the U.S. government got us out; and Lars was left to work with a small core of dedicated men, salvaging what they could for

agriculture—picking up a piece here, and adding a morsel there. We needed money, Lars helped us get that credit. We needed representation, Lars was there for us. Programs needed to be built, he built them. But, perhaps more than we realize, his work involved not building, but tremendous energy in the protection and saving of those programs that you and I depend upon.

It has been an uphill fight. Agriculture has never yet pulled itself together. Big business had Carnegies and Rockefellers and labor had its Samuel Gompers. But, farmers in America are still looking for a leader of that magnitude. The deepest tragedy is that agriculture has had men of that quality; but never a following capable of sustaining the vision together. We have left the visions to men like Lars. And to that end he talked more, schemed more, ate more, worked harder, argued longer, traveled faster, thought deeper, and slept less than anybody else we know.

For his hard work, you need not feel guilty, because Lars enjoyed his work. You know that if it had to be done over again, Lars would want to do it.

Through all of his years of work probably the ones who suffered most were in his family; seldom close, never together long enough, to get to know one another. Like a family reunion too short, they hardly had time to have a good argument. His family must say goodbye, perhaps before they had a chance to say hello.

To the place on which we are now standing, we invite the most daring faith that the human mind can generate. This includes the belief that life is essentially good, and that we thank God for sending each of us this way. Our time in eternity is not chaos, or chance, but affirmed by God. Thank you for Lars. May he rest, satisfied that he never gave up, satisfied that he spent his talents wisely.

Let us seriously admit one thing, that even in this age of reality, we have not yet come to an understanding of eternity. It is still a mysterious and superstitious realm.

Again and again, the question secretly returns to each of us: what is the final destiny of man? It now becomes our statement of faith. From the gospel of John, this is our confidence in the past and our hope for the future. A handle on eternity: "In the beginning was the Word, and the Word was with God, and the Word was God. All things were made by him. In him was life and the life was the light of men. The light stands shining in the darkness and the darkness has not overcome it." Amen.

## A RICH HALF HOUR OF EVERYTHING

### HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. TIERNAN. Mr. Speaker, earlier this month I placed in the RECORD some information concerning "Catch 44," an innovative program aired weekly by WGBH educational TV in Boston.

I am now pleased to place in the RECORD a copy of the article which appeared in the TV review section of the November 12 issue of Life magazine. Life describes "Catch 44" as "everything UHF might be and a few things network TV should be." The article goes on to say that—

At a time when the bureaucrats of public television, traumatized by federal funding problems, censor their own programs, any half hour that isn't afraid of people and ideas—indeed, delights in them—deserves our thanks and carries our hope.

Mr. Speaker, I congratulate the editors of Life for bringing "Catch 44" to the attention of the public. I am hopeful that stations throughout the country will follow the example of WGBH.

The article follows:

[From Life magazine, Nov. 12, 1971]

LIFE TV REVIEW—A RICH HALF HOUR OF EVERYTHING

It's like eating lunch. You can go to one of those high-priced hash houses where the meal is ordered by number and consists of six "businessman's specials," each made of polyurethane. In which case you are only eating from habit, not because of desire, and you deserve what you get—a kind of consensus menu. Or you can go to one of those modest Chinese restaurants where there are 500 different dishes available in 10,000 combinations. In which case you are liberated, perhaps only to multiply your disappointments—but where there is multiplicity there is awareness.

The networks, of course, represent consensus television; the menu consists of six kinds of plastic. Where, then, is the Chinese restaurant of the air? UHF was supposed to be its equivalent. The extra channels were to be for TV what FM used to be for radio: an alternative, specialized programs for special audiences, a choice instead of a package. In practice, at least in New York, UHF has been mostly high-school football games and Spanish-language movies—plastic with an accent.

But before giving up on UHF and going whoring after cable TV—whose hustlers promise to deliver your newspaper electronically and teach you open-heart surgery at home—let's look at Boston. Boston has a UHF channel, 44, and a program *Catch 44*, that is everything UHF might be and a few things network TV should be. Five nights a week for half an hour, *Catch 44* is a Chinese restaurant of opinion, music and art.

Consider this menu: The Society for the Preservation and Encouragement of Barber Shop Quartet Singing. Medical treatment in the U.S.A. for Vietnamese children injured in the war. Friends of Micronesia. The Royal Scottish Country Dance Society. The Irish Republican Aid Committee. Organic foods. John Cage and friends. The Homophile League of Boston and Daughters of Bilitis. Girls' ice hockey. Trenton Hall and the Melody Ramblers. Gestalt sensitivity groups. Diet Workshop. The annual Great Boston Kite Festival. Marcus Garvey Week. Music of Portugal. The Polaroid Revolutionary Workers Movement. The Neponset Valley Young Republicans.

*Catch 44* gives them a half hour each. All they have to do is ask—there's a two-month waiting list right now—and plan their own program. A producer stands ready to help them do whatever they decide. There is an hour's studio setup time before each program goes on live. WGBH, the local VHF public television channel runs one of the week's most interesting *Catch 44s* every Saturday for a larger audience. The only "catch" is that you'll be cut off the air if you defame private persons, incite violence, use obscenity or appeal for money. So far, no one has been cut off.

This is community TV with a vengeance that is sometimes embarrassing more often moving. Whether it's a half hour of opinion, entertainment or education, *Catch 44* is personal: no talk-show moderator mugging at the camera; no alley fighting between commercial interruptions; no slick packaging. Just citizens, reminding other citizens in their urgency and earnestness of how complicated, resourceful and exciting a community can be. A recent (pre-Attica) program on Billerica prison reform might have moved even Nelson Rockefeller. A program organized by the staff of *Hysteria*, a women's lib newspaper, should have been seen by Sigmund Freud. The Young Americans for Freedom, in a spoof of liberal radio panels, proved—if it still needs proving—that Bill Buckley isn't the only right-winger with a sense of humor.

*Catch 44* offers access, provocation, understanding, diversity. It is exciting, and it should be cherished, and it must spread if UHF isn't to go the way of FM, from music to Muzak, from community programming to 24-hour news bulletins and weather reports. At a time when the bureaucrats of public television, traumatized by federal-funding problems, censor their own programs, any half hour that isn't afraid of people and ideas—indeed, delights in them—deserves our thanks and carries our hope. Otherwise, we shall all be sentenced to the hash house and a diet of plastic.

## CIVIL DEFENSE AND DETERRENCE

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. BOB WILSON. Mr. Speaker, I read with particular interest an article in the November–December 1971 issue of Survive, entitled "Civil Defense and Deterrence" by Richard C. Rasmussen. Mr. Rasmussen reviews the present maze of conflicting opinions relative to the building and maintenance of a strong civil defense program. The ability of this or any nation to build a strong and viable nonmilitary defense against attack is a crucial deterrent against aggression. In this uneasy world, we must maintain not only our watchfulness, but our military and civilian defense preparedness as well. I commend Mr. Rasmussen's comments to by colleagues' careful attention and am including his article at the conclusion of my remarks:

CIVIL DEFENSE AND DETERRENCE

(By Richard C. Rasmussen)

Some think that while nuclear weapons have not yet made war impossible, war must be abolished if mankind is to survive. Unfortunately, even if we believe that the philosophical theorists have devised a formula for such abolishment, the political practitioners have not been able to make it work.

Some believe that the nuclear weapon has made war unthinkable. Built more, perhaps, on hope than logic, this concept is not supported by current history and current events which suggest differently.

Some believe that civil defense would have no significant impact, pro or con, on the deterrent posture of a nation's defense Some experts believe, however, that to a nation with a strong civil defense, nuclear war would be more acceptable and therefore more likely to occur because such a nation would be less restrained in taking action that might lead to a nuclear attack.

Others believe quite the opposite, that a viable civil defense program would contribute to deterrence in that it would cause a potential aggressor to be more reluctant to launch a nuclear attack in consideration of the opposing nation's greater liklihood of being the stronger survivor of a nuclear exchange or able to recuperate more rapidly and more successfully.

One of the more knowledgeable research-

ers on civil defense is Dr. Jiri Nehnevajsa, Professor of Sociology, University of Pittsburgh, who says: "First of all, it is somewhat amazing how many physicists, chemists and engineers argue with great expertise sociological and psychological and economic problems connected with civil defense programs.

"Secondly, it is not without amusement that one notices how many psychiatrists, psychologists, and occasional sociologists argue the intricacies of nuclear weapons effects, Soviet targeting behavior, bacteriological and chemical weapons systems, and generally problems for which the behavioral scientists have not been known to be famous.

"Thirdly, as might be expected, various writers, journalists, and publicists who lack the knowledge of both the hard sciences and the behavioral sciences, tend to argue both about weapons effects and about psychological and social issues. This, of course, is their job.

"Although the arguments are not always altogether enlightening, they tend to be presented vigorously which is often all that can be construed in their favor."

One difficulty encountered in grasping the meaning of deterrence is that deterrence means that something does not happen. There is no event. It is based on strength; but the strength is not used. If it is used, there is no deterrence.

Deterrence is relative. It does not mean to stop—but to prevent. If something happens or if something is stopped, it may be possible to determine why. There is an event to study, to analyze. If something does not occur, it is much more difficult to determine why it does not.

There may be an analogy in the field of medicine. If the patient dies, there is an event to study, a body for post mortem. The cause of death may be determined. If the patient does not die, continues to live, the physician may never really know whether his treatment or prescription prevented death or if the patient would have continued to live anyway.

Deterrence is psychological. Since it is passive in nature, implies no action—only readiness for action—its strength or weakness lies only in the mind of the potential aggressor.

Roberta Wohstetter in her study of Pearl Harbor says: "There is a tendency in our planning to confuse the unfamiliar with the improbable. The contingency we have not considered seriously looks strange; what looks strange is thought to be improbable; what is improbable need not be considered seriously."

Historian Quincy Wright observes: "Appeasement is likely to make the aggressive state more aggressive. The method of treating aggression by non-resistance or appeasement, illustrated in the Munich settlement of September 1938, tends to increase the general prospect of war. Retreats before threats of violence will not prevent the development of potential aggression.

Richard Nixon said last year in a report to Congress: "The overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States and its allies under the weight of strategic military superiority. We must insure that all potential aggressors see unacceptable risks in contemplating a nuclear attack or nuclear blackmail.

"Weakness on our part would be more provocative than continued U.S. strength, for it might encourage others to take dangerous risks, to resort to the illusion that military opportunism could succeed."

While opposition to civil defense as a deterrent is not necessarily opposition to civil defense, quite a strong suggestion that civil defense could be provocative comes from General Spaatz: "It will be particularly important for us to know from now on whether the Soviet Union is building civilian shelters for its own people. This can be one of the most significant indications of its intentions, if and when it gets ready to launch a surprise attack."

It is quite likely that Spaatz sees the Soviet Union as a nation morally capable of a first nuclear strike. Knowledge that the U.S.S.R. has indeed put more emphasis on shelters and civil defense than has the United States has not appeared to make the United States more likely to launch a first strike or start a nuclear war.

Lloyd V. Berkner, in *Project East River* said fifteen years ago: "A sound and effective nonmilitary defense coupled with adequate military power serves as the only real deterrent to war during our present troubled times. In fact, with near balance of military power, the nation with the strongest nonmilitary defense of its people and facilities may well control the situation.

"The job of nonmilitary defense is to increase the number of bombs that an enemy must deliver to damage us mortally, so that no enemy can imagine that any mass or surprise attack within his capacity can put us out of the running. This can be achieved, and when it is the dangers of atomic war against our population are greatly diminished. Thus, nonmilitary defense plays a vital role in the prevention of an all-out war."

Gen. Lyman L. Lemnitzer told a Congressional committee: "The extent to which we have the ability to defend against an attack, particularly the initial attack, is an essential element of our overall deterrent. Any doubt in the mind of the potential enemy with respect to his capability to deal us a decisive blow makes less likely the possibility that he will initiate a nuclear attack against us. This, then, is the important way in which civil defense contributes to deterrence. It provides further unmistakable evidence of serious determination on our part . . . A nation that is completely open to attack, and does not have adequate means of protecting its citizens whatsoever is, in my opinion, inviting attack."

Lt. General Malininov said in 1968: "The potential of weapons of mass destruction and of means of delivering them to their targets is now such that there is not a single state that could survive a modern nuclear missile war unless its people and economy were prepared for it; in other words, unless it had a strong civil defense."

Brigadier Maung Maung speaking for Burma, told his country's War College: "I need not elaborate the fact that aggression is not likely to take place if it is not likely to be successful. If the strength to resist aggression is strong enough, then a resort to peaceful settlement of international differences will prevail . . . Any would-be aggressor, if he knew that a nation though small is thoroughly prepared for its own defense, would certainly think many times before he decides to invade the latter. This is deterrence and civil defense, thus, clearly shows as one of the vital parts of the national security system of any country large or small."

Nobel prize winner Eugene P. Wigner has this to say: "If our population is undefended, it will be increasingly difficult for those whose natural inclination is to extend their power—and all dictators and dictatorships have such an inclination—to resist the temptation to pressure us into concession. By not offering the temptation of an unprotected populace, by instituting a vigorous civil defense program, we would be truly serving the interests of a lasting peace."

And General Nathan F. Twining: "Long before the nuclear bomb, it was quite evident—or at least accepted—that Britain's civil defense in World War II, i.e. the bomb shelters of London and other cities and the civilian citizenry's stubborn and courageous ability to use them, was a deterrent to Hitler's use of a ground force invasion—something he postponed much too long."

The deterrent effect of civil defense is a matter of national intent, psychological in nature both from the standpoint of the aggressor and the defender, if needed either or both can be identified as such.

It is a factor of relative strength. It is a factor of how a nation, or more than one nation, perceive the issues that are at stake.

It is a factor of the cost in terms of money and effort of the civil defense program.

With these factors in mind, a small civil defense posture, like the kind now existent in this and many other countries today, would have little effect on a nation's deterrent strength. And it certainly would not be provocative.

A civil defense program would not be provocative in nature unless it were a large, intense and high priority program—tangible enough to be perceived as such by a potential enemy. Such a program would have to cost about 10 percent or more of the total defense budget. In this country, then, a program costing seven or eight billion dollars per year might suggest a preparation of war.

Analysis of available facts and a review of history, suggest that while the superpowers have frequently been involved directly or indirectly with "limited" wars since the beginning of the cold war in 1946, they have exercised considerable restraint in terms of a nuclear confrontation.

Granted that a policy of deterrence is of fugitive comfort in an uneasy world; but if the credibility of deterrence can be increased by any means that increase total strength and, thus, reduces vulnerability to attack, a viable civil defense program, passive in nature, can serve as part of the deterrent of war.

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## SECRETARY MORTON ADDRESSES THE AMERICAN PETROLEUM INSTITUTE

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### HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. VANDER JAGT. Mr. Speaker, the Honorable Rogers C. B. Morton, Secretary of the Interior, recently discussed the need for clean energy and a positive natural resources policy such as has been proposed by President Nixon. In an address to the American Petroleum Institute, the ecology minded Cabinet member again stated his firm belief that a flourishing environment and an advanced technology can and must be compatible.

Secretary Morton urged the oil and gas industries to support the President's reorganization plan to create a new Department of Natural Resources and to join in close cooperation with the Department of the Interior and the American people in building a safe, clean and abundant energy future for America.

Among the functions of the energy and mineral resources administration in the proposed new Department of Natural Resources, Secretary Morton listed the following:

Formulation and implementation of a national energy resources policy.

Development of energy production technology.

Technology for resources development and utilization.

Management of uranium stockpiles and production of enriched uranium.

Mining recovery, processing, and utilization studies.

Waste disposal, reuse, recycling and substitution studies.

Protection and restoration of mined areas.

Fostering oil and gas pipeline safety, and mine safety and health.

Conservation of minerals and fuel resources.

Research and information services pertaining to the environment.

Secretary Morton reminded his industry audience that the petroleum industry has a vital commitment to meet energy requirements without degrading the environment and he cautioned that we cannot let our faith in technology trick us into believing that men are free from natural law.

I commend to the attention of my colleagues and to the public the remarks of Secretary Morton and I include them in full at this point:

SECRETARY OF THE INTERIOR ROGERS C. B. MORTON SPEAKS TO THE AMERICAN PETROLEUM INSTITUTE

In the beginning, the steps of man were soft upon the earth. Early man was a hunter. He filled his belly by stalking animals and gathering wild plants. Though most of the secrets of the earth were a mystery to him, he lived in the knowledge that he was dependent upon them for survival.

From the flint and shards of the stone age, we have leapt to the labs and reactors of the computer age. The productivity of our time is immense, bringing its wonder and benefits to more of our people than ever before. Its ingenuity is acute, delivering us plastics and TV dinners, nuclear spectre, and man on the moon . . .

And now in 1971 with all of these marvelous advances, I firmly believe that flourishing environment and an advanced technology can and must be compatible.

And to you, the American Petroleum Institute, whose members speak and act for most of the Nation's oil and gas industry . . . I say . . . you are doing a fine job.

In the past 25 years, oil and its companion resource . . . natural gas . . . have become the dominant fuels that have sparked the expansion of America's economy.

You have worked diligently and with great enthusiasm to make advanced technology and a flourishing environment compatible.

We are facing, in this country, a two-headed energy problem. One problem is immediate, the other is long-term. Nothing less than a two-headed solution will solve our energy demands . . . clean energy demands . . . these solutions must come within the framework and context of a national energy policy.

Our immediate energy problem is starkly reflected in the growing gap that exists between domestic energy supplies and growing energy requirements between now and 1985—just over the next fifteen years, we shall need 100 billion barrels of oil, and by the end of that period we shall be using oil at the rate of 22 million barrels a day.

In 1970 the United States consumed 14.7 million barrels a day of petroleum products, which comprised 43 percent of all energy supply that year. Of this total, 23 percent was imported; the remainder was derived from crude oil and natural gas liquids produced within the United States. By and large this balance reflects the operation of oil import controls under current policies. Recent projections indicate a steady rise in consumption of liquid fuels at an annual increase rate of 2½ to 4 percent until 1985, depending on the availability of gas during this period, so that in that year consumption will be about 27 million barrels a day, some 2 million barrels a day above the current rate. The average over the period would be around 21 million barrels a day.

Therefore, our energy policy must deal with the immediate problem that looks ahead five to ten years and must program the technological lead time needed to clean fuel supplies between 1980 and 2000 . . . and beyond.

In June the President recommended ways to deal with the energy shortage, including stepped-up efforts to control sulfur oxide, which would make available fuels not now used because of pollution considerations.

Control of sulfur dioxide will enable us to utilize considerable crude oil and much coal and oil shale not now available. Success in this area could become the cornerstone of a national energy policy that seeks an adequate supply of reasonably priced energy from stable and diverse sources without damage to the environment.

Conflicts in attaining these objectives.

The failure to add to oil and gas reserves.

And lagging production of the nuclear energy we thought was on the threshold.

Are at the core of our present dilemma.

We are an energy-deficient Nation based on data we have today. This situation must be viewed against an international backdrop wherein the balance of power has shifted from the hands of foreign oil companies to the politics of petroleum in oil exporting nations.

I have said that we are an energy-deficient Nation *based on where we are* today, but I didn't say we don't have sufficient resources to meet our foreseeable requirements. We are reticent to rely on foreign sources.

All the experience of the past twenty years, plus what we can infer from the bargaining actions of the O.P.E.C. nations during the past year and the actions of the Soviet Union in the Middle East and Mediterranean, lead us to conclude that we had better not become overly dependent upon energy supplies from this part of the world. Any dependence upon foreign petroleum would also have negative effects on our balance of payments.

We have the tremendous potential in undeveloped energy resources of the United States to make ourselves essentially independent of external sources for our future supply. We can certainly limit our dependence upon these sources to a degree commensurate with our national security.

The President has proposed a broad-front attack aimed at developing adequate supplies of energy from our domestic resources to provide ample and secure energy supplies to the Nation. Certain of the actions proposed are essentially long-term in nature. Others can be expected to produce results within the next five years or so.

Among the things the Department of the Interior can do that will pay off in the short run are:

Expedite the safe movement of North Slope oil and gas to market;

Under proper safeguards, speed up leasing of additional acreage on the outer continental shelf, particularly in areas where the industry is well established;

Accelerate techniques already in well advanced research and development stages of fracturing concepts being tested in West Virginia this year to increase natural gas recovery;

Increase efforts to identify new uncommitted supplies of low-sulfur coal in eastern United States;

Conduct reconnaissance to identify new prospective sources of uranium.

Beyond these efforts aimed at near-term payoffs, further action is necessary for securing adequate clean energy source in the future.

Interior will continue to urge industry to—

Develop commercially feasible methods for producing liquid and gaseous fuels from coal, oil shale, and tar sands;

Improve technology for discovering and recovering oil and gas from conventional deposits;

And to develop a commercially feasible method for desulfurizing flue gases from coal and residual fuel oil.

We can only take these actions within the broad framework of a fully planned and coordinated natural resources program.

President Nixon has taken a giant step toward bringing Federal energy policies into a pattern of efficiency and common sense. He did so last March when he proposed a reorganization of the Executive Branch of government.

Part of that proposal calls for the creation of a Department of Natural Resources. In making an assessment of the situation, the President declared:

"The time has come to match our structure to our purposes . . . to look with a fresh eye, and to organize the government by conscientious, comprehensive design to meet the needs of a new era."

Under the President's proposal, government functions relating to mineral and energy resources; water resources; land and recreation resources; oceanic, atmospheric and earth sciences; and Indian and territorial affairs would be grouped in individual administrations in the Department of National Resources.

Your personal interest cuts across many resource lines, and I am certain you grasp the importance of this proposal.

Functions of the energy and mineral resources administration in the new Department would include:

Formulation and implementation of a *National Energy Resources Policy*;

Development of energy production technology;

Technology for resources development and utilization;

Management of uranium stockpiles and production of enriched uranium;

Mining recovery, processing, and utilization studies;

Waste disposal, re-use, recycling and substitution studies;

Protection and restoration of mined areas;

Fostering oil and gas pipeline safety, and mine and health safety;

Conservation of minerals and fuel resources;

Research and information services pertaining to the environment.

The President's proposal will help us rebuild our domestic energy base. While the short-term outlook may dictate greater reliance on energy imports, we must enhance our domestic energy sources if we are to have assured supplies to meet future needs.

We must look to foreign sources to meet some of our energy needs, but we should keep in mind that the United States no longer is the primary purchaser of oil in the world market.

Every industrialized nation wants a supply of premium fuel and is bidding for it. Even if we wanted to, we could not possibly meet our petroleum needs from foreign sources.

Therefore, I urge the oil and gas industries of the United States to establish domestic reliability. We can achieve this through:

The President's reorganization plan;

A "fail-safe" program of oil leasing and production in the outer continental shelf;

Greatly increasing domestic exploration for petroleum and gas.

The petroleum industry has learned many lessons in meeting environmental problems that have come from exploring, producing, refining, storing, transporting, and marketing its products.

The petroleum industry has a vital com-

mitment to meet energy requirements without degrading the environment.

We must adjust to the blinding speed at which our civilization is now developing. We can not let our faith in technology trick us into believing that men are free from natural law.

I am excited;

I am enthused;

I am confident;

Confident that you will not only stand on your past record, but also will join me;

The Department of the Interior; and the American people, in even closer and more effective cooperation;

And we will build a safe, clean abundant energy future for America.

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## CONSUMERS OF TECHNOLOGY

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## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 1971*

Mr. HAMILTON. Mr. Speaker, my distinguished colleague from Indiana, the Honorable J. EDWARD ROUSH, was the principal speaker at the 1971 fall conference sponsored by the Aerospace Research Applications Center—ARAC—at Indiana University. The theme of the conference, held on November 15–16 was "The Exploitation of Information: What Should It Cost?"

ARAC is one of a number of regional dissemination centers, partially funded by the Government and partially by public subscription. The purpose of these centers is to make available and usable scientific, technical information derived from Federal research and development efforts, particularly from NASA research efforts. This technology can then be transferred or utilized by industries and other segments of society.

Congressman ROUSH was unable to deliver his remarks personally since there were a number of votes scheduled in the House for November 16, when he was to speak. His remarks on "Consumers of Technology" were delivered in his absence. I include the text of that speech:

CONSUMERS OF TECHNOLOGY

Once again, I am honored to be asked to address a special Conference here at Indiana University that is sponsored by the Aerospace Applications Center. I have introduced legislation in this session of Congress which is partially modeled on some of the activities you people are most familiar with, so I am glad to have this chance to explain that legislation to you, the rationale behind it, and hopefully, to secure your suggestions.

The theme of this conference is well suited to my purposes for I am mainly interested in the "exploitation of information", which in some scientific circles, might sound crass, but in my role as a U.S. Congressman is merely a reflection of what I am supposed to do. The federal government has spent a staggering $100 billion on research and development in the past decade. How can we justify such expenditures in the face of housing crisis, malnutrition and actual starvation on the part of some members of this society, the need for better mass transportation, for adequate pollution treatment and prevention, for quality education? who will be the consumers of this technology? whom will it benefit? These are questions of choice, required of those who spend the public's tax income.

I believe that it is the obligation of those who sit in Congress to endeavor to divest themselves of special interests, intellectual as well as financial. We must be prepared to consider the total general welfare of all the American people in the present and for the future. Whereas I might be enraptured, intrigued, and thoroughly convinced of the values of "pure" research, I must keep in mind that my role as a Congressman is strictly that of a steward of the people's wealth. And I well know that I will be held accountable, as I should be.

As you already know, I was privileged to be a member of the House Science and Astronautics Committee from its inception and thereafter for ten germinal years during which time we put a man on the moon and left important scientific instrumentation there to help unravel the mysteries of the universe. In this capacity, I have had a close and personal interest in the space program in and for itself as an extension of the frontiers of human knowledge and technological achievement.

But I have another interest, equally personal, but more related to my role as a U.S. Congressman. I am interested in seeing the information that has been derived from our space endeavor applied to all walks of American life. So I am a real believer, a dedicated devotee of technology utilization and the boundless potentialities technology transfer offers.

I am no longer a member of the House Science and Astronautics Committee, after a two-year enforced sabbatical, without pay, from the U.S. Congress. I am now a member of the House Appropriations Committee and one of my subcommittees is the one on Science, Space and HUD. This means that all funds spent on science and space activities by the Federal government pass through my subcommittee for review and approval before going to the full Appropriations Committee and then the House floor. So I have the opportunity to scrutinize how funds are spent and what they accomplish.

We Americans are in many ways a contradictory people. We are a free society, a pluralistic one, one in which the government does not make our economic decisions—usually—one in which enterprise is free, not in the sense that it is totally uncontrolled, but in the sense that the aims and goals of business are "found as we go", not dictated from national interest. This freedom offers definite and obvious advantages, but also distinct disadvantages. For you cannot corral the American people, even toward worthy goals.

Unless there is a war or a national crisis, Americans are not easily moved as a whole, and over a long period of time to work for an expensive, demanding goal, particularly one as esoteric to many as scientific research. The atomic bomb is one example of this, the space program another. Certainly the space program was couched in terms of a "race" to enable the American people to accept the national sacrifices it would cost.

Today, the problem is how to sustain that momentum and how to make sure that the American citizen receives the most out of his taxes spent on research. Accordingly, we must be interested in the path from "science to sales" in the innumerable ways in which the fruits of research and development funds have been multiplied and diversified and fully used.

Actually, I see infinite possibilities in technology utilization. With improved technology, we can prognosticate the weather; contribute toward the control of pollution problems, render machinery that is obsolete or detrimental usable and profitable; balance trade inequities, and move toward a systems approach in handling large-scale problems such as mass transportation and urbanization.

This is quite a list and each one has its own priority, each one makes technology utilization useful, practical, and necessary.

With these interests and connections in mind, I took a rather radical step in June of this year. I introduced a bill that would coordinate the present Federal efforts at technology transfer, technology utilization, a bill that would coordinate, re-use, and constructively adapt knowledge and technology brought about through the expenditure of Federal funds for purposes of defense, atomic energy, or space research—the three most important and prolific areas of experimentation.

My concern is for the full potential of this research to be applied in other areas and to different purposes than the original ones projected, because I have seen that this can be done so effectively; that we can discover new communications capabilities of via satellites; that we can devise advanced machinery for diagnosing and treating illnesses, that we can reduce the cost and better the quality of household equipment simply by turning R & D space or defense research to other purposes. I am interested in both horizontal and vertical technology transfer, and transfer to both the public and private sectors. And I have become convinced that our only hope for meeting this goal is through national coordination or federal coordination of our efforts.

The Select Committee on Small Business of the U.S. Senate, after lengthy hearings and consideration, issued a report in 1968 for the Subcommittee on Science and Technology called, *The Prospects for Technology Transfer*. They noted:

"Despite many years of wide publicity on the wonders of science, and despite considerable directed effort in technology transfer, relatively few firms, in a handful of industries, are consumers of technology."

Many of you could document another finding they reported:

"Testimony on the hearings supported the contention that present Federal programs are confusing to the business community. There is no single point of contact where all Government information is accessible."

How can we increase the number of consumers of technology? Well, my experience and observation over a number of years have indicated to me that in 1971, we still have a situation in which various Government agencies continue to "do their own thing" regarding technology utilization. There is, unfortunately, no overall, organized approach to the matter of supplying the American consumer with the knowledge and the know-how to make use of what our laboratories and universities have discovered using tax dollars.

Besides NASA's numerous activities, with which I believe you are all thoroughly familiar, the Atomic Energy Commission, the Department of Defense, the Small Business Administration, the Department of Commerce, the Department of Agriculture, are all involved in efforts to transfer technology.

Some of these departments and agencies serve a special and restricted "customer". Some, like the Department of Defense, simply collect and pass on information. The Defense Documentation Center sends unclassified information to the National Technical Information Service in the Department of Commerce. The Atomic Energy Commission operates through conferences and symposia as well as technical progress reviews to try and disseminate information that is not classified. The Small Business Administration obviously has a mandate to small business and so that agency is anxious to actually transmit information through seminars, workshops, etc.

I thought the Office of State Technical Services in the Department of Commerce offered great promise, but it has died an untimely death after being well recommended as performing "a useful and economic serv-

ice" in a special study by the Arthur D. Little Company. The most important feature of this program was that it was modeled on what Dr. Edward E. David, Director of the Office of Science and Technology and Science Adviser to the President has described as the most successful technology utilization program—namely the Agricultural Extension Service. Dr. David gave me that analysis in testimony before the Appropriations Subcommittee on Space, Science, HUD. Personally, my experience has led me to give that accolade to NASA, but I certainly recognize the invaluable service of the Agricultural Extension Service allied with the Land Grant Colleges and the County Agents who have brought valuable information and technology to the farmer and vice versa.

The State Technical Services program was modeled on that program and operated through the states. Today, however, the National Technical Information Service in the Department of Commerce oversees the final phasing out of that program. NTIS now has several roles: first to coordinate commerce, business and technology information activities; and second, to serve as the primary focal point within the Federal government for the collection, announcement, and dissemination of technical reports and data. In this capacity, NTIS operates the Clearing House of Federal Scientific and Technical Information (formerly of the National Bureau of Standards), coordinating information of Federal agencies, announcing publications and R & D reports of interest to the public resulting from federally funded research. I think this promises to be an important resource.

But it does not answer all the needs, nor does any one agency. All of these agencies and departments in fact are performing a valuable service, either, as with NTIS collecting information, or as with SBA collecting and dispensing information and trying to find out who needs what and why and how to get it to them.

What we need, then, I am convinced, is a single agency, an independent agency, that collects all the information from all these diverse sources, stores that information, organizes that information, contracts for help in developing information, discovers what the needs are throughout the nation and brings together industry or educational institutions or communities or hospitals with the newly minted technology or with technology that is potentially usable. At present, there is a serious overlap which can also lead to omissions. And at times actual contact is never made between those who have access to the new information or technology within the Government and those on the outside who do not even know it is available, or have not identified their own problem enough to make use of new methodologies which they do not know exist. The result is waste of knowledge of our important technology resources and non-development of potential customers.

It is for all these reasons, then, that I have introduced H.R. 9379, to create an office for Federal Technology Transfer, which I hope will accomplish a unification of these technology utilization efforts and provide that "single point of contact" the Senate Committee discussed, a point of contact not only at which all government-sponsored information is accessible, but easily so, with information assistance provided out in the field.

Indeed, one thing has become obvious and that is that while data collection is essential, that is simply not enough. The good word needs to be spread actively. Of primary importance, as the special Arthur D. Little study of the STS showed, is field service, personal contact out in the field, identifying user needs, matching problems with solutions, identifying problems, matching solutions with problems as well. It is this kind of role that the Agricultural Extension Service has played so well.

In my legislative proposal, I therefore give special importance to Section 4(a)(2) which attempts to supply that need for "trained transfer agents," that vital "link between application engineering and the storage bank," for it provides for the establishment of "regional science and technology centers to obtain information as to the needs of potential users of federally developed technology and to more effectively disseminate such technology."

The national agency I have proposed would take over all the present technology utilization activities now performed by various Government agencies, including those I have mentioned, with the exception of the Agricultural Extension Service. This operation is so much older than the rest, so much better developed, and so specialized, at least for the time being, it should be left out. In addition, the President would have the power to add additional agencies and activities for the next three years, such as the technology utilization activities in the National Archives or the Smithsonian Institution's Science Information Exchange.

I hope that my legislation ties together three significant factors or needs: namely, a storage bank of up-to-date information usable for technology transfer; second, agents to actively solicit and elicit the "customers", or consumers of that information; industries, businesses, local communities, educational and other institutions which are looking for improvement, who have problems that need solving.

This is a triangular relationship that flows from part to part with mutual advantage. Indeed, being practical again, continued funding of science and the acceptance of the same by the American people, is dependent on finding what William James considered the "cash nexus" between ideas, the practical unableness of an idea, how it carries us from one point to another felicitously. Pragmatism is said to be the only original American philosophy and those of us who would continue the marriage of convenience of tax dollars with R. & D. programs are well aware that continued funding depends on demonstrated value.

Dr. Myron Tribus, Assistant Secretary of Commerce for Science and Technology, in hearings before a subcommittee of the House Science and Astronautics Committee in July 1970, made the following significant comment:

Scientific activities are supported by the wealth of the Nation. But the wealth of the Nation comes from its application of technology, which in turn requires science. Only wealthy nations can afford the scientific projects which generate the knowledge which supports the improvement of technology.

I would like to comment a bit on this issue of the wealth of the Nation, and the reciprocal importance of science and technology utilization to that wealth, as well as the relevance of that wealth to science and technology utilization, as indicated by Dr. Tribus.

The international trade picture for the United States is disturbing, to say the least. Checking with the Department of Commerce, I found that for the first nine months of this year, our trade deficit was $1.3 billion compared with a surplus of $2 billion this time last year. Secretary of Commerce, Maurice Stans, in remarks earlier this year had projected the possibility of a trade deficit for the first time in many years. Actually, we have not had one since the 1930's.

In hearings before the House Subcommittee on Science, Research and Development of the House Science and Astronautics Committee this July, Secretary Stans talked about the deterioration of our trade stance, and the decline in our technological lead. He discussed the United States' overall balance of trade in recent years and the weakened position of the United States vis à vis Japan and certain European countries. From 1960 to 1970, the U.S. output per manhour went from 80 to 108 while Japanese productivity levels rose from 52 to 151; and West Germany's from 66 to 115. These two countries are, significantly, also placing a higher relative emphasis on civilian R & D as a percentage of their GNP.

Secretary Stans then suggested some objectives we might have regarding use of our technology to meet this crisis. He said we must strive to:

"Remove barriers impeding the use of existing technology.

"Stimulate better use of existing technology.

"Remove barriers impeding the development and use of new technology.

"Stimulate the development and use of new technology." I thoroughly agree.

He even recommended examining "the feasibility of establishing a single Federal focus for several activities directly related to enhancement, assessment and forecasting of industrial technology".

While I am not implying that Mr. Stans endorses my bill, which he certainly did not know about at that time, I do believe that he and I are on the same wave length, and that we both see the importance of improved technology to meet our deteriorating trade picture, to help us revive economically, as well as a need for coordination of these efforts. He also said: "Some of the above activities are not now being performed. Others are scattered throughout the Government and thus lack the consistent and coherent thrust that is required to obtain effective results."

I believe my proposal goes far to meet this need. I am interested in technology utilization because it promises better health facilities, better educational equipment, cheaper and more durable consumer items and a variety of other advantages. But I am convinced that we can have none of these if our economic base is not strong enough to support the science and research that make these possible.

If we are going to solve some of our present economic difficulties, if we are going to cut back inflation by making sure that productivity and prices are commensurate, if we are going to remain viable in the world trade market, we have got to apply our technology. I do not mean simply shipping technology overseas for other nations to adopt and adapt and then export back to us items we cannot produce as cheaply here. If we are going to keep that harmony between productivity and prices and at the same time pay wages that are higher than anywhere else in the world, we must prime our own technological machine.

We are on another frontier of the economic revolution that has been transforming the world these past few centuries. Americans pride themselves on leading the technological revolution. But today, we are slipping behind and if we are to take the leadership again, we must make technology useful, show how it can be so, and find the consumers for whom new kinds of equipment, new methods of operation, and new ideas can mean progress.

Dr. Patrick E. Haggerty, Chairman of the Board, Texas Instruments, Inc., said it better than I could when he told the House Science and Astronautics Subcommittee on Science, Research, and Development in August, 1970:

"When I examine the real problem which exists and the relative level of effectiveness which we must maintain in the United States to compete, my own concern is whether or

not, at our high wage and salary levels, we can apply the admittedly excellent technology now and to be available with sufficient innovativeness to continue to improve our standard of living."

We have not, but I believe that we can. And it is with this hope that I have introduced the bill that I think would help us achieve this goal. It is a tentative proposal, open to changes and recommendations, but let us hope it will engender a dialogue that reaches beyond the confines of Congressional subcommittees.

## LATVIA AND HER SONS

### HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. STEELE. Mr. Speaker, Latvians comprise one of the smallest, most compact and distinct ethnic groups in Europe. Latvians have lived in their native land on the Baltic Sea for centuries. However, their modern history has not been a happy one. During most of the last 400 years, they have had to endure unwanted and alien regimes. From the middle of the 16th century they were ruled by the Poles and in the late 18th century became part of the Russian Empire. But, throughout this time they maintained their language and cultural identity. In November of 1918 they had their chance for freedom and proclaimed their independence.

The new state, with a population of slightly over one million was in a precarious position from the beginning as it was surrounded by more powerful neighbors. However, Latvia survived and the interwar years marked a renaissance of Latvian politics and culture. For 22 years Latvian government functioned on the basis of a true proportional representation. Numerous political parties, of all opinions, existed and actively contested free and open elections. Latvia was a model democracy. Because the basis of a healthy democracy is an enlightened electorate, Latvians spent over 15 percent of their national budget on education. Free public schools were open to all and by 1940 the literacy rate was over 90 percent.

The vitality of the Latvian people was also indicated in their economic accomplishments. Latvia was one of the first European countries to reform its currency and financial system. The land reform law of 1920 distributed land of the old feudal German estates on a democratic basis. All segments of Latvian society participated in its economic life. By 1937 there were 5,717 industrial enterprises in Latvia and some 70 thousand farmers were enrolled in 2,300 educational societies. Latvian trade was almost completely with the West, being carried on Latvian ships.

On February 5, 1932, Latvia and the Soviet Union signed a treaty of non-aggression which absolutely forbade Russian intervention in Latvian affairs. But, soon afterwards, in violation of their written promise, the Communists began to undertake the active subversion of free Latvia. The pace was increased in 1935 and in August 1939 Latvia's fate was sealed by the infamous Nazi-Soviet Pact. It was indeed a dark day when Joseph Stalin, in open violation of international law and the nonintervention treaty, unleashed the Red Army to invade Latvia in accordance with the terms of the Nazi-Soviet Pact. When Hitler invaded the Soviet Union in 1941, there was a change in the status of the people of Latvia, but only in that their destiny was transferred from the hands of one totalitarian regime into the hands of another. For 2 years Latvians were subject to Nazi control, but as Hitler's army retreated, the Red Army and its legions of political agents returned to subjugate Latvia. After the war, the Russians consolidated their hold on Latvia by incorporating it into the Soviet Union.

Since that time, the liberty that we enjoy in America has been denied those who remain in Latvia. On this 53rd Anniversary of Latvian Independence Day, let us remind ourselves of this small nation's courageous struggle to be free and let us renew our fervent hope that the people of Latvia will soon achieve their freedom once again.

## THE PUBLIC STATEMENTS OF WILLIAM H. REHNQUIST

### HON. BIRCH BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

*Thursday, November 18, 1971*

Mr. BAYH. Mr. President, there has been considerable controversy both in the Senate and out concerning the judicial philosophy of Mr. William H. Rehnquist, one of President Nixon's nominees to be an Associate Justice of the Supreme Court of the United States. Because of the widespread interest in what Mr. Rehnquist has said, I ask unanimous consent that a memorandum containing excerpts from some of his more prominent writings, speeches, and testimony be printed in the RECORD. I intend shortly to provide further excerpts from other public statements of Mr. Rehnquist which may be of interest to the Senate and the public.

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

EXCERPTS FROM THE WRITINGS, SPEECHES, AND TESTIMONY OF WILLIAM H. REHNQUIST

A. RACIAL EQUALITY

*1. Testimony before the City Council of the City of Phoenix, June 15, 1964, in connection with the Council's consideration of an ordinance guaranteeing equal rights of access to public accommodations. The ordinance was unanimously passed by the City Council on June 16, 1964. The following transcript of Mr. Rehnquist's testimony is taken from a tape on record in the office of the City Clerk:*

Mr. Mayor, members of the City Council, my name is William Rehnquist. I reside at 1817 Palmcroft Drive, N.W., here in Phoenix. I am a lawyer without a client tonight. I am speaking only for myself. I would like to speak in opposition to the proposed ordinance because I believe that the values that it sacrifices are greater than the values which it gives. I take it that we are no less the land of the free than we are land of the equal and so far as the equality of all races concerned insofar as public governmental bodies, treatment by the Federal, State or the Local government is concerned, I think there is no question. But it is the right of anyone, whatever his race, creed or color to have that sort of treatment and I don't think there is any serious complaint that here in Phoenix today such a person doesn't receive that sort of treatment from the governmental bodies. When it comes to the use of private property, that is the corner drugstore or the boarding house or what have you. There, I think we—and I think this ordinance departs from the area where you are talking about governmental action which is contributed to by every tax payer, regardless of race, creed or color. Here you are talking about a man's private property and you are saying, in effect, that people shall have access to that man's property whether he wants it or not. Now there have been other restrictions on private property. There have been zoning ordinances and that sort of thing but I venture to say that there has never been this sort of an assault on the institution where you are told, not what you can build on your property, but who can come on your property. This, to me, is a matter for the most serious consideration and, to me, would lead to the conclusion that the ordinance ought to be rejected.

What has brought people to Phoenix and to Arizona? My guess is no better than anyone else's but I would say it's the idea of the lost frontier here in America. Free enterprise and by that I mean not just free enterprise in the sense of the right to make a buck but the right to manage your own affairs as free as possible from the interference of government. And I think, perhaps, the City of Phoenix is not the common denominator in that respect but that it is over on one side, stressing free enterprise. I have in mind, the state of the Housing Ordinance, last year, which a great number of people—you know, the opinion makers, leaders of opinions, community leaders were entirely for it. I happen to favor it myself and yet it was rejected by the people because they said, in effect, "We don't want another government agency looking over our shoulder while we are running our business". Now, I think what you are contemplating here is much more formidable interference with property rights than the Housing Ordinance would have been and I think it's a case where the thousands of small business proprietors have a right to have their own rights preserved since after all, it is their business.

Now, I would like to make a second point very briefly, if I might, and that is on the mandate existing to this Council and this again, of course, is a matter of one man's opinion against another. As I recall, the position taken by the preceding Council, of which I know you, Dr. Pisano, Mr. Hyde, Mr. Lindner were all on, was that there would be no compulsory public accommodations ordinance and as I recall, when this Council ran against the Act Ticket, which I would have thought would be the logical ticket, if elected, to bring in an ordinance like this, nothing was said about any sort of change that the voters might guide themselves in by voting in this particular matter. I don't think this Council has any mandate at all for the passing of such a far reaching ordinance and I would submit that if the Council, in its wisdom, does determine that it should be passed, it has a moral obligation to refer it for the vote of the people because something as far reaching as this without any mandate or even discussion on the thing at the time the election for City Council was held is certainly something that should be decided by the people as a whole rather than by their agents, hon-

orable as you ladies and gentlemen are. I have heard the criticism made by the groups which have favored this type of ordinance in other cities that we don't want our rights voted on but of course, it is they who are bringing forward this bill. The question isn't whether or not their rights will be voted upon but instead, it's a question of whether their rights will be voted upon by you ladies and gentlemen who are the agents of the people or the people as a whole. Thank you very much for your time.

2. *Letter to the Editor, published in the Arizona Republic, June 21, 1964.*

TO THE EDITOR,
*The Arizona Republic:*

I believe that the passage by the Phoenix City Council of the so-called public accommodations ordinance is a mistake.

The ordinance is called a civil rights law, and yet it is quite different from other laws and court decisions which go under the same name. Few would disagree with the principle that federal, state, or local government should treat all of its citizens equally without regard to race or creed. All of us alike pay taxes to support the operation of government, and all should be treated alike by it, whether in the area of voting rights, use of government-owned facilities, or other activities.

The public accommodations ordinance, however, is directed not at the conduct of government, but at the conduct of the proprietors of privately owned businesses. The ordinance summarily does away with the historic right of the owner of a drug store, lunch counter, or theater to choose his own customers. By a wave of the legislative wand, hitherto-private businesses are made public facilities, which are open to all persons regardless of the owner's wishes. Such a drastic restriction on the property owner is quite a different matter from orthodox zoning, health, and safety regulations which are also limitations on property rights.

If in fact discrimination against minorities in Phoenix eating-places were well nigh universal, the question would be posed as to whether the freedom of the property owner ought to be sacrificed in order to give these minorities a chance to have access to integrated eating places at all. The arguments of the proponents of such a sacrifice are well known; those of the opponents are less well known.

The Founders of this nation thought of it as the "land of the free" just as surely as they thought of it as the "land of the equal." Freedom means the right to manage one's own affairs, not only in a manner that is pleasing to all, but in a manner which may displease the majority. To the extent that we substitute, for the decision of each business man as to how he shall select his customers, the command of the government telling him how he must select them, we give up a measure of our traditional freedom.

Such would be the issues in a city where discrimination was well nigh universal. But statements to the council during its hearings indicated that only a small minority of public facilities in the city did discriminate. The purpose of the ordinance, then, is not to make available a broad range of integrated facilities, but to whip into line the relatively few recalcitrants. The ordinance, of course, does not and cannot remove the basic indignity to the Negro which results from refusing to serve him; that indignity stems from the state of mind of the proprietor who refuses to treat each potential customer on his own merits.

Abraham Lincoln, speaking of his plan for compensated emancipation, said:

"In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and in what we preserve."

Precisely the reverse may be said of the public accommodations ordinance: Unable to correct the source of the indignity to the Negro, it redresses the situation by placing a separate indignity on the proprietor. It is as barren of accomplishment in what it gives to the Negro as in what it takes from the proprietor. The unwanted customer and the disliked proprietor are left glowering at one another across the lunch counter.

It is, I believe, impossible to justify the sacrifice of even a portion of our historic individual freedom for a purpose such as this.

3. *Letter to the Editor, published in the Arizona Republic, September 9, 1967.*

The combined effect of Harold Cousland's series of articles decrying "de facto segregation" in Phoenix schools, and The Republic's account of Superintendent Seymour's "integration program" for Phoenix high schools, is distressing to me.

As Mr. Cousland states in his concluding article, "whether school board members take these steps is up to them, and the people who elect them." My own guess is that the great majority of our citizens are well satisfied with the traditional neighborhood school system, and would not care to see it tinkered with at the behest of the authors of a report made to the federal Civil Rights Commission.

My further guess is that a similar majority would prefer to see Superintendent Seymour confine his activities to the carrying out of policy made by the Phoenix Union High School board, rather than taking the bit in his own teeth.

Mr. Seymour declares that we "are and must be concerned with achieving an integrated society." Once more, it would seem more appropriate for any such broad declarations to come from policy-making bodies who are directly responsible to the electorate, rather than from an appointed administrator. But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an "integrated" society than we are to a "segregated" society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities.

The neighborhood school concept, which has served us well for countless years, is quite consistent with this principle. Those who would abandon it concern themselves not with the great majority, for whom it has worked very well, but with a small minority for whom they claim it has not worked well. They assert a claim for special privileges for this minority, the members of which in many cases may not even want the privileges which the social theorists urge be extended to them.

The schools' job is to educate children. They should not be saddled with a task of fostering social change which may well lessen their ability to perform their primary job. The voters of Phoenix will do well to take a long second look at the sort of proposals urged by Messrs. Cousland and Seymour.

B. CIVIL DISOBEDIENCE

1. *Speech, "The Law: Under Attack from the New Barbarians," May 1, 1969 (unprinted).* (Excerpts.)

There may have been a time in this country, not too long ago, when the customary injunctions to obey and respect the law that are traditionally heard on Law Day might have seemed mere statements of the obvious. That is not the case today, however. The very notion of law, and of a government of law, is presently under attack from a group of new barbarians. They are found today on university campuses, in various public demonstrations and protests, and elsewhere, though they represent only a small minority of the numbers participating in these movements. Just as the Barbarians who invaded the Roman Empire neither knew nor cared about Roman government and Roman Law, these new barbarians care nothing for our system or government and law. They believe that the relatively civilized society in which they live is so totally rotten that no remedy short of the destruction of that society will suffice.

Reform groups in the past, however disillusioned they may temporarily have become with the society in which they lived, have directed their attention to the passage or repeal of particular laws or groups of laws. In so doing they have been willing to abide by the rules of popular government. The new barbarians, however, disclaim any such moderate tactics. "Bring down the system" is their cry. Notwithstanding their small number, they demand not only to be heard, but to be heeded. Failure to both hear and heed, on the part of the majority, brings in response not merely rhetoric, but willful and studied violations of the law—lying on the railroad tracks in front of a troop train, blocking workmen from entering a job site, occupation of university buildings against the will of university officials.

I suggest to you that this attack of the new barbarians constitutes a threat to the notion of a government of law which is every bit as serious as the "crime wave" in our cities. Because of this, the occasion of Law Day, 1969, calls for something more than the traditional encomiums to a government of law.

I do not suppose that there is any one precise definition of the phrase "government of law" that would be acceptable to all. I would think that in this country, the term means at least the following:

First, that the laws shall be made and unmade in accordance with the will of the majority;

Second, that any minority shall have full opportunity to urge its point of view in public debate of issues, and that popular elections be held regularly in order that the mandate of the voters be registered anew;

Third, that no man be held to answer except for a proven violation of an existing law; and,

Fourth, that those laws which have been duly enacted be evenhandedly enforced against all who violate them.

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The barbarians of the New Left have taken full advantage of their minority right to urge and advocate their views as to what substantive changes should be made in the laws and policies of this country. Almost without exception, their views have not prevailed. They have likewise urged at great length in various colleges and universities of this country the numerous changes which they believe that circumstances there require. Here their efforts have been more successful, though still short of complete achievement. To the merits of their various proposals I do not propose to address myself; I shall address myself to the tactics which they have employed where persuasion has proved initially unsuccessful. These tactics have time after time involved willful and studied disobedience of the law.

Such tactics can be rationally justified only by turning on its head the notion of a government of law. One would have to argue that the dissatisfied minority has not only the right to be *heard* with respect to its views, but also the right to be *heeded* with respect to those views. Such a right cannot be accorded to the minority, however, without totally divesting the majority of its right to govern.

We are thus brought to the question of what obligation is owed by the minority to obey a duly enacted law which it has opposed. From the point of view of the majority, and of the nation as a whole, the answer is a simple one: the minority, no matter how disaffected or disenchanted, owes an unqualified obligation to obey a duly enacted law. Government as we know it could not survive for a day if it permitted any group to choose the laws which it would obey, and those which it would not obey. Such right of choice would necessarily extend to other

and less vociferous groups, who would doubtless choose to disobey different laws. The result would be anarchy. Neither idealism of purpose nor self-proclaimed moral superiority on the part of the minority qualifies in the slightest way its obligation to obey the law.

In insisting that a law be obeyed, and that disobedience be punished, society places its imprimatur not only on the particular law in question, but on the whole system of law which is the keystone of our civilization. It was Thomas Hobbes who said that life in the state of nature would be "nasty, brutish, and short"—a description with which many of us today would be disposed to agree. Yet this is the prospect which awaits us down the road if we permit the system of law and obedience to the law to be torn down by the new barbarians.

So much for the position of the majority, or of society, with respect to disobedience to law. What is the question that must be answered by the disaffected individuals? One hears much these days of "matters of conscience," and it is doubtless correct to say that in the last analysis each individual must determine for himself whether a law is so odious that it cannot be obeyed. But while no one can presume to decide this question for another, from an individual point of view, surely it is not too much to expect that rational consideration of the question will embrace the following points:

First, that it is nonsense in a nation of 200 million people to speak in any realistic way of the majority enforcing its will against the intransigence of even a small but determined minority. One need only consider the system of traffic regulation which obtains on our highways, or the system of self-determination of income tax liability which results in the filing of some 60 million returns with the federal government each year, to realize that the continuation of any system of government in a complex society depends in a very real sense, not only upon the consent of the majority, but on the consent of the minority as well.

The deliberate law breaker does not fully atone for his disobedience when he serves his sentence, for he has by example undermined respect for the legal system itself. William Evarts, a New Yorker who served both as Attorney General and Secretary of State in the latter part of the 19th century, once made an address in which he urged obedience to a particularly unpalatable law which had just been passed by Congress. In the course of the address, he made the comment that "he who strikes at a law strikes at the law." His observation is as true today as when it was made.

Second, that just as the minority has it within its power to frustrate the governance of the majority, so a large majority by process of constitutional amendment has it within its power to deny the right of free speech and free discussion to the minority. Rational citizens expect the majority to restrain itself in order to keep open the avenues of public discussion; so likewise should rational citizens except the minority to restrain itself in order not to bring the wheels of government to a halt.

Third, that there is a certain amount of arrogance in insisting that one's own personal predilections will not permit him to obey a law which has been duly passed by the legislative authority having jurisdiction over him. This arrogance is compounded by the reflection that the privilege claimed for conscientious disobedience is one that cannot be granted to the citizenry at large without bringing chaos; it is therefore, by implication, a privilege reserved to those with articulate and hyperactive consciences. The claim for conscientious disobedience is at war with the basic premise of majority rule.

. . . We have recently witnessed examples of assault by the new barbarians on the rules and regulations which govern many of our colleges and universities, as well as on the system of public law in the country . . .

It would be presumptuous of me, with no experience either as a teacher or an administrator, to venture comment on the various demands, negotiable and non-negotiable, with which institutions of higher learning have been confronted in the past few years. But I think even a non-educator—a barbarian, if you will—may freely observe that university discipline ought to be administered uniformly, and that both proscribed conduct and the penalties therefor should be known in advance. Once this has been done, it would seem that, by parallels with our legal system, the normal process of discipline should be carried out in an appropriate case, without any backing and filling on the part of administration officials. It would seem even more essential that there be no retreat from the normal processes of discipline in the face of force or the threat of force on the part of either those being disciplined or of their supporters.

Because many recent demonstrations and protests, at the universities and in the streets, have involved violence, it has become the fashion to deplore violence, without likewise deploring disobedience to law whether violent or nonviolent. But this approach misses a large part of the point. To deplore only violence, by whomever used, obscures the fact that the law must be enforced against all those who disobey it, regardless of the means by which such disobedience is accomplished. Force as a last resort in support of the enforcement of the law cannot rationally be equated with force used in disobeying the law. The former, when milder means have proved unavailing, is a necessity which has been recognized for centuries, both by common law and by statute; the latter is impermissible, not merely because it is violent, but more basically because it is disobedient. An officer of the law may shoot and kill, if necessary, a fleeing felon in order to prevent his escape, but the fleeing felon is not given a similar right against the officer of the law.

Though I do not presume to speak for, or even to, the universities on this point, I do offer the suggestion in the area of public law that disobedience cannot be tolerated, whether it be violent or nonviolent disobedience. I offer the further suggestion that if force or the threat of force is required in order to enforce the law, we must not shirk from its employment.

We have recently been treated to counsels, perhaps more directed to universities than to governments, which urge that we not "polarize the moderates," to employ a currently popular phrase, by using force or the threat of force to enforce rules and regulations. But "moderates" who shirk from the use of necessary force to compel obedience to valid regulations or laws are not moderates in any normal sense of that word. Instead they are persons who are either unable or unwilling to sensibly analyze the situation which confronts them.

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Our nation has experienced mass disobedience to law at other times during its history. In 1861, it was called by the name of rebellion. During the winter preceding Lincoln's first inauguration, the nation faced a crisis by reason of the threat of secession of the southern states. James Buchanan, the outgoing President, believed that the federal law should be enforced throughout the nation, but was unwilling to see the federal government resort to force to accomplish that end. He felt that the southern states had no right to secede, but he believed that the Union had power to do no more than express its regret at their secession. Scorned in his own time, it may be that he simply was born a hundred years too soon to be appreciated, and if he were living today, he would be a prominent university president.

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We must be mindful of the very significant characteristics of the rule of law which is today under attack. For the rule of law, or government of law, is a necessary condition not merely for order, but for freedom as well. Implicit in each of our daily lives is the reliance on our right to act as we choose in areas not proscribed by law, and reliance that the law will be enforced against those who wrongfully interfere with this exercise of freedom on our part. This is what "order" in a democratic society means—not repression or tyranny, but the principle that the only force used will be in support of the law, and that it will be used even-handedly on all of those who violate the law. He who stands in the door of the southern schoolhouse to defy a court order, he who prostrates himself on the railroad tracks to prevent the movement of a troop train, and he who wrongfully occupies a university building, are each in his own way attacking this basic premise. Our freedom exists by reason of the law's guarantee that others must respect it. It is no accident that one of our greatest jurists, Benjamin Cardozo, spoke of the "concept of ordered liberty"—for order and liberty are the obverse sides of the same coin.

This entire area is one in which emotions run high. It may be that just as there is no need to persuade the great majority of the virtues of a government of law, there is no possibility of persuading the new barbarians that such a system is the essential under girding, not only for the society which we now have, but for any civilized society worthy of the names. Yet there are doubtless moderates of another type who stand between these two views, torn between their general respect for the legal process, on the one hand and their sympathy both with the youthful idealism of its critics, and with the substance of many of their criticisms, on the other hand. To these our counsel must must be: Let there be the most vigorous and articulate support for the substantive demands of the critics; but if these demands be rejected by those legislative bodies empowered to act in the situation, let the line be drawn between such substantive support and the counseling, or joining in, violation of a law which is concededly legally valid. Edmund Burke, in his Reflections on the Revolution in France," advises us that:

"It is with infinite caution that any man ought to venture upon pulling down an edifice, which has answered in any tolerable degree for ages the common purposes of society, or on building it up again, without having models and patterns of approved utility before his eyes."

There is a real danger, in my opinion, that the danger posed by the new barbarians to the idea of a government of law may be underestimated. The original barbarians—the invaders of the Roman Empire—did not seem to pose a threat to the Empire when they first appeared on the banks of the Danube opposite the outer boundaries of the Empire. The Romans originally sought accommodation, by permitting them to move within this outer periphery of the Empire. The end result we know from Byron:

"(Rome) saw her glories star by star expire. And up the step, barbarian monarchs ride."

If we are not to see the glories of a government of law "star by star expire," we must articulate to all who will listen the absolutely essential nature of such a system. But we must do more than this; we must be prepared, if necessary, to devote whatever energies are necessary, at whatever sacrifice to private gain or pleasure, to see that these essential values of our system are maintained. Whether the attack on the system

be motivated by youth idealism or by cynical calculation, the success of the attack would be an irreversible deterioration not merely of a particular legal system, but of civilized society itself. All of us who are concerned with the values of law which we celebrate on Law Day owe it to ourselves and our posterity to see that this does not happen.

2. *Speech, "Law and Conscience in a Democratic Society." August 23, 1971 (unprinted).* (Excerpts.)

Having discussed descriptively various kinds of civil disobedience which may manifest themselves, I think we are now in a better position to analyze them. Thoreau's highly individualized conduct, designed merely to catch the attention of his fellow citizens and ask them to think again about what they were doing, is quite consistent with the rule of law in a democratic society. The type of civil disobedience engaged in by Gandhi in South Africa and by Samuel Adams and his cohorts at the Boston Tea Party has no counterpart in a society where the majority does, in fact, rule. But the actions of the Mayday collective in Washington last spring are entirely at odds with any theory of civil disobedience which is consistent with the fundamental values of a democratic society.

The notion that any part of our citizenry, however large, or however outraged by the policies being pursued by the national government, should be entitled to take it upon themselves to "bring the government to a halt" as the Mayday sponsors urged in their written prospectus, is utterly at war with any notion of representative government.

The fact that the Mayday demonstrations occurred in the nation's capital is itself a significant fact. Civil disobedience which inconveniences the typical citizen is apt to have very little direct effect on the conduct of government. But civil disobedience which is directed particularly at the elected representatives of the people in the legislative branch of the national government, or at those in the executive branch attempting to carry out the policies mandated by Congress or by an elected president, takes on quite another dimension. This new dimension results, not from the fact that government officials or bureaucrats are to be treated as sacred cows, in contrast to the average citizen, but rather from the fact that the use of force or threat of physical force to prevent them from discharging their duties can itself have a direct and significant effect on the conduct of government.

It is a matter of common knowledge that Washington, D.C. is a much sought after place in which to hold demonstrations, parades, and marches just because it is the nation's capitol, and because an event which takes place there tends to get more national news coverage than does an event taking place somewhere else in the country. To the extent that those who stage such events rely on peaceful expression of opinion, and the show of large numbers in support of a particular cause, their choice of Washington, D.C. as a focal point is an entirely proper marshalling of resources on their part. But to the extent that they seek to go beyond such a purpose, and to physically prevent the government from operating, they are conducting quite a different sort of enterprise.

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Perhaps an argument most often employed in support of those who, in the vernacular, have chosen to work "outside the system" is the "unresponsiveness" of the system. While this may be a convenient debater's point, any sort of historical examination shows it to be a charge which is totally without foundation. Democratic institutions do not guarantee any particular form of change, nor any particular measure of change—they guarantee only that the institution will be capable of being changed when a majority decides upon change.

* * * * *

Indeed, even imperfectly representative institutions have shown their ability to respond to demands for change, not from their constituents, but from those who had no voice in their selection. Probably the most classical example is the passage of the Great Reform Act in England in 1832. . . .

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If the members voting on this measure had responded only to the views of those who were then enfranchised, the result might well have been different. The same is true of the passage of the Eighteen-Year-Old Voting Act by Congress in 1970. Had the Congress which passed that measure, or the President who signed it, responded only to the views of those who already had the franchise, the measure might well have not have become law.

But it has been true on more than one occasion, of both English and American representative institutions, that in their better moments they represent not merely those of their constituents who have the franchise, or the purely selfish interests of those in their own district, but instead respond to a larger constituency and a higher call to duty.

Thus not only democratic institutions generally, but the particular democratic institutions which we enjoy in the United States, have time and again proved themselves capable of responding to a demand for change. If democratic theory is to have any meaning, when a new law is enacted those who have opposed its enactment must abide the will of the majority. This is true no matter how vigorously such change is opposed, or however deeply held are the views of the opponents. But this governmental theorem has a counterpart, which tends to be lost sight of by some of the proponents of civil disobedience. It is that where these same representative institutions have *declined* to enact into law a particular proposal for change, then the proponents of change must abide *this* result.

There is no doubt that the United States Constitution gives the government ample authority to protect itself against those who would overthrow that government, or those who would seek to bring to a halt any part of the normal operations of that government. In availing itself of this authority—as the District of Columbia government did during the Mayday demonstrations, with assistance from the federal government—government acts as a trustee for all the citizens of this country, in preserving the structure of a system which has grown over a period of seven centuries into the finest example of representative institutions that the world has ever seen. Indeed, it acts as trustee not merely for those of us who are alive today, but for generations yet unborn.

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The notion that this structure of representative institution and individual liberty, so painfully acquired over the centuries, should be "junked" or dismantled, because the people's representatives do not choose to heed particular pleas for change, is not merely misguided, it is utterly irresponsible. This system has proved, time and again, that it is more than responsible to demands for change when those demands are voiced by a majority of the nation's citizens.

Insofar, then, as "civil disobedience" connotes the sort of tactics resorted to by the Mayday demonstrators in Washington, or any other tactics or strategy which have as their goal the imposition on the people of this nation of particular policies which are not desired by the majority, and which are unable to command the necessary votes in the Congress to enact them, it is utterly inconsistent with democratic government. Insofar as "civil disobedience" is restricted to mean the sort of conduct engaged in by Thoreau—a symbolic moral act on the part of an individual or group of individuals, who fully intend to pay the legal consequences for their act—it stands in a somewhat better light. But even the individual who chooses to go to jail, rather than obey the law, is setting a precedent which can have the most damaging consequences of our system of government. Even though this individual is willing to pay the price exacted by the government for violation of the law, the notion that one's own conscientious judgment is entitled to moral force superior to the moral force behind the claim of the government that a duly enacted law be obeyed is fraught with mischief. Any suggestion that, in a nation of two hundred million people, each of us is free to obey only those laws of which he fully approves, or of which his conscience approves, can well be an invitation to anarchy. For if such a veto power is granted to one citizen or group of citizens, it must be granted to all citizens alike. No special consideration can rationally be granted to those whose feelings are proclaimed, at least by themselves, to be far more intense on a particular issue than those of normal people. The result of granting such dispensation to all citizens would be to substitute, not greater personal freedom, but ungovernable license, for the system of ordered liberty which is the hallmark of our institution.

More than one political scientist has observed that the phrase "self-government", often used to describe the system of government of a democracy, is a contradiction in terms. Analytically, of course, they are quite right, since in a nation of any size none of us govern ourselves, and each of us is required to submit to laws with which we may be in the most serious disagreement. But it may be that, in spite of the analytical shortcomings of the term "self-government", it actually does convey a very significant and fundamental element in the Anglo-Saxon tradition. It conveys the idea that not merely shall the majority be entitled to enact its will into law, but that the minority shall abide the decision of the majority, so long as the necessary conditions of genuinely representative government are met. Such laws are not only legal commands, but moral commands, which must be balanced against conscientious objection on the part of the individual. A fine or prison term may compensate for the legal wrong of disobedience, but compensation for the moral wrong is not so readily calculated.

It has been rightly said of the guarantee of free speech that it requires tolerance not merely of ideas of which we approve, but of ideas of which we violently disapprove. I think the same is true of self-government in a democratic society: it requires that we obey not merely those laws of which we approve, but those of which we strongly disapprove.

We all know that our procedures for both lawmaking and law enforcement work imperfectly in practice. Legislators, administrators, and judges in the flesh are fallible human beings, and they make mistakes. But these shortcomings are more often than not those of the individuals who administer our government, rather than of the system of government itself. When shortcomings such as these are discovered, they not merely justify but demand the most vigorous corrective action.

But corrective action to remedy specific defects, or to bring about particular changes in the law, is a far cry from the demands heard today from those engaging in militant civil disobedience, and from their supporters, that "the system" be toppled in its entirety. When we hear such demands, we may fairly inquire what other plan or system these advocates would propose to substitute for the system of checks and balances which we have so painfully evolved through seven hundred years of

Anglo-Saxon political history. In responding to these demands, we might well bear in mind that admonition of Edmund Burke, in his "Reflections on the Revolution in France," wherein he says:

"The science of constructing a commonwealth, or renovating it, or reforming it, is like every other experimental science, not to be taught *a priori*. Nor is it a short experience that can instruct us in that practical science. . . . It is with infinite caution that any man ought to venture upon pulling down an edifice, which has answered in any tolerable degree for ages the common purposes of society, or on building it up again, without having models and patterns of approved utility before his eyes."

C. THE 18-YEAR-OLD VOTE AND THE EQUAL-RIGHTS-FOR-WOMEN AMENDMENT: ISSUES OF CHANGE AND "CONSENSUS"

*1. Testimony, March 10, 1970, in Hearings before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, 91st Cong., 2d Sess., on S.J. Res. 7 [and other Senate Joint Resolutions], "Lowering the Voting Age to 18," pp. 233–249. (Excerpts.) Mr. Rehnquist advanced three grounds to support the Administration's position that a Constitutional Amendment, rather than a statute, was the proper method for extending the franchise in national elections to 18-year-olds. The first ground was that "the constitutional validity of such a statute would be open to the most serious doubt."* [1] *The second was that this doubt could cast an undesirable uncertainty upon the outcome of a presidential election. The third was that "the amending process, with its requirement of extraordinary majorities both in Congress and among adopting States, is better suited than a statute to manifest the necessary consensus for the proposal in question." (Id., at 233.)*

Finally, where Congress is dealing with a matter which has been left to the individual States since the adoption of the Constitution, where it is dealing with a question of minimum voting age about which fair-minded individuals may reasonably differ, and which has been traditionally thought to be a matter of discretion that could be decided one way as easily as another, conformity to a uniform view should be imposed only by the process of constitutional amendment, rather than by legislative majority in Congress.

The voting-age bill is not an effort to cure long-standing shortcomings in the enforcement of standards imposed by the 14th amendment, but rather an effort to enlarge the accepted and traditional age requirement for voting. The administration agrees that this step is desirable. But it is a step which may best be taken by the process of amending the Constitution.

It is claimed that while the court itself will not be willing to make a finding that the denial of franchise to the 18- to 21-year-old age group is discriminatory, Congress is empowered to do so under the 14th amendment, But though the forum is a different one, presumably evidence must be adduced in either one to support such a finding. Can it fairly be said that the States are discriminating in violation of the equal protection clause in denying the franchise to those between 18 and 21 years of age?

This is not a case of discrimination, but instead a case of whether there is sufficient national consensus to warrant imposing a uniform lower voting age requirement for national elections. If it proves that such national consensus is not present, that in itself is a significant argument against imposing such a requirement by any other means.

The administration has previously endorsed a constitutional amendment to this effect and continues to vigorously support it. However, if it proves that a constitutional amendment is not forthcoming, I think the answer our system gives is that this type of adjustment then be left to the States. (*Id.*, at 237–238.)

*2. Testimony, April 1, 1971, before Subcommittee No. 4 of the House Committee on the Judiciary, 92d Cong., 1st Sess. on H.J. 208 "Equal Rights for Men and Women" (unprinted).* (Excerpts.)

While the Department supports the enactment of House Joint Resolution 208, the equal rights amendment, there is no denying that opponents of that amendment have raised significant questions which deserve the serious consideration of the committee. The placing in the Constitution of such broad general language as is found in House Joint Resolution 208 would, by reason of doubt as to the scope of its language, add substantial uncertainties in this area of constitutional law which would probably require extensive and protracted litigation to dispel. Those who have testified in favor of the amendment in the past do not themselves appear to be in agreement as to the sweep of its language. Yet it is conceded that however broad its sweep, it would not reach many practices of private individuals which unjustifiably differentiate between men and women. The Department of Justice feels that the amendment, no matter how construed, would be a substitute for legislation, such as H.R. 916.

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We would have some doubt as to whether there is a national consensus for compelling all levels of government to treat men and women across the board as if they were identical human beings. Certainly many people feel that publicly maintained restrooms should continue to be separate, that differing ages of consent and majority are, under some circumstances, justifiable, and that laws which are adopted with the genuine purpose of protecting women, rather than as a disguise for discriminating against them, are likewise permissible.

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We are agreed that the EEOC needs additional enforcement machinery to function effectively. However, we favor legislation providing for direct actions in the district courts by the Commission, rather than legislation like H.R. 916 providing for administrative cease and desist orders, as a means of strengthing the EEOC's enforcement powers. (Tr. 312–321.)

D. CAMBODIA AND THE PRESIDENT'S WAR POWERS

*Rehnquist, The Constitutional Issues—Administration Position, in Hammarskjold Forum: Expansion of the Vietnam War into Cambodia—The Legal Issues,* 45 N.Y.U.L. Rev. 628 (1970). (Excerpts.)

I am pleased to avail myself of the opportunity of discussing the legal basis for the President's recent action in ordering American Armed Forces to attack Communist sanctuaries inside the border of Cambodia. So much of the discussion surrounding these recent events has been emotional that I think the Association of the Bar performs a genuine public service in encouraging reasoned debate of the very real issues involved.

I wish in these remarks to develop answers to several question which I believe lie at the root of the matter under dicussion. After having explored these questions in their historical context, I will make an effort to apply to the Cambodian incursion what seem to me to be the lessons of both history and constitutional law.

First, may the United States lawfully engage in armed hostilities with a foreign power in the absence of a congressional declaration of war? I believe that the only supportable answer to this question is "yes" in the light of our history and of our Constitution.

Second, is the constitutional designation of the President as Commander-in-Chief of the Armed Forces a grant of substantive authority, which gives him something more than just a seat of honor in a reviewing stand? Again, I believe that this question must be answered in the affirmative.

Third, what are the limits of the President's power as Commander-in-Chief, when that power is unsupported by congressional authorization or ratification of his acts? One would have to be bold indeed to assert a confident answer to this question. But I submit to you that one need not approach anything like the outer limits of the President's power, as defined by judicial decision and historical practice, in order to conclude that it supports the action that President Nixon took in Cambodia.

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Presidents throughout the history of our country have exercised this power as Commander-in-Chief as if it did confer upon them substantive authority. They have deployed American Armed Forces outside of the United States. They have sent American Armed Forces into conflict with foreign powers on their own initiative. Presidents have likewise exercised the widest sort of authority in conducting armed conflicts already authorized by Congress.

These are actually, I believe, three separate facets of the President's power as Commander-in-Chief. They are the power to commit American Armed Forces to conflict where it hasn't previously existed, the power to deploy American Armed Forces throughout the world, frequently in a way which might invite retribution from unfriendly powers, and the power to determine how a war that's already in progress will be conducted.

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The third facet of the power of Commander-in-Chief is the right and obligation to determine how hostilities, once lawfully begun, shall be conducted. This aspect of the President's power is one which is freely conceded by even those students who read the Commander-in-Chief provision least expansively. . . .

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The situation confronting President Nixon in Viet Nam in 1970 must be evaluated against almost two centuries of historical construction of the constitutional division of the war power between the President and Congress. It must also be evaluated against the events which had occurred in the preceding six years. In August 1964 at the request of President Johnson following an attack on American naval vessels in the Gulf of Tonkin, Congress passed the so-called Gulf of Tonkin Resolution. That resolution approved and supported the determination of the President "to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." It also provided that the United States is "prepared as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

While the legislative history surrounding the Gulf of Tonkin Resolution may be cited for a number of varying interpretations of exactly what Congress was authorizing, it cannot be fairly disputed that substantial military operations in support of the South Vietnamese were thereby authorized. Steadily increasing numbers of United States Armed Forces were sent into the Vietnamese combat during the years following the passage of the Gulf of Tonkin Resolution. United States Air Force planes bombed not only South Viet Nam, but North Viet Nam.

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[1] A closely divided Supreme Court subsequently sustained the constitutionality of legislation lowering the voting age to 18 in national elections. *Oregon* v. *Mitchell*, 400 U.S. 112 (1970).

When President Nixon took office in January 1969, he found nearly half a million combat and supporting troops engaged in the field in Viet Nam. His predecessor, acting under the authorization of the Gulf of Tonkin Resolution, had placed these troops in the field, and I for one have no serious doubt that Congress and the President together had exercised their shared war power to lawfully bring about this situation.

President Nixon continued to maintain United States troops in the field in South Viet Nam in pursuance of his policy to seek a negotiated peace which will protect the right of the South Vietnamese people to self-determination. He has begun troop withdrawals, but hostile engagements with the enemy continue. The President feels, and I believe rightfully, that he has an obligation as Commander-in-Chief to take what steps he deems necessary to assure the safety of American Armed Forces in the field. On the basis of the information available to him, he concluded that the continuing build-up of North Vietnamese troops in sanctuaries across the Cambodian border posed an increasing threat both to the safety of American forces and to the ultimate success of the Vietnamization program. He also determined that, from a tactical point of view, combined American-South Vietnamese strikes at these sanctuaries had a very substantial likelihood of success. He, therefore, ordered them to be made.

The President's determination to authorize incursion into these Cambodian border areas is precisely the sort of tactical decision traditionally confided to the Commander-in-Chief in the conduct of armed conflict. From the time of the drafting of the Constitution it has been clear that the Commander-in-Chief has authority to take prompt action to protect American lives in situations involving hostilities. Faced with a substantial troop commitment to such hostilities made by the previous Chief Executive, and approved by successive Congresses, President Nixon had an obligation as Commander-in-Chief of the Armed Forces to take what steps he deemed necessary to assure their safety in the field. A decision to cross the Cambodian border, with at least the tacit consent of the Cambodian Government, in order to destroy sanctuaries being utilized by North Vietnamese in violation of Cambodia's neutrality, is wholly consistent with that obligation. It is a decision made during the course of an armed conflict already commenced as to how that conflict will be conducted, rather than a determination that some new and previously unauthorized military venture will be taken.

By crossing the Cambodian border to attack sanctuaries used by the enemy, the United States has in no sense gone to "war" with Cambodia. United States forces are fighting with or in support of Cambodian troops, and not against them. Whatever protest may have been uttered by the Cambodian Government was obviously the most perfunctory, formal sort of declaration. The Cambodian incursion has not resulted in a previously uncommitted nation joining the ranks of our enemies, but instead has enabled us to more effectively deter enemy aggression heretofore conducted from the Cambodian sanctuaries.

Since even those authorities least inclined to a broad construction of the executive power concede that the Commander-in-Chief provision does confer substantive authority over the manner in which hostilities are conducted, the President's decision to invade and destroy the border sanctuaries in Cambodia was clearly authorized under even a narrow reading of his power as Commander-in-Chief. (*Id.*, at 628–639.)

E. THE MAY DAY MASS ARRESTS AND "QUALIFIED MARTIAL LAW"

*Speech, "Which Ones Have the White Hats? Conflicting Values in the Administration of Criminal Justice," May 5, 1971 (unprinted).* (Excerpts.)[2]

Having arrived only this noon from Washington, my memory is naturally fresh with the event which those of us who live in the area of the nation's capital have had to contend with in the past few days. These events themselves show the traditional balancing process of the criminal law at work. Generally speaking, when a suspected criminal is arrested, the law requires him to be taken before a committing magistrate within a reasonable time in order that the magistrate may pass on the government's basis for holding the man, and may admit him to bail or otherwise release him if appropriate. In the usual circumstances, this is no significant burden on the government, since presumably by the time the decision is made to arrest the suspect, a case justifying that arrest has been put together. By the same token, the rule offers a very real protection to the suspect, since it is designed to prevent the use of the power of arrest to simply obtain police custody of a defendant in order to build the case against him after the time he is arrested.

This is all well and good in the ordinary situation. But the situation which prevailed in Washington on Monday was not the ordinary situation. A Metropolitan Police Force of approximately 5,000 men total strength found it necessary within a few hours to make no less than 7,000 arrests as a result of planned disruption of traffic with the announced purpose of "shutting down the government". During the morning hours, the police who made arrests were faced with the choice of either accompanying the person or persons they had arrested to the place of confinement, or of sending arrestees to a place of confinement in batches and themselves remaining on duty in the streets to preserve public order and ensure the normal flow of traffic. For each arresting officer to have gone with the person or persons he arrested, in order to make as good a case against those individuals as possible, and to ensure as prompt a processing of that case before a magistrate as possible, would have been following the ordinary procedure. But in this situation, the circumstances were extraordinary, rather than ordinary; had it been physically possible for the police officers to go with the persons they arrested to the place of confinement, the result would have been (because of the large number of arrests) a sharply depleted force on duty to prevent further law violations and to make subsequent arrests.

Understandably, the law makes some allowances in situations such as this. Without in any way attempting to comment on the particular facts that were present in Washington on Monday, the rule of a "reasonable time" to bring before a committing magistrate is framed in terms of all the circumstances which exist. Clearly one of these circumstances is the superior call on police manpower in the interests of preserving order on the streets, as opposed to the competing use of that manpower to make as quickly as possible the case against individuals who had been arrested. This is not to say that the extension of time for processing is, or should be, open-ended—it is only to say that courts have generally said they will consider all the circumstances.

Indeed, if one takes a more extreme situation than that which prevailed in Washington during the past couple of days, the law again accommodates itself to circumstances. Under a long series of cases decided by the Supreme Court of the United States, lower federal courts, and state courts, police and troops in emergencies have the authority to detain individuals during the period of an emergency without being required to bring them before a committing magistrate and filing charges of criminal conduct against them. Situations where this rule applies have been traditionally limited to those where violence or the threat of violence prevents the enforcement of the law through normal judicial process, and the doctrine which there obtains is customarily referred to as "qualified" martial law. In that situation, the authority of the nation, state, or city, as the case may be, to protect itself and its citizens against actual violence or a real threat of violence is held to outweigh the normal right of any individual detained by governmental authority to insist on specific charges of criminal conduct being promptly made against him, with the concomitant right to bail or release pending judicial determination of those charges. The courts limited the duration of the power to the duration of the emergency, however, and have also insisted that the claim of violence be not a mere sham.

F. PRIVACY, POLITICAL ASSOCIATION AND GOVERNMENT SURVEILLANCE

*1. Speech, "Privacy, Surveillance, and the Law," March 19, 1971 (unprinted).* (*Excerpts.*)

Now let us turn to what I will call the gathering of "public" information by law enforcement agencies, meaning by this adjective that the gathering involves no threat of criminal sanction in obtaining the information, and is based on observation of public records or actions by persons in public places. Let me start by noting that traditionally this type of information gathering has never been limited by statute, and has not to date held to infringe any individual or constitutional right of a person who was the subject of the information gathering. [Sic.]

There has recently been brought to public attention, however, the activities of the Army Intelligence Service in collecting, over a period of several years, a vast amount of information which that Service considered to be relevant to civil disturbances and potential civil disturbances. Assistant Secretary of Defense Froehlke, testifying before Senator Ervin's Committee freely conceded that much of the lower level Army activity in this area had been undertaken with insufficient guidance from the civilian officials in the Executive branch. The result was types of surveillance and information collecting which were both useless for any legitimate law enforcement purpose, and offensive to the traditions of a country which has always recognized the right of political dissent. The combination of these factors has caused a strong reaction, not only against this sort of excess of surveillance, but against "surveillance" in general. It has caused people within and without the government to ask themselves what sort of limits should guide law enforcement activities in this area.

General statements of policy regarding each end of the spectrum would, I believe, evoke little disagreement. Surveillance, whether by examination of public records, observation of activities carried on in public places, or by the use of undercover agents, is a vital tool of law enforcement. Those reasonably suspected of having violated federal criminal statutes ought to be the subject of surveillance, if such surveillance appears

[2] "Assistant Attorney General William Rehnquist argued that a condition of 'qualified martial law' legitimized the [May Day] arrests, but other Justice Department officials later conceded privately that up to 80 per cent had been unconstitutional." *Newsweek*, Vol. 77, No. 24 (June 14, 1971), p. 28.

reasonably designed to enable the government to apprehend them and bring them to trial.

Those whose conduct or declarations give reasonable cause to believe that they are about to violate a criminal law ought to be the subject of whatever surveillance is available and appropriate in order to prevent the commission of the crime, if that is possible, or if that is not possible to at least apprehend the suspect as soon as possible after the crime is committed. When the constitutional prohibition against unreasonable searches and seizures requires a warrant because the activity is not conducted in a public place, of course such warrant must be obtained.

I think most of you are old enough to recall the assassination of President Kennedy in November, 1963. There was a good deal of criticism of the Secret Service at that time for not having more diligently investigated the background and movements of Lee Harvey Oswald, the assassin, and thereby perhaps to have prevented the commission of that crime. Where life—as in the case of murder—liberty—as in the case of kidnapping—or property—as in the case of burglary or robbery—is at stake, law enforcement officials would be remiss if they did not by every means at their command, including intensive surveillance, try to protect the potential victims against such loss.

At the other end of the spectrum is the example of the peaceful meeting held for the purpose of expressing public disapproval of some governmental policy, such as the Vietnam War. There is no legitimate purpose served by any sort of surveillance whatsoever of this kind of meeting, and any contrary policy on the part of preceding Administrations has been emphatically repudiated by this one.

It is these easy cases, of course, that cause the least trouble. Probably the most difficult and troublesome area, lying between the two extremes of the spectrum, is the sort of meeting, demonstration, or rally at which the great majority of participants have nothing but expression of opinion on their mind, but where there is reasonable ground to believe that at least some participants are either planning activity which would violate criminal statutes, or have repeatedly in the past used such meetings as a springboard for engaging in conduct which would violate the criminal laws. Certainly the presence of this latter element among the larger groups should not taint the purpose of the meeting for the larger group, but just as surely the good intentions of the majority cannot immunize the evil designs of the smaller group. It requires no enunciation of any new principle to say that individuals should be judged on their individual conduct, and that law enforcement surveillance in this situation should be limited to persons or incidents which are reasonably believed on the basis of past conduct or present plans to have a law violation potential.

Another troublesome area is that of the large protest meeting. So far as the federal government is concerned, its concern with this subject is primarily in the District of Columbia, over which Congress has legislative jurisdiction, and over the protection of federal property and federal programs in other parts of the nation.

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The District of Columbia has had at least three major demonstrations in the past two years which were called to protest the policies of the government in connection with the Vietnam War. On each occasion, large numbers of people—in November, 1969, the crowd was estimated to be in excess of 200,000—streamed into the nation's capital for the purpose of demonstrating their support of peace in Vietnam. On each occasion, the vast majority did this and nothing more than this. But in November and May, 1970, there were isolated instances of destruction of federal property and other related offenses. The sheer size of such meetings would make any law enforcement agency seem foolish, indeed, if it did not do what it could to apprise itself of the plans of the demonstrators, and to make adequate personnel available during the demonstration to assure the protestors that their right to protest would be preserved, and to assure the rest of the public that anyone who violated the law would be apprehended and punished.

Principles such as I have just mentioned have been traditionally followed by most law enforcement agencies. The responsibility for gathering information on potential civil disturbances resides now in the Department of Justice, rather than in the Department of the Army. The Federal Bureau of Investigation, which is the principal investigative arm of the Department, has always been a good deal more cohesive and disciplined force for its size than many other investigative agencies. Whether restatement in a more formal way of guidelines which have in the past been followed in practice is a question upon which reasonable people may disagree. [Sic.]

But however such agreed guidelines be phrased, and whatever the source of the authority of such guidelines, I believe that no legitimate interest of any segment of our population would be served by permitting individuals or group of individuals to prevent by judicial action, the government's gathering information. We are here faced with the same sort of choice of values as is involved in the doctrine of media immunity in defamation actions, brought by "public figures". As you know, the Supreme Court in *New York Times v. Sullivan* held that a public figure was constitutionally prohibited from recovering damages for a publication that was both false and defamatory unless he could show that the article was published with actual malice against him or with reckless disregard of its truth or falsity. There is a similar possibility of conflict in the area of information gathering. On the one hand, there is the ever present danger that some law enforcement official of some agency, at some time, will depart from the guidelines in question and "survey", if that is indeed the word, some individual whom he has no reason to suspect of having committed a crime, or of being about to commit a crime. On the other hand, there is the danger that the intricate and complicated decision making involved in the successful pursuit and apprehension of any criminal, a function which has traditionally been the function of the Executive, will be in some measure transferred to the courts with the attendant risk that the judicial mode of inquiry will prove ill adapted to reviewing such decisions.

One can readily imagine the delight with which the granting of any such right of judicial supervision of information gathering would be greeted by the thoroughly capable attorneys for organized crime syndicates or violent revolutionaries. It would not be necessary that they prevail in a judicial action for them to seriously hamper effective law enforcement. They would need only to get access to files which showed in effect what the government "had on them", and which might very well have to be produced by the government in order to show that it had a legitimate basis for keeping them under surveillance.

The privilege accorded to the news media in actions for defamation by public figures is a virtually absolute one—subject only to the exceptions of recklessness and actual malice. High officials in all three branches of the federal government are generally immune from liability for damages for their public acts and the same rule obtains in most states. It has been recognized by the courts in each of these types of cases that the solution is not a perfect one, but that a lesser interest is sacrificed to a greater one. . . .

In explaining the reason for the related grant of absolute immunity from damage suits to public officers from damage suits arising out of their official acts, Judge Learned Hand said:

"The justification of doing so is that it is impossible to know whether the claim is well founded until the case has been tried, and that to submit all officials, the innocent as well as the guilty, to the burden of a trial and to the inevitable danger of its outcome, would dampen the ardor of all but the most resolute, or the most irresponsible, in the unflinching discharge of their duties. Again and again the public interest calls for action which may turn out to be founded on a mistake, in the face of which an official may later find himself hard put to it to satisfy a jury of his good faith."

I believe a similar judgment must be made in the area of information gathering by law enforcement agencies. The case for judicial supervision is the weakest here of any of the facets of privacy, since by hypothesis there is no legal sanction threatened in obtaining the information and no effort has yet been made to seek imposition of legal penalties on the basis of the information obtained. The threat of ultimate judicial restraint of legitimate law enforcement activity is not great. But the fact finding process of the courts, involving as it does extensive discovery of evidence on each side, could frequently make available to those who were quite legitimate objects of surveillance important information as to the nature of the government's case against them. Temporary injunctions and stays on appeal could stalemate investigative activities which were ultimately found to be entirely proper. The judicial process is ill suited to regulation of detailed and continuing investigative activities of law enforcement agencies, where frequently time is of the essence. I do not believe, therefore, that there should be any judicially enforceable limitations on the gathering of this kind of public information by the Executive Branch of the government.

Must we then leave the government to police itself? My answer would be that first, such a result is not as bad as it may sound, and, second, that forms of oversight other than those afforded by judicial supervision are available.

It is a common belief that government is a vast, monolithic structure, a law unto itself, which is somehow impervious to any criticisim or direction from other branches of government or from the public at large. This is by no means entirely true. The Executive Branch is headed by a popularly elected President, and each of the Cabinet Departments is presided over by a person appointed by him and politically responsible to him. The fact that the present Administration has reversed what previous policies there were in the area of Army information gathering is certainly strong evidence that the Executive Branch, and Cabinet members such as Secretary Laird, are by no means insensitive to public concern in this area.

But public concern without an effective institution to focus that concern may be dissipiated without significant effect. It is here that congressional oversight, of the type furnished by Senator Ervin's Subcommittee, plays one of its most valuable functions. Senator Ervin's Subcommittee, as a result of careful investigation—I will avoid the word surveillance—beforehand, and as a result of the public hearings which are now being conducted, has succeeded in bringing to light numerous incidents in the government information gathering process which are either plain abuses of that process or which at the least call for further explanation.

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The advantage of congressional oversight as opposed to judicial oversight in the area of information gathering is that the former is far more flexible than the latter. Fixed

rules of procedure, vitally necessary in courts, do not necessarily obtain in connection with these hearings, and material for which there is a genuine need for confidentiality may be made available to the Committee without necessarily being spread at large upon the public record. The Committee can use individual cases as a means of examining an entire system or set of procedures, rather than as a vehicle for simply adjudicating the rights of one particular individual.

In short, the combination of proper administrative supervision of information gathering activities, together with the sort of congressional oversight provided by committees such as Senator Ervin's, are an adequate protection against the rare, but nonetheless inevitable, departures from acceptable principles on the part of investigative personnel in the field. To place judicial supervision over such activities in addition to congressional oversight and administrative supervision would balance the scale too far against the interests of proper law enforcement. Judicial scrutiny, appropriate where the government seeks to impose sanctions on an individual who refuses to divulge information voluntarily, or where criminal penalties or other disabilities are sought against an individual on the basis of information collected, are inappropriate where neither factor is present. [Sic.]

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Finally, let me turn to a question more of abstract law than of policy. The question has been publicly raised as to whether government information gathering—which goes beyond the effort to apprehend criminal suspects—when accompanied by threat of compulsion, and when no use has yet been made of the information in order to seek, imposition of any legal sanction on a person, may not itself violate the First Amendment to the Constitution. That amendment, as you all know, states that Congress shall make no law abridging the freedom of speech, or of the press . . ." The argument in support of the contention that information gathering per se may violate First Amendment rights is that such information gathering may have a "chilling effect" on the exercise of First Amendment freedom.

I have previously stated my belief that the First Amendment does not prohibit even foolish or unauthorized information gathering by the government. I would like to briefly describe the basis on which I reached that conclusion. I began with the subject, and found no holdings in support of such a contention. Indeed, the contention has been rejected by at least two federal district courts. The contention was accepted by a New Jersey trial court, but that court's judgment on the point was unanimously reversed by the Supreme Court of New Jersey. No decided case of the Supreme Court of the United States has ever held or said that the "chilling effect" of a governmental activity by itself, unaccompanied by either an attempt to impose governmental sanctions either to compel the involuntary divulgence of the information or to impose criminal or other sanctions on the basis of the information obtained amounted to a violation of the First Amendment.

It is, of course, possible to extrapolate from decided Supreme Court cases, and conclude that the Court will further broaden the interpretation of the First Amendment to include a prohibition or circumscription on this type of activity. This is basically a matter of prediction, and my own opinion is that such expansion of existing doctrine is unlikely.

I have learned from experience that when one says that a particular governmental activity is not violative of the Bill of Rights, he is taken by some to imply that such activity is either laudable or at least permissible. I am sure that a group of outstanding law students such as you will not make this mistake. No one in the present Administration would at all favor a continuation of some of the types of surveillance conducted by the Army in the past, or the conducting of investigative activity that was not reasonably related to the prevention of crime or the apprehension of criminal suspects. Justice Frankfurter, in more than one opinion which he authored while on the Supreme Court, warned against the tendency to equate constitutionality with desirability. Just because a particular governmental practice is not forbidden by the Constitution does not mean that it is desirable or proper that the government engage in such practice.

I think that when the current debate about "privacy" and "surveillance" is ended, there will be a new alertness on the part of every branch of government, and on the part of the public as a whole, to possible over-zealousness on the part of those who gather information for the government. I think this result is eminently desirable. But we must take care that measures designed to assure privacy for the law-abiding do not also assure that anonymity for the criminal, and thereby make vain the hope for effective and continually improving law enforcement.

*2. Testimony, March 9 and 17, 1970, before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, 92d Con., 1st Sess., "Investigative Authority in the Executive Branch of Government" (unprinted). (Excerpts.)*

*March 9*

Mr. REHNQUIST. Mr. Chairman, I have a prepared statement which, with your permission, I would like to read, and then submit myself to questioning by the committee.

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I am pleased to appear before the Subcommittee this morning to discus the constitutional and statutory sources of the investigative power of the Executive Branch of the government generally, and of the Department of Justice in particular. This authority has properly been construed by the Executive to include the use of a wide variety of investigative techniques, among which are modern data processing systems.

The Department of Justice is convinced of the necessity to maximize the potential of these devices in combating organized crime, preventing acts of violence, controlling civil disorder, where appropriate, and enforcing the numerous federal statutes. At the same time, the Department is aware of the potential for injury to individuals which could result from unauthorized collection or unnecessary dissemination of such data. We believe that full utilization of advanced data processing techniques is by no means inconsistent with the preservation of personal privacy. We reject the suggestion that the more potential for abuse of these technological advances is a sufficient reason in itself to dispense with their use in the investigation and prosecution of crime.

The Department believes that careful attention to the potential for abuses will enable us to improve methods for preventing these abuses without significantly impairing the values of data processing techniques as an important tool of law enforcement.

Turning to the central inquiry of your recent letter to the Attorney General, Mr. Chairman, you have inquired as to the Department's position regarding the Executive's constitutional and statutory authority to gather information, and the possibilities of violation of individual rights that might result from surveillance of the private lives of individuals unrelated to any legitimate government interest.

The primary source of federal law enforcement power emanates from Article II, section 3, of the Constitution, which assigns to the President the duty to ". . . take Care that the Laws be faithfully executed. . . ." The word "(l)aws" in this context has been interpreted broadly by the Supreme Court in the Neagle case as encompassing not only statutes enacted by Congress but ". . . the rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of government under the Constitution."

Implicit in the duty of the President to oversee the faithful execution of the laws is the power to investigate, and prevent the violation of federal law. . . .

In addition to the constitutional grant to the Executive of the authority to take care that the laws are faithfully executed, Article IV of the Constitution, and statutes passed in connection with it, are another basis of the information gathering authority of the Executive Branch. Article IV, section 4, provides:

"The United States shall guarantee every State in this Union a Republican Form of Government and shall protect each of them against Invasion; and on Application of the Legislature or of the Executive (when the Legislature cannot be convened) against domestic Violence."

This section of the Constitution represents a unique exception to the farmers' conception that the states should have virtually exclusive responsibility in the field of local law enforcement. The exception set forth in this section of the Constitution is applicable where domestic violence beyond the enforcement capability of the states, such as that which occurred during Shay's Rebellion in Massachusetts in 1786–87, makes federal troops the only available source of authority for restoring domestic order within a state. . . .

This section of the Constitution was implemented shortly after its ratification, in 1795, by the statutory predecessor of 10 U.S.C. 331. Upon request from the governor or legislature of a state, the President may dispatch federal troops where necessary to suppress an insurrection in the state.

Companion sections to 10 U.S.C. 331 were passed during Civil War and Reconstruction days. They provide that the President may, when he determines that unlawful obstructions make it impracticable to enforce federal laws in the states by ordinary judicial proceedings, use such of the armed forces as he considers necessary to enforce those laws or suppress the rebellion. 10 U.S.C. 332. In addition, 10 U.S.C. 333 provides for similar use of federal troops by the President if he determines that insurrection or domestic violence within a state is resulting in the denial to people within the state of rights protected by the Federal Constitution, and the state fails or refuses to protect such rights. In recent history we have had several occasions of the invocation of each of those sections.

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As was indicated by the comprehensive statement to this Subcommittee by the Department of Defense last week, the previous administration recognized the need for intelligence data concerning the possibility or probability of further civil disturbances that might require deployment of federal troops. Given the frequency with which federal troops were in fact used and alerted during that period of time, from the Watts riots on, and the possibility that they might be called up on very short notice, investigative activities that were directed to determine the possibility of domestic violence occurring at a particular place or at a particular time would appear to be clearly authorized by the constitutional and statutory provisions referred to above.

Turning to the Department of Justice, the functions and organization of the Department of Justice are outlined in the provisions of Part II of Title 28, United States Code

(Supp. V) and regulations promulgated thereunder. The Attorney General, as head of the Department, is the chief law enforcement officer. His duties include the appointment and supervision of investigative officials whose duty it is to ". . . detect and prosecute crime against the United States" and "conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General."

* * * * *

Turning from the Constitutional and statutory bases of the Executive's authority to gather information to more particular questions which you posed in your letter to the Attorney General, Mr. Chairman, the Neagle case is only one in a long line of Supreme Court decisions that deal explicitly or implicitly authorize a wide range of investigative activities that may be pursued by law enforcement authorities within the bounds of the Constitution. Understandably, such court-approved investigative activities include the use of both overt and covert surveillance.

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While there is obviously no justification for surveillance of any kind that does not relate to a legitimate investigative purpose, the vice is not surveillance per se, but surveillance of activities which are none of the government's business.

The Federal Bureau of Investigation uses both undercover agents and paid informers in its criminal intelligence activities. In many cases, arrest and prosecution of lawbreakers can be effected only through the use of such persons. Utilization of the full panoply of lawful investigative techniques is consistent with the oft-expressed desire of this administration to vigorously enforce the federal law.

It is our view that the computer is a useful aid in coordinating criminal intelligence gathering and fulfilling the overall purpose of efficient law enforcement. Thus far, we have only recently begun to use electronic data processing. Therefore, it has been of only limited use to date in the investigation and prosecution of crime. Yet we are beginning to realize that the computer with its ability to store, analyze, and quickly retrieve vast amounts of data can be of immense help to law enforcement administration.

Although we are anxious to increase the effectiveness of law enforcement through the use of technology, we do not propose to ignore the increased potential for abuse that arises from the expanded capability we will have to make complex analyses of investigative data. Indeed, we believe that stringent physical and personnel security measures can greatly reduce the risk of improper access and dissemination so that it poses no greater threat to personal privacy than manual data storage.

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Your letter to the Attorney General, Mr. Chairman, raised the question of whether the constitutional rights of individuals were violated by government surveillance in cases where there was not probable cause to believe that a particular individual had committed a crime. As I have previously said in my testimony, the responsibility of the Executive Branch for the execution of the law extends not merely to the prosecution of crime, but to the prevention of it.

Given the far-flung responsibilities of the Executive Branch for law enforcement, and the large complements of personnel required to discharge these responsibilities, it would scarcely be surprising if there were not isolated examples of abuse of this investigative function. Such abuse may consist of the collection of information which is not legitimately related to the statutory or constitutional authority of the Executive Branch to enforce the laws, or it may consist of the unauthorized dissemination of information which was quite properly collected in the first instance.

I know of no authoritative decision holding that either of these situations amounts to a violation of any particular individual's constitutional rights. I think the courts have been reluctant, and properly so, to enter upon the supervision of the Executive's information-gathering activities so long as such information is not made the basis of a proceeding against a particular individual or individuals. But the fact that such isolated Executive excesses may not be a violation of Constitutional rights does not mean that they are proper, and it does not mean that appropriate steps should not be taken to prevent their reoccurrence.

Departmental regulations of the Department of Justice forbid any employee or former employee to produce any material contained in the files of the Department, or to disclose any information relating to material contained in files of the Department, without prior approval of the Attorney General. This regulation is intended to preserve the confidentiality of information contained in departmental files, and to make certain that it will not be disseminated to unauthorized persons.

With the additional investigative capabilities made available by technological advances, it will undoubtedly be necessary to be vigilant against possible violations of this regulation. Physical security precautions must be improved in order to assure both those within and without the Department that unauthorized personnel do not have access to confidential information. Those in the Executive Branch generally, including the Department of Justice, properly alerted to the dangers of excessive zeal by some of the information testified to before this Subcommittee, must make certain that law enforcement intelligence gathering is limited to those areas in which the Executive Branch has constitutional or statutory responsibility for law enforcement.

I think it quite likely that self-discipline on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information-gathering. No widespread system of investigative activity, maintained by diverse and numerous personnel, is apt to be perfect either in its conception or in its performance. The fact that isolated imperfections are brought to light, while always a reason for attempting to correct them, should not be permitted to obscure the fundamental necessity and importance of federal information-gathering, or the generally high level of performance in this area by the organizations involved.

In saying this, I do not mean to suggest that the Department of Justice would adamantly oppose any and all legislation on this subject. Legislation which is carefully drawn to meet demonstrated evils in a reasonable way, without impairing the efficiency of vital federal investigative agencies, will receive the Department's careful consideration. But it will come as no surprise, I am sure, for me to state that the Department will vigorously oppose any legislation which, whether by opening the door to unnecessary and unmanageable judicial supervision of such activities or otherwise, would effectively impair this extraordinarily important function of the federal government.

* * * * *

Senator ERVIN. Do you feel that there are any serious constitutional problems with respect to collecting data or keeping it under surveillance, or persons who are merely exercising their right of peaceful assembly or petition to redress a grievance?

Mr. REHNQUIST. My answer to your question is, no, Mr. Chairman. And by saying no I do not think it involves constitutional violations. I would not want to be thought as disparaging the importance of it or the undesirability of it. But I do not believe it raises a constitutional question.

Senator ERVIN. Has not the Supreme Court held in several cases that any surveillance or collection of information concerning individuals which tends to stifle their exercise of the right of freedom of assembly, or the right to meet or the purpose of petitioning for redress of grievances, is unconstitutional? [Sic.]

Mr. REHNQUIST. Mr. Chairman, I do not know of any case where the Supreme Court has held that the simple collection of information on the part of law enforcement agencies, so long as the law enforcement agency does not seek to take any action affecting an individual's status in some way, violates constitutional rights. Now, I would qualify that by saying that the result may be different where the information is gained from the individual by compulsion. In the St. Regis paper case of a few years ago where the Census said you have to give the information, there may be a question as to what dissemination you can make of it consistent with the Constitution.

* * * * *

Senator ERVIN. Do you agree with me that it is not the function of the federal law enforcement agents to exercise surveillance over citizens, except for the purpose of gathering information where a crime has actually been committed, or for the purpose of gathering information concerning the people who are reasonably suspected of the purpose to commit a crime?

Mr. REHNQUIST. I can answer that generally yes, Mr. Chairman, with the proviso, I take it, that your statement would include the kind of statements that Mr. Katzenbach mentioned earlier in his testimony, given time, place and circumstances, such as the Klan activities in the early sixties in the south as one example, there may be need for knowledge about membership and activities of people in an organization that is simply committed, you know, as a matter of public knowledge and statement to violate the law. But I would assume that that would come within the general statement you have made. So I would agree with it.

Senator ERVIN. Certainly you would agree with me that the mere fact that any human being might at some time in the future commit a crime does not give the law enforcement agencies of the Federal Government authority to put all the people under surveillance?

Mr. REHNQUIST. I would certainly agree with you.

* * * * *

Senator ERVIN. Do you agree with me that the First Amendment gives the people the right to freedom of speech, the right to peaceful assembly, to petition the government for the redress of grievances, and the right to associate with other people to further ideas and policies of government?

Mr. REHNQUIST. Certainly.

Senator ERVIN. Don't you agree with me that any surveillance which would have the effect of stifling such activities would violate those constitutional rights?

Mr. REHNQUIST. No, I do not. I would want to know more about the particular circumstances of the surveillance, the justification for it, and the strength of the case made for the fact that the rights were stifled.

Senator ERVIN. Don't you think—most people are sort of afraid of government surveillance, aren't they, and have been?

Mr. REHNQUIST. I do not doubt a number are, Mr. Chairman. I have noticed that certainly there have always been people willing to come forward and sue the government, as was done in the Northern District of Illi-

nois and was done here in the District of Columbia, claiming that others were intimidated, but really admitting that they were not intimidated at all.

Senator ERVIN. Very well.

You have no opinion on the question of whether it does exercise an intimidating influence on people for them to be even under the surveillance of the federal law enforcement officials, or to suspect that they are?

Mr. REHNQUIST. I do not doubt that is the case with many people. But I do not think you can lay it down as a general principle.

*March 17*

Senator ERVIN. I want to ask you one or two questions. You laid stress that the power—that the Department of Justice had power to conduct investigations in order to assist the President in the performance of his duties, performance of his constitutional duties, to see that the laws are faithfully executed and, within certain limitations, I don't think anybody can quarrel with that proposition.

But I would like to know what limitations there are on the power of the Department of Justice to collect information on citizens.

Mr. REHNQUIST. Well, let me elaborate a little bit on what I believe I at least said shortly last time, that there must be a legitimate law enforcement purpose involved in order for the Department to be able to collect information under either Congressional authority or under the faithful execution of the laws clause of the Constitution.

The investigation of possible violations of federal criminal law and, I think, that can be broken down into two classifications, the attempt to apprehend suspects after the law has, in fact, been violated, or investigatory activities where it is believed that the law is about to be violated, with a view to preventing the violation or to better apprehend the suspects after it is violated if it is impossible to prevent the violation.

That is very much of an off-the-cuff summary but I think that would be roughly the role of the Department.

Senator ERVIN. You concede that it is the role of the Department to collect information on people who merely exercise their First Amendment rights to speak freely, to peacefully, to assemble peacefully, to petition for redress of grievances or to associate with other people for the purpose of advancing lawful ideas.

Mr. REHNQUIST. No, I certainly do not.

Senator ERVIN. Don't you think a serious government agency undertakes to place people under surveillance for exercising their First Amendment rights?

Mr. REHNQUIST. Senator, we discussed that briefly last week, I think and, as I say, I do not conceive it to be any part of the function of the Department of Justice or of any other governmental agencies to surveil or otherwise observe people who are simply exercising their First Amendment rights.

When you go further and say isn't a serious constitutional question involved, I am inclined to think not, as I said last week. Undesirable as this practice is and vigorously as it should be condemned, I do not believe it violates the particular constitutional rights of the individuals who are surveilled.

Senator ERVIN. I would agree with you to the extent that it would not constitute a violation of the Fourth Amendment where surveillance is had of people in public places because there is no search and there is no seizure, no search of a home or building and no search of papers and no seizure, but do you not concede that government could very effectively stifle the exercise of First Amendment freedoms by placing people who exercise those freedoms under surveillance?

Mr. REHNQUIST. No, I don't think so, Senator. It may have a collateral effect such as that but certainly during the time when the Army was doing things of this nature, and apparently it was fairly generally known that it was doing things of this nature, those activities didn't prevent, you know, two hundred, two hundred fifty thousand people from coming to Washington on at least one or two occasions to, you know, exercise their First Amendment rights to protest the war policies of the President.

Senator ERVIN. Well, we have evidence here that on one occasion, on the campus of Colorado College, that there were 119 people present at a rally to protest the war in Vietnam, and that of those 119 persons 52 of them were military intelligence agents, and not only that but a military intelligence agent was sent there with others to tape the speeches that were made at the rally and he couldn't tape them because the military forces had five helicopters flying right over the heads of the rally and making so much noise that the speeches that were made could not be taped.

Do you think that was a legitimate exercise of governmental power in view of the fact that the testimony shows that the speeches were not inflammatory in nature, that they consisted of rather mild protest against the policies of the government and no violence occurred?

Mr. REHNQUIST. No, I do not and, as I have said before, I think that is an illegitimate use of government power. I do not think it amounts to a constitutional violation of the First Amendment.

Senator ERVIN. Well, also there is evidence here of photographers having been present at many rallies, Army intelligence agents, pretending to be photographers were present at many rallies, who took pictures of people and then plotted up the inquiries about these people and made dossiers of them. Do you not think that is a interference of constitutional rights?

Mr. REHNQUIST. I do not, Senator. I think, from my reading of the cases, that the time at which the courts would say there has been an interference with an individual's constitutional rights in that area is where the government seeks by some sort of legal sanction either to force divulgence of information or to put the information it has gathered without forcing it to some use such as a criminal prosecution or a civil action against the individual.

I don't think the gathering by itself, so long as it is a public activity, is of constitutional stature.

Senator ERVIN. Well, the Supreme Court said, and I will read from about the latest book on constitutional law, "Modern Constitutional Law" by Professor Antieau, Volume II, page 273:

"Since the power of Congress to investigate arises only by necessary implication it is limited by the end to which it is employed. As early as 1881 the Supreme Court said 'we are sure that no person can be punished for contumacy as a witness before either House unless his testimony is required in a matter to which that House has jurisdiction into which to inquire, and we feel equally sure that neither of these bodies possesses the general power of making inquiry into the private affairs of the citizen.' Every inquiry, the Supreme Court has stated, must be related to and in furtherance of a legitimate task of the Congress. On another occasion it affirmed that Congress may only investigate into those areas in which it may potentially legislate appropriately."

Wouldn't you concede that Congress cannot legislate with respect to the exercise of—in such a way as to prohibit or to impair the exercise of—the First Amendment rights.

Mr. REHNQUIST. Yes.

Senator ERVIN. Congress hasn't the power to investigate in that field, haven't the courts held that on a number of occasions?

Mr. REHNQUIST. Yes, if it is simply an effort to inhibit people's legitimate expressions without a legitimate legislative purpose.

Senator ERVIN. Certainly you don't concede, you don't claim, that the Department of Justice, for example, or the FBI or the Army can do something which Congress can't do?

Mr. REHNQUIST. No, I certainly won't make that claim, Senator.

Senator ERVIN. Now, don't you admit that in these decisions where, like the Alabama case and the Rumely case that the court placed, forbade—adjudged that a state violated the Constitution when it took steps which were calculated to deny people, to discourage people from exercising their First Amendment rights and said it could only be done where there was a, as they sometimes say, a very substantial governmental purpose to be served by them.

Mr. REHNQUIST. Senator, I think in each of the Congressional cases that you referred to, at least to my knowledge, there was not a question of enjoining a Senate investigation by a court which, I think, would raise the most serious sort of constitutional problems for a court to take that action. It was a case where the Senate Investigating Committee had attempted to ask a witness questions, the witness had declined to answer them, and then sought to punish him for contempt and there you have the attempt to exercise a governmental sanction against a person, and that is when the question arises.

Senator ERVIN. Well, the question has arisen in those cases, of course, and those cases hold, there are cases that deal with investigatory power of the government, the federal government, and you concede that you don't think that the Department of Justice, the FBI or the Army have a power of investigation superior to that of Congress, do you?

Mr. REHNQUIST. No, certainly I concede that.

Senator ERVIN. Now, in these cases the court ruled against the exercise of legislative power to obtain information on the ground that the obtaining of that information stifled or tended to stifle the exercise of such First Amendment rights as the freedom of speech, freedom of the press, right of association, right to petition the government for redress of grievances.

Mr. REHNQUIST. But the testimony was compelled, Senator.

Senator ERVIN. Yes, sir. But the Congress can't get the testimony by legal proceedings, or can't collect that information by legal proceedings under certain circumstances because it discourages people in the exercise of their First Amendment rights, but you say the executive branch of the government can go out and do something, take steps which discourage the exercise of First Amendment rights while the legislative branch of the government cannot.

Mr. REHNQUIST. I don't believe that is my position, Senator. I don't believe that the executive branch can compel testimony under the circumstances you describe any more than the legislative branch can. But I understood your question to relate simply to the gathering of information not by compulsory process, not by search or seizure but by simply observing what goes on in public.

Senator ERVIN. Well, isn't that saying—the reason they said that in these cases that the legislature, legislative power couldn't obtain the information was because it violated the Constitution. They had no right to the information.

Mr. REHNQUIST. No, Senator, I think had someone voluntarily appeared before a committee that was investigating and offered testimony, I think the legal question presented would be significantly presented than that of a witness who appears, refuses to answer, and then his answer is sought to be compelled by contempt proceedings. [Sic.]

Senator ERVIN. Well, is it your position that the government could take and put somebody, I believe it is called, a tail on me, and this man could walk around and follow me

everywhere I went, and because he didn't compel me to go to those places, and just observed me, that I would have no legal remedy.

Mr. REHNQUIST. Well, to say you would have no legal remedy, I think, is more than I would care to say. As I have said before I think that is a waste of a taxpayer's money, it is an inappropriate function of the executive branch. I don't think it raises to a First Amendment violation.

Senator ERVIN. Well, it is certainly to be deplored in a free society to have the people spied on, isn't it.

Mr. REHNQUIST. I fully agree. But, Senator, if one were to follow your analogy and say any sort of governmental conduct that might remotely have a chilling effect, if one may use that word, on associational activities is a violation of the Constitution, we would tremendously expand the doctrines of, that have presently been developed, because, you know, take something like the Smith Act which does come close to the associational rights, or the Omnibus Crime provisions in 1968 forbidding the crossing of interstate lines for the purpose of inciting a riot, again which is close to associational rights, now if you say that the executive branch or the legislative branch may not even propose legislation like that, that the executive branch may not submit it or that Congress may not debate it, I think that is the logical consequence from what you are saying.

I think you have got to have some governmental sanction imposed on the person before you get a First Amendment problem.

Senator ERVIN. What more sanction can you have imposed on people than for the military, for example, to go out, send military agents to photograph people and have helicopters flying overhead to watch them. Isn't that governmental sanction?

Mr. REHNQUIST. No, it is not a governmental legal sanction in my opinion.

Senator ERVIN. What is it? In other words, I question, don't think that the Constitution permits the President of the United States to use military forces to discharge functions of a national police force or to spy on civilians, the civilian population of this country.

Mr. REHNQUIST. Well, certainly the Posse Comitatus Act places substantial limitations in that area.

Senator ERVIN. But it does not authorize the President to use the military except to suppress insurrection against the government or violent obstructions which are so serious in nature as to obstruct the enforcement of federal, the federal Constitution or federal laws from the ordinary course of justice in the courts.

That is all the power it gets under the Constitution, and under the acts of Congress implementing the Constitution.

There is not a syllable in there that gives the federal government the right to spy on civilians, that is, gives the Army the right to spy on individuals who are not connected with the military, and yet we had them even spying on people in churches where presumably they had gone to worship the Almighty according to the dictates of their own consciences.

Mr. REHNQUIST. Well, as I say, I think that was unauthorized and reprehensible. I do disagree with you as to the First Amendment question.

Senator ERVIN. Well, do you agree with me that the legislative branch of the government has no right to collect information which tends to stifle the individual's right or the individual's inclination or desire to exercise his First Amendment rights?

Mr. REHNQUIST. I agree with that it can't collect it by compulsory process.

Senator ERVIN. But you do take the position that the Army or the Justice Department can go out and surveil people, place under surveillance, people who are exercising their First Amendment rights even though such action on their part will tend to discourage people in the exercise of those rights?

Mr. REHNQUIST. Well, to say that I say they can do it sounds either like I am advocating they do it or that Congress can't prevent it or that Congress has authorized it, none of which propositions do I agree with.

My only point of disagreement with you is to say whether as in the case of Tatum against Laird that has been pending in the Court of Appeals here in the District of Columbia that an action will lay by private citizens to enjoin the gathering of information by the executive branch where there has been no threat of compulsory process and no pending action against any of those individuals on the part of the Government.

Senator ERVIN. Well, now, this information that is collected goes into the government files, doesn't it, and it is used to determine whether a man will be employed to work for the government in some cases even made accessible to private industry to determine that question. [Sic.]

Mr. REHNQUIST. I am not certain what use was made by the information gathered by the Army. The Justice Department has its own investigation made at the time a person seeks employment and, so far as I know, the type of information gathered by the Army was not made use of by the Justice Department,

Senator ERVIN. We have a great deal of difficulty finding out what use the Army made of it. . . .

In a dissenting opinion in a case from Arkansas where the State of Arkansas required teachers to make a disclosure of all the organizations they had belonged to for five years Justice Harlan, who dissented from the ruling that the information sought there was—didn't serve a legitimate state purpose, but he laid down this proposition, he said when the government goes to exercise its investigatory power there are two questions that have to be answered. The first is that the information which the government seeks must be for a legitimate governmental purpose, and, second, that even if it is for a legitimate governmental purpose it must be relevant to the accomplishment of that purpose.

Do you agree that is a correct statement of law?

Mr. REHNQUIST. Certainly when the government seeks to obtain it either by threat of discharge from a job or by threat of compulsory process I certainly do agree.

Senator ERVIN. But you think the executive branch of the government can go out and obtain it either by overt or covert methods, and no constitutional question is involved even though it may intimidate people in the exercise of their First Amendment rights.

Mr. REHNQUIST. Senator, I think you are a little bit putting words in my mouth which I have no desire to have put there. I do not think there is a First Amendment violation in that situation.

I think that as to the general authority of the government to do that or whether Congress has authorized it may be an entirely different question.

Senator ERVIN. The inference I would draw is that the power of the Congress under the Constitution is inferior to that of the executive branch of the government.

Mr. REHNQUIST. Certainly I would hope you wouldn't draw it from anything I have said because I don't believe that.

Senator ERVIN. Well, I don't know that it belongs to this, but in other words, a Congressional committee can't get information about people under certain circumstances but the Army or any other government agency can go out and collect that either overtly or covertly, and although both things, both legislative action which is prohibited and executive action which you say is permitted, tend to intimidate free American citizens in the exercise of their First Amendment rights, action on the part of the legislative body is unconstitutional but action on the part of the executive branch of the government which accomplishes exactly the same disastrous end is perfectly constitutional.

Mr. REHNQUIST. No, I don't agree with that at all. I think to make the two situations analogous you would have to posit a situation where a staff member of a congressional committee is seeking to acquire by voluntary interviews or by tailing somebody, if you want to put it that way, information which the person who is the object of the investigation feels is no proper business of the government, now could that individual then before any compulsory testimony is sought to be required from him before anything else has been done to him in the sense of the governmental action, could he bring an action to enjoin the investigator of the Congressional committee from seeking to collect information of that sort.

I don't believe he could successfully do that, and I think that is the parallel to the executive branch situation. (Tr. 949–989, 1332–1346.)

3. *Remarks, "Law Enforcement and Privacy," at a Panel Discussion on Privacy and Law in the 1970's, American Bar Association Convention, London, Release Dated July 15, 1971 (unprinted).* (*Excerpts.*)

*Wiretapping*

"Wiretapping" in its more limited sense refers to the interception of a telephonic communication of which the parties to the conversation are unaware. Loosely used, it can include "bugging"—the placing in a room, unbeknownst to its occupants, or on a party to a conversation, unbeknownst to the other parties, a transmitting device which will either record the conversation itself or transmit it to some other place where it will then be recorded. These latter manifestations are frequently associated with the use of undercover informants, who, though they are in the confidence of a suspected group of criminals, are nonetheless in the employ of the government.

There is something a little bit on the seamy side about all of these procedures, and in an ideal society their lack of social usefulness would doubtless cause them to be prohibited. Since the society in which we live—I speak for the United States, but I suspect the same is true here—is not ideal, the question is whether the admitted infringements on expected privacy which these methods of investigation give rise to are justifiable in terms of the aid they provide in the solution of serious and extensive crime.

In the United States, the Supreme Court about 45 years ago held that wiretapping was not a violation of the Constitution. Congress shortly afterward by statute prohibited the divulgence or use as evidence in the federal courts of information obtained through wiretapping. Less than five years ago, the Supreme Court overturned the earlier decision, and held that wiretapping was a form of "search and seizure" within the language of the Fourth Amendment to our Constitution. The Court indicated in that decision, and in other decisions rendered about that time, that a statutory authorization for wiretapping, providing for the rough equivalent of a warrant prior to the commencement of the tap, would be constitutional. Congress followed the Court's suggestion, and in the Omnibus Crime Act of 1968 authorized wiretapping under this sort of supervision.

There is no question that the vastly expanded use of electronic means of communication, and the vastly increased efficiency of the technology of interception and overhearing, have made wiretapping in its more gen-

eral sense a more potent weapon for law enforcement personnel than it was forty or fifty years ago. But during this same forty or fifty years we in the United States have witnessed the burgeoning of what is loosely called "organized crime", which has attached its tentacles to more than one legitimate business or industry in our country. It, too, has increased apace with and through the use of modern technology.

The present Administration of the Department of Justice in the United States is committed to the use of wiretapping under the safeguards prescribed by Congress, and under the administrative safeguard requiring each application for a warrant to be personally authorized by the Attorney General. The commitment is based in large part on the fact that an effective attack on organized crime cannot be mounted without wiretapping.

When we deal with the activities of organized crime, we deal with the most sordid sort of trafficking in drugs, prostitution, and gambling, as well as in illegitimate aberrations of legitimate business. Persistent efforts, not always unsuccessful, to corrupt local law enforcement officials; murder, committed by anonymous hired guns, are its trademarks. Normal detection techniques in the tradition of Sherlock Holmes, Hercule Poirot, and the long succession of Scotland Yard inspectors who have been immortalized in print, are of far less use here. The faceless killer never knew the victim, and may never have seen him before; the bagman is an easily replaceable hood at the lowest level of the organization. The heads of these syndicates perform no criminal act themselves; they simply instruct others to perform them for him. Painstaking and imaginative sifting of readily available evidence, which may solve the murders envisioned by Arthur Conan Doyle and Agatha Christie will scarcely dent the upper echelons of organized crime.

Thus, the structure of crime in this area has changed just as dramatically as technology. If law enforcement methods do not somehow keep pace with these changes we must virtually write off the hope for making substantial inroads into this widespread and sinister form of criminal activity.

Is the invasion of privacy entailed by wiretapping too high a price to pay for a successful method of attacking this and similar types of crime? I think not, given the safeguards which attend its use in the United States. The Attorney General must report to Congress the total number of federal applications for wiretapping made each year, and the report he furnished indicated that last year the federal government sought 183 wiretap warrants. This is not a "pervasive" use of wiretapping, using that adjective in its narrowest possible sense. It is instead a restrained and careful use of that technique which has led to a series of genuinely significant arrests and convictions in the field of organized crime in the past three years.

In the limited area of what are described for want of a better word as "national security" investigations—the executive branch in the United States for more than thirty years has asserted the right to wiretap without securing any Fourth Amendment type of warrant. This position has been taken through the Administrations of six successive Presidents of the United States, dating from Franklin D. Roosevelt, and it is the government's position that the practice is both consistent with the Fourth Amendment and necessary to the effective protection of the national security. The practice has recently been the subject of sharp and quite widespread criticism. The issue has been submitted to several federal district courts and one court of appeals, which have reached differing results. The Supreme Court has agreed to decide the issue in its next term, at which time the issue of the legality of the practice will be settled. Whatever may be the ultimate decision by our highest Court on the merits of the question, I believe that a refusal of the Justice Department, in its role as advocate before the courts for the executive branch of the government, to vigorously argue in favor of its legality would be a wholly unwarranted abdication of the Department's responsibility.

*Surveillance*

To what extent may law enforcement officials properly observe members of the citizenry in public places? It has been suggested by at least one prominent figure in the privacy debate in our country that no suspect ought to be subject to such surveillance unless there is "probable cause" to believe that he is guilty of committing a crime. The imposition of such a standard, in my view, would be a virtually fatal blow to law enforcement.

At the outset of an investigation, law enforcement officers are confronted with the fact that a crime has been committed, and with varying numbers of "leads" which may or may not offer some hope for its ultimate solution. Every such lead must be run down if a solution is to be effected, even though the great majority of leads turn out to be dead ends. Frequently, in the process of running down dead-end leads, investigative attention turns to people who later prove to be entirely innocent of any offense. But their innocence can be known only in retrospect: the ultimately productive lead may look no better than the unproductive ones at the time an investigation has begun.

In view of the very nature of the investigative process, it would be highly unrealistic to require that there be "probable cause" to suspect an individual of having committed a crime in order that his activities may be inquired into in connection with the investigation of the crime. Quite the contrary, probable cause—for an arrest or specific search—is hopefully to be found at the *conclusion* of an investigation and ought not to be required as a justification for its *commencement*.

The basic limitation which may properly be placed on investigative authority is that it must be directed either to the solution or to the prevention of a crime, and that it pursue leads reasonably believed to aid in that activity.

In the United States we have recently had experience with the collection of what may be loosely called "civil-disturbance" information by Army intelligence sources, rather than by regular law enforcement officials. This program, begun about five years ago because of the same generally agreed need for a great deal more information about potential trouble spots in urban centers, tended to become broader and broader in scope as it filtered down the echelons of the Army command. Examples have recently been adduced of Army intelligence files kept on prominent public figures, and consisting largely of newspaper accounts of the statements made by these figures on current political issues. Whatever may have been the merits of the program in its inception, it rather clearly got out of hand. That program has been discontinued by the present Administration. The cataloging of the opinions of citizens, public or private, on the issues of the day is not a proper function of government in a free society. The collection of genuine civil disturbance information, to the limited extent necessary under federal law, has now been returned to their regular law enforcement branches of the government.

*Who shall regulate the regulators?*

Many of those deeply concerned with privacy in our country feel that either by court decree or legislation the extent of law enforcement activities in the fields which I have discussed should be sharply curtailed. Implicit in their suggestion is that somehow the Executive Branch of the United States Government is not in any sense responsible to the public will and that controls must be imposed by any other branches of the Executive Branch. While our Executive is separate from the Legislative Branch, rather than directly responsible to it, it is surely ultimately responsible to the electorate of the Nation. The President stands for reelection every four years, and must at that time—as well as at frequent intervals in between—defend his stewardship of the Executive power.

As to the merits of proposed legislative or judicial curtailment of the investigative authority of law enforcement agencies, I simply do not believe that a limitation on the investigative activities of law enforcement officials engaged in seeking the solution to crime would be either desirable or workable. If such a restriction were to have teeth in it, it would necessarily involve judicial review of an investigation, not at its end, but at its commencement. The opportunity for skillful defense lawyers to obtain information of great value to their clients, and to seriously delay a legitimate investigation, would be greatly enhanced by the availablity of such a proceeding.

On the other hand restriction of the dissemination of information gathered in the process of criminal investigation is quite appropriate and desirable. Certainly the casual release of such information by law enforcement officials to persons outside the Government who have no legitimate need to have it is reprehensible. It is presently prohibited by regulation in the Department of Justice, and in many other law enforcement agencies. The embodiment of this sort of prohibition in a statute which was the result of a careful balancing of the competing interests would doubtless be entirely acceptable to those engaged in law enforcement.

G. OTHER FIRST AMENDMENT ISSUES

1. *Statement, September 25, 1969, before Subcommittee No. 3 of the House Committee on the Judiciary, 91st Cong., 1st Sess., on H.R. 11031 and H.R. 11302 [relating to mailing of prurient materials] (unprinted). (Excerpts.)*

I am pleased to appear before this Subcommittee today in support of H.R. 11031 and 11032, the Administration's proposals to curb the growing interstate traffic in salacious materials, especially advertisements. . . .

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Sections 1461 and 1465 of title 18 provide criminal sanctions for sending advertisements or other materials through the mails or other facilities of interstate commerce which are "obscene, lewd, lascivious or vile"; section 1461 adds the terms "indecent" and "filthy" for good measure. The courts have held, however, that these terms are virtually synonymous and that they reach only materials that are "obscene" in the narrow, constitutional sense. *Manual Enterprises* v. *Day*, 370 U.S. 478, 483–484 (1962). The effect of the judicial constructions of these statutes is that sexually-oriented advertisements may form the basis of a federal prosecution only if the advertisement is itself obscene or the materials it offers for sale are obscene. *United States* v. *Schillari*, 166 F. Supp (S.D.N.Y.); *Poss* v. *Christenberry*, 179 F. Supp. 411 (S.D.N.Y. 1959).

The technical meaning of obscenity, as it has developed in the Supreme Court's decisions, includes a congeries of separate legal standards. In *Roth* v. *United States*, 354 U.S. 476, (1959), the Supreme Court established the test of obscenity as "whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest." *Roth* v. *United States*, 354 U.S. 476, 489 (1959). The *Roth* test lent itself to a narrow reading, equating prurient appeal to obscenity. A subsequent decision, however,

announced that "patent offensiveness" to current community standards of decency must be established independently of prurient appeal. *Manual Enterprises* v. *Day, supra,* A more recent decision added a third test of obscenity—the matter must be "utterly without redeeming social value," as well as prurient and patently offensive. *Memoirs* v. *Massachusetts,* 383 U.S. 413 (1966). Although members of the present Court have disagreed concerning the test of obscenity—only Justices Brennan, Fortas and Chief Justice Warren have endorsed "redeeming social value" as an independent test—the lower courts are apt to follow this triple test unless, and until a different standard is adopted by a majority of the Supreme Court. The result, of course, is that the federal government has a very heavy, and often impossible burden of proof in proceeding against prurient advertising under present laws.

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The bill would cover all of the advertising I have shown you by prohibiting the mailing or transporting in interstate commerce of any advertisement which is "designed or intended to appeal to a prurient interest in sex." It would be unnecessary to show, in contrast to present law, that the material is patently offensive to community standards or utterly lacking in redeeming social value. The bill prescribes penalties of imprisonment for not more than five years or a fine of $50,000, or both, for first offenses. These maximum penalties would be doubled for subsequent offenses.

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I wish to emphasize that the bill is focused exclusively on the commercial exploitation of sex. The bill covers only sexually-oriented commercial advertisements for the sale of other materials. The character of the materials offered for sale would be irrelevant to whether a violation has occurred.

The bill would not infringe the First Amendment guarantee of freedom of Speech. In *Valentine* v. *Chrestensen,* 316 U.S. 52 (1942), a unanimous Supreme Court held that the First Amendment does not apply to "purely commercial advertising." The doctrine has more than merely theoretical significance. For example, federal law prohibits deceptive advertising in a variety of interstate commercial contexts. See 15 U.S.C. 45, 77k(a). And literally hundreds of State and local laws regulating or prohibiting advertising of various kinds—such as advertising concerning contraceptives, gambling and alcohol—depend largely for their validity on the assumption that commercial advertising is not protected speech. See Note, "The Regulation of Advertising," 56 Columbia Law Review 1019 (1959).

The reason for excluding commercial advertising from First Amendment protection is apparent. The central purpose of the Amendment is to assure what Justice Holmes called the "free trade in ideas." *Abrams* v. *United States,* 250 U.S. 616, 630 (dissenting opinion). Thus a recent decision involving the impact of the Amendment on damage actions for alleged libels of public officials stresses the need to assure that debate on "public issues" be "uninhibited, robust, and wide open." *New York Times* v. *Sullivan,* 376 U.S. 254, 270 (1964). This is not to suggest, of course, that the Amendment extends only to expressions of a philosophical or political character. Constitutionally protected speech may include artistic works, social commentary, and many other modes of expression by which ideas may be conveyed or public attitudes shaped. But the purpose of ordinary commercial advertising is to sell a product, not an idea. Accordingly, such advertising ranks low on the scale of values underlying the First Amendment. It may be suppressed when necessary to promote other legitimate interests.



*2. Rehnquist, Public Dissent and the Public Employee, 11 Civil Service Journal (No. 3), p. 7 (January-March 1971). (Excerpts.)*

The free-speech guarantee of the First Amendment is probably the best-known provision of our Constitution. It is entirely proper that this is so, since the right of freedom of expression is basic to the proper functioning of a free, democratic society.

Less well known, but equally important, are those restrictions on complete freedom of speech which result from the balance of competing interests in the jurisprudential scale—the need to preserve order, the need to afford a remedy to the innocent victim of libel, the need of government to govern. It is the conflict between the latter and the free-speech clause with which we deal today.

Once we get past the celebrated cases involving Secretary Wallace and General MacArthur there is a pronounced difference of understanding as to the latitude accorded public statements and public acts which are made by persons entrusted to carry on the Nation's business. The issue is now of front-page importance, probably put there because of the highly politicized nature of our society today. There is a tendency on the part of young people entering government service to feel that they should have complete and unrestrained freedom to speak out on political and policy matters, regardless of how detrimental their speech may be to Government programs in general or to the proper functioning of their own assigned responsibilities within the department.

At one time, the courts approached this issue in terms of a "rights versus privilege" analogy, as epitomized by Justice Holmes' famous dictum concerning the dismissal of a policeman:

"The petitioner may have a constitutional right to talk politics, but he has no constitutional right to be a policeman." *McAuliffe* v. *City of New Bedford,* 155 Mass. 216, 220, 29 N.E. 517 (1892).

As we all know, courts in recent years have retreated from this stern dichotomy and have expanded government employees' free-speech rights considerably. But now we are hearing equally categorical statements from the champions of employee free speech. Without much critical analysis, they insist that unless the public employee has every bit as much right to speak freely on public issues as a private citizen, the public employee becomes a "second-class citizen" who has given up some of his constitutional rights by virtue of accepting public employment.

If the vice of the Holmes analysis is that it separated entirely the government as sovereign from the government as an employer, the vice of the "second-class citizen" argument is that it entirely equates the two phases of governmental action. If Justice Holmes mistakenly failed to recognize that dismissal of a government employee because of his public statements was a form of restraint on his free speech, it is equally a mistake to fail to recognize that potential dismissal from government employment is by no means a complete negation of one's free speech.

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The principal case from the Supreme Court of the United States on the subject, *Pickering* v. *Board of Education,* 391 U.S. 563 (1968), makes clear that the test in this area, as in related branches of constitutional law, is a balancing of the claim for freedom of speech against whatever governmental interests may be opposed to that claim. . . .

Here, the interest on the other side of the scale may be generally described as the interest of the government in governing effectively. The Supreme Court in earlier cases has said that government has the right to carry on public business even at the expense of some forms of individual freedom of expression. Thus, regulations limiting picketing in front of a courthouse, in order to permit free access and exit, are constitutionally permissible. *Cameron* v. *Johnson,* 390 U.S. 611 (1968). And Congress may constitutionally restrict government employees in conducting political campaigning. *United Public Workers* v. *Mitchell,* 330 U.S. 75 (1947).

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The Government does have an interest in governing. While the words "loyalty," "harmony," and avoidance of "dissension" all express part of what this notion embodies, I don't believe that all of them together convey the entire idea. In the executive branch of the Government, policy, decisions, at least in theory, come down from the top since the President of the United States is the only official of that branch who can lay claim to a popular mandate.

While it is quite proper that his policy decisions be debated and challenged in the legislative branch, and be subjected to vigorous criticism in the country as a whole, the rule within the executive branch must be quite different.

The President and the Secretary of Defense whom he appoints should be able to push for the funding of an anti-ballistic missile without necessarily obtaining the approval of a majority of the employees of the Defense Department; the President and his Attorney General should be able to push for a crime bill in the District of Columbia even though a majority of the employed lawyers in the Justice Department, if given their "druthers," might oppose some of its provisions. If the case be otherwise, the executive branch will be controlled not by an elected President, but by a number of temporary tenants of Government jobs who have no vestige whatever of a popular mandate to operate the branch.

If the executive branch is to be reasonably efficient, it must have a certain amount of internal cohesion in its operation. In the midst of the anti-ballistic missile battle on Capitol Hill, it simply would not do for the Secretary of Defense, the Deputy Secretary of Defense, or any other high-ranking Defense official to publicly state that he had now had second thoughts about the proposal and sees that it is wrong. By the same token, in the midst of the debate over whether or not Judge Haynsworth should be confirmed to the Supreme Court of the United States, it will not do for the Attorney General or for any Assistant Attorney General to publicly state that he now sees that the presidential nomination was a mistake, and that he certainly understands why the Senate will probably reject it. If the President is not free to dismiss advisors such as this for such public statements, the executive branch might just as well shut up shop tomorrow.

As we get to situations involving government employees, less close to the final decisionmaking authority, less responsible for carrying out those decisions, the Government's interest in governing becomes lesser in the scale, and the employee's right as a citizen to speak his mind becomes greater.

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The courts have made quite clear that just as the government does not have the freedom to deal with an employee in this area as would a counterpart employer in private industry, so the public employee does not have the same freedom from government restriction on his public statements as would the employee's counterpart in private industry. The government as employer has a legitimate and constitutionally recognized interest in limiting public criticism on the part of its employees even though that same government as sovereign has no similar constitutionally valid claim to limit dissent on the part of its citizens.

But how do we apply these very general principles to concrete cases? What factors must we use to meet the balancing test pronounced in *Pickering*? One factor is the level of the job. Thus, a President may fire a Cabinet officer or other political appointee for any reason whatever, or for no reason. No court would second guess the President on such a matter for any reason. . . .

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The occupation involved also has significance. Teachers may well be given more freedom to speak out than others in the community because of the deep-rooted concept of academic freedom. . . .

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Whatever may be the situation with respect to teachers, there can be no doubt that attorneys occupy a special relationship to their employer, whether it be a private client or the Government of the United States. The peculiar position of trust occupied by attorneys is evidenced by the traditional attorney-client privilege, which suggests that unauthorized public disclosure of information on any issue which has been committed to their professional trust by their clients would be a serious breach of that trust which would justify dismissal.

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I think one may fairly generalize that a government employee, and certainly a government attorney, is seriously restricted in his freedom of speech with respect to any matter for which he has been assigned responsibility. It is in this area where I stressed earlier that the President's popular mandate could be negated by members of a particular executive agency publicly dissenting to that department's policies.

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When we move from the "assigned-responsibility" situation into the "off-duty" or "extracurricular" situation, the claim for freedom of expression is stronger. If a person identifies himself as being associated with a particular agency or holding a specific government job when he makes public statements, his case is not as strong as where he is content to be identified simply as a member of the general public.

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Another factor that inevitably is in the background of every dismissal action is the concept of discipline, personal loyalty, and harmony in the working relationships among employees which I illustrated earlier in connection with the *Meehan* case involving the Panama Canal Zone policeman. The Federal Government is entitled to demand at least as large a part of the same personal loyalty owed by any employee to his employer.

For example, the Court of Claims in *Harrington* v. *United States*, 161 Ct. Cl. 432 (1963), held that a civilian employee of the Air Force was justifiably dismissed for printing and circulating a pamphlet criticizing Air Force efficiency and conduct. One simply cannot work a part of the time in serving the Air Force or any other organization and then expend other efforts in tearing it down.

The impact of a public statement on one's co-workers, and the ability to continue working efficiently with them, is a related facet of the overall picture. Most government employees are not as isolated from coworkers as Marvin Pickering was, from other teachers, but in many cases enjoy a close working relationship.

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Such insubordination affects the normal functioning of an office and obviously cannot be tolerated by any organization, governmental or private.

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Although not as certain of application as the extremes put forth by Justice Holmes or the proponents of absolute free speech, the present balancing approach of the courts offers, it seems to me, a reasonable approach in protecting the reasonable rights of public employees to free expression and the equally necessary ideal of the government's right to govern. In light of the importance of the interests involved, the added burden of tallying up the foregoing factors in each case becomes a worthwhile exercise. (*Id.*, at 7–12.)

H. ISSUES IN CRIMINAL PROCEDURE

1. *Speech, "Official Detention, Bail, and the Constitution," December 4, 1970 (unprinted). Excerpts.*

We all assume that under our philosophy of government the individual is guaranteed the freedom or sanctity of his person—in short, the "right to be let alone." One aspect of this freedom is, of course, freedom from unwarranted official detention or other intrusions on one's physical being. But another aspect of this notion of freedom is surely the right to be free from robberies, rapes, and other assaults on the person by those not occupying an official position. A government which does not restrain itself from unwarranted official restraints on the persons of its citizens would be a menace to freedom; but a government which does not or cannot take reasonable steps to prevent felonious assaults on the persons of its citizens would be derelict in fulfilling one of the fundamental purposes for which "governments are instituted among men." A society as a whole has a right, indeed a duty, to protect all individuals from criminal invasions of the person.

At the borderline between an individual's right to be let alone and society's right, through its officers, the police and prosecutors, is a confrontation between sometimes irreconcilable goals. The constitutional definition of the limits in the protection of these rights is of primary importance to the direction the country can take in the elimination of crime.

[The Fourth, Fifth and Eighth Amendments] . . . taken together, clearly express a constitutional right to be let alone, and as we all know this right has been vigorously protected by the Supreme Court. . . .

As cherished and as established as this right is, however, there are many instances of lawful interference with a person's freedom. For example, indeterminate civil commitment for sexual psychopaths, narcotics addicts, chronic alcoholics, the mentally ill, and others considered dangerous are not uncommon, and have generally been held constitutional. . . .

In addition, even where there is no physical danger to society, the Supreme Court has permitted restrictions on the freedom of movement. While concededly not a very limited area restriction, the validity of restrictions on travel abroad that was held in *Zemel* v. *Rusk*, 381 U.S. 1 (1965), as constitutionally permissible indicates that some restrictions on movement will be found to jibe with constitutional rights.

As we move closer to the criminal process, we also observe constitutionally permitted restrictions on the person. A defendant determined to be mentally incompetent to stand trial, for example, can be constitutionally detained, even though not insane, if his release would probably endanger the officers, property, or other interests of the United States. *Greenwood* v. *United States*, 350 U.S. 366 (1956).

In the criminal process, too, police officers and prosecutors have similar constitutional room to maneuver in detaining persons or searching their persons. At some point in their investigatory and prosecutorial process the police can detain persons without infringing that individual's freedom of the person. After conviction, of course, no one would argue that detention pursuant to a prison sentence imposed by a court is unconstitutional. Arresting a person on probable cause that he has committed a crime is similarly permissible.

As we follow the prosecutorial process back to its earlier stages, official acts get closer to the infringement of the individual's freedom of the person until at some point that right has actually been unconstitutionally invaded. A controversial, but still constitutional, area is the stop and frisk of persons on mere suspicion that something is amiss, a procedure upheld in *Terry* v. *Ohio*, 392 U.S. 1 (1968). Perhaps even more controversial, but in my mind no less constitutional, is the pretrial detention of dangerous persons as provided in some of the more criminal legislation. . . .

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As written by the Congress and as interpreted by the Courts, the Bail Reform Act (of 1966) absolutely precludes a trial judge from considering danger to the community in setting conditions of pretrial release in a non-capital case.

This development, together with the virtual elimination of money bond, has indeed put pressure on traditional bail practices; for, in fact, danger to the community has long been considered by trial judges who manipulated money bond to effect detention.

Bail manipulation for this purpose is undesirable, not because it successfully detains some dangerous defendants before trial, but because in practice it is unreliable, discriminatory, and utterly hypocritical. It provides no set standards or due process safeguards to protect a defendant under suspicion; and unless the bail set is truly excessive, it offers almost nothing for a court to review.

But minimizing the use of money bond does not eliminate the social need to detain those persons who pose a serious threat to the public safety. Under the Bail Reform Act, every defendant in the District of Columbia charged with forcible rape, arson, kidnapping, armed robbery, burglary, bank robbery, mayhem, manslaughter, and assault with intent to kill has an absolute, unequivocal statutory right to release before trial, *unless* there is substantial evidence that he will attempt escape. The almost inevitable result of this statutory mandate has been an unacceptable incidence of pretrial recidivism among felony defendants who have been released.

The imperative necessity to deal with these dangerous defendants in federal courts, and the desire of this Administration to root out the hypocrisy of money bail in the legal system, impelled the Administration to sponsor pretrial detention legislation, which was enacted by Congress and signed into law by the President earlier this fall.

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. . . I think it may be fairly said that while we do not have available the data for a precise determination of the incidence of recidivism among bailed defendants, it is not open to doubt that such recidivism is a significant contributive source of criminal conduct. . . . [T]he general thrust of the statistical data simply confirms what we have reason to believe on the basis of experience and common sense; a small number of highly dangerous, recidivistic non-capital defendants exist in the federal system. Under the Bail Reform Act, before the recent enactment of the D.C. Crime Bill, the Federal Government was legally powerless to detain any of these non-capital defendants on grounds of dangerousness before trial.

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Under the federal Bail Reform Act as originally enacted, a defendant charged with any of the serious non-capital offenses like rape or armed robbery has a statutory *right* to pretrial release. Thus, a defendant could be caught in the middle of an armed robbery—he could shoot at citizens or police—he could be desperately addicted to heroin—

and he could have a long record of violent crime—and he would *still* be entitled to pretrial release.

Senator Hugh Scott observed last spring that John Dillinger robbed at least 13 banks, three supermarkets, a mill, a drugstore, and a tavern before he was first captured in 1933. Today, under the Bail Reform Act, John Dillinger would be entitled to pretrial release in Indianapolis, in Washington, or in Philadelphia, and this strikes as very undesirable public policy. [Sic.]

In addition, without a change in the Bail Reform Act, the sudden abolition of capital punishment by legislative action or judicial decision would render the government incapable of detaining *any* defendant before trial, regardless of the threat he posed to others.

I believe that society has the right to protect its citizens, for limited periods through due process procedures, from persons who pose a serious threat to life and safety. We do not believe a free society can remain free if it is powerless to prevent wanton misconduct by dangerous recidivists during pretrial release. I believe the pretrial detention provision of the D.C. Crime Bill accomplishes this result in a manner entirely consistent with the spirit and the letter of the U.S. Constitution.

It has been suggested that if we would only provide speedy trials for defendants on bail, the problem of crime while on bail would disappear. But the suggestion will not withstand analysis. With the plethora of rights recently granted him by the U.S. Supreme Court, the criminal defendant can and does do a good deal more than merely present evidence at trial. He attacks by motion and writ every phase of the proceedings against him, with the result that the time between indictment and trial has necessarily lengthened. Speedy trials of course will be helpful; but, even assuming that the time between indictment or information and trial could in the average case be reduced to 60 days, the type of person about whom we are concerned is not likely to suspend his criminal activity for 60 days while awaiting trial. On the contrary, the narcotics addict, the incorrigible troublemaker, the defendant who wishes to "bank roll" his family, and the man out for a "last fling" have every motive to accelerate their offenses. Any notion that a heroin addict, with a $100-a-day habit, is suddenly going to control himself for eight weeks is completely at odds with the real world.

Those opposing pretrial detention assert two constitutional arguments, one based on the Eighth Amendment and one based on the due process clause of the Fifth Amendment. Neither provision, in my opinion, bars the enactment of pretrial detention provisions in anticrime legislation.

The Eighth Amendment provides that "Excessive bail shall not be required. . . ." This language does not establish a right to bail; it forbids judges from requiring excessive bond in cases where the defendant has a statutory right to bail. . . .

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It has sometimes been argued that if Congress can determine which offenses are bailable and which offenses are not, then it could abolish the right to bail and the Eighth Amendment would become "meaningless." But as I have observed earlier, the framers of this Amendment deliberately chose language confined to a relatively narrow set of circumstances, not granting a right to bail but prohibiting the exaction of "excessive" bail where *some* right to bail otherwise exists. The Due Process clause of the Fifth Amendment would bar a total abolition of bail, not because it grants a right to bail but because it requires that there be a rational connection between an important governmental interest outweighing the individual's claim to be "let alone" before there can be detention other than as a result of a full dress criminal trial. Total abolition of bail could not be defended for *all* offenses.

The requirement of due process, of course, is another constitutional check on the right to detain persons and the procedures used in doing so. Critics of pretrial detention argue that the entire concept is a constitutional violation of the Fifth Amendment. However, . . . due process arguments are susceptible to the balancing process and the test of reasonableness under the circumstances. . . .

2. *Speech, "The Administration of Criminal Justice," December 2, 1970 (unprinted). (Excerpts.)*

The present Department of Justice, under Attorney General Mitchell, has taken a different approach to some particular problems in the enforcement of the criminal law than was taken by its predecessor under Attorney General Clark. During the 1968 presidential campaign, Richard Nixon as a candidate spoke out with considerable emphasis for more vigorous enforcement of the criminal law. If there is any sort of mandate to be derived from presidential elections, it is certainly understandable at least in terms of the operation of representative government that the effect of his election should be somehow reflected in the operation of the Department of Justice, which is the agency of the federal government primarily charged with the enforcement of the federal criminal law.

Congress, in enacting the Omnibus Crime and Safe Streets Act of 1968, authorized a procedure whereby the federal government might apply for, and obtain, warrants authorizing the interception of telephone communications. The preceding administration of the Department of Justice had taken no steps to carry out this legislation, because of its expressed view that "wiretapping" was very likely unconstitutional, and also because it felt that wiretapping was not a useful source of evidence for criminal prosecution. Shortly after Attorney General Mitchell came into office, the Department proceeded to carry out the authorization which Congress had given it.

The Attorney General felt that the wiretapping authority, carefully circumscribed as it was and requiring prior judicial approval as it did, was far more apt to be held constitutional by the courts than not. He also concluded, on the basis of a number of factors, not the least important of which was the strong view of a number of career officials in the Department of Justice, that wiretapping was not only a useful tool in obtaining evidence of criminal activity, but that in cases involving organized crime it offered virtually the only probability of bringing to justice the prepetrators of this kind of criminal activity. . . .

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I think it is worth noting at this point that the Department of Justice is basically the law enforcement arm of the Federal Government of the United States. It is not to the Department, but to the courts, that any final decision as to the constitutionality of legislation passed by Congress is confided. If the Department of Justice were to refuse to enforce the legislation of Congress because of doubts as to its constitutionality, the matter would never get to court for decision. If, on the other hand, the Department of Justice, as it did in this case, proceeds on the assumption that it will enforce any law enacted by Congress unless its unconstitutionality is clear beyond a doubt, the question is then placed in a position where it may be ultimately decided by the courts. The Department will proceed under the statutory authority to offer evidence at the trial of a criminal defendant, and the courts will hear argument, just as did the court in the Southern District of Florida, from government lawyers urging the validity of the law, and from the lawyer for the defendant urging its invalidity. The final decision as to constitutionality is therefore made by the Judicial Branch of the Government, after hearing arguments on both sides of the question. I believe this is a far more faithful adherence to our tripartite system of government than for an agency of the Executive Branch, such as the Department of Justice, to take it upon itself to decide that a law enacted by Congress and signed by the President is unconstitutional, and that therefore it will not be enforced.

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Because of an alarming incidence of crimes committed by persons who were released on bail in the District of Columbia, this Administration supported provisions in the recently enacted District of Columbia Crime Bill which would authorize, under carefully limited circumstances, pretrial detention of some defendants without bail.

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. . . The Department of Justice, after careful research, concluded that these provisions of the District of Columbia Crime Bill were entirely consistent with both the Eighth Amendment of the United States Constitution, which forbids excessive bail, and the Fifth Amendment to the Constitution, which guarantees that no person shall be deprived of liberty without due process of law. But, here, as in the case of wiretapping, the ultimate decisions as to the constitutionality of such legislation will rest with the courts, and not with the Department of Justice. Had the Department refused to push for legislation such as this, recommended by several different committees and students of the subject, and reasonably designed to deal with an obvious malfunctioning of the existing system, society might well have been left without an important protection against violent street crime.

In the same District of Columbia Crime Bill, a provision is contained authorizing police officers under some circumstances to enter a dwelling without previously knocking or identifying themselves. To avail himself of this authority, a police officer must have a valid search warrant, and must in addition, if he has reason to know them in advance, present to the magistrate issuing the warrant the reasons why the warrant should permit entry onto the premises to be searched without first knocking. The two principal examples of situations which would authorize such entry are the officer's reasonable fear of his life if he identified himself first, and the probability that evidence being sought—typically gambling or narcotics paraphernalia—would be destroyed between the time identification was announced and the time the premises were voluntarily opened to the search. This provision of law is actually nothing more than a codification of constitutional law, and of practices which were held not to violate the Constitution in a case decided a few years ago by the Supreme Court of the United States.

If these foregoing criticisms of the present Administration's position in the field of criminal justice could be summarized in one sentence, I suspect it would be this: Are you not entirely misdirecting your fight against crime when you concentrate on strengthening the hand of law enforcement authorities as against that of the accused defendant, when the real way to fight crime is to eliminate its root causes, such as bad housing, discrimination, and unemployment. If I could summarize equally shortly the response of the Administration to this criticism it is this: No one denies the paramount importance of getting at the root causes of crime, whatever these may be and however they may be gotten at—a matter upon which many informed individuals agree. But to suggest that this is the *only* problem is to

entirely overlook the equally important problem of dealing with those who are now committing criminal acts, whatever the reasons for their antisocial behavior. It is of little consolation to a woman who is mugged on the street of a large city to be told that the person who mugged her grew up in an urban ghetto. This is particularly true if, as is so often the case, she herself is a resident of an urban ghetto. It is of little solace to the victims of the countless tentacles which organized crime has attached to our society, whether as a result of commercial trafficking in drugs, control of gambling, or other manifestations of its activities, to be told that the criminal designs of those who have victimized them can be traced to antisocial elements in their early childhood. Just as a desire to fill the jails with lawbreakers cut of vindictiveness cannot be allowed to obscure the need for doing our best to get at the "root causes" of crime, so the desire to accomplish the latter cannot be allowed to obscure the necessity for providing as best we can for reasonable safety for our citizens in their streets and homes, and for reduction to the lowest possible level of the inroads of organized crime into our society. We must not only do our best to reduce the disposition to commit criminal acts, in future generations, but we must also strive to curtail—indeed, if you will, "repress"—[criminal acts committed today.][3]

But wait a minute, say the critics. How can we expect conviction and imprisonment of individuals found guilty of criminal activity to deter crime, when we all know that the great majority of our prisons are breeding grounds for crime?

In this area, the position of the present administration of the Department of Justice differs little, if at all, from that of its predecessors. Prisons do breed crime as they are presently operated. Prison reform is long overdue. This Administration has urged, with a good deal more success than its predecessors, that Congress provide the necessary funds for sweeping reforms of the federal prison system, and for substantial grants to state prison systems in order that they may undertake needed modernization and reform.

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The failure to appropriate enough funds to do the best we can with our system of rehabilitation may lie in part with this and preceding Administrations, and with this and preceding Congresses. But it is not entirely fair to fault the Congress, or the taxpayer (whose views Congress often and rightly reflects), for being unwilling to appropriate all of the money necessary to ultimately create an ideal prison system. It is unfortunately true that there are many more worthwhile government activities that might be carried on that can possibly be funded at existing levels of tax support, at least in the case of the Federal Government. This is true even though that portion of the federal budget allocated to defense spending will undoubtedly drop at least to some extent as a result of our disengagement in Vietnam. The case for prison reform must be sold in competition with the case for any number of other worthwhile expenditures of public money, and the best way to sell it is to learn some of the facts and some of the arguments which could make reasonable legislators favor it over a competing claim for expenditure of public money.

* * * * *

Finally, this Administration has sought and obtained from Congress expanded coverage of federal statutes prohibiting bombings related to federal property and programs, and to the manufacture or use of explosives in connection with interstate commerce. The bombing of a building constitutes the crime of arson under the laws of almost all of our states, and of course the states have concurrent jurisdiction to punish this offense. But the recent rash of bombings throughout the country has produced a familiar response from almost every quarter of our society—let's make it a "federal offense." Federal jurisdiction can be very useful in affording much greater personnel resources in detecting and apprehending persons who have committed acts which are criminal under both state and federal law, particularly where such persons have fled the state in which they committed the offense. To this extent the expansion of federal authority can be a useful adjunct to the states in enforcing their own criminal laws, since frequently a criminal defendant apprehended by the Federal Bureau of Investigation for a federal offense will be turned over to a state for trial of the same offense under applicable state laws.

*3. Testimony, September 14, 1971, before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, 92d Cong., 1st Sess., on S. 895, "To Enforce the Sixth Amendment Right to a Speedy Trial" (unprinted). (Excerpts.)*

The Department believes, however, that before it can lend its support to that provision of the [speedy trial] bill, the bill should be revised to include additional provisions directed towards the attainment of the end of prompt dispensation of criminal justice which we all seek.

The members of your Subcommittee would doubtless be the first to agree, Mr. Chairman, that the type of delays in the administration of criminal justice to which your bill is addressed are but a part of the manifold delays which now beset the system.

I would note parenthetically that some of the causes for delay, such as the requirement for indictment by a grand jury, are plainly mandated by the Constitution and cannot be affected at all by legislation.

Other possibilities for cutting down on delays in criminal cases undoubtedly raise constitutional questions, but if found to be meritorious their further study and enactment as statutes should be seriously considered. For more often than not the enactment of such a measure, and its subsequent testing in court, would be the only method for determining its constitutionality. First and foremost of these, I would think, would be an effort by statute to modify all or part of the exclusionary rule which now prevents the use against a criminal defendant of evidence which is found to have been obtained in violation of his constitutional rights. Chief Justice Burger, in a dissenting opinion last term, suggested that an alternative method of enforcing such constitutional rights might persuade the Court that the exclusionary rule was no longer a necessary sanction for the Fourth and Fifth Amendments to the Constitution.

Another proposal worthy of serious consideration is whether in the federal system, non-unanimous jury verdicts—such as by a vote of 10 to 2, or perhaps 9 to 3—may be permitted to dispose of a criminal case, rather than continuing to require unanimity as is done at the present time. The Supreme Court of the United States now has pending before it two state cases the decisions of which may well answer the constitutional question raised by such a procedure. Other causes of trial delay are the result of practices on the part of members of the Bar which are more properly the subject of court rules than of legislative enactment.

Not only the trial phase of criminal adjudication needs revision, but the present extended delays between sentence and disposition of appeals by appellate courts is itself a cause of significant delay which deserves careful study.

The Department of Justice is presently addressing itself to a number of these problems, and may in the near future be in a position to propose to the Congress legislation designed to enact some of them into law.

We are fully aware, however, Mr. Chairman, that it would be both unfair and unworkable for us to suggest that S. 895 should somehow become an omnibus vehicle whereby all or even most of the immediate causes of delay in the system of administration of criminal justice should be addressed. But, we do strongly feel that S. 895 should couple with the sanction of mandatory dismissal imposed on the prosecution additional provisions dealing with reform of present practice under the federal habeas corpus statutes. Abuses and malfunctions in these practices are a contributing cause of delay in the trial stage of criminal justice, and a major cause of interminable delays and uncertainties following the trial of a case.

The Department is firmly convinced that S. 895 would be a thoroughly desirable vehicle for modification of existing practice relating to federal habeas corpus, because even a relatively modest limitation on the present expansive use of that writ would significantly advance the goal which I am sure is envisioned by the sponsors of S. 895; the prompter dispensation of criminal justice. If federal habeas corpus practice were reduced to more manageable proportions, the time now spent by the federal district courts in considering masses of filings by convicted prisoners could be instead devoted to the trial of criminal cases within the mandatory time limit prescribed in S. 895. In addition, a system of criminal justice which insists that defendants be brought to trial within a mandatory time limit of, for example, 60 days, but then permits a convicted defendant to spend the next ten or 20 years litigating the validity of the procedures used in his trial, is a contradiction in terms.

Penologists seem virtually unanimous in their conclusion that speed and certainty of punishment, even more than its severity, are important factors in its efficacy as a deterrent to crime. The Department believes that any serious attack on delays in the administration of criminal justice must be aimed not merely at obtaining speedy trials—though this is an essential element of such a program—but must also be aimed at the broader goal of assuring prompt administration of criminal justice at all levels.

While no one would wish, under the head of "prompt" or "speedy" administration of criminal justice to countenance its dispensation in a slipshod, assembly-line manner, the ends of promptness and finality may be reasonably served without running any such risk. The goal of the system should be the administration of criminal justice in such a manner that the defendant is afforded a fair and prompt trial, that the innocent are acquitted, that the guilty are convicted, and that the process for making this determination is one which begins and ends within reasonable time limits. This is not an overly ambitious goal for a system such as ours. But if that goal is to be achieved, we must couple with any mandatory period for bringing a defendant to trial a substantial modification in present habeas corpus procedure. I use the term "habeas corpus" in its broadest sense to include all

[3] The Honolulu Advertiser, October 22, 1971, p. 1, reports that, instead of the bracketed words, Mr. Rehnquist's original prepared text contained the words "the proclivities of the criminally-inclined among the present generation." It is unclear when the change to the text above was made.

remedies under Chapter 153 of Title 28, and also common law writs of collateral attack such as coram nobis. Habeas corpus reform and speedy trial are closely intertwined elements in the search for prompt administration of criminal justice for two reasons.

First, the total lack of finality to any judgment of criminal conviction, so long as the prisoner may conceive some new claim of violation of his constitutional rights which occurred at his trial, is itself an affront to the notion of a system which promptly administers criminal justice. Under present practice, either a state or federal prisoner may relitigate again and again the validity of the procedures used to convict him, so long as he can think of some new constitutional argument which has not been directly disposed of adversely to him in the rulings on his past petitions. Indeed, one petitioner in the federal courts has filed no less than 50 petitions for habeas corpus. Such procedures detract from public confidence in the system of justice, and detract likewise from the possibility of effectively rehabilitating a convicted defendant.

These are not the views of the Department of Justice alone. Justice Harlan, concurring in the recent Supreme Court opinion, observed:

"No one, not criminal defendants, not the judicial system, not society as a whole, is benefited by a judgment providing that a man shall tentatively go to jail today, but tomorrow and every day thereafter his continued incarceration shall be subject to fresh litigation on issues already resolved."

Chief Judge Henry Friendly, of the Court of Appeals for the Second Circuit observed in a recent Law Review article:

"It is difficult to urge public respect for the judgment of criminal courts in one breath and to countenance free reopening of them in the next."

Professor Paul Bator of Harvard Law School has pointed out the impact of this lack of finality upon the rehabilitation process. He observed that the first step in rehabilitating offenders is a "realization by the convict that he is justly subject to sanction, that he stands in need of rehabilitation . . ."

Yet the interpretations placed by the courts upon the federal habeas corpus statute are quite at odds with the views of these jurists and scholars. (Tr. 174–179.)

*4. Speech, "Which Ones Have the White Hats: Conflicting Values in the Administration of Criminal Justice," May 5, 1971 (unprinted). (Excerpts.)*

What seems to me a rather extreme example of the application of the exclusionary rule is the case of *United States* v. *Greene*, decided by the Court of Appeals for the District of Columbia Circuit. . . .

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The Court of Appeals held that the identification procedure had violated the defendant's constitutional rights. The result was that Harper's eyewitness evidence of the fact that the defendant had robbed him at gunpoint was not allowed to be considered by the jury, and the jury's judgment of conviction was reversed. I think that a fair number of people—lawyers and non-lawyers alike—may think that however logically this result may flow from certain Supreme Court decisions, there is little to commend it to common sense.

One cannot help but feel, I think, as he goes through these materials, that perhaps an all or nothing solution may not be entirely desirable in these cases. If someone engaged in espionage against the United States for the benefit of a foreign government were to go free because of a technical violation of the law relating to unreasonable searches and seizures, many would feel that the balance had swung too far in favor of the criminal defendant. If, on the other hand, evidence is not only illegally but brutally or offensively seized from a defendant for the purpose of prosecuting the defendant for a minor offense, the vindication of the constitutional right may serve society better than the conviction of the defendant, if that choice must be made. It is interesting to note, in this connection, that the so-called English judges' rules governing police interrogation make it entirely discretionary with the judges whether or not to suppress illegally obtained confessions. The judge considers the gravity of the breach by police officers in deciding whether to admit such evidence. One might wish that the constitutional argument had not been drawn on quite such an either-or basis, particularly when some of the highly technical refinements of the law relating to searches and seizures are considered.

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. . . [U]nder the exclusionary rule, where evidence is excluded because illegality of search, you can see that often critical evidence may be subject to exclusion not because of some flagrant wrongdoing on the part of the law enforcement officials, but because of their erroneous decision of what is obviously a difficult and close question of law. This fact, in my mind, suggests that if we were deciding the question originally, there would be much to say for the English judges' rule, in which the severity of the violation is taken into consideration in deciding whether to exclude the evidence.

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. . . Ultimately, decision is made by the balancing of the need of society for protection against crime against the need of the accused defendant for a fair trial and just result. Both of these values stand so high in the scale of most of us that none would want to say that one should automatically prevail at the expense of the other.

I. CIVIL LIBERTIES AND THE SUPREME COURT

*1. Rehnquist, Who Writes Decisions of the Supreme Court? U.S. News & World Report, December 13, 1957, p. 74. (Excerpts.) The thesis of this article is that Supreme Court law clerks have little effect upon their Justices in the decision of cases or in the writing of opinions; that the clerks may well affect the Justices, to some extent, in the matter of granting and denying certiorari; that, in their certiorari memoranda, the clerks probably do not consciously slant the cases; but that "unconscious slanting of material by clerks" probably does influence the Court's certiorari work.*

The bias of the clerks, in my opinion is not a random or hit-and-miss bias. From my observations of two sets of Court clerks during the 1951 and 1952 terms, the political and legal prejudices of the clerks were by no means representative of the country as a whole nor of the Court which they served.

After conceding a wide diversity of opinion among the clerks themselves, and further conceding the difficulties and possible inaccuracies inherent in political cataloguing of people, it is nonetheless fair to say that the political cast of the clerks as a group was to the "left" of either the nation or the Court.

Some of the tenets of the "liberal" point of view which commanded the sympathy of a majority of the clerks I knew were: extreme solicitude for the claims of Communists and other criminal defendants, expansion of federal power at the expense of State power, great sympathy toward any government regulation of business—in short, the political philosophy now espoused by the Court under Chief Justice Earl Warren.

There is the possibility of the bias of clerks affecting the Court's certiorari work because of the volume factor described above. I cannot speak for any clerk other than myself in stating as a fact that unconscious bias *did* creep into his work. Looking back, I must admit that I was not guiltless on this score, and I greatly doubt if many of my fellow clerks were much less guiltless than I. And where such bias did have any effect, because of the political outlook of the group of clerks that I knew, its direction would be to the political "left." (*Id.*, at 75.)

*2. Rehnquist, The Bar Admission Cases: A Strange Judicial Aberration, 44 A.B.A.J. 229 (1958). (Excerpts.)* The thesis of this article—which begins with the sentence: "Communists, former Communists, and others of like political philosophy scored significant victories during the October, 1956, Term of the Supreme Court of the United States . . ." —is that the *Schware* and *Konigsberg* cases (353 U.S. 232, 252) manifest a marked departure from the ordinary and proper scope of appellate review of fact-finding.

Unless there is some reason why being denied admission to the Bar is a constitutionally more serious deprivation than being imprisoned or suffering a large adverse money judgment, or unless former Communists and suspected Communists are a specially favored class who alone may invoke this new due process, logically the Court has made almost every case a "due process" case.

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. . . The only remaining difference between *Schware* and *Konigsberg*, on the one hand, and a hypothetical litigant who would seek advantage of the rule of their cases, on the other, is that Schware was an admitted ex-Communist and Konigsberg was accused of being a Communist. Conceding that they should be treated no worse than other litigants, is there any reason why they should be treated better? Rationally it is difficult to understand why such persons are entitled to factual review and trial *de novo* in the Supreme Court while the ordinary man in the street is not. Since the result reached here is not ostensibly based on any "civil liberties" claim, even that ground of distinction is lacking.

. . . Just as *Schware* and *Konigsberg* cannot *rationally* be limited to Communists and suspected Communist bar applicants, they cannot *practically* be applied to other classes of cases without making the Supreme Court of the United States an appellate court of general jurisdiction. A decision of any court based on a combination of charity and ideological sympathy at the expense of generally applicable rules of law is regrettable no matter whence it comes. But what could be tolerated as a warm-hearted aberration in the local trial judge becomes nothing less than a constitutional transgression when enunciated by the highest court of the land. (*Id.*, at 231–232.)

*3. Letter to the Editor, published in the Washington Post, February 14, 1970.*

Having read the first two of your proposed three-part editorial on Judge Carswell, and strongly doubting that the concluding part will have an O. Henry type ending, I wish to register my protest on two counts: first, that there are substantial misimpressions created by your editorial, and, second, that your fight against the confirmation of Judge Carswell is being waged under something less than your true colors.

* * * * *

My criticism of your editorial, however, goes beyond these misimpressions. The Post is apparently dedicated to the notion that a Supreme Court nominee's subscription to a rather detailed catechism of civil rights decisions is the equivalent of subscription to the Nicene Creed for the early Christians—adherence to every word is a prerequisite to confirmation in the one case, just as it was to salvation in the other. Your editorial clearly implies that to the extent the judge falls short of your civil rights standards, he does

so because of an anti-Negro, anti-civil rights animus, rather than because of a judicial philosophy which consistently applied would reach a conservative result both in civil rights cases and in other areas of the law. I do not believe that this implication is borne out.

Judge Carswell in his testimony before the Judiciary Committee stated that he did not believe the Supreme Court was a "continuing Constitutional Convention."

Such a philosophy necessarily affects a judge's decision in every area of constitutional adjudication. These areas include civil rights, of course. But they also include, for example, cases involving the right of society to punish criminals, the right of legislatures and local governing bodies to deal with obscenity and pornography, and the right of all levels of government to regulate protest demonstrations.

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A reading of Judge Carswell's decisions in the field of criminal law—particularly the notation of his dissent from the denial of a rehearing en banc by the Fifth Circuit of the *Agius* decision (which broadened the *Miranda* rule)—indicates that in this area, too, he is not as willing as some to see read into the Constitution new rights of criminal defendants which they may assert against society. Thus the extent to which his judicial decisions in civil rights cases fail to measure up to the standards of The Post are traceable to an over-all constitutional conservatism, rather than to any animus directed only at civil rights cases or civil rights litigants.

Quite obviously The Post or any other newspaper has a perfect right to urge the Senate not to confirm a judge who has decided cases in the manner in which Judge Carswell has. But in fairness to your reading public, you ought to make it clear that what you are really fighting for is something far broader than just "civil rights"; it is the restoration of the Warren Court's liberal majority after the departure of the Chief Justice and Justice Fortas and the inauguration of President Nixon. In fairness you ought to state all of the consequences that your position logically brings in its train: not merely further expansion of constitutional recognition of civil rights, but further expansion of the constitutional rights of criminal defendants, of pornographers, and of demonstrators. Such a declaration would make up in candor what it lacks in marketability.

J. HUMANITARIANISM

*Letter to the Editor, published in the Stanford Daily, August 13, 1948. On August 2, 1948, a letter to the editor appeared in the Stanford Daily over the signature: "A Wounded Student Veteran." This letter decried the University's invitation to a German naval officer and a Finnish artillery officer to visit the campus the following year. "Wounded Student Veteran" recalled that the Axis troops had "massacred our troops whenever they thought they could get away with it"; and he suggested that "if those people come over here they should be taken care of the way we used to take care of their comrades when the war was a little hotter than it is now." "My remarks are admittedly non-Christian, charitable or any other soft-headed pap used to describe people who pet mad dogs."*

*Subsequent letters to the Daily rebuked "Wounded Student Veteran" for hate-mongering; and on August 6, 1948, the Daily published an editorial noting the "overwhelming prevalence of humanitarian sentiment" in these reply letters. The Daily editorial concluded that hate and prejudice, not the Germans, should be done away with.*

*The following letter, published August 13, is Mr. Rehnquist's reply to the editorial.*

TO THE EDITOR: Friday's editorial, "Emotion vs. Reason," strikes me as being singularly devoid of either reason or substance. The Daily hails with its highest approval the great prevalence of humanitarian sentiment in the replies to "Wounded Veteran's" letter, and decries the substitution of emotion for reason as being responsible for many, "faulty attitudes."

The suggestion that some attitudes are faulty, the implication that humanitarianism is desirable, both imply a standard of judgment or morality. However, any such standard must of necessity be based on emotion rather than reason: it is recognized by most moralists that moral standards are incapable of being rationally demonstrated. If we accept humanitarianism as a desirable end, we must realize that the basis of this acceptance is non-rational. Likewise, if "wounded Veteran" finds that his hatred for the recently vanquished enemy outweighs his humanitarian instincts, this also is an emotional, non-rational attitude.

It is logically impossible to weigh the merits of one of these emotions against the other. Thus The Daily errs (1) in assuming that reason can supplant emotion, and (2) in implying that humanitarianism is rationally superior to hatred of the Germans; neither can be proved to be right, and one personal conviction is no better than another.

Too often contributors to The Daily, whether staff or readers, cloak their own emotions in the thin, worthless fabric of a fallacious logic.

Further, the idea that humanitarianism is the road to world understanding is, IN MY OPINION, fallacious. As Clemenceau once said, if men were all brothers the Sermon on the Mount would have been realized some time ago. Perhaps hard-headed calculation of the human realities involved would be better insurance against future strife than "petting mad dogs."

Sincerely,

BILL REHNQUIST.

## AN AMERICAN SUCCESS STORY

### HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. STEELE. Mr. Speaker, on this 53d anniversary of Latvian Independence Day, I would like to pay tribute to one of my most outstanding constituents, Mr. Ludis Upenieks.

Mr. Upenieks is an American citizen who was born near Dalgopils, Latvia, on November 15, 1918. He worked hard putting himself through elementary school in Svente and secondary school in Ilukste, not overlooking any jobs which would supplement his income. As a loyal Latvian, he joined the armed forces of his country when he graduated from school. In 1941, he was appointed secretary of the city and township of Ilukste, an important position in the government service of Latvia.

The upheavals of the Second World War separated Ludis Upenieks from his family and at the war's conclusion he established himself in Esslingen, Germany as a designer of custom made jewelry. His talents found quick recognition, and he had many customers. But, because of the greater opportunities in this country, Mr. Upenieks migrated to the United States in 1950.

When he arrived here he resumed his trade on the west coast. However, because he wished to build and create on a larger scale, he came to the east coast and began to learn the housing construction trade. After a year with a large construction firm in Manchester, Conn., Mr. Upenieks became a subcontractor for the same company. In 1956 he formed partnership with Mr. Ilmar Ruppner and the firm flourished. Since then, the Upenieks and Ruppner Construction Co. has provided hundreds of job opportunities for Latvian Americans in the home construction field.

The success of the Upenieks and Ruppner Construction Co. has meant more than helping his fellow countrymen to find employment. Because of his desire to help his adopted country, Mr. Upenieks had made substantial contributions to scholarships for young Americans of Latvian origin. Because of the generosity of this Latvian American, many young Americans have been able to continue their education and develop their full potential.

Mr. Upenieks is indeed an outstanding example for his community. We can be proud that such men as Mr. Upenieks have come to our shores to lend us their courage and their skill in building America. Ludis Upenieks' career is a true American success story.

## FINANCING SCHOOLS

### HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

*Thursday, November 18, 1971*

Mr. CRANSTON. Mr. President, on August 30 the California Supreme Court ruled on the State's system of financing schools, calling it discriminatory and unfair. The opinion is a benchmark for American education.

What the California court actually said, however, has been frequently misunderstood. The current issue of Saturday Review carries a cogent analysis that I feel would be helpful to Senators.

I ask unanimous consent that the article, written by Arthur E. Wise, be printed in the RECORD.

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

[From the Saturday Review, Nov. 20, 1971]

THE CALIFORNIA DOCTRINE

(By Arthur E. Wise)

On August 30, 1971, the Supreme Court of California announced what may become as historic a decision as *Brown vs. Board of Education*. In *Serrano vs. Priest*, the court tentatively concluded that the state's public school financing system denies children equal protection guaranteed under the Fourteenth Amendment, because it produces substantial disparities among school districts in the amount of revenue available for education. The problem to which the case was addressed can be simply stated by an example. The Baldwin Park school district expended only $577.49 to educate each of its pupils in 1968–69, while the Beverly Hills school district, in the same county expended

$1,231.72 per pupil. The principal source of this inequity was the difference in local assessed property valuation per child. In Baldwin Park the figure was $3,706 per child, while in Beverly Hills it was $50,885—a ratio of 1 to 13. Furthermore, Baldwin Park citizens paid a school tax of $5.48 per $100 of assessed valuation, while Beverly Hills residents paid only $2.38 per $100—a ratio of more than 2 to 1.

The idea that the unequal allocation of educational resources within a state might be unconstitutional was first suggested only during the mid-1960s. It was not that the allocation of educational resources among school districts within a state suddenly became unequal in the mid-1960's, nor were the inequities suddenly discovered. Rather, the inequities in school finance were, for the first time, viewed in the light of the then prevailing egalitarian thrust of the U.S. Supreme Court.

The Court, under Chief Justice Earl Warren, had been embarked on a campaign of guaranteeing fundamental rights to dispossessed minorities and had precipitated broad social change. In 1954, the Supreme Court declared that, at least as far as race is concerned, public education is a right that must be made available equally. Beginning in 1956, the Court began to attack discrimination based on wealth in a series of cases concerned with rights of defendants in criminal cases. In 1962, the Court moved to eliminate geographic discrimination by requiring legislative reapportionment. By 1966, the wealth discrimination argument had been extended to voting rights in a case that eliminated the poll tax.

In the context of this historic trend, a Constitutional attack on inequities in educational finance seemed eminently feasible. Many parallels among the rights at stake were possible. More important, perhaps, was the fact that the Warren Court had demonstrated a willingness to guarantee individual rights when legislatures failed to act. State legislatures had been struggling with miserly state school finance equalization formulas for at least as long as they had failed to reapportion themselves.

The California equalization suit was not the first such suit to be prosecuted. Earlier there had been unsuccessful efforts in Illinois and Virginia to challenge the Constitutionality of school finance legislation. The California court took pains to distinguish between the case before it and the earlier ones. The earlier complaints had contended that "only a financing system which apportions public funds according to the educational needs of the students satisfied the Fourteenth Amendment." The lower courts had found the notion of "educational needs" too nebulous a concept with which to deal, and the U.S. Supreme Court had affirmed their decisions that held that the equal protection clause did not apply to school financing. However, the U.S. Supreme Court was obliged to render a judgment when these cases were appealed to it from the lower courts because of a technicality. According to the California court, the U.S. Supreme Court's affirmance of these decisions was substantially the equivalent of a decision not to become involved in the issue at that time. Furthermore, the California court thought that its case was different in that it involved the simpler principle of discrimination on the basis of wealth. It should be pointed out, however, that the earlier cases had perhaps erred because they contained a remedy in the complaint. The California complaint attempted to have the present system of finance declared unconstitutional.

There were three steps in the reasoning of the California court as it reached its decision. First, it noted that "the U.S. Supreme Court has demonstrated a marked antipathy toward legislative classifications which discriminate on the basis of certain 'suspect' personal characteristics. One factor which has repeatedly come under the close scrutiny of the High Court is wealth." The California court reviewed precedents in which the High Court had invalidated wealth classifications that infringed on the rights of defendants in criminal and voting rights cases. It appeared to the court that California's school financing system does discriminate on the basis of the wealth of a district and its residents.

While the court had substantial judicial precedent for finding wealth a suspect classification, it did not have judicial precedent for finding education a "fundamental interest." Such a finding was an important second step for the theory that the court was attempting to develop. The court relied upon a number of decisions that "while not legally controlling" are "persuasive in the factual description of the significance of learning." The classic expression of this position came in *Brown* vs. *Board of Education:*

> Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great exepnditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

These cases, together with the court's own analysis of the importance of education, compelled it to treat education as a "fundamental interest." "Education," the court stated, "is the lifeline of both the individual and society."

The final step was a determination of whether the California school financing scheme, as presently structured, constituted a "compelling state interest." Finding that education is a "fundamental interest" and that the present method of school financing interferes with no "compelling state interest," the court declared:

> The California public school financing system, as presented to us by plaintiffs' complaint supplemented by matters judicially noticed, since it deals intimately with education, obviously touches upon a fundamental interest. For the reasons we have explained in detail, this system conditions the full entitlement to such interest on wealth, classifies its recipients on the basis of their collective affluence and makes the quality of a child's education depend upon the resources of his school district and ultimately upon the pocketbook of his parents. We find that such financing system as presently constituted is not necessary to the attainment of any compelling state interest. Since it does not withstand the requisite "strict scrutiny," it denies to the plaintiffs and others similarly situated the equal protection of the laws.

To this point the court was supporting the proposition that the quality of public education may not be a function of wealth other than the wealth of the state as a whole. [See *SR*, April 17, 1971, p. 76.] This proposition would permit educational quality to vary from school district to school district so long as each district had an equal capacity to raise funds for education. Thus, for example, a community that chose to tax itself at the rate of 1 per cent might have available $400 per student, irrespective of the wealth of that community. A community that chose to tax itself at the rate of 2 per cent might have available $800 per student, again irrespective of the wealth of that community. The state in this scheme commits itself to the specified level of expenditure per student regardless of what it raises by the local tax. The state gives aid in exactly the amount that local resources are insufficient to reach the specified expenditure. This scheme, known as "district power equalizing," is apparently, however, inconsistent with the principle of territorial uniformity.

The court took some pains to argue that territorial uniformity in school finance is constitutionally required. "Where fundamental rights or suspect classifications are at stake," said the court, "a state's general freedom to discriminate on a geographical basis will be significantly curtailed by the equal protection clause." In support of this interpretation, the court first relied upon the school closing cases in which the U.S. Supreme Court invalidated efforts to shut schools in one part of a state while schools in other areas continued to operate. Secondly, the court relied upon the reapportionment cases in which the U.S. Supreme Court held that accidents of geography and arbitrary boundary lines of local government can afford no ground for discrimination among a state's citizens. "If a voter's address may not determine the weight to which his ballot is entitled, surely it should not determine the quality of his child's education."

This analysis is consistent with the more egalitarian proposition that the quality of a child's education may not be a function of local wealth or of how highly his neighbors value education. In other words, it would prohibit variations in the number of dollars spent on any child by virtue of his place of residence. It would apparently permit variations based on educationally relevant characteristics of the child. One point that remains unclear in the opinion is whether the equal protection clause applies to children or to school districts. If it is children who are entitled to equal protection, then the quality of a child's education could not be subject to a vote of his neighbors.

It should be clear that the California court simply declared the present system of school finance unconstitutional. It (fortunately) did not prescribe solutions, but apparently left these to be developed by the California legislature. However, because the opinion is somewhat hazy, it is unclear what new plans will be acceptable to the courts. The next steps are in the hands of the defendants and the trial court to which the case was remanded.

(On October 21, the California Supreme Court issued a clarification of its earlier ruling, pointing out that it had not yet actually struck down the school finance system, but had merely ordered the case returned to the trial court. Apparently, however, the trial court, if it determines that the facts are as alleged, must find the system unconstitutional.)

In the weeks since the California equalization decision was announced, perhaps as many as twenty or thirty challenges to school finance legislation have been made throughout the nation. In the first of these to be decided, a federal district court in Minnesota has ruled, on grounds similar to those in the California case, that Minnesota's school financing system is unconstitutional. The court retained jurisdiction of the case but deferred further action until after the current Minnesota legislative session.

One of the most important outcomes of these lawsuits is their effect upon legislative bodies. To be sure, the California and Minnesota decisions explicitly call for responses from the state legislatures. However, the years since the legal theories were developed have seen an unprecedented level of school finance activity on the part of political bodies. While other factors have un-

doubtedly played a part, the threat of impending lawsuits may have served as an impetus to action in an area that has been characterized by legislative intransigence.

The concept of "full state funding" has entered the vocabulary of education. President Nixon has appointed a Commission on School Finance and is reported to be "deeply conscious of the inequities and the inadequacies of the property tax as the principal source of support at the local level for the cost of education." The Advisory Commission of Intergovernmental Relations has recommended that the states assume "substantially all" of the responsibility for financing local schools in order to grant property tax relief and ensure equal educational opportunity. Governor William Milliken of Michigan has been endeavoring to achieve broad reform in educational finance in that state for the last two years. Reportedly, the Fleischmann Commission in New York State will recommend, before the end of the year, full state assumption of the costs of education, imposition of a statewide property tax, stabilization of spending in wealthy school districts, and ultimately greater spending in districts with poor, disadvantaged youth.

It is quite conceivable that *Serrano*, or a similar case, will be appealed to the U.S. Supreme Court in the near future. If it should refuse to review the decision, the effect would be to leave the judgment standing in California. The California legislature, under the supervision of the trial court, would have to develop a new school finance system, and the pace of filing suits in other states might be quickened. The California Supreme Court, a prestigious state court, would have established a precedent that, though certainly not binding on other courts, would carry some weight. One would expect decisions on both sides of the question. At that point, the U.S. Supreme Court would probably feel compelled to hear a case in order to establish a single interpretation of the equal protection clause in this area. By that time one or more states would have grappled with the implementation of a *Serrano*-type decision and have demonstrated whether or not school finance systems can be operated along lines consistent with *Serrano*.

On the other hand, it is possible that the U.S. Supreme Court would agree to hear an appeal on a *Serrano*-type decision immediately. The Court may be anxious to dispose of this potentially troublesome affair. Indeed, under certain circumstances, the Supreme Court is obliged to accept an appeal and render a judgment. Under present circumstances most observers would not predict that the decision would be upheld, and a negative judgment would spell the end of judicially induced school finance reform for some time. For this reason many legal experts believe that an appeal to the U.S. Supreme Court should be postponed for as long as possible.

The next months, indeed years, will be a time of substantial confusion in the history of American public school finance. A principal outcome of *Serrano* will be to free legislatures from the strictures of the past to experiment with new models of school finance. Efforts at reform will be aided by a growing discontent with the local property tax.

In sum, *Serrano*-type lawsuits are designed to attack our school finance systems that effectively deliver more educational resources to children in wealthy communities and less to children in poor communities. The suits have as their objective squaring the reality of school finance schemes with the rhetoric of equality of educational opportunity.

## CONGRESSMAN STRATTON SETS NEW YORK TIMES STRAIGHT ON MONDAY HOLIDAYS

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. McCLORY. Mr. Speaker, with the recent celebration of Veterans Day as one of the four Monday holidays established under H.R. 15951 of the 90th Congress, there were scattered repercussions including a sarcastic New York Times editorial typically belittling the U.S. Congress.

Mr. Speaker, I recall the long efforts of my colleague from New York (Mr. STRATTON) to secure passage of Monday holiday legislation and his cosponsorship of the measure which I sponsored in the 90th Congress, and which was signed into law on June 28, 1968. Accordingly, I was especially pleased to note that Congressman STRATTON replied appropriately to the New York Times editorial.

Mr. Speaker, in addition to reproducing both the editorial and Mr. STRATTON'S subsequent letter to the editor, I should point out the error in the editorial which indicates that Memorial Day has been designated as the fourth Monday in May. Under the measure passed by the Congress in 1968, Memorial Day is celebrated on the last Monday in May, which is frequently the fifth Monday in May as it was this year and as it will be again in 1972.

Mr. Speaker, the New York Times editorial and Mr. STRATTON'S response are as follows:

[From the New York Times, Oct. 26, 1971]

HOLIDAY

The Stock Exchange was open, but the banks were closed. Public schools were closed and so was the public library. Most stores were open. In short, it was Veterans Day, another of those semi-demi-holidays which commemorate no specific event in history and which nobody quite knows what to do with.

This is the first year in which the nation has observed the new schedule of holidays enacted by Congress. At one time we endorsed the proposal, but we have long since concluded that it was not a very good idea. In order to create four new three-day weekends, the observance of George Washington's birthday was moved to the third Monday in February, Memorial Day to the fourth Monday in May, Columbus Day was made a holiday and established as the second Monday in October, while Armistice Day, renamed Veterans Day, was moved from Nov. 11 to the fourth Monday in October. The model for this rearrangement was Labor Day, previously the only holiday which always falls on a Monday.

A successful holiday can only develop out of the emotions of large numbers of people. That is true of the four genuine holidays—Christmas, a religious feast; New Year's, a symbolic turning point; the Fourth of July, the nation's birthday, and Thanksgiving, a harvest festival, which has become the nation's secular feast day.

Other significant events and communal memories can be recalled more suitably than by shutting down or half-shutting down public and private business. Would it not be a much more moving tribute to the nation's war dead if, as is done in Britain, work and traffic ceased for two minutes of silence? The memory of George Washington and Christopher Columbus can best be perpetuated by dedicating their natal day to teaching school children about their ideals and accomplishments. For that educational purpose an exact date like Feb. 22 or Oct. 12 is much preferable to an arbitrary Monday.

Congress can pass a law but only the people can make a holiday. We doubt that the people will take to their hearts the holidays which Congress has manufactured.

OCTOBER 29, 1971.

LETTERS-TO-THE-EDITOR,
*New York Times,*
*New York, N.Y.*

EDITOR, NEW YORK TIMES: As the original author of legislation finally enacted in 1968 putting four national holidays on a Monday, I am sorry to see the New York Times changing its mind of the desirability of this shift (editorial, Oct. 26, 1971), especially for what are flimsy reasons.

We have now experienced all four of these new holidays in 1971. Besides that July 4th fell on a Monday and so was also celebrated as a 3-day holiday weekend. Somehow the Republic survived; and my own impression, though I cannot document it, is that the change has generally provide popular.

Your lament stems from what you regard as a somewhat lackluster celebration of Veterans Day last Monday, "another of those semi-demi-holidays," as you put it, "which commemorate no specific event in history and which nobody quite knows what to do with."

But your disenchantment resulted, I daresay, from the atrocious weather we had over that particular weekend. Actually, as a national holiday Veterans Day has never been fully observed as Memorial Day or the Fourth of July. Stores have remained open, just as they do regularly on Washington's Birthday. The shift to Monday has not yet altered that pattern. But despite the fact that Veterans Day did not fall this year on November 11, Birmingham, Alabama, where the sun shone brightly last Monday, put on as I understand it one of the greatest tributes to our veterans ever held in that city's history.

I believe our experience this year shows that, contrary to your estimate, the American people did take both Washington's Birthday and Memorial Day "to their hearts" as Monday holidays, and in addition warmly welcomed the opportunity to celebrate Columbus Day for the first time as an official national holiday, the only new holiday, incidentally, which you say "Congress has manufactured."

SAMUEL S. STRATTON,
*Member of Congress.*

## PITFALLS IN ARMS TALKS

### HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

*Thursday, November 18, 1971*

Mr. THURMOND. Mr. President, the complexities and pitfalls inherent in the strategic arms limitation talks are well defined in a column by John Chamberlain, published in the November 13, 1971, issue of the Augusta, Ga., Chronicle.

All of us would like to see a decline in the arms race, but it would be foolish to reach any agreement with the Soviet Union without necessary safeguards to assure compliance.

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:

PITFALLS IN ARMS TALKS

OFFUTT AIR FORCE BASE, NEB.—Our military deterrent strategy is summed up here at Strategic Air Command headquarters in the one little word "Triad." Triad means that we count on the overlapping power of the ICBM (the intercontinental ballistic missile), the Polaris-Poseidon nuclear submarine and the supersonic manned bomber to deter the Soviets or the Red Chinese from ever trying to demolish the U.S. with a nuclear "first strike."

Surely, so any common-sense reasoning runs, no enemy could hope to paralyze all three arms of the Triad simultaneously. At least one element of our three-pronged deterrent would remain operative to strike back under present circumstances. Triad also serves as a hedge against a technological breakthrough that would render any one of the deterrents obsolete.

So, provided the unilateral disarmament fanatics don't elect Senator McGovern President and take over the country, the U.S. will retain some sort of impressive retaliatory power for the foreseeable future. But the Russians have a Triad, too. In the intricate game of diplomacy, with military credibility needed to back up what otherwise might be interpreted as bluff, the "comparatives" of the two sets of Triads are extremely important.

The Strategic Arms Limitation Talks (SALT) now going on between the Soviets and the U.S. have the worthy aim of keeping the astronomical Triad costs down on both sides. The Strategic Air Command does not comment on diplomatic matters, but it is easy to see that the U.S. Air Force Commander-in-Chief, Gen. Bruce Holloway, watches the SALT proceedings with a wary eye. He is not against saving money, though he is worried about something else. In a long interview I gathered that he was concerned about the semantic traps the Soviets could be laying for us in arms limitation negotiations. By a failure to see the side effects of a verbal agreement on any one item of arms cutback, the comparative deterrent strength of our own Triad could be vastly diminished.

For example, if there were a mutual cutback in strategic manned bomber programs, the trade-off might seem even without being even at all. With a steadily diminishing number of overseas bases, the U.S. does not go in heavily for the medium bomber; it is the long-range B–52 that has had to be employed to do our saturation work in Vietnam. The Soviets, on the other hand, are chock-a-block with medium-range bombers, with their Blinder and Badger models adding up to a total of 700 in all. Theoretically, these planes are no menace to the continental U.S.; the Soviets say they are for protection against war in Europe or in Asia.

General Holloway, however, begs to differ with this analysis. It is obvious, so the Strategic Air Command thinks, that medium bombers can be refueled from tanker planes en route to distant targets, and the Russian medium bomber force, if deployed from northern USSR staging bases, could easily reach vital objectives in the U.S. Morever, they would not have to return directly to Russia; there is always that haven in Castro's Cuba, which has been correctly described as an unsinkable aircraft carrier. If there is to be any agreement on comparative strategic air forces, the 700 Soviet "mediums" should be fed into the computer as something more than a bomber meant for European distances only.

Another item of arms limitation contention is the anti-ballistic missile. The Soviets, with their Moscow system missile interceptor, the so-called Galosh, are far ahead of us in this, and by the mid 1970s they could have as many as 2,000 ABM launchers. We would count it a diplomatic feather if we could trade our puny ABM efforts out for a curtailment of the Soviet ABM. But here, again, a warning is in order: the Soviets have something listed as an anti-aircraft missile, the SA–5, that might, if teamed up with a sophisticated tracking system, serve as a capable interceptor of ballistic missiles. Any agreement on mutual limitation of the ABM should include the SA–5.

Finally, there is the money spent on military research and development. The Soviets are currently spending $3,000,000,000 more a year on this than we do. When nations agree to limit the production of old weapons, there is always a shift to the development of new and untried substitutes or improvements. A seemingly safe SALT agreement on nuclear arms might merely touch off a race to lasers, or something even more fearsome. In which case, the power with the most extensive "R and D" would be in a position to dominate the future.

No doubt our SALT negotiators are aware of semantic traps. But the political urge to reach an agreement just to win an election could blur the issues, and a slip in the understanding of side-effects at SALT might easily spell our doom.

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## WHAT IS REALLY HAPPENING IN VIETNAM?

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## HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. LANDGREBE. Mr. Speaker, recently I received a letter from a close friend and constituent, Lt. Col. Lewis Casbon of Valparaiso, Ind., who is now serving his third tour of duty in South Vietnam with the U.S. Air Force.

His letter is an indictment of those self-anointed pundits in the news media who seem to have a vested interest in an American disaster in that war. As long as things went badly, the war in Vietnam was big news. Now that things are turning around under the inspired leadership of President Nixon, the media is strangely silent—except when it can take an isolated incident out of context and make it look like more failure.

Mr. Speaker, I insert Col. Casbon's letter at this point in the RECORD, so that the House and the American people can have a chance to find out what's really going on in Vietnam, for a change.

The letter follows:

LETTER BY LT. COL. LEWIS CASBON

DEAR EARL: Eight months have slipped by since I arrived here and it seems like only yesterday. Time has really moved along, so much so that it has been a long time since I prepared a mass communique to friends. Much has gone by the wayside and I will attempt to put some of it on paper to offer a few thoughts on Vietnam among other things. I returned from home and my 14-day leave less than three weeks ago and needless to say that was a delightful time.

As of this minute I plan to retire right after the first of the year. I do not have a specific job in line but am confident there will be no problem, in spite of the gloomy job market. I have some good leads and am anxious to vigorously pursue a civilian career in the near future. The work here is interesting and I will never regret a minute of the tour, but now that the decision has been made I am eager to make the break before any more years slip by. I will never for a minute regret my military career, as it has been good to the family and me.

A few words on Vietnam and my pet peeve, the Media, are in order at this point. I would like to offer a few opinionated impressions. I believe it most appropriate to touch that off by setting the record straight on the GIs who allegedly wouldn't go on patrol at fire base PACE a couple of weeks ago. I have a friend who is a senior advisor in the area and was very close to the whole thing, so I feel confident my views are accurate. A French reporter made his way to the fire base and engaged himself in conversation with a group of soldiers and during the course of the conversation he asked them if they would be willing to go on a patrol from there. One of them responded with a negative. The conversation was subsequently relayed to the American press, and as a result there was great propaganda headlined by: "GIs refuse to go on patrol." At that time no real thought had been given to sending them on patrol and they had not been so directed by their superiors. It was almost as bad the next day when U.S. forces cancelled a patrol because it would have been an exact duplicate of a patrol conducted by the Vietnamese. As most of you probably remember, it was built into a great story and as near as I am able to determine it was a total distortion of the facts.

There has been far less war coverage lately and in addition to the fact that people are sick of hearing about it, I attribute it to the fact that the VC are being mauled quite badly in most areas. There are a number of different types of operations taking place which are for the most part mopping-up operations. These include a large number of areas being cleaned out that have never before been touched by the South Vitnamese. These are not classified and do appear in the local media, but does it not seem strange that the media which has such great access to everything is not able to report these operations? Vietnamization, which you may hear of as a failure, is highly successful and nearly completed. The Vietnamese forces of all services are making a favorable showing and gaining in confidence with each day that passes. Incidentally, the previous Laos incursion by the South Vietnamese, which I had previously written about, is now paying significant dividends. There are problems and a lack of security in the Northern areas, which in some cases is greater than in past months. I believe this to be partially caused by the vast amount of transitioning that has taken place from U.S. forces to Vietnamese.

The one-man election of recent weeks gave the media much to rave about and they did take advantage of it. Neither Ky nor Minh had a chance of winning, but it is too bad that both were more concerned with saving face than with feeding the left-wing propaganda mill by pulling out of the race. It is my observation that the population here has as much individual freedom as many people throughout the free world countries, including our own. There is good support here for the current government, although it would be misleading to say it is unanimous. There are many whom I have talked with that favor a government which would take a more dominant stand—dictatorial even—to reduce crime and corruption. One last example of the media. It seemed to be common belief because of the media that between 40–60% of the troops here were on some type of hard drugs. That issue died in a hurry after the urine testing started and the actual count went down to about 3.5%. That is high and alarming but certainly well below 50%. The

testing apparently has psychological effect and scared a lot of the would-be experimenters that may otherwise become hooked.

From an overall standpoint, great progress is being made here but I believe it is time that we leave. I firmly believe that we could pull out now and the South Vietnamese would have no trouble making it on their own. However, it would be less costly in the long run if we were to leave technical and middle management advisors, as the South Vietnamese are inexperienced in those areas. The very sad issue of POWs is one which no doubt has a bearing on whatever efforts are being made for a U.S. pullout.

I am anxious to hear from friends, and any mail will be greatly appreciated. We have no idea at this minute where employment will take us after retirement, but wherever it is we will be happy. There are very few places in our great United States where we would not be satisfied. While here I have been able to get out of the office and fly a few times and collect a few good pictures and other souvenirs.

My best to you,

LEW.

## A NEW LIFE FOR THE RETARDED

### HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

*Thursday, November 18, 1971*

Mr. BEALL. Mr. President, I have previously in this Chamber expressed admiration to those who give themselves in service to their fellow human beings. Whether it is a local group of citizens conducting a cleanup campaign or a cancer fund drive, or helping people who are less fortunate, their dedication I hold in the greatest esteem.

It is with this thought in mind that I would like to bring to the attention of my colleagues the activities of a new action center for retarded young adults that opened on October 4 at the United Methodist Church in Lisbon, Md., under the direction of John Everett.

Mr. President, of all the disadvantaged groups, one of the most tragic are those who are born retarded, who cannot without proper training perform even the simplest functions.

I ask unanimous consent to have printed in the RECORD an article which appeared in the November 11 issue of the Ellicott City Times depicting the work that the action center has been engaged in since its opening to aid these disadvantaged young adults to lead a brighter and more productive life.

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

A NEW LIFE FOR THE RETARDED

(By Rena Rosenson)

The conception of the plight of the retarded—the picture of lonely, completely dependent people spending their lives in institutions or hidden away by their families—is not acceptable to John Everett, director of the new Activities Center for retarded young adults which opened October 4 in Lisbon's United Methodist Church.

Although he realizes that every retarded person cannot be trained to live as his normal brothers do, Mr. Everett sees the Activities Center as a step in the process of training its 11 enrollees to be as self-sufficient as possible.

"I see the Center as a mid-point between the day care center, which is geared to mentally retarded children," he said, "and the Sheltered Workshop, which prepares mentally retarded adults for future employment."

Mr. Everett and the Center's training assistant, Ruth Walls, instruct the group in everything from grooming and social skills to cooking and gardening. And though the group has been together only a month, they take an active interest in each other's progress and success.

The Center, established by the Howard County Association for Retarded Children and funded by the state and the county, has facilities for cooking, sewing gardening recreation and arts and crafts.

Working in these areas, the retardates learn to cook simple meals and make clothes for themselves, as well as occasionally making money for their efforts.

For example, the Center has a contract with the day care center to bake cookies for a small fee in return. And last week, the group was busy making baked goods for a bake sale Saturday.

A pansy field at the back of the Center has helped them to learn the methods of gardening and will provide a small income when they are big enough to be sold.

In arts and crafts, the group has been working with plastic to make numbers and letters for mailboxes and has made Christmas wreaths out of Baggies.

Additionally, Wilhide's Flowers has contracted the Center to help put the finishing touches on the envelopes which are attached to deliveries.

The members of the group take great pride in the work they do. Most of them have been able to feel a sense of accomplishment they have never experienced before.

Mr. Everett helps them in any way he can, but he says the program is designed so he will have to do as little as possible—"because self-sufficiency is the goal."

"A lot of these people have been pampered at home and are reluctant to do things for themselves," he said. "But most of them are doing very well."

Recreation is completely geared to adults. Shuffleboard, baseball and basketball are some of the group's favorite activities, but Mr. Everett steers them away from playing "catch" and most children's games.

Mr. Everett admits that the Center does not concentrate very much on academics.

"If a person still can't read by the time he is 29 and can't tie his shoes, I'd rather teach him how to tie his shoes," he said. "That kind of thing helps him to be able to take care of himself."

He explained that his purpose is to prepare these people to be able to take care of themselves. His goal: to equip them with personal and social skills which will enable them to enter the Workshop and eventually get a job.

He and Mrs. Walls instruct the group in grooming, health, social skills and domestic activities such as cleaning, table setting and making beds.

The Center has provided combs, brushes and a hair dryer and instruction in how and why to use them. Bottles of Listerine mouth wash were added to the lessons last week, and each member of the group tried it.

"Well, it didn't taste very good," one man said. "I don't think I'll use it again—but I know what it's for!"

For exercise in cleaning Mr. Everett insists that the group clean the Center each day before catching the bus home. He meets very little resistance to his requests, however, and the whole group pitches in to clean house.

When the Center is clean and all work is done, the group gathers around the record player, dancing, singing, playing cards or just watching what the others are doing. They obviously like the opportunity to socialize together.

The Center is working on a budget of $23,910 this year. The county foots a fourth of the bill and the state pays for the rest, except for a few thousand dollars contributed by the Association for Retarded Children.

The Center has received very few contributions so far, but the ones they have received have been quite valuable.

The sewing machine was given to the Center, as well as ends of material with which the group learned to sew. Last week, each one had completed an apron, made to fit his size and style.

The Coke machine in the Center has proved to be an enormous help to Mr. Everett and to the group. With it Mr. Everett taught them the difference between a dime and a quarter and eventually was able to send them to the corner store.

Now, most of them are able to go to the supermarket and come back with the things they were sent for as well as the proper change.

In the future, Mr. Everett sees some expansion, although the limited facilities restrict it.

He said, too, that he is hoping to get into weekend programming so the group will be provided with some social activity.

"We want to teach them how to bowl and how to go to the movies," he said. "It is difficult to do with such a large group, but we will do it."

The group seems to love Mrs. Walls and Mr. Everett, and enjoy doing the things they are learning. But Mr. Everett admits that everyone cannot learn all of the things.

Some of the members of the group have a hard time with the sewing machine, some have problems with coordination and some have a hard time just sitting still to listen to a lesson.

But Mr. Everett strongly feels that an institution is not the place for a retardate, except perhaps for the severelly retarded.

"When parents can't support the child anymore, the only alternatives for the child are living with a relative or an institution," he said. "Here they can pick up the skills which can make them more acceptable to a relative."

But Mr. Everett isn't willing to settle for that either. He would like to see these people living in groups of about 15 with a resident couple for supervision.

He sees the homes as being scattered around cities, with the residents working or attending the Workshop in the daytime and returning home at night.

"In a small group home you can set a standard of behavior and you get them to accept it," he said. "Institutions seem to come down to their level rather than helping them to improve."

In the group home the residents would put to use the skills they learn in the Activities Center.

Mr. Everett noted that the group home idea has been brought up in Baltimore City, but the residents of the city objected to havnig the retardates in their neighborhoods.

"If it is defeated in Baltimore, I'm afraid it will set a precedent for the whole state," he said. "But I think it would work, and it certainly would be better than the big institutions with the signs all around announcing its presence."

"The best we could do," he added, "would be to train them to live by themselves and to be happily married. But we haven't reached that point yet and we have to take it one step at a time."

## LATVIAN INDEPENDENCE DAY IS A REMINDER THAT BALTIC NATIONS ARE STILL ILLEGALLY ENSLAVED BY SOVIET RUSSIA

**HON. JOHN R. RARICK**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. RARICK. Mr. Speaker, today marks the anniversary of the independence of Latvia. I insert in the RECORD at this point a press release issued on this occasion by the Latvian Association of the United States and Canada:

LATVIAN INDEPENDENCE

THE LATVIAN NATIONAL ANTHEM

God, bless free Latvian Land,
Guard well my Fatherland,
Thus pray my heart and mind:
God, save Latvia:

Let there sound free my voice,
Daughters and sons rejoice!
Let there be a happy choice!
God, bless Latvia!

We are still too close to the events to get a true perspective, but it may be confidently asserted that when the full story comes to be told, the epic of the Latvian struggle for independence will rank high among the world's record of such performance. Without an épopée, said Gothe, can never become of much worth, but in their quest of freedom the Latvian peoples have contributed much to the "Mosaic of America", and proved their worth. Therefore: it is the duty of those of us who are living in freedom to remind the world what we are, what we are going to be, why we have existed and why we are going to continue to exist.

The economic development in *independent* Latvia will show to those who have doubted and still doubt that, in spite of a comparatively small political unit for economic opportunity, Latvia could exist without the help, as the political exploitation was called, of her powerful neighbors. At the end of World War Two, approximately 100,000 persons emigrated from Latvia and later were dispersed throughout the free world. Today, statistics show that, through three generations, many hundreds of this number are true scholars of higher learning in the humanities, as well as technical sciences and other departments.

The numerical majority are of the younger generation, those who attained their success in emigration and this shows the strength of vital creativity in the people even during difficult times. Therefore, to reiterate the contributions of the Latvian peoples and there great endeavors to fit into the pattern of the "Mosaic of America", and bringing their hopes of freedom to this great country, their ethnic heritage and cultures, arts, science, history and knowledge which has contributed much to this great country of America.

The legal existence of Latvia still continues despite the military occupation, of the U.S.S.R. The Soviet administration occupying Latvia lacks any legal basis, and in accordance with recognized principles of international law, should be regarded only as a temporary military occupation. The major powers, including the United States, have refused to recognize the incorporation of the Latvian State into the U.S.S.R. as claimed by the latter.

In accordance with the principles of international law, a military occupation cannot terminate the legal existence of a state. Unable to plead their own cause, we urge the President of the United States to bring the forces of world opinion at the U.N. and other international forums to bear on behalf of the restoration of the independence of Latvia. All men are by nature free and independent, and have certain inherent and inalienable rights—among these are life, liberty and the pursuit of happiness. Lest we forget: we are thankful for primacy, sanctity and prayer. As an American, we must be thankful for many more blessings—the list is long.

It is appropriate on this occasion to recall some not so ancient history. Just over 31 years ago, to be precise between June 16 and 18, 1940, Russia invaded the Baltic States of Estonia, Latvia, and Lithuania and brought these free countries into the Soviet slave camp. The freedom-loving people of the Baltic nations were subjected to inhumane and barbarous treatment at the hands of the Communist leaders of imperialistic Russia. The Soviet occupation of the Baltic countries is contrary to accepted principles of international law.

An excellent historical account about Latvia under Soviet rule was written over 6 years ago by Melvin Munn of Life Line. Since history once made is not subject to change, I insert Mr. Munn's article in the RECORD at this point.

CAPTIVE NATIONS, 25 YEARS LATER

AUGUST 12, 1965.

It was 25 years ago this summer that the Russian hordes swept into Estonia, Latvia and Lithuania and "liberated" them into slavery, communist-style. The invasion came between June 16 and 18, 1940, and in August of that same year the three Baltic states were formally annexed as part of the Union of Socialist Soviet Republics.

There is no more commanding or compelling reason for the people of the United States to remain alert and vigilant than is found in the study of past communist deception and genocide against entire nations. Freedom and faith form our Life Line, and no patriot need ever apologize for counseling that this nation under God protect and defend itself against communism's avowed determination of long standing. That is, to capture and enslave our people just as they have enslaved half of Europe and most of Asia.

The methods used by communism to enslave or pillage or kill a nation, and to maintain control after the fact, are unbelievably ruthless and scientifically elaborate. Their systems of destroying noncommunist political forces and installing their cruel inhuman one-party program are diabolically successful.

In the three valiant but tiny Baltic nations, a love of Freedom and dignity was deeply ingrained. When the Red Armies marched into Latvia, Estonia, and Lithuania in that summer of 1940, Russia assumed total control while giving the people every assurance that free elections would be held. Elections *were* held, but with only one ticket. Attempts to enter opposition candidates for government posts were met by simply jailing or killing the leaders of the opposition. Though less than one percent of the population of the three enslaved states were members of the Communisty Party, Soviet News Agency Tass announced, 12 hours before the polls closed, that the communist slate had been elected by a vote of 98 percent of those old enough to vote. Naturally, no one ever had a chance to see the ballots except the commissars in charge.

Ironically, the USSR constitution then and now provides that nations joining the union will do so voluntarily, and may secede at will. That ghastly joke is stark and mocking when you read the list of nations swallowed up by the comunists, none of whom joined voluntarily, and most of whom fought overwhelming odds. In the end, they were simply absorbed.

Just one year after communist occupation of the three Baltic states in June, 1941, the Red Army and the hated NKVD, secret police, applied genocide to the adult population. Having already killed or deported those who had been political, religious and economic leaders, the next move was to scatter all other levels of leadership throughout slave camps in the arctic regions. Thousands upon thousands of Balt men and women, teachers, musicians, poets, authors, journalists, ministers, former city officials and other professionals were wrested from their homes and deported.

The dread sound of heavy marching boots in the dead of night; a rap on the door; a gruff order to "open up;" and another Balt patriot would be dragged away with his family left weeping and frightened.

One of the most reliable documentations of the true nature of Russian conquest over the small and weak is found in a report of the 1953–1954 Select Commitee on Communist Agression of the U.S. House of Representatives. This 8-man committee held hearings in Chicago, New York City, London, Munich and Berlin. The committee heard testimony from escaped victims of communist brutality. The nationalities of the 112 in-person witnesses; the more than 200 sworn statements placed in the record; and mountains of documents handed over to the committee serve as a roll call of captive countries.

The committee heard Poles, Hungarians, Bulgarians, Rumanians, Estonians, Latvians, Lithuanians, Ukrainians, Byelorussians, Germans, Czechoslovaks and Russians. Sworn statements came from Americans, Georgians, Azerbaijans, North Caucasians, Cossacks, Idel-Uralians and Turkestanians.

All these had one thing in common. They were eye-witnesses. They had seen and, in most cases, felt the brutal hand of Soviet farcical "liberation." Telling of a dreadful world of mass murder, anonymous graves, concentration camps, the ever-present secret police and hatred beyond the comprehension of decent people, these witnesses droned out a horrifying indictment against the terror of Soviet communism.

Typical of witnesses appearing before the Select Committee was a former MVD officer, Lt. Colonel Grigori Stepanovich Bur'itski. Before his escape to Freedom, Burlitski had been an officer in the NKVD, and rose to be a commanding officer in its successor, the MVD secret police.

Burlitski told, in great detail, how he and his fellow secret policemen took over and practiced genocide in a nation of more than 500,000 people, the mountain country of Chechen-Inguish. Wearing Red Army uniforms, MVD troops moved into every village, town and city of the mountain republic. They passed themselves off as veterans of the fight against German invaders, pulling back for billets and rest. The Nazis had occupied Chechen-Inguish until Russian World War II forces began driving them back.

Slowly the Inguish people accepted their visitors as friendly. They began inviting them to their homes, feeding and entertaining them. Inguish public officials encouraged the people to treat their guests as brothers in Freedom. So well did the Red secret police play their roles as heroes returned from battle that Chechen-Inguish citizens eventually welcomed them with open arms.

On a set day at a fixed time, every hamlet, village and city in Chechen-Inguish staged a great celebration. Their communist "brothers" had suggested such a gala affair to show

the new-found affection between the Inguish and the central Russian people! On the appointed day the bands played, MVD men went to every house to insist that every able-bodied person "come to the party," and they did! People danced in the street, and in town squares oratory was king. Chechen-Inguish political leaders praised their visitors and paid glowing tributes to the vision of the Russian leaders. Disguised MVD officers, in turn, lauded their hosts on their hospitality and generosity.

At another appointed hour, in each location, a different MVD officer stepped up on the platform. His remarks were brief and to the point. Citizens of Chechen-Inguish had been too good to the Nazi hordes that occupied their land before the Russians came in. They had consorted with the enemy and had proven themselves dangerous to the Soviet Union. All these charges were made without a shred of evidence to support them. In truth, the Inguish people had been extremely un-cooperative and hostile to the Germans, had made their stay miserable, and exercised vast underground counter-war against Hitler's men.

That made no difference to the MVD. These people were herded into cattle and freight cars. In less than an hour the entire population of Chechen-Inguish, more than 500,000 men, women and children, were en route to slave camps in the frozen north!

There was no water, food, or facilities for human needs. Thousands died of malnutrition, disease, and from injury under heavy boots of half-crazed people struggling to escape the tightly barred cars.

Twenty-five long years of enslavement have passed for the citizens of Latvia, Lithuania and Estonia, and more than 20 years have gone by since the 500,000 citizens of Chechen-Inguish were hauled off to slave camps by communist Russia. The story of the Baltic states and Chechen-Inguish was largely repeated in Poland, Czechoslovakia, Rumania, Hungary, the Ukraine and dozens of other states and colonies. Mr. Fedir Pihido, a Ukranian national, told the Select Committee on Communist Aggression of the United States House of Representatives of the forced famine used by the communists to punish the Ukranian people who were constantly trying to escape to Freedom. Mr. Pihido stated that between 6 million and 7 million Ukranians died from starvation in a famine manufactured by their captors.

The best remembered example of Russian brutality came in 1956 with the terrible crushing of the people of Hungary. The Red Army, with a force of arms many more times powerful than needed to exert its will, marched into Hungary and smashed a proud people. Those few who survived mass murders and managed to escape to the free world tell of horrors almost beyond belief.

The very basis of communist power has been terror. The Select committee received testimony and evidence to prove conclusively many of the atrocities carried out in the Baltic. For example, in Riga, the former capital of Latvia, photographs were made of torture rooms. One ingenious arrangement of the NKVD in 1940–1941 was a system of little concrete dugouts called "dog houses." These were tiny rooms no more than 3 feet square. Victims were thrust into these rooms in attempts to make them reveal anything the communists wanted to know. The person confined could neither stand nor lie down. At best he could only sit in cramped quarters or stand on all-fours.

Torture chambers were located in that same building. These were soundproof rooms having doors reinforced with iron and rubber sheets. All kinds of horrible torture tools were at hand. Photographs of these rooms show thousands of bullet holds in the walls where people had been shot as soon as their tormentors had gained the information they wanted.

An examining judge of the district court at Riga, Latvia, was able to investigate atrocities when the Red Army pulled out briefly in 1941. They were to return in a few months and ship thousands of Latvians to slave labor camps. Judge Atis Grantskalns reported in testimony: "Altogether I dug out over 900 bodies, and none of those victims were former criminals. They were the most respected citizens in our country. Among the victims were officers, army colonels, lawyers, laborers, doctors, businessmen, the aide of the Latvian Prime Minister, the director of the department of schools and ministers."

Lists were discovered that had been prepared by the Russian NKVD in 1939, a full year before they took over in the Baltic. These lists contained the names of those who were to be seized, executed or deported. 1939 maps of the Red Army also showed that Latvia, Estonia and Lithuania were included as part of the USSR a year before they were invaded.

Nothing has transpired to prove there is any fundamental change in the course of communist aggression. Red China, which has been even more brutal and indifferent to human life than the USSR, must be recognized as an equal if not stronger factory of hate than Russia itself.

Communism has never come to power except by brute and fearful force. Communism maintains control over captive nations, most of them overwhelmingly anticommunist, only through power and arms. Under communism the state is god and there is none other; treaties and agreements are scraps of paper to be torn up at will, and communism operates a vicious international criminal mechanism in attempts to enslave the whole world.

On the 25th anniversary of the capture and destruction of the three independent Baltic states, Life Line believes our greatest tribute to the courage of the Balt is to preserve, extend and strengthen our own Freedom. On this daily program we do not cry "fire" where there is no fire, and neither do we cry "wolf" where there is no wolf. Our purpose is constantly to remind our listener of the undeniable record of communism past, to inform you on communism present, and warn you of communism future. It is vital to your safety that you never forget what communism has done, what it is doing, and, above all, exactly what it is.

*Until we meet again, remember: 25 years ago the Baltic states were swallowed up, but communist Russia must never be allowed to digest the fruits of real Freedom.*

I find it strange that the world powers in the United Nations have ignored the grossly unjust situation to exist in Estonia, Latvia, and Lithuania and have taken no steps to restore self-determination and freedom to these unfortunate people.

Article 1 of the U.N. Charter states that one of the purposes of the United Nations is as follows:

To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.

If the United Nations were a genuine peace-seeking organization, it would have long ago taken action to return self-liberation to the peoples of the Baltic nations.

For several years, I have introduced resolutions calling upon the United Nations organization to place the question of human rights violations in Soviet-occupied Estonia, Latvia, and Lithuania on the agenda of the world body. I insert in the RECORD at this point the text of these resolutions.

H. CON. RES. 341

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations organization, take such steps as may be necessary to place the question of human rights violations, including genocide, in the Soviet-occupied Latvia on the agenda of the United Nations organization.

H. CON. RES. 61

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations, including genocide, in the Soviet-occupied Lithuania on the agenda of the United Nations Organization.

H. CON. RES. 63

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right of self-determination, and other human rights violations, including genocide, in Soviet-occupied Estonia on the agenda of the United Nations Organization.

## "FLUSHPOT" PLAN MAKES DAM A NATIONAL ISSUE

### HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. MIZELL. Mr. Speaker, I have told my colleagues in the House, on many occasions in the past, that the proceedings of the Federal Power Commission with regard to the Blue Ridge hydroelectric project in my district would loom as a matter of national import before they were completed.

I have sought to warn my colleagues in a variety of ways about the illogic and the danger of the controversial "pollution-dilution" theory that has played so prominent and ominous a role in this case.

The Department of the Interior is seeking in this case to make "pollution-dilution" an accepted national policy for abating pollution in the Nation's waterways. Environmental experts by the score have denounced this policy, and more and more of them are now coming out in active opposition to the Blue Ridge project on this very basis.

The fact that this project has national implications is underscored by the intense interest in the case that has been displayed by the very able environmental reporter for the New York Times, Mr. E. W. Kenworthy.

Mr. Kenworthy recently spent 10 days at the proposed project site, which includes Ashe and Alleghany Counties in North Carolina, part of my congressional district.

His analysis of the situation appeared, by means of the New York Times News Service, in the Winston-Salem Journal of November 7, 1971.

Mr. Kenworthy has done a masterful job in identifying the conflicts of opinion inherent in this project, and I really believe my colleagues would be well advised to study his analysis, for as I said earlier, this case may only be the beginning of a ruinous and destructive and ineffective national environmental policy.

For my colleagues' benefit, I insert the full text of Mr. Kenworthy's article in the RECORD at this time:

"FLUSHPOT" PLAN MAKES DAM A NATIONAL ISSUE

(By E. W. Kenworthy)

(The controversy about building a hydroelectric project on the New River has produced some questions of national interest. E. W. Kenworthy, a New York Times reporter whose specialty is the environment, took a look at the Blue Ridge project. This is what he found about the arguments for and against the project.)

WASHINGTON.—On Thursday the Federal Power Commission will hear more arguments about whether a license should be granted to the Appalachian Power Co. for a $350 million hydroelectric project on the New River on the western border of Virginia and North Carolina.

The hearing room will be crowded and tension-laden because the project has aroused bitter opposition, not only locally but also nationally among environmental organizations.

The controversy is now approaching a climax after a five-year battle of hearings and lawyers' briefs. The argument on Thursday will be the penultimate administrative proceeding.

Twice—on Oct. 1, 1969, and June 21, 1971—the power commission's presiding examiner, William C. Levy, has issued a license subject to commission review on appeal. Twice opponents have appealed. Now, if the commission approves the license, the opponents' last recourse will be the courts.

The Blue Ridge project, as it is known, will produce a whopping 1,800 megawatts of power and an annual income of $39 million for Appalachian Power, a subsidiary of American Electric Power Co. of New York. Its two reservoirs, besides storing water for power, will also store 160,000 acre-feet for flood control and 400,000 acre-feet initially (650,000 by 1987) to be used to dilute the pollution of the Kanawha River by the industrial complex at Charleston, W. Va., 260 miles away.

(An acre-foot is the water necessary to cover an acre to the depth of one foot.)

The reservoir will also obliterate 44 miles of the New River, one of the few remaining clean rivers in the eastern United States, and 212 miles of tributary creeks, including some of the country's best trout water. They will flood thousands of acres of rich bottom land and pastures and about 1,200 homes, requiring the relocation of roughly 5,000 people.

Hence the controversy.

On one side are the presiding examiner and some of the staff of the power commission, the Department of Interior and the power company.

On the other side are the State of Virginia; the State of West Virginia in the person of its Democratic attorney general, Chauncey H. Browning Jr. (Republican Gov. Arch A. Moore Jr. has tried unsuccessfully to block Browning's intervention); Grayson County, Va., and Ashe and Alleghany counties, North Carolina, whose people would be affected; the Appalachian Regional Commission; a number of state environmental organizations all with national affiliations, and the North Carolina Farm Bureau. (North Carolina has also intervened, but in such a minor way as to draw protests from Ashe and Alleghany counties at what they regard as indifference to their interests by Gov. Robert W. Scott and Atty. Gen. Robert Morgan, who intends to run for governor.)

The proponents argue that the project is essential to provide needed power at lowest cost for other areas served by American Electric's system (it would not be used locally); that the opponents are standing in the way of "progress"; that the lakes formed by the reservoirs will enhance the recreational potentialities of the area and prove a boon to what is now "a marginal economy"; that while the fishing will be altered, it will be improved; that while there may be some loss of tax base for the counties, this will be offset by tourist income, taxes on new industry that may locate in the area and by savings on some services such as schools that "may not have to be provided to the same extent" because of the relocation of former residents.

VAST CHANGE

The power company, in an environmental impact statement, summed up its arguments for the project in these words:

"The project will unquestionably result in a vast change in the area. Applicant believes that on balance the project and its attendant amenities to thousands upon thousands of people—residents of the area and visitors—are of much greater significance than the possible adverse environmental effects . . ."

And Mr. Levy, the presiding examiner, said in his decision last June:

"The long-term benefits will create a new and better environment and way of life for many people in the region . . . Low density hunting and fishing, limited tourism . . . will be replaced with large lakes, a substantial increase in fishing benefits and superior water-oriented recreation . . . Water quality will be improved all the way down to the Ohio River . . . The New-Kanawha will be a bigger, better, more productive and esthetically pleasing river . . . On balance, the region and the proud, independent, self-sufficient people who live there will benefit from the project."

PROUD PEOPLE DISAGREE

Most of the proud, independent and self-sufficient people, judging by seven days of interviews recently, disagree on about every point, and so do the affected counties and the State of West Virginia in their briefs.

They contend that the area is not poverty-stricken and note that good farm land is now valued from $600 to $1,000 an acre and more. They ask what is to become of families whose property is condemned since comparable land is not to be had, even if the company fulfilled its promise to help in relocation. As for improved fishing, recreation and esthetics, they cite the effects on all three of the drawdown of the water level in the two reservoirs for power production and water quality storage for Charleston, which they refer to scornfully as "pollution dilution" or "flushpot."

44.4 FEET

The maximum drawdown on the lower reservoir will be 44.4 feet. On the lower it will be 10 feet between June 1 and Labor Day—the summer recreation season—and 12 feet at other times.

The opponents cite in their briefs extensive testimony at power commission hearings by marine biologists that the bass, for which the New River is famous, will not be able to reproduce because fluctuations in water levels will destroy the eggs, and much of the trout fishing will be destroyed by the backing up of the water in the creeks.

The opponents note that Levy's decisions and the impact statements of the company and the power commission staff did not refer to this expert testimony, but cited only the testimony of their own chosen witnesses.

STEEP BANKS

They emphasize that even the company concedes that, except for some fishing, the drawdown of 44 feet will effectively eliminate recreational development in the lower reservoir which in most places will have steep banks.

As for the upper reservoir, Paul J. Johnson, Appalachian's superintendent of hydrogeneration, says that the 10-foot drawdown would expose only 50 feet of mudflats horizontally on the average, and that a 12-foot drawdown would expose only 60 feet on the average. The opponents reply that, while the averages may be correct, in many areas where the flooded land is gently sloping, unsightly, foul-smelling mudflats hundreds of yards wide will be exposed. They question whether the recreation on such a lake will be preferable to that now afforded by the New River, with its drift fishing from flatboats and its canoeing.

Standing in front of the filling station at Grassy Creek that he and his father have run for 50 years and that will be under water, Bradley E. Sturgill, brushing aside all the technical arguments, expressed to a visitor the other day the feeling of many people in the valley.

"I feel it is a dangerous thing," he said. "It's pretty hard to stop progress. But there's more to it than stopping progress. I feel we have about the only river left you can call an unpolluted river. I hate to see it destroyed. We have a lot of fine people along the river. I hate to see them moved out of here. They're going to be unhappy."

QUALITY STORAGE

But all the disputes over the effects of the project stem from one cause—the requirement that the company must impound above its power requirements 400,000 acre-feet for "water quality storage," that is, the water to dilute periodically the industrial pollution of the Kanawha into which the New River flows. The companies chiefly responsible for this pollution are Union Carbide, Dupont, Monsanto, FMC-American Viscose, FMC-Organic Chemicals, FMC-Inorganic Division, and Abbott Laboratories.

In their brief, the Conservation Council of Virginia, the West Virginia Natural Resources Council, and the Izaak Walton League charged: "It is for the benefit of these limited operations that the Interior Department would make a sacrificial offering of the New River."

BLACK BEAST

For the states, the counties and the environmental groups, the Interior Department is the black beast of Blue Ridge because it insisted that provision for water quality storage be included in the project.

It is this provision that has transformed the controversy from one involving parochial interests to one of national import. And it is around this provision that argument will swirl once again this Thursday.

The issue has become national because the Federal Water Pollution Control Act states that while water quality storage may be considered in the planning of any federal project or any project requiring a federal license, "such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source."

NECESSARY SUPPLEMENT

The project's advocates insist that the 400,000 acre-feet (650,000 by 1987) will be used not as a substitute for treatment at the source, but as a necessary supplement to such treatment because the technology is not now available, and will not be available "in the foreseeable future" to reach West Virginia's immediate goal of 3 parts per million of dissolved oxygen in the Kanawha at

Charleston, or its ultimate goal of 4 ppm, without dilution of wastes by "low flow augmentation," that is, "pollution dilution."

The project's opponents, relying on testimony of several nationally known engineers and scientists, insist that technology is now available to treat most of the pollution and will soon become available to treat the remainder. Therefore they contend that the law is being evaded, if not violated.

DANGEROUS PRECEDENT

Further, the environmentalists believe that if this concept is given federal sanction, it will set a precedent with disastrous consequences, permitting companies to postpone indefinitely the installation of adequate waste treatment systems and contributing to steadily increasing fouling of the nations rivers.

Lorne R. Campbell, counsel for Grayson County who is also an ardent conservationist, expressed this fear in a brief filed with F.P.C.:

"We believe," he said, "if the project proposed is licensed that every river basin in America will be endangered . . . Any industrial complex, by similar strategies employed in the Blue Ridge project, might contrive to bring about the inundation of thousands of acres of land under the guise of emergency power needs or pollution control."

There are two ironies in the situation. The first is that in the initial plan submitted to the power commission, the power company did not propose any water quality storage; that the whole concept was imposed on it by the Interior Department, acting through the power commission, and that Appalachian still takes a dim view of the concept, although it would now like to have the extra impoundment required for pollution abatement for generation of power.

Thus, in a recent interview in Roanoke, Johnson said:

"We've never asked for the 650,000 acre-feet, but if it's imposed on us by F.P.C., we can live with it. We'd be better off economically without the 650,000 acre-feet for water quality storage."

SECOND IRONY

The second irony is that there was almost no opposition at state or local level to the company's original project proposed in February, 1965. The company had, the local residents admit, done "a good selling job."

But in June, 1966, one month after the Federal Water Pollution Control Administration had been shifted to the Department of Interior from Health, Education and Welfare, Interior Secretary Stewart Udall, at the urging of his advisers, petitioned to intervene in the proceedings. His petition was granted.

Udall insisted the project include provisions for water quality storage. He said later in a news conference that he had indicated to F.P.C. and the company that unless the Blue Ridge project, and "all future water resources projects," incorporated water quality storage, Interior would oppose the granting of a license. The company at first resisted the secretary's demand. Udall, according to his own account at the news conference, discussed the matter "privately" with Donald Cook, president of American Electric Co.

REVISED PROPOSAL

The result of all this, Udall related, was "a revised proposal." This "modified plan," submitted by the company in June, 1968, provided for water quality storage and closely approximated one prepared by the F.P.C. staff.

Udall has since had a change of mind. In his syndicated column last April 24, he said he had been "misguided" in forcing water quality storage on the Blue Ridge project, and vigorously attacked the whole concept.

The effect of his intervention was a doubling of the size and cost of the original company proposal.

MUCH HIGHER

The original project would have flooded 19,450 acres—16,600 in the upper reservoir and 2,850 in the lower. The modified project will flood 40,400 acres—26,000 in the upper reservoir and 14,400 in the lower.

The original would have impounded a total of 1,441,000 acre-feet of water; the modified will impound 3,261,000.

The original would have cost $140 million and produced 980 megawatts; the modified will cost about $350 million and produce 1,800 megawatts.

The original would have displaced 500 people, the modified, ten times that number.

Opponents of the modified project are particularly aroused by two things.

The first is that William Levy, the examiner, did not mention in his two decisions the testimony of two expert witnesses—Professor Vinton W. Bacon and Dr. David D. Woodbridge, both with recognized credentials, who testified before the F.P.C. that technology was available now for treating much of the industrial waste dumped into the Kanawha. Instead, they complain, Levy relied almost entirely on the testimony of Curtis Bell, an Interior Department lawyer who was the leading advocate of the project; Edgar N. Henry, head of the West Virginia Water Resources Board, and Richard Vanderhoof, a former Interior Department official now with the Environmental Protection Agency.

The attorney general of Virginia charged in his brief last Aug. 19 that "the presiding examiner has obviously disregarded the evidence in his efforts to sustain his original initial decision," and ignored all recommendations except those of the Department of Interior.

Second, the opponents assert that information supplied to the power commission by Interior was "erroneous" because it assumed in stating the need for water quality storage, that there would not be any treatment at the source at all.

The power commission staff, in its brief, agreed that Interior's figures were erroneous, and said that therefore the 400,000 acre-feet insisted on by Levy and Interior were "excessive."

SUGGESTED NO STORAGE

It recommended no more than 250,000 acre-feet of storage for water quality control, and even suggested that no storage be provided.

In a brief for the Environmental Protection Agency, its associate general counsel, Robert W. Zener, said that the Environmental Protection Agency had no objection to licensing the project as proposed and that the question of whether the water quality storage was needed could be left for later determination.

In an interview, Zener was asked what recourse a farmer who had sold his land under condemnation proceedings following issuance of a license for the Blue Ridge project and then, when his land was under water, it was decided that water quality storage was not needed, Zener replied that there was little good farm land that would be taken. He was asked if he had visited the site of the proposed reservoirs.

WHAT COULD I LEARN?

"What could I learn by going down there?" Zener replied.

And so the lines are firmly drawn on the central issue. In his latest decision, Levy said:

"Conceding that Interior's waste load estimates may be excessive, that a better job of waste-load reduction and pollution control can and should be done by the Charleston area chemical industry . . . the fact remains that . . . the desired water quality clearly requires low-flow augmentation in addition to adequate at-source treatment."

And Page Evans, standing on a low-water bridge over the Little River, an estuary of the New, the other day put the substance of all the opponents' legal briefs into the language of a countryman:

THEIR OWN FLUSHPOT

"As far as we are concerned, it's the ruination of the beauty of our country. Let West Virginia industry build their own flushpot. We don't feel we should be punished 200 miles up the river."

And Guy Halsey of Independence, swinging slowly in a slatted wooden swing on his porch in the warm fall sunshine, looked over his rich green pasture land, and said:

"This is the best land that lays out of doors. The size of the project is too large. We are taking out of production the most efficient land in the country."

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## SICKLE CELL ANEMIA

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. ROSENTHAL. Mr. Speaker, 25 million Americans—primarily blacks—are threatened with the disease, sickle cell anemia. It is believed that this hereditary blood disorder is carried by 1 of every 10 blacks in this country. More common than muscular dystrophy, cystic fibrosis, or hemophilia, this largely ignored disease takes the lives of half of its 2 million victims by the age of 20. Seldom does a sufferer reach his 40th birthday.

Caused by an inherited, abnormal hemoglobin, sickle cell anemia results in the deformation of red blood cells. Instead of the usual biconcave disc shape, the diseased cells will take on a crescent shape, when their oxygen supply is low. It is from this crescent shape that the name of the disease is derived.

Though little else is known, researchers have confirmed the inherited nature of the disease. The anemia is visible in offspring only when both parents carry the trait, a condition called sicklemia. Not all of their children, however, will be born with the disease itself. Some will be quite normal; others will carry the trait but not be struck down by the disease. When only one parent carries the sickle trait, the children will not get the disease but some will carry the trait.

It is surprising how little is known about this disease. Among blacks, only 3 of 10 reportedly have heard of it. More disheartening, the disease is one of a select few almost completely ignored by the medical community. Only recently has sickle cell anemia begun to receive national attention. The time has come for the Congress to act.

The National Sickle Cell Anemia Act is a comprehensive program designed for the study, prevention, and cure of the disease. The bill provides:

First, $25 million a year for 3 years for grants by the Department of Health, Education, and Welfare for the purpose of identifying and counseling, on a vol-

untary basis, persons with the sickle cell trait and educating the public about sickle cell anemia, including grants for screening, referral and counseling services, and public education.

Second, $5 million a year for 3 years for demonstration grants to eligible institutions for the purpose of encouraging research in the prevention, treatment, and cure of sickle cell anemia, development of public education programs and centers for research, testing, counseling, or treatment of sickle cell anemia.

Third, that the Secretary of Defense shall prescribe and implement a policy to provide, on a voluntary basis, screening for the sickle cell trait, among members of the Armed Forces and their dependents, civilian employees of the Department of Defense and among persons examined at Armed Forces examining and entrance stations; counseling services on a voluntary basis for those with a positive trait regarding the nature and inheritance of the sickle cell trait; treatment for members of the Armed Forces and their dependents determined to have sickle cell anemia through Armed Forces-based medical programs or through any appropriate civilian program of facility.

Fourth, for similar programs by the Veterans' Administration to provide, on a voluntary basis, screening for the sickle trait, counseling and treatment for persons eligible for treatment by the Veterans' Administration.

With this bill, the Congress has an opportunity to begin freeing 2 million Americans from the specter of sickle cell anemia. I call upon all Members to join with me in supporting this vital piece of legislation.

The text of the National Sickle Cell Anemia Act follows:

H.R. 11872

A bill to provide for the prevention of sickle cell anemia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SHORT TITLE

SECTION 1. This Act shall be cited as the "National Sickle Cell Anemia Prevention Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that sickle cell anemia is a disease resulting from the inheritance of a genetic factor relating to the sickle cell trait which afflicts a large number of American citizens, primarily among the black population of the United States;

(2) that the disease is a deadly and tragic burden which strikes approximately one of every five hundred black children, and that less than half of those children who contract the disease survive beyond the age of twenty; and

(3) that efforts to prevent sickle cell anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening, and counseling of carriers of the sickle cell trait;

(4) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait;

(5) that programs to prevent sickle cell anemia must be based entirely upon the voluntary cooperation of the individuals involved; and

(6) that the attainment of better methods of prevention, diagnosis, and treatment of sickle cell anemia deserve the highest priority.

(b In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the prevention and treatment of sickle cell anemia.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to X" and inserting in lieu thereof "Titles I to XI."

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act) and references thereto, as sections 1201 and 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title X the following new title:

"TITLE XI—SICKLE CELL ANEMIA PREVENTION PROGRAM

"GRANTS FOR SICKLE CELL SCREENING AND COUNSELING PROGRAMS

"SEC. 1101. (a) The Secretary is authorized to make grants to and enter into contracts with public and nonprofit private entities to assist in the establishment and operation of voluntary sickle cell anemia screening and counseling programs and to assist in developing and making available information and educational materials relating to sickle cell anemia to all persons requesting such information or materials, and to inform the public generally about the nature of sickle cell anemia and the sickle cell trait.

"(b) In making grants and contracts under this section the Secretary shall take into account the number of persons to be served, the extent to which such screening and counseling is needed on a local basis, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.

"(c) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975.

"DEMONSTRATION GRANTS

"SEC. 1102. (a) In order to promote research in the diagnosis, treatment, and prevention of sickle cell anemia development of programs to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia, and the development of centers for research, testing, counseling, prevention, or treatment of sickle cell anemia the Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals for projects for research and research training in such fields.

"(b) For the purpose of making payments pursuant to grants and contracts under this section there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973; $5,000,000 for the fiscal year ending June 30, 1974; and $5,000,000 for the fiscal year ending June 30, 1975.

"VOLUNTARY PARTICIPATION

"SEC. 1103. The participation by any individual in any program or portion thereof under this title (whether by grant or contract) shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from or to participation in, any other program.

"APPLICATIONS

"SEC. 1104. A grant under this title may be made upon application to the Secretary at such time, in such manner, containing and accompanied by such information as the Secretary deems necessary. Each application shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) describe with particularity the programs and activities for which assistance is sought;

"(3) provide for strict confidentiality of all test results, medical records, and other information regarding screening, counseling, or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identify of any such patient;

"(4) provide for appropriate consultation with community representatives in the development and operation of any program funded under this title;

"(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of any accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1105. The Secretary shall establish a program within the Public Health Service to provide for voluntary sickle cell anemia screening, counseling, and treatment. Such program shall be made available through facilities of the Public Health Service to any eligible person requesting screening, counseling, or treatment, and shall include notification of all eligible persons of the availability and voluntary nature of such programs.

"REPORTS

"SEC. 1106. (a) Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

PROTECTION OF ARMED FORCES PERSONNEL

SEC. 4. (a) The Secretary of Defense is authorized and directed to promulgate rules and regulations to provide for screening and counseling of members of the Armed Forces (including their dependents), civilian employees of the Department of Defense, and persons examined at Armed Forces examining and entrance stations, for the sickle cell trait and sickle cell anemia.

(b) Such rules and regulations shall provide for—

(1) voluntary screening for the sickle cell trait for persons described in subsection (a) who request such a test, at no cost to such person;

(2) communication to such person described in subsection (a) of the results of such test;

(3) voluntary referral of individuals determined to possess a positive trait to an appropriate military or civilian counseling or treatment agency;

(4) notification to persons described in subsection (a) of the cost-free and voluntary nature of the screening and referral programs implemented pursuant to this section;

(5) education of persons described in subsection (a) regarding the nature and inheritance of the sickle cell trait and sickle cell anemia; and

(6) assurance that all information obtained on specimens submitted voluntarily under this Act shall be held confidential except for (A) such information as the patient (or his guardian) consents to be released or (B) statistical data compiled without reference to the identity of any such patient.

(c) The Secretary of Defense shall provide for voluntary counseling or treatment of such persons described in subsection (a) found to have the sickle cell trait or sickle cell anemia at an appropriate military or civilian facility as the case may be.

(d) (1) The Secretary of Defense shall prepare and submit to the President for transmittal to Congress on or before April 1 of each year a comprehensive report on the administration of this section.

(2) The report required by this subsection shall contain such recommendations for additional legislation as the Secretary of Defense deems necessary.

(e) The participation by any individual in any program or portion thereof under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

PROTECTION OF VETERANS

SEC. 5. (a) Chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER VI—SICKLE CELL ANEMIA PREVENTION

"§ 651. Notification and education

"(a) The Administrator shall notify all persons eligible for care under this chapter of the availability of screening, treatment and counseling programs with regard to the sickle cell trait and sickle cell anemia and the voluntary nature of such programs.

"(b) The Administrator shall establish a program of education regarding the nature and inheritance of sickle cell trait and sickle cell anemia and make such program available to all such eligible persons.

"§ 652. Screening and treatment

"(a) The Administrator shall furnish to any person eligible for care under this chapter who makes a request screening for sickle cell trait or sickle cell anemia.

"(b) Upon a finding that such eligible person has the sickle cell trait or sickle cell anemia the Administrator shall provide for voluntary counseling or treatment as the case may be.

"§ 653. Reports

"(a) The Administrator shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this subchapter.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Administrator deems necessary.

"§ 654. Voluntary participation

"The participation by any individual in any program or portion thereof under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program."

(b) The analysis at the beginning of such chapter is amended by adding at the end thereof:

"SUBCHAPTER VI—SICKLE CELL ANEMIA PREVENTION

"651. Notification and education.
"652. Screening and treatment.
"653. Reports.
"654. Voluntary participation."

## REPLIES TO QUESTIONNAIRE

## HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. RHODES. Mr. Speaker, I am pleased to place in the CONGRESSIONAL RECORD today the tabulation of the answers I received to the questionnaire I sent to my constituents in August. Almost 20,000 replies were received, which I feel is an excellent response and gives a rather wide expression of the opinions of Arizona's First District citizens. I am proud of my constituents and their interest in and knowledge of today's issues, and grateful for their generosity in giving me their views and suggestions. These are always welcome and helpful in the decisions I must make.

The tabulation follows:

| | Percent Yes | Percent No |
|---|---|---|
| PLEASE INDICATE YOUR PREFERENCE WITH A CHECK MARK | | |
| 1. With respect to raising an army to defend the Nation, do you favor: | | |
| (a) continuing the draft lottery? | 60 ☐ | ☐ 40 |
| (b) replacing the draft system with an all-volunteer army? | 69 ☐ | ☐ 31 |
| 2. It has been suggested that the United Nations establish a peacekeeping army of about 100,000 men. Do you favor such a plan? | 50 ☐ | ☐ 50 |
| 3. Do you think it is important for the United States to maintain a strong Army and Air Force in Europe? | 47 ☐ | ☐ 53 |
| 4. After United States ground forces are withdrawn from Vietnam, would you continue the use of United States airpower in Southeast Asia as long as needed? | 50 ☐ | ☐ 50 |
| 5. Do you favor: | | |
| (a) admitting Red China to the United Nations and opening diplomatic and trade relations with them? | 61 ☐ | ☐ 39 |
| (b) admitting Red China to the United Nations, but not opening diplomatic and trade relations with them? | 81 ☐ | ☐ 19 |
| (c) not admitting Red China to the United Nations, but opening diplomatic and trade relations with them? | 24 ☐ | ☐ 76 |
| (d) not admitting Red China to the United Nations and not opening diplomatic and trade relations with them? | 41 ☐ | ☐ 59 |
| 6. In the Arab-Israeli controversy, which of the following do you favor: | | |
| (a) increase of United States military assistance to Israel? | 41 ☐ | ☐ 59 |
| (b) reduction of United States assistance to Israel? | 35 ☐ | ☐ 65 |
| (c) a neutral position concerning both Israel and the Arab bloc? | 67 ☐ | ☐ 33 |
| (d) United States policy based on maintaining the balance of power in the Middle East? | 70 ☐ | ☐ 30 |
| 7. Do you believe the United States should assist the lower income countries with manpower and funds to help them achieve social and economic development? | 38 ☐ | ☐ 62 |
| 8. Do you favor a higher minimum wage, now set at $1.60, regardless of any possible inflationary effects? | 28 ☐ | ☐ 72 |
| 9. Do you support the overall objectives of the President's revenue sharing proposal i.e., to move money and power closer to the people and to help relieve the fiscal crisis State and local governments face? | 79 ☐ | ☐ 21 |
| 10. To fight pollution, would you support: | | |
| (a) enactment of the President's $10,000,000,000 clean water program? | 73 ☐ | ☐ 27 |
| (b) spending even more money and passing even more stringent Federal laws? | 68 ☐ | ☐ 32 |
| (c) leaving the problems up to the States, where possible? | 68 ☐ | ☐ 32 |
| 11. What do you think are the best means to cut our crime rate: | | |
| (a) provide better police training and selection? | 83 ☐ | ☐ 17 |
| (b) stiffen punishment? | 84 ☐ | ☐ 16 |
| (c) increase the capacity of courts to handle criminal cases? | 89 ☐ | ☐ 11 |
| (d) improve rehabilitation programs in prisons? | 82 ☐ | ☐ 18 |
| 12. Recognizing the traditions of labor-management relations, in order to prevent a strike against the public interest, should the role of government be: | | |
| (a) no action? | 12 ☐ | ☐ 88 |
| (b) Federal mediation efforts? | 74 ☐ | ☐ 26 |
| (c) compulsory arbitration? | 75 ☐ | ☐ 25 |
| (d) focusing public attention on parties involved? | 67 ☐ | ☐ 33 |
| (e) a special Federal court for labor disputes assuring settlement without a national emergency strike or an inflationary wage increase? | 84 ☐ | ☐ 16 |
| 13. Do you believe a certain racial mix is important to our educational system? | 36 ☐ | ☐ 64 |
| If so, do you favor busing school children to maintain it? | 29 ☐ | ☐ 71 |
| 14. Do you feel that programs of city and slum area improvement would help to reduce crime? | 66 ☐ | ☐ 34 |
| 15. Would you favor making bail bond more difficult to obtain by repeat offenders? | 94 ☐ | ☐ 6 |
| 16. Regarding consumer protection, do you believe the Federal government should push for more stringent control in the advertising and selling of manufactured products? | 80 ☐ | ☐ 20 |
| 17. Do you favor a welfare assistance plan whereby any employable family member must accept employment or undergo training for employment? (Note: under the present system a welfare recipient is supposed to be referred to available employment or training, but is not required to accept.) | 95 ☐ | ☐ 5 |
| 18. Would you be in favor of using Federal funds to: | | |
| (a) finance clinics for the treatment of drug abusers? | 60 ☐ | ☐ 40 |
| (b) finance clinics for their rehabilitation? | 65 ☐ | ☐ 35 |
| FOR THE FOLLOWING QUESTIONS, PLEASE MARK THE APPROPRIATE BOXES 1, 2, 3, 4, 5 TO INDICATE YOUR CHOICE OF ORDER OF IMPORTANCE | | |
| 19. For the next ten years, we should concentrate our defense effort in: | | |
| launching manned orbiting satellites | 5 ☐ | |
| building better and faster airplanes | 3 ☐ | |
| modernizing the Navy | 2 ☐ | |
| beefing up our nuclear capability, including an ABM system to defend Minuteman sites | 1 ☐ | |
| providing better conventional weapons for our Army | 4 ☐ | |
| 20. The biggest threat to our national security in the next ten years will come from: | | |
| Russia | 1 ☐ | |
| Red China | 2 ☐ | |
| North Vietnam | 4 ☐ | |
| the Middle East | 3 ☐ | |
| 21. What are the most important problems which the United States is facing today: | | |
| crime and violence | 1 ☐ | |
| pollution | 3 ☐ | |
| inflation | 2 ☐ | |
| foreign military involvement | 4 ☐ | |
| PERSONAL IDENTITY | | |
| Your response to this questionnaire is anonymous. The Identity questions simply aid in its analysis. | | |
| 1. Your age is: | | |
| (a) 18 to 22 | 5 ☐ | |
| (b) 23 to 32 | 19 ☐ | |
| (c) 33 to 45 | 24 ☐ | |
| (d) 46 to 65 | 33 ☐ | |
| (e) Over 65 | 19 ☐ | |
| 2. Employment: | | |
| (a) Are you employed full time? | 67 ☐ | ☐ 33 |
| (b) do you hold more than one job? | 14 ☐ | ☐ 86 |
| 3. How did you vote in 1970: | | |
| (a) Democrat | 7 ☐ | |
| (b) Republican | 45 ☐ | |
| (c) split ticket | 38 ☐ | |
| (d) did not vote | 10 ☐ | |

## NEW REALITIES FOR A NEW U.S. FOREIGN ECONOMIC POLICY

**HON. JOHN C. CULVER**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. CULVER. Mr. Speaker, the Subcommittee on Foreign Economic Policy of the Foreign Affairs Committee last week concluded 4 days of intensive hearings on U.S. economic relations with Japan. I believe that all of us who were able to participate in these hearings could not but receive several clear impressions:

First, the interlocking nature of political and economic policy can nowhere be better illustrated than in our recent policy with Japan. For Japan the new economic policy has been a severe jolt which has had repurcussions in all segments of Japanese policy and national outlook. Converging with the NEP have been independent new U.S. initiatives toward mainland China, and the futile effort, in which Japan joined, to maintain Taiwan in the United Nations. The Japanese have been both the intended special economic target and the probably unintended political victim of U.S. policy. Japan feels under the most intense pressure, and a new constellation of political forces and psychological reactions are taking hold in Japan.

Second, the unexamined premises and working assumptions of U.S. policy have intensified these difficulties, and have allowed a slippage in relations to occur which can still be reversed but could also slide further and faster. Japan has suddenly been pictured as a culprit for our economic distress—holding unique advantages, exploiting opportunities unfairly and developing an economic monolith without parallel. The truth is much more complex, and certainly not as sinister. Japan has built up huge and unwise economic reserves; she has in recent years had a growing trade account advantage with the United States; she has been slow but not rigid in liberalizing the legal and administrative impediments to foreign investment and open access to trade. But equally, Japan has not been exploitative. She has converted little of her reserves into gold; she threatens no trade war; she wages no form of economic imperialism. Moreover, Japanese society is beginning now to face the domestic costs of poor housing, pollution, retardation of public services while avoiding all temptations to rearmament and military adventurism. As a result, the rate of economic growth will fall.

Third, Japan has not only been the chosen target for all kinds of political markmanship and high noon rhetoric. She has also been the object of some extraordinarily clumsy diplomacy. A raft of demands and suggestions have been made in no particular sequence by a covey of accredited and semiaccredited envoys of various ranks. In most instances the instructions seem to emerge from the Treasury or offices in the White House; only rarely do they seem meshed with the State Department or our Embassy in Tokyo. And few of our spokesmen seem to go to Japan with much sensitivity to Japanese feelings, Japanese culture, or with recognition of the achievements which the Japanese have made not from special advantage but from its own human and social resources.

Fourth, the recent experience with Japan shows in aggravated form a number of weaknesses and stresses in the new economic program in the international dimensions. It raises the most serious questions about the program in its wider setting including the possibility of retaliations and an epidemic of national recessions in various countries.

In my judgment, the international economic strategy first outlined on August 15 has now clearly begun to harvest diminishing returns. Rather than being a lubricant of progressive and necessary change, the character of this policy threatens to choke up the international economic system, to arouse anxieties, to invite the prospect of trade wars, and to poison the political relationships on which our policy rests in Europe, Japan, as well as in this hemisphere.

The Secretary of the Treasury, who has proudly been wearing the hat of Secretary of State in this sphere of policy, says that solutions now lie entirely with other countries. In a Tokyo press conference he says that a resolution of the current impasse now lies mainly with the Europeans. To the Europeans and Canadians he implies that the solution rests in large measure with the Japanese. To the largely innocent and helpless bystander, such as the countries of Latin America and Canada, he says that principles of universality require the application of punitive measures to everyone and that we are helpless to find a way for their immunity from the surcharge, and can offer no notion when it might be removed. In Latin America and Africa we are moving toward a posture of neither trade nor aid.

The Secretary's moves are often as disguised from the Department of State as from our foreign associates. Our committee has found the representatives of State unable—for simple lack of authority and knowledge—to testify concretely on several issues, such as the Japanese textile negotiations, before the subcommittee. The answers rest with the Secretary of the Treasury and a few of his principle subordinates. The only other place where answers could be sought—the White House and the new Council on International Economic policy—have been fully clothed with executive immunity. Mr. Peterson talks abundantly for journalistic background, but carefully takes the veil when open congressional inquiries are made.

A serious byproduct of all this is that governments abroad are at least as confused and perplexed as are Congressmen and observers in this city. This confusion is compounded by genuine concern over the "who-blinks-first" attitude that now seems to overlay our international negotiations. Where at first the administration emphasized the need for quick shock therapy, now that more than 3 months have passed, it points instead to the need for time and the long agenda which needs to be covered. Almost every week the administration goes on a new skeet shoot—one time for Japanese textiles, the next for automobiles and electronics, then automobile manufacturers in Canada, the next Common Market agricultural policy, and so forth.

The shopping list is elastic and the litany of grievances constantly grows; apparent satisfaction on one point immediately releases a new request for yet another performance bond from this nation or that. So also the surcharge itself has gone through several guises—first, as simply one instrument for accomplishing monetary revaluation, then as a bargaining chip in winning a medley of trade concessions, now as the penny that will only drop when a favorable balance of payments shift of major proportions has occurred. And all the time these demands are wrapped in rhetoric about America's sacrificial record in trade and aid, quite oblivious to the fact that our adventure in Southeast Asia and economic mismanagement of the resulting inflation have together been the largest single contribution to the balance-of-payments crises.

This is certainly not to say that the United States has no just claims to make in international negotiations on money parities and trade. The Common Market's drift toward exclusivism in agriculture is a retrogressive trend; Japan's excessive inhospitality to foreign investment and barriers to more open trade and its self-abnegation in international economic relations are sources of concern; France's rigid adherence to gold and a fixed currency is another archaic impediment to a better international economic order.

Few large countries are blameless or carry a spotless record. But what is equally evident is that our voracious effort to achieve everything at once, at the neglect of and peril to our fundamental political relationships is not going to produce a new stability and more effective international system. And the notion that we sit by as a universal schoolmaster while errant and delinquent adolescents fall in line is bound to produce a countertide of resentment, or disbelief, and quite possibly among some simply a decision to leave school. We are tempting the Japanese to reshape not only their Government but their political objectives; we are inviting new restraints and monitors on U.S. investment in Canada; we may offer the Europeans no alternative than to devise a "European solution," thereby only postponing and undercutting the prospects for genuine international economic reform.

If we let slip the possibility of realistic monetary realinement now for the sake of a long series of other objectives which we cannot precisely define, then we may have a "busted play" where everyone scrambles for himself and the whole strategy of change dissolves. There is no doubt that the search for too much too quickly from too many countries may cause a default of the very real and important progress which is possible now in monetary reform. And we know too that present policy with the miasma of

economic issues and political problems it raises does not forestall runaway protectionist pressures in the country and Congress. It is now beginning to feed them.

Therefore, there seem to me four overriding immediate courses of action:

First, the monetary realinement should now be explicitly severed from the package of trade and burden sharing reforms which will take many months and more to accomplish, and which require a multilateral framework in which to resolve them. We are within reach of establishing new parities and should seize that chance.

Second, with the setting of new parities, the surcharge should be removed forthwith as soon as a program and calendar for trade and burden-sharing negotiation have been set. Beyond that the surcharge becomes a wasting asset, and would itself distort the character of ongoing negotiations. In addition, the surcharge is unduly punitive and indiscriminate in its application to countries such as Canada, Mexico, and all of the third world.

Third, we have a large credibility gap to close and should jointly consider in the executive and Congress the grant of basic new negotiating authority in trade. Though little has happened in Congress to make such prospects glowing, it is equally clear that no progress is possible without the lead of the President and a fabric of recommendations for Congress to consider and work on. Integral to these proposals is the elaboration of a new and restructured trade adjustment assistance program which can be effectively triggered and usefully employed. Today, it is a largely inert program not unfairly called a "burial expense" fund. In this, other countries such as Japan may have some relevant experience for us to consider.

Fourth, we must be careful not to deal with Japan as if she were a separate and disjointed problem. Japan as the third economic power in the world commands a special position. For that very reason, we should do all that is possible to draw Japan into the international economic community and encourage it to carry its influence in trade and aid. And for our own interests, for Japan's, and for the integrity of the world trade system, we should do our best so that Europe relaxes its trade restrictions against Japan and opens that large market to her. We feel a sense of pressure from Japan in part because we are so much more open to Japanese trade than is the new European Economic Community.

Mr. Speaker, we must realize that we are in danger of losing our sense of perspective and abandoning reasonable standards of civilized negotiation with countries friendly to us. Moreover, we must guard that we do not become addicted to the intoxicating notions of the burdensome role we have in world affairs. When rhetoric becomes as inflated and chauvinistic as some of the pronouncements we have recently heard, then we become victims of a new delusion and a new sort of arrogance. Such discourse makes it all too likely that we shall become so absorbed in the difficulties of the moment and the political temptation to employ simplistic scapegoats as to lose all sight of the long-term interests we have as a nation in a world setting.

This is the true importance of the current international situation: it tests our capacity to meet real present problems not by mere improvisation, or false posturing, but by setting them against a horizon which makes room for new political accommodations as well as a new structure of world economic cooperation. To do so is obviously in the world interest. It also happens to be very much in our own.

## ON THE DEATH OF RABBI JUDAH LEIB LEVIN

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. KOCH. Mr. Speaker, it was only yesterday that I advised our colleagues of the perilous state of affairs concerning Rabbi Judah Leib Levin, chief rabbi of Moscow's central synagogue. I mentioned then that he was infirmed and ill. I regret to inform our colleagues that on the very day that I brought this matter to the attention of the House, the rabbi died in Moscow.

I met Rabbi Levin during the course of my trip to the Soviet Union in April of this year. He was an imposing patriarchal figure. I have had occasion in the past year to discuss the rabbi's role vis-a-vis the Soviet Government as leader of his congregation. It was a controversial role and I recall the comment made to me by a young Jew in Leningrad with whom I visited, who with a sigh, regretted that Rabbi Levin had not spoken out as forcefully as that young man had hoped he would in defense of the rights of the Jewish minority in the U.S.S.R. In the conversations which I had with American Jews and distinguished rabbis who visited Rabbi Levin in Moscow and who received and escorted him in the United States when he was here, it was clear that they had great sympathy for his difficult role. Had he been militant, they pointed out, he would not have been permitted to continue his rabbinical functions and his congregation would have suffered. They also made it very clear that while his role was not that of a militant, he did all he could considering his age to protect the religious prerogatives which the Jews, like every other religion, were guaranteed under the Soviet Constitution.

The American Jewish Conference on Soviet Jewry, a major coordinating agency, has best described Rabbi Levin's role, and I quote:

> In spite of the many pressures and handicaps placed on him by the Soviet Union with its repressive policy toward Jews and its denial of their religious freedom, Rabbi Levin saw his role as that of a servant of the religious Jews of Moscow.

As they said, his death is "a great and tragic loss."

Yes, Mr. Speaker, of the less than handful of rabbis ministering yesterday to the more than 2 million Jews living in European Russia, there is one less today.

## TWO WEEKLY REPORTS TO NINTH DISTRICT RESIDENTS, NOVEMBER 1 AND 8, 1971

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the texts of my two weekly reports, November 1 and November 8, to Ninth District residents, on pollution control: the problems and the solution.

WASHINGTON REPORT—NOVEMBER 1, 1971

EDITOR'S NOTE.—This is the first of two reports on pollution control: the problems and the solutions.

We have in recent years, witnessed a phenomenal outcry over the pollution of our environment. Yet, while Americans demand an end to the despoilation of the environment, they continue to breathe dirty air, live by polluted waterways and look upon growing mounds of trash and debris. More and more insistently, they are asking, "Why is it taking so long to do something about pollution?"

The reasons are many, but foremost among them are (1.) lack of funds to implement antipollution programs, (2.) reluctance by government to enforce legislation now on the books, (3) opposition and delaying tactics by polluters, and (4.) the public's attitude that somebody else is responsible.

The environmental crisis will not be resolved quickly or easily by any simple piece of legislation, or without the expenditures of large sums of money. No "wonder drug" exists to cure all of our environmental ills.

The various approaches to control pollution should be examined in terms of how effective each is in dealing with different types of environmental problems. There are four basic approaches to combat pollution. They are:

1. *Education.* Educating the public is a necessary first step in changing the attitudes and the practices which permit—even encourage—pollution. Before regulations or programs can be carried out, it is necessary for the public to recognize the need for such measures. Without public agreement and support, environmental protection measures are unenforceable and ineffective.

The difficulty with education is that we learn very slowly, and in some instances, not at all. For example, even with great efforts to persuade people not to litter, we still find mountains of trash in public places.

2. *Regulations.* The most common approach to pollution is direct regulation to prohibit it. Unfortunately it is an oversimplified formula which has obviously not worked. Laws which flatly ban pollution are difficult to enact, and to enforce.

The direct regulation approach also suffers from confusion over jurisdiction in the enforcement of anti-pollution regulation. Local governments cannot enforce regulations in a neighboring community. State governments also are reluctant to enforce regulations to clean up mutual waterways.

Since pollution doesn't stop at the city limit sign or the state line, the Federal government obviously is needed to enforce anti-pollution regulations. The regulation approach should be used to control wastes which are so hazardous that the discharge of a small amount represents a threat to the environment.

3. *Subsidization.* This approach involves making government grants, loans and tax credits available to help pay the expense of cleaning up the environment. The principle

involved here is to pay a polluter to stop polluting, and its most common application is government funds for municipal sewage treatment plants. Although subsidization obviously has important uses, it offers no assurance that the offender will completely correct his practices. Further, subsidization places the cost of stopping pollution on the taxpayers, who not only endure the pollution, but then have to pay to clean it up.

4. *Economic Incentives.* This approach is designed to control pollution by assessing a tax or fee on the wastes which the polluter discharges. Economic incentives are the most equitable way of controlling pollution because they make the polluter pay for his pollution and encourage him to reduce his wastes as quickly and completely as possible. They are also easy to administer because they provide a decentralized approach to control.

While the economic incentive approach to controlling pollution is often the most advantageous, the use of education, direct regulation and subsidization can be applied to specific environmental problems. In order to control pollution in the most comprehensive and effective manner, we must use the approach best suited for the particular type of pollution.

Next Week.—What is being done and what needs to be done.

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WASHINGTON REPORT—NOVEMBER 8, 1971

EDITOR'S NOTE.—This is the last of two reports on pollution control: The problems and the solutions.

About the best that can be said for our past efforts to control pollution is that they have prevented the problem from getting worse. There are several reasons for our slow progress, among them, insufficient money, weak enforcement of anti-pollution laws, and strong opposition to tough, new regulations.

As I contended in last week's report, I believe a carefully orchestrated use of economic incentives, direct regulations, subsidization, and education will enable us to meet our environmental problems. While our present efforts to control air and water pollution are improving, they can be made more effective.

*Air Pollution.* Our present laws, which rely chiefly on direct regulations, give the primary responsibility for controlling air pollution to State and local governments. This approach has permitted costly, elaborate and lengthy procedures for making polluters comply. The Air Quality Act of 1967, and the Clean Air Amendments of 1970, do attempt to speed up the abatement and control process by (1.) establishing air quality control regions around the Nation, (2.) setting standards for the volume and toxity of polluters, (3.) requiring the States to submit plans to implement these standards, and (4.) if the State fails to act, giving the Federal government authority to bring the violators into court.

It will be several years until each State has adequate control plans for the wide variety of air pollutants, and, then, the enforcement of these plans through the courts promises still further delays before polluters are forced to reduce their emissions.

These delays and difficulties are inherent weaknesses of direct regulations. While regulations are needed, economic incentives would induce polluters to reduce their emissions more quickly and more completely.

To provide these incentives, we need a system of emission excise taxes on the two major sources of air pollution—motor vehicles and industrial wastes. An excise tax on leaded gasolines and a tax on motor vehicles based on the level of emissions from each model or type should help to reduce pollution. In the case of industrial pollution, a levy on emissions of sulfur oxides and particulate matter should be effective in reducing emissions.

The revenue collected from these taxes could be used to finance research and to develop new methods of controlling air pollution.

*Water Pollution.* Our efforts to control water pollution have suffered from several of the same difficulties as our air pollution laws. Presently, our approach to water pollution uses the "carrot" of Federal subsidies and the "stick" of direct regulations. Subsidies to induce municipalities to construct waste treatment plants have been inadequate in amount, and have been awarded without systematic planning. Direct regulations to control industrial wastes are as costly and as time-consuming as our air pollution control methods. Their ineffectiveness is shown by the fact that industrial wastes have increased by an astronomical 350 percent between 1957 and 1969.

The present system relies primarily on the States to set, and to enforce, their own water quality standards. These standards, however, are subject to Federal approval and provide the basis for cumbersome and lengthy enforcement action. To date, the standards of 32 States have been approved. A total of only 50 enforcement actions were taken between 1956 and 1970.

Clearly, water quality standards must be consistent in all States and in all waterways, enforcement procedures must be tightened to provide administrative abatement proceedings, quick access to courts, and tougher penalties. Funds must be increased for the waste programs for municipalities, and the whole system should be supplemented with economic incentives to induce polluters to reduce emissions sooner and more completely.

A system of national effluent charges would help to achieve this aim. Industrial polluters should be taxed according to the amount, and the hazard, of their wastes. A related proposal also is needed to permit municipalities to charge industrial firms construction costs based on the volume and toxicity of their wastes.

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## TRIBUTE TO MRS. ANITA ALLEN

### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. NELSEN. Mr. Speaker, I wish to pay tribute today to Mrs. Anita F. Allen, retiring president of the District of Columbia Board of Education. We regret that this fine public servant will no longer be serving on the Board.

This exceptional woman believed that the 145,000 schoolchildren of the Nation's Capital deserve a better education than they are receiving, and she kept this goal always in mind.

Mrs. Allen brought to her position as president of the Board of Education a willingness to lead, highest personal standards and dedication, a commitment to the establishment of sound educational goals and a determination to reach these goals in the shortest possible time.

She appeared before congressional committees many times during her 2-year presidency, pleading for Congress to meet the District's educational needs and pledging her own efforts to eliminate waste, duplication, and unsound programs. She made progress in fulfilling her pledge to Congress.

As ranking Republican on the House District Committee, it is a pleasure to publicly thank Mrs. Allen for her hard work and dedication to quality education here in Washington, D.C. Every citizen of Washington can take pride in the leadership she provided.

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## SITUATION OF JEWISH POPULATION IN THE MIDEAST

### HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. BROOMFIELD. Mr. Speaker, within the last year or so Egypt has allowed the release of most of its Jewish political prisoners, and now there no longer are travel restrictions placed on the movement of her Jewish citizens. The government has placed no restrictions on the ownership of property and they are allowed to run their businesses normally. Presently there are about 700 Jews living in Egypt who wish to stay in Egypt because it is their homeland. Most of these changes which have taken place within the last year are definitely a result of world opinion.

By these moves, Egypt has set a pattern for all the Arab nations to follow. Nonetheless, Syria has purposely denounced all policies established by Egypt toward the Jewish community. It is known that the Syrian Government has created a special investigation commission to probe into the personal and individual life of every member of the Jewish community over the age of 13. These actions are repugnant to the concept of human freedom and dignity. These are not ideals that may be given or taken away at the whim of governments; these are the undeniable rights of all citizens of all countries.

For over a decade, the Syrian Government absolutely has refused to permit emigration. Every Jewish man and woman caught seeking to make their way out of the country will receive a lengthy prison sentence and could possibly be sentenced to death. Just a few months ago 12 young men were seized seeking to escape.

To the Jewish community this situation is very clear and the overwhelming majority of the Jews want to leave this land, but are unable to do so until this oppressive government retracts their policies toward the Jews. This can be done only with the help of world opinion.

In Iraq the range of discriminatory measures imposed by the Iraqi regime on the Jewish community—including open legislation against Jews, has had harsh cumulative effects. Jews have been cut off from their assets and made destitute, so that they face possible starvation.

In January 1969, nine Jews—together with Christian and Moslem covictims—were strung up in public squares before jeering mobs which serves as an example of the plight of 3,000 Jews now living in Iraq. Many times in the past, I have expressed my deep concern over the barbaric treatment the Jewish citizens re-

ceive in the Arab countries. The 4,000 Jews living in Syria are virtually a captive community living in constant fear. Approximately 2,500 Jews dwell in Damascus 1,500 in Aleppo and 40 to 50 families in the town of Kamichlie, on the Turkish border. Although Syrian nationals, they certainly are not treated as such. To many of these citizens, the question of emigration is no less than a matter of life or death.

Mr. Speaker, I feel it is my duty to ask that the U.S. Government take a stand on this issue and do what is possible to relieve the pressure put upon by governments unfriendly to the Jewish people.

To conclude, the freedom of life is in the hands of the peoples of the world. We can create it or destroy it. How we stand today against oppression will determine how man will live tomorrow.

## UNETHICAL MORTGAGE LENDERS

### HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. PATMAN. Mr. Speaker, Congress should move with great care on proposals to bail out lenders who are in violation of local statutes.

There seems to be a pellmell rush to rescue mortgage lenders who the courts say have been violating laws in the District of Columbia.

At this time, I do not have the full details of this situation, but I hope that the appropriate committees will gather all of the pertinent data before suggesting a retroactive excuse going back several decades on mortgage lending. It is possible that a number of consumers—homebuyers—have substantial legal rights in this issue and I sincerely question whether it is the role of Congress to wipe out these rights in favor of a handful of lenders.

Mr. Speaker, the Congress should determine just who is to be benefited from the removal of the current interest rate ceilings. I suggest that we should determine:

First. What role the lenders are currently playing in the District of Columbia, including the type of housing being financed.

Second. What interest rate will be charged if the current ceiling is removed and whether the District of Columbia residents—who need housing—will be able to pay the additional charges.

Certainly the Congress should exact a specific pledge from these lenders that they will finance low- and moderate-income housing at reasonable rates before overturning the present statute. Without this assurance, the Congress would probably be simply endorsing the funneling of additional money into high cost housing in affluent areas.

I doubt that many low- and moderate-income families in the District could afford mortgages bearing effective interest rates of between 8 and 9 percent.

With these rates, the homebuyer must pay between $30,000 and $38,000 in interest on a $20,000 home. I hope that the Congress will not take any actions which endorse this kind of burden being placed on the backs of homebuyers.

Mr. Speaker, I am uncertain about what role mortgage bankers played in the financing of local housing efforts. From the news accounts, it appears that these lenders are basically middlemen standing between the homebuyer and some other financial institution. It may well be that this middleman is simply adding to the cost of the money and to the cost of the housing. If this is the case, the Congress should look at this situation closely and see what can be done to channel money into housing in a more efficient and less costly manner.

This would be a good time to take a broad look at all of the lending and mortgage practices in this area.

The Banking and Currency Committee has conducted several investigations into lending and housing practices in the District of Columbia area and the newspapers have conducted investigations on their own. All of these investigations have raised serious questions and I am not sure that the Congress would be dealing with the situation properly if it simply enacted an emergency statute designed to overturn a court decision.

The Congress should determine the role of the other lenders in the District of Columbia and make sure that there are not other statutes which may have been violated through the years in connection with mortgage lending.

In light of what has happened, the Congress should not wait until there are other court decisions pointing up problems of this nature. Congress ought not to wait for the courts to make all of the discoveries.

It is to be expected that the lenders will trot out the tired old lines that higher rates were needed to avoid drying up mortgage funds.

Lenders have never been able to prove that higher rates bring more mortgages, but it can be shown that low- and moderate-income buyers cannot afford the higher costs. There is strong suspicion that the lenders have already dried up the funds to low- and moderate-income families whatever the interest rates.

Housing problems in the District of Columbia—as in other cities—are tremendous and it is absurd to think they can be met by taking care of the lenders' legal problems. Congress should be devoting its efforts to obtaining a better allocation of credit at reasonable rates to areas of greatest need rather than to statutes designed to accommodate lenders and to make it easier for high interest policies to remain in force throughout the Nation.

## ENVIRONMENTAL PROTECTION AGENCY

### HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. HANNA. Mr. Speaker, I believe the recent creation of the Environmental Protection Agency and the promulgation by that Agency of air and water quality standards marks a watershed in this Nation's fight against pollution and for a higher quality of life. The time has come not only for a redirection of our energies but also, to my mind, for a new look at the sources of these energies.

As one who has on the public record expressions of concern over our ecology as far back as the 89th Congress, and as one who has taken concrete steps to avert impending disaster, I feel I can honestly call to task those in our country who bear the responsibility for preserving at least our little corner of the world. This Congress has passed—and I have actively supported—major legislation to protect our waterways, both inland and off our ocean shores, to preserve endangered wildlife, to encourage maximum reuse of our natural resources, and to guarantee the purity of the very air we breathe.

Notwithstanding these marked achievements, I will concede—as any responsible and aware person must—that we have but begun the fight, that we have acknowledged merely the exposed tip of a frighteningly contaminated iceberg. It is this acknowledgment and realization of what still lies ahead to which I attempt to address myself today and for which I modestly suggest some possible directions we in Government—local and State as well as Federal—might take.

In speaking to this body on this issue, I am the first to acknowledge the predilection inherent in the portion of the country which I have the distinct privilege to represent in the Congress. The major pollution confronting my district and the surrounding area of southern California is also that which is usually most visible—air pollution—and which comes largely from a most visible source, the automobile. No one who has viewed and experienced the asphyxiating smog which frequently envelopes the Los Angeles area can fault me when I ascribe to this problem a high priority for resolution. Yet I feel I must question the approaches we in Government are exploring in seeking this admittedly vital solution.

We have, as I noted, established via the Environmental Protection Agency quite stringent air quality standards. We have also taken major steps toward realizing those standards by imposing limits on pollutants emitted by various industries and modes of transportation. I offer, however, the following two related questions which bear directly on any ultimate solution we may envision and/or attempt to achieve:

First. Can we continue to regulate emitted pollutants without having to face regulation of the polluter?

Second Should the Federal Government continue to bear the major burden in reducing pollution?

As federally imposed regulations have been brought more and more strongly to bear on the general public, I have occasionally glimpsed, through the clouds of general outcry on the two extremes of the argument, rational responses to this critical situation. I recently came across just such a response in a magazine representing, interestingly enough, a significant faction of the automobile enthusiasts in the country. Before continuing, I

commend the appended comments to the attention of my colleagues. While obviously not endorsing the entire contents of the article, I must impress upon my colleagues the significance of the source of the comments. They are offered by one vitally interested in the continued availability of the automobile as a basic means of transportation in addition to being fully aware of the need for alternatives and with full respect for the consequences should these alternatives not be responsibly sought. Such a source must, I believe, receive our careful consideration as it reflects a heretofore too often overlooked viewpoint.

As to specific approaches to this problem, Mr. Speaker, I am firmly convinced, as is pointed out in the aforementioned article, that in coping with the air pollution problem in areas of our country which have large automobile populations, we must acknowledge that it is now time to take steps to limit the use of automobiles. As has been pointed out elsewhere, any reductions in overall pollutants that could have been achieved by the fairly stringent regulations now in effect, will be more than negated by the increase in the number of automobiles being manufactured and sold now and in the immediate future. In making this point, I am answering in the negative my first question posed above. While recognizing the limits on any Federal actions in this regard, we must realize that certain indirect means are available, especially via the imposition of taxes designed to regulate activities as opposed to generating revenue. While this tactic is not often spoken of publicly, I hasten to emphasize to this body that our income tax laws are replete with such taxes, many of them being much less equitable and encouraging less noble ends than the purification of our air. I, myself, have cosponsored legislation providing for just such a tax on industrial air pollution. A tax of this sort, designed to reduce automobile usage could take many forms, two of which might be a general excise tax on the purchase of cars or an increased tax on gasoline purchases. Returning to the field of income tax law, might it not also be plausible to modify the current provisions for mileage deductions?

I readily admit that these suggestions could be quite far reaching and have consequences far beyond the immediate goal I am here considering, but I cannot accept such arguments as negating any consideration of these approaches—if not with specific enactment in mind, then at least as a vehicle for illuminating other ideas. I also believe certain of my colleagues have sponsored legislation providing further tax deductions for the cost of installing emission control equipment on cars. Why not—if we are truly committed to the ends being sought by such legislation?

Turning now to my second question, I must also answer it in the negative. While there are areas in which the Federal Government is the most logical and only truly effective agent to regulate pollution, the time has come for State and local government to shoulder their burden more readily and fully in the areas most susceptible to their regulation. This watershed which I mentioned initially must result in an equalizing of the burden through a dispassionate commitment by all levels of government to set standards and examples and to assume their obligatory role of leadership in times of crisis.

The means for a distribution of this burden are and have been for some time readily at hand. State and local government, having many of the police powers denied to the Federal Government, have equivocated too long in this battle. There exist means of exerting pressure on the automobile owner too numerous to list comprehensively at this point, but a few of which are local and county registration fees, State gasoline taxes, various forms of property tax, and specific restrictions on uses—that is, commuter taxes, restricted shopping areas, et cetra. Also, via building codes and zoning laws, indirect but highly effective restrictions can be imposed. And, once again, why not—if we are truly committed to these worthwhile and necessary ends?

I will be the first to concede that my remarks in their entirety presuppose the development of alternatives to the automobile. Yet we have—supposedly—already made this commitment through the creation of the Urban Mass Transportation Administration. While a conscientious commitment has in reality yet to be made, given the paucity of funds allocated to date and this body's reticence to make other similarly oriented moneys available, points well taken in the article which follows, we must begin now to work for a reduction in the use of the automobile. I have in the past actively supported waivers under Federal laws to permit my home State of California to impose standards more stringent than the Federal guidelines. I will, however, find it increasingly difficult to continue to support such waivers as the rationale for such support loses its efficacy without some indication of a commitment by other levels of government to the development of alternative regulatory means. Such a commitment may well accomplish two ends—directly reduce pollution and indirectly serve as an incentive for development of alternatives.

I will explore, Mr. Speaker, in later remarks to this body, some of the abovenoted alternative regulatory means in more detail. For now, however, a time of awakening and rededication is appropriately upon us.

The article follows:

[From Road and Track, September 1971]

OF IMMEDIATE INTEREST

Now that the automobile has been named the great air polluter of U.S. cities, the federal government and the State of California are in a dead heat to see who can write the most stringent emission limits for new cars. The federal government has set limits for 1976 that are next to impossible, and the California legislators are now talking about going them one better.

Ridiculous. Now that these standards are on the books, let's get on with the next problem at hand, *limiting the amount of use* of automobiles in the urban environment. It makes absolutely no sense to go all-out to limit the emissions of the automotive unit while going on doing everything imaginable to encourage and increase the amount of use each car gets daily. We sit here in southern California watching exactly this happening, and it's so incredibly illogical that we can hardly believe it's happening. But it is, in Los Angeles and every other major U.S. city.

Specifically, in Los Angeles and elsewhere, urban freeways continue to be built—almost helter-skelter, except for the recent trend toward citizens protesting and blocking them. How on earth can urban area expect to bring pollution and congestion under control while continuing to accommodate the automotive flight to the suburbs?

The federal government has also set air quality standards for U.S. cities for 1975, via the Environmental Protection Agency run by William Ruckelshaus. Ruckelshaus says that Chicago, Denver, Los Angeles, New York, Philadelphia and Washington will have to cut down on the use of cars and suggests "prohibition of automobiles during peak traffic hours" as a course of action, besides mandatory car pools.

America seems to have a great tendency to prohibit things. If something offends, prohibit it. If fragile bumpers have cost hapless people a lot in repair bills, ban fragile bumpers—even for people who like fragile bumpers. If too many cars cause pollution and congestion problems, ban cars. Remember prohibition?

A more realistic approach is to *limit* the offending factor. If a problem grows out of proportion, put a lid on it. And we think this is the way to approach the urban traffic problem.

Why has the automobile become a problem for urban America? First, because it had a real and important attraction. It offered personal, private, convenient transportation. Second, Americans learned first how to produce the automobile in quantity and make it cheap. So nearly everyone could have one. Then we allowed public transportation to die. Mind you, *we* did it, not "they."

Everything went fine for decades. The federal government and many states even saw fit to write into law that taxes collected on gasoline for cars couldn't be used for anything but roads. Logical: those who use the roads pay for them. So we built roads—magnificent roads. We came to grips with the automobile, we thought, by doing everything possible to make sure everyone had one. We didn't tax it heavily, and we didn't tax the fuel to run it very much; after all, with these taxes so restricted in what they could be used for, there was plenty of revenue from the light taxes, which today range from 10 to 12 cents per gallon, state plus federal.

The national version of this is called the Highway Trust fund and it pulls in some $5 billion annually from the federal 4¢ per gallon, which in turn is doled out as assistance for highway building. When a city is considering freeways versus mass transit, there's hardly any choice: the federal government, via the Trust Fund, can match funds at a 9-to-1 ratio. The city gets $1 worth of freeway for 10¢. Any other form of urban transit will cost the city 30–50¢ on the dollar. And it's a self-perpetuating round: build the freeway, people decide they can live farther out, they fill it up and another new freeway is needed.

Last November, California voters had the chance to vote for a constitutional amendment that could have diverted 25 percent of that state's gasoline tax to mass transit and pollution research. It was defeated, largely because the local branch of AAA and five major oil companies mounted an impressive billboard campaign against it. Theme of the billboards: it would mean more taxes.

Yes, it would mean more taxes—especially if the assumption is that roadbuilding would continue unabated. But such an amendment would be wasted if that happened: one of its greatest attractions is that it could slow down roadbuilding.

Mass transit, to become competitive again, must be modern, speedy and comfortable. But

it must have compelling economic attraction as well: the American urban public—at least the majority—is affluent. It can afford to run cars, even gas-guzzling ones. And it likes the privacy well enough to put up with the traffic jams—at least at current cost levels. So mass transit has to become competitive—indeed imperative—on an economic basis. How?

Cars already are becoming more expensive to operate. Prices are going up because of safety and emission equipment; fuel economy is going down because of emission equipment. Insurance is a national problem, and in cities as crowded as New York the cost of parking is a strong deterrent to owning a car. The "natural" process, a direct result of the automobile having become a major environmental problem, may be enough to revive mass transit's attraction for America's city dwellers.

Or it may not be. It may—and probably will—take large new sources of revenue to finance public transit systems. And the logical source for it, we think, is the automobile. Gasoline taxes may have to go 'way up (in European countries, which do provide a lot of good public transit in cities, they are as much as 60¢ per gallon!); perhaps new-car purchase taxes, based on weight, engine size, initial price or overall dimensions, should be graduated from the current low American levels to something like the 40 percent applied to any new car of over 3-liter displacement in Japan. And it's probably the cities that will have to do the taxing; rural people neither need nor will get public transit.

We can already hear the screams of agony. "You want to lower our standard of living!" "Cars cost too much already!" But it's inevitable anyway, and we think it makes far more sense—especially from a personal freedom viewpoint—to tax up the cost of something instead of prohibiting it. Thus if one wants to drive badly enough he can work hard, make the money and do it. If not, he'll have the alternative of public transportation. The number of people driving—proportional to the population—must come down, and with the alternative of public transportation there for the choosing one has little complaint if he gets caught in a traffic jam.

So, in effect, we're suggesting that higher automotive taxes are a double solution to transportation and pollution problems: at one time they provide funds for public transportation and discourage excessive use of automobiles. We believe they must be phased in gradually, however; a fell swoop of tax increases would hit the poor hard before there was any alternative transportation, especially in a place like Los Angeles which is virtually devoid of public transportation.

We're not economists, nor are we public transportation experts. However, we cannot see our current mass dependence on the car continuing indefinitely and we do not like the idea of prohibiting this and that use of the car. So we offer the concept of automotive taxation as a force for balancing America's urban transportation *in lieu* of ever tougher emission controls and traffic prohibition. Think about it. Europe has lived with it for years, and look who builds the best cars.

## PADRE OF YOUTH AWARD

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mrs. GRASSO. Mr. Speaker, a priest's life is an all-encompassing one—he is a constant companion for people during times of great joy and deep sorrow. Commitment, compassion, patience, faith, generosity, and love—all are his tools to do God's work in a troubled world.

It is my fortunate honor and privilege to commend a priest in my Sixth Congressional District, whose work is not only truly worthy of distinction, but as especially important because it involves the crucial development of the church's link to the future—her young people.

Rev. Augustine H. Giusani, now pastor of St. Ann's Church in New Britain, spent 25 years of his clerical life as a strong leader in the Catholic Youth Organization. From 1947 to 1954, Father Giusani headed the Waterbury CYO, and from 1954 to 1961, he guided CYO activities in New Britain. As director of CYO in the archdiocese of Hartford, from 1961 to 1971, Father Giusani coordinated the many educational, cultural and sporting activities for the over 125,000 young people who participate in CYO each year. He assumed additional responsibilities as director of the New England CYO from 1968 to 1971, and for the past 10 years, as a member of the National CYO Advisory Board.

Last week the National Catholic Youth Organization presented him with the coveted Padre of Youth Award at its national convention in Washington. The award is the more cherished coming as it does on the retirement of Father Giusani from office in the organization.

This well deserved recognition is tribute to Father Giusani's ability to serve as an inspirational leader and warm friend to young people in his bridge-building efforts between our youth and the church. Father Giusani's success in his life's mission is built on his philosophy that young people, and all church members, must "live the doctrines of faith, not just learn them."

As his new career of church pastor unfolds, loving memories of the thousands of young people who have benefited from his concern and advice will sustain Father Giusani through the challenges which lie ahead.

## BUTTER SALES UP

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. ZWACH. Mr. Speaker, I note that as of November 17 overseas butter sales total 102,959,188 pounds under the program that was instituted the week of May 17.

At that time the butter was sold, mainly to England, at 50 cents per pound.

On October 6 the price was increased to 52½ cents.

These sales are being made without any disruption of our world export trade market.

Over 2 billion pounds of milk are required to produce this amount of butter.

As a result of this transaction we see a firming of our domestic butter market.

Mr. Speaker, this increase in foreign trade value is one of the avenues by which we can bring some improvement to the economy of our countryside.

## "THE AIR WAR IN INDOCHINA": THE CORNELL REPORT

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. MIKVA. Mr. Speaker, a remarkable document will soon be published by a research group at Cornell University, detailing the facts and the futility of the bombing policy we have been pursuing in Indochina.

The massive bombing carried out throughout Indochina by the United States is not only inhumane, it is ineffective from a military standpoint. More tonnage has been exploded in and over Indochina than in all of World War II and the Korean war combined.

In North Vietnam, this war-by-proxy has produced more than 50,000 casualties a year, 80 percent of whom were civilians. In South Vietnam, there have been over 1 million civilian casualties from indiscriminate and militarily ineffective bombing. The report shows that only a fraction—5 to 8 percent—of the sorties flown in South Vietnam were in direct support of combat troops.

A tragic irony of such massive aerial warfare is revealed by the fact that more American soldiers have been killed by booby-trapped dud bombs—1,000 in 1966—than enemy soldiers killed by our air strikes, approximately 100 during the same period.

The air war has been unjustifiably costly in economic terms as well as human terms. The total economic cost is estimated by the Cornell study to reach $50 billion.

In the face of such facts, the world must conclude that we are mad. The air war in Indochina has cost us billions of dollars, thousands upon thousands of lives among our allies and our own troops, the respect and good will of the very people we are pretending to help—and all for naught. Aerial warfare has been a miserable failure militarily, as the report shows and as our own intelligence reports have continually advised.

Mr. Speaker, I would like to insert in the RECORD a brief summary of the Cornell University research report on the air war in Indochina. The truth is often unpleasant, but it must be confronted. If the imminent publication of the full Cornell report helps us to do that, it will be of immense value.

The summary follows:

THE AIR WAR IN INDOCHINA

This research report prepared by a group at Cornell University presents for the first time a comprehensive examination of the American air war in Indochina. The report contains a historical account and detailed statistical data for the air war in each of the countries of Indochina. A separate chapter is devoted to an analysis of the technical problems in the deployment of air power, including the scattering of ordnance which results from limited targeting accuracy, from target misidentification, from ground-fire suppression, and from such specialized missions as armed reconnaissance.

The presentation provides the basis for a more accurate interpretation of the present

level of deployment of American air power and for a study of the trends for the immediate future. The data reveal that, despite a significant reduction in the amount of American air power in Indochina, very substantial forces remain in the theater and continue to be used at a high level. By the end of this year, the Nixon Administration will have deployed in three years as much bomb tonnage as the Johnson Administration did in five. It appears that the policy of withdrawal-without-political-compromise leaves the U.S. still boxed in by the enemy's military initiatives; as American ground forces are withdrawn, the only response available will be massive retaliation from the air. The report examines the characteristics of this type of response in the light of past experience and concludes that it is badly mismatched to the challenges of guerrilla warfare with which it may have to contend.

To illustrate the high intensity of the American bombing, tonnage figures for air munitions deployed may be compared with a case which has been studied in detail. The war against North Vietnam, waged almost exclusively from the air, used 100,000–200,000 tons of bombs per year; it was a lavish and hard-hitting campaign which, despite exceptionally strict controls on the targeting, caused widespread devastation and entailed as many as 50,000 casualties a year, 80 per cent of whom were civilians. This tonnage rate has been equalled or greatly exceeded in several theaters of the Indochina war. Even at present, in the first eight months of 1971, more than 500,000 tons of bombs were dropped by U.S. planes. The large scale of this effort is further emphasized if one realizes that the British, in their successful counter-insurgency war in Malaya, used only 33,000 tons of air munitions in the whole period of ten years.

In South Vietnam alone, the U.S. has already dropped 3.6 million tons of bombs. The report presents a study of the impact of an air war conducted on such a massive scale. Only 5 to 8 per cent of the air sorties flown in South Vietnam were in direct support of American or allied troops in battle; the rest were for interdiction, harassment, and retaliation—missions which, in a country being defended not attacked from the air, result in widesperad civil destruction among the population whose allegiance is being sought. The motivation for many of the air strikes is documented by the leaflet drops which preceded or followed them; the texts of several such leaflets are cited. In South Vietnam to date, it is estimated that there have been over one million civilian casualties, including 325,000 deaths, while over 6 million people (one-third of the population) have become refugees.

U.S. air activity in South Vietnam itself has been cut back, with the South Vietnamese Air Force taking up some of the tactical bombing assignments. U.S. emphasis is now more on saturation bombing by B–52 Stratofortresses. A typical mission of six B–52s drops 300,000 pounds of high explosive in a fraction of a minute. (A hand grenade contains less than one pound.) Such bombing without a detailed target demolishes an area corresponding to 200 city blocks. Over half the tonnage dropped in South Vietnam has been in such massive saturation raids.

Bombing of North Vietnam between 1964 and 1968 failed to achieve significant results. Economic damage and civilian casualties were very heavy, as noted above, but CIA and Defense Department studies at the time showed no measurable reduction in North Vietnam's will or capability for contributing to the war in the South. The statistics cited in the present report show that the 1968 bombing "halts" did not actually reduce air activity in Indochina, but only shifted its focus—first to below the 20th parallel, and then to Laos and the Ho Chi Minh Trail.

Despite Administration denials, a major air effort has been carried out in northern Laos to support ground activities of the Royal Laotian Government, which are totally unconnected with the conflict in Vietnam. U.S. bombing there during 1969 was as intense as that during the attack on North Vietnam (200,000 tons per year into an area the size of Kentucky), and even fewer restrictions were placed on the use of air power than in South Vietnam. The recurring reports of widespread devastation of Laotian society are credible in the light of these facts. Despite the massive bombing effort the Pathet Lao now control more territory than ever before.

In Cambodia, American air operations have been conducted with sustained intensity since 1970. They have included not only interdiction missions against supply and troop concentrations in the northeast, but also close-support operations for Cambodian and South Vietnamese troops. At present Cambodia has joined the list of Indochinese countries totally dependent on the U.S. for their military and economic survival.

The air war over the Ho Chi Minh Trail in southern Laos has been steadily escalating since 1966, with 400,000 tons of munitions expected to be dropped this year. This interdiction campaign has become the focus of the U.S. air war in Indochina; it has also served as a laboratory for the improvement of air-war technology. Elaborate and expensive electronic devices are being developed as instrumentation for an "electronic battlefield," the goal of which is automated and computerized warfare, providing an all-weather, day-night interdiction capability. This development is a further step in the depersonalization of war: "Machines fight the gooks, and no human beings are involved on either side!"

The air war has also resulted in a direct and massive onslaught on the ecology of Indochina. More than one-third of the forest area of South Vietnam has been sprayed with defoliants, one-half of the country's mangrove forests have been killed off, and enough food has been destroyed by herbicides to feed 600,000 people for one year.

Various examples point to the paradox inherent in the mechanized American response to guerrilla warfare. For instance, one Defense Department analysis showed that the extensive American bombing provided the enemy with more than enough explosives from dud bombs, 27,000 tons in 1966 alone, to make his mines and booby traps. Such devices killed over 1,000 U.S. soldiers that year, while the air strikes were estimated to have killed no more than 100 of the enemy.

The direct budgetary costs of the air war thus far have been about $25 billion, or about one-quarter of the cost of the Indochina war; the total U.S. economic costs are estimated at more than $50 billion. The immense cost to the people of Indochina cannot be put in such precise figures, but it must be taken into account in evaluating the air war.

The credibility of U.S. government statements about the air war is called into question by numerous discrepancies. The Pentagon Papers have now revealed developments through early 1968; this report draws attention to events since that time. In 1969, when 200,000 tons of bombs were dumped on northern Laos, Washington officially admitted only to flying "reconnaissance" missions. B–52 raids in northern Laos went on for more than a year before official acknowledgement. It was stated that U.S. planes were not giving close support to Cambodian troops when in fact they were. "Protective reaction" raids against North Vietnam strike a wider range of targets than their official description implies.

In surveying the present trends in the air war, the report finds that there has indeed been a significant withdrawal of American air power from Southeast Asia. Despite this relative decrease in the number of U.S. aircraft deployed in the theater, more than enough remain to permit a continuation of the air war on a massive scale. American attack planes are being withdrawn primarily from bases within South Vietnam; substantial numbers remain in operation from bases in Thailand and carriers in the South China Sea. At the same time, the South Vietnamese Air Force is being built up to take over many of the in-country operations, while relying, however, on U.S. aircraft for the maintence of air superiority and for missions in other parts of Indochina.

In terms of military effectiveness, the study finds that although air power has been able to achieve narrowly defined military missions, such mini-successes have not added up to yield an overall position of strength. Close air support of friendly troops has definite advantages—but only a small fraction of the U.S. air effort has been devoted to that mission. Interdiction is a valid objective—but it has yet to be shown that air power under Indochinese conditions can reduce the flow of men and materiel enough to curtail guerrilla activities.

While aerial bombing has undeniable military advantages in conventional warfare with massed troop concentrations, in guerrilla warfare the American capital-intensive response, substituting lavish firepower for manpower, is both inefficient and indiscriminate. Military gains, which at most buy time, are mitigated by heavy civilian damage from air war, the consolidation of enemy morale which frequently results, and the unfavorable image of the U.S. projected abroad. Indiscriminate destruction resulting from the use of air power amidst civilian populations contributes to the continuing weakness of friendly regimes in Indochina. U.S. political aims in Indochina are hardly more secure today then ten years ago.

In sum, the study concludes that, while the use of air power is tempting because of its relatively low cost in dollars and American lives, in the Indochina setting its military effectiveness is restricted and its indiscriminate devastation is politically counterproductive. The report suggests that the air war was prosecuted in the face of these facts not because American politicians were knaves or fools, but rather because of a failure of the imagination: a failure to develop policies more complex, but at the same time more humane and politically appropriate, than routine application of the massive firepower available to the United States through its advanced technology.

## PRESIDENT NIXON IS KEEPING HIS WORD

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 2,800 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 188,300 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

## HOUSING FOR THE ELDERLY

### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. SCHEUER. Mr. Speaker, this Nation's continued neglect of the elderly has reached nearly scandalous proportions.

All recent studies have found that the elderly constitute one of the few groups in the Nation whose numbers increase among the poor each year. In addition, as a group, the elderly face a national lack of facilities and services in such areas as housing, health, supportive services, and transportation. Finally, even where these services and facilities exist, the elderly poor are often unaware of their existence or find them inaccessible.

Despite the existence of these well-known problems, little has been done to ameliorate the situation. Social security payments are still too low to permit a decent standard of living and existing programs to provide facilities and services are still funded at a shockingly low level—a fact I noted when I offered a $40 million amendment for the elderly to the bill extending the Office of Economic Opportunity.

The most desirable solution to these problems involves a basic reordering of priorities—incomes must be increased, facilities and services provided, information as to the availability of programs disseminated.

I support these goals and will continue to work toward their achievement.

In the meantime, I am today introducing a bill to help the elderly poor meet one of their most pressing needs—decent, safe housing.

It is true that housing is a most important commodity for persons of all ages. But, in the words of a National Council on the Aging report, for the elderly—

> Safe and suitable housing is probably the most important single environmental factor in the well being of elderly persons.

Housing, for the elderly, "may mean the difference between living independently or in an institution; between solitude and socialization; between safety and danger; or, in extreme cases, between life and death."

Despite the important role that housing plays in the lives of the elderly, the fact is that a substantial proportion of the elderly poor live in substandard housing for which they must pay a disproportionate amount of their incomes.

To help remedy this situation, my bill would pay a shelter allowance to those elderly individuals who have a disposable income of $4,500 or less. This allowance would be equivalent to the difference between the maximum fair rental of their housing and 25 percent of their income, with a maximum payment of $1,200 per year.

It is true that Congress enacted a similar rent supplement bill in 1962. But, as a matter of fact, this program has been seriously underfunded and it is not available to the elderly as a right.

To remedy this situation, my bill would make the housing allowance a part of an individual's social security payments, payable from the social security trust fund.

Of course, enactment of my bill would necessitate an increase in social security taxes. However, the amount of the increase would be minimal. Based upon New York's experience with its rent increase exemption law for the elderly, the estimated total national cost of my bill would be approximately $97 million per year. As total national social security tax collections now amount to approximately $36 billion per year, the additional taxes required to meet the cost of my program would amount to less than one-tenth of 1 percent.

Mr. Speaker, the plight of the elderly is a national disgrace. We must move immediately to end the poverty and degradation that affects those to whom we owe so much. Although the bill I have introduced today is only a small step toward this goal, I do hope that it will make at least a small contribution to the total effort that is required.

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## JAMES J. KILPATRICK'S COLUMN ON NEW HOPE FOR MINORITY EDUCATION

### HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. PUCINSKI. Mr. Speaker, the distinguished American journalist, Mr. James J. Kilpatrick, has written an outstanding column for the Washington Star on a ray of light regarding education of minority pupils.

Mr. Kilpatrick has performed an enormous public service by giving national attention through his column to the findings of George Weber regarding four successful educational programs for our Nation's minority children

I believe every educator in America should read Mr. Kilpatrick's column which I am placing in the RECORD today. As chairman of the House Subcommittee on General Education, I sincerely believe Mr. Kilpatrick's column reporting Mr. Weber's findings can open a whole new vista of educational opportunities for the Nation's disadvantaged children.

The column follows:

A RAY OF LIGHT ON EDUCATION OF MINORITY PUPILS

(By James J. Kilpatrick)

In recent years, one of the great controversies of education has revolved around the inner-city school. By virtually every account, these schools have been failing in the primary function: They have not succeeded in giving their poor black, Puerto Rican or Mexican-American children a basic education.

Recognition of the widespread failure has led to a number of hypotheses, proposals and attempted solutions. One such theory, for example, holds that black children as a group are inherently or racially different from white children in their learning aptitudes. Another theory places the blame for poor achievement largely upon poor environment.

In the midst of this gloom and confusion, the Council for Basic Education has just produced a sensible ray of light. Convinced that inner-city children *can* be taught to read at national levels of achievement, the council set out to find ghetto schools that are not failing but in fact are succeeding. In a paper published last week, the CBE associate director, George Weber, describes his search for such schools. He found four.

Two of these success stories are being written in New York, one of them in the Chelsea section of the lower West Side, the other in Harlem. A third exemplary school was uncovered in Kansas City, a fourth in Los Angeles. The third-grade children of these schools are by and large the products of poverty and poor environment. Many of them arrive in the first grade speaking Spanish only. On the face of it, they have every reason to fail; but they are not failing. In these schools they are learning.

What makes them click? Why do they succeed when so many other ghetto schools, also examined in the CBE study, produce the same melancholy test scores? Weber's year-long investigation, limited though it was, has turned up some useful conclusions.

Weber begins by brushing aside the theory of inherited characteristics: "Higher average intelligence does not, in my opinion have anything to do with race or ethnic group." Neither could he find evidence to support the popular notion that smaller classes, in themselves, will improve the skills of inner-city pupils. He discards the concept of intensive pre-school training. He could find no correlation between achievement and physical plant. Two of the successful schools are roughly 50 years old, and all four are of the old-fashioned "egg crate" design.

Eight factors, his study indicates, apparently produce a successful school: "Strong leadership, high expectations, good atmosphere, strong emphasis on reading, additional reading personnel, use of phonics, individualization, and careful evaluation of pupil progress."

Woodland School in Kansas City, built in 1921, is 99 percent black Its 650 children are "very poor." Here one touches the core of the core city. Yet Kansas City has driving leadership in the person of Robert R. Wheeler, area superintendent for urban education. Wheeler simply will not accept "the myth that environmental factors develop unalterable learning depression." He scoffed at the notion that pupils do poorly because they "don't have enough oatmeal," or "need more trips to the zoo."

By putting its money into reading specialists, relatively large classes and a disciplined program of instruction grounded in phonics, Woodland is getting results.

Weber regrettably does not provide figures on per-pupil costs in the exemplary schools. Obviously, special teachers and individual instruction represent an added expense. Yet it seems a fair assumption that such a cost is much less than the cost of transporting ghetto children to the suburbs. Weber does not make the point, but the point ought to be made: The children, in other cities, are getting a good busing. Which makes more sense?

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## NEW COMPANY LOCATED IN BILLERICA, MASS.

### HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. MORSE. Mr. Speaker, last month I was privileged to be one of the speakers at the dedication of a new manufactur-

ing facility in my congressional district—the MacBick Co., in Billerica, Mass.

While it is always a pleasure to see responsible industrial growth taking place in Massachusetts, I am especially pleased with the remarkable growth of this particular firm during recent years. Its expansion in Massachusetts signals what will hopefully be a rejuvenating force in the economy of eastern Massachusetts, which has unfortunately suffered by economic dislocations in the aerospace and defense industry. But of even greater significance, I feel, is the return of part of the textile industry to New England. The MacBick Co. will be utilizing the enormous technological expertise of Massachusetts residents in expanding the output of nonwoven textiles for hospital supplies. I am encouraged by this particular industrial activity and pleased with the prospect that the textile industry, once the dominant force in the New England economy, may be returning.

I commend to my colleagues' attention the following article, from the Lowell, Mass., Sun, which describes this encouraging economic development, and I insert it in the RECORD at this point:

[From the Lowell, Mass., Sun, Oct. 18, 1971]

DEDICATE NEW PLANT IN BILLERICA

BILLERICA.—The dedication of the MacBick Company's new 102,000-square-foot general offices and primary production plant on Concord Road in Billerica Sunday ran against two strong trends in the Greater Boston area:

1. Instead of cutting back on production and work force, the new MacBick plant is in full and growing production, employing over 200 workers, most recruited from the immediate area.

2. And the long, post-World War II trend of a disappearing textile industry, chiefly relocating in the South, has been countered in part by the opening of the Billerica plant which is geared to the production of a new generation of textiles of a non-woven variety, and which has been relocated from the MacBick plant site in Georgia.

The new plant produces surgical packs, drapes and other disposable items used in hospitals and clinics.

Principal speakers at the dedication, Congressman F. Bradford Morse of Lowell, and MacBick's President, George H. Olsen, Jr., hailed the opening of the new plant as a good sign for the hard-pressed Massachusetts economy.

MacBick is a pioneer and leader in the rapidly-growing field of non-woven textiles. Other company plants are located at Wilmington and at Fitzwilliam, New Hampshire.

Olsen and officials of C. R. Bard, Inc., MacBick's parent corporation and a major manufacturer of medical equipment and supplies, see a continuing need for such products.

Olsen said that company officials were particularly pleased to be joining the Billerica community at a time when the company's need for personnel also filled a community need.

"With may companies suffering depressed sales and promotion, resulting in reduced payrolls, we hope the MacBick plant will take up a bit of the slack," Olsen said.

"It goes without saying," he said. "That we hope to employ more and more of the good people of this area as our own company prospers and grows."

There is plenty of room for plant expansion, a company spokesman said. Phased expansion will utilize more of the site in future years. The first addition will double production capacity.

Approximately 500 company employees and their families attended the dedication. Bard's President, J. Wendell Crain, and Daniel A. Cronin, Jr., a Concord resident and a corporate group vice president, plus Bard officials, and leaders in the medical and hospital supply industry also attended the open house before and after the dedication ceremonies.

The plant is located on a 30-acre scenic-site overlooking the Concord River. A dedicatory cherry tree was planted at the beginning of the ceremonies.

Bard, headquartered at Murray Hill, New Jersey, had subsidiary and affiliated companies around the world.

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## FARM PROBLEMS AGAIN

### HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. MADDEN. Mr. Speaker, the news media and the farm community in general are very much upset regarding the appointment of the former Secretary of Agriculture Earl L. Butz to take the place of the out-going Secretary of Agriculture Clifford M. Hardin.

For a number of years I, along with other Members of Congress have been protesting the annual payments the large conglomerate farm operations over the Nation and especially farms in the Middle and Far West. I have been protesting the fabulous amount of money paid these large farm operations under the unfortunate policy of reimbursing farmers for idle land. In 2 separate years, the House restricted the payment to any one farm operation to $20,000 per year. This would eliminate hundreds of large corporate farms from collecting annual checks from the Government in six figures. The other body on two occasions have overruled the action of the House.

In 1969 four large farm operations in California, Texas, and Arizona received over $1 million for idle land.

The Members of Congress were very much in favor of helping the small farmers in every way possible to receive good prices for their products and are not opposed to a $20,000 limitation to take care of the little farm, but we do oppose the financial scandal which large conglomerate farm operations inflicted on the American taxpayer.

In the New York Times, Sunday, November 14, 1971, there was a very interesting editorial on the present farm situation and concerning the renomination of Earl L. Butz as Secretary of Agriculture to resume his old position controlling farm economy which proved a failure during his last regime. I include the editorial in the New York Times, Sunday, November 14, 1971, edition, with my remarks:

POLITICAL CORN

President Nixon's decision to ease out Secretary of Agriculture Clifford M. Hardin is another political maneuver in a long history of mismanagement of farm affairs by both political parties.

During the 1968 campaign, Mr. Nixon deplored the fact that under a Democratic Administration the parity ratio had declined to 74 per cent—"the lowest since the darkest days of the Depression."

The ratio is now 69 per cent.

When he took office President Nixon had no farm program and he has none now. The self-effacing Mr. Hardin's function was to serve as a buffer between the White House and the various elements in the farm community. As buffers do, he gradually got worn down and a new one had to be found.

In all essentials, Earl L. Butz, the Secretary-designate, is more of the same. Like Mr. Hardin, he is a native of Indiana, a graduate of Purdue, a professor of agricultural economics, a conservative Republican, a standpatter on farm policy. He is a director of Ralston Purina Company, the giant cereal manufacturer of which Mr. Hardin is now to become vice chairman.

The only difference is that Mr. Butz has political ambitions and a somewhat more aggressive, articulate style. During the coming political year, he will talk a better game than his predecessor. That is not to say that Secretary Hardin was ever known to resist White House hints to take a politically expedient position. His most notorious cave-in was to set Government-supported dairy prices at one level, then raise them substantially a few weeks after an outpouring of dairymen's protests—and of political cash to the Republican party.

President Nixon's abandonment of his own plan to reorganize the Agriculture Department out of existence by distributing its functions among four new departments is a further adventure in cynicism. The original plan made perfectly good sense but, as a practical matter, Mr. Nixon has sacrificed nothing since the plan was going nowhere in Congress.

In American agriculture today, consumers and taxpayers have the worst of both worlds. They pay in taxes for cumbersome, expensive "price support" programs for major commodities which prop up prices artifically but which occasionally—as now—fail to give even substantial farmers an adequate return on their capital or to prevent smaller, less well capitalized farmers from being squeezed out of farming entirely.

Preisdent Nixon and Mr. Butz, who was an assistant secretary of agriculture in the Benson period, have been tiptoeing around the edges of the farm problem for twenty years and can be expected to go on doing so. Mr. Butz told his first news conference that the President had promised "to back us all the way in our efforts to give our farmers the income they deserve."

"The price of corn is too low," he declared in ringing tones.

One thing is clear. Political corn, like real corn, is in abundant supply.

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## DONNA LEREW GIVES A RECITAL ON VIOLIN

### HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. McDADE. Mr. Speaker, all of us are aware that Capitol Hill is indeed blessed with many people with a multitude of talents. Often these talents find their way to a distinguished forum for their expression.

Such is the case with Miss Donna Lerew, who in professional life is an accomplished violinist. In private life, she is the wife of Mr. Jerry Zieman, majority counsel to the House Judiciary Committee.

Last Friday evening, Miss Lerew performed a violin concert in Carnegie Recital Hall in New York City displaying what critic Peter Davis of the New York Times called overall technical expertise with an uncommonly flexible style.

Mr. Speaker, I submit, for the RECORD, a copy of Miss Lerew's program and a copy of the New York Times review of her performance. I know the Members of the House will join me in expressing our great pride in her accomplishments.

The material follows:

PROGRAM

(Carnegie Recital Hall, Friday Evening at 8:00, November 12, 1971.)

Sonata in G Major, K. 301, W. A. Mozart.
Allegro con spirito.
Allegro.
Sonata for Solo Violin, 1944, Bela Bartok.
Tempo di ciaccona.
Fuga (Risoluto, non troppo vivo).
Melodia (Adagio).
Presto.
(Intermission.)
Three Miniatures for Violin and Piano, 1959, Krzysztof Penderecki.
Sonate, Maurice Ravel.
Allegretto.
Blues (Moderato).
Perpetuum mobile (Allegro).

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[From the New York Times, Nov. 14, 1971]

DONNA LEREW GIVES A RECITAL ON VIOLIN

(By Peter G. Davis)

There were many admirable qualities to Donna Lerew's concert Friday night in Carnegie Recital Hall. Aside from her over-all technical expertise and rich, singing tone, the violinist is an uncommonly flexible stylist with the knack of projecting the precise musical essence of a piece.

Mozart's Sonata, K. 301, for instance, sparkled with infectious lyrical grace. The gentle avant-gardisms of Penderecki's Three Miniatures emerged sweetly and artfully poised, even when Miss Lerew was called upon to set the piano strings vibrating sympathetically by virtually crawling under the instrument's lid.

Miss Lerew's major challenge of the evening was the Bartók unaccompanied Sonata. The large, arching phrases of the opening movement and subsequent fugue were not fully sustained, although her unflinching attack, precise intonation and intelligence uncovered some interesting details.

Winding up with Ravel's Sonata, Miss Lerew and her polished accompanianist, Maria Stoesser, made fine capital from its rhythmic insouciance and cool melodies.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 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 1,600 American prisoners of war and their families.

How long?

## CRITICAL SHORTAGE IN MEDICAL SERVICES

### HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. SMITH of Iowa. Mr. Speaker, I would like to share with my colleagues two interesting and informative articles about the critical shortage of medical services in rural America. One article entitled, "Rural Health Care Worsens as Doctors Retire, Move to Cities," appeared in the October 28, 1971, issue of the Wall Street Journal.

This article clearly demonstrates what some of us have been saying for a number of years, namely, that we have a serious health care situation throughout our rural communities. In an affluent Nation, it is said that our citizens in the rural communities fail to have the proper medical care.

Last February I made a speech on the floor urging that we should do something to solve this shortage of health care, especially where it is most acute, in the rural areas.

In my speech, I went even further to suggest that where the doctor shortage caused the closing of hospitals and clinics that we should take steps to improve our license requirements so that medical care could be offered by well-trained medical personnel assisting and working under doctors who may not necessarily be on the premises.

I urged President Nixon to call a national meeting of medical experts and others to urgently cope with our health dilemma. I made this appeal on February 17, 1971. Although I believe it was considered, the President still has not acted on my suggestion.

Meanwhile, a syndicated columnist, W. David Webb, has written an article in which he explains my plan and thinking on this critical situation. It appeared in a number of newspapers. I would like to also insert this article into the RECORD.

I think the Wall Street Journal clearly points out the difficulty of retaining the physician in the small community. I am distressed but not surprised that the Sears-Roebuck Foundation reluctantly killed a 14-year-old program to help rural communities attract doctors by establishing well-equipped medical centers. I never did think that would work. Doctors cannot be bribed into locating where they do not prefer to live and practice. Forgiveness of debt for education and furnishing facilities will not even shift the shortage from one area to another. By 1970, 52 of 162 such centers were closed and empty, the Wall Street Journal reports.

The Journal reporter, James P. Gannon, clearly points out the reason when he writes:

"The premise on which the program was founded—that a good facility will recruit and retain a physician—was no longer valid," a foundation spokesman explains. "There are fewer and fewer doctors who are willing to staff these clinics. It's an injustice to a community to encourage them to build these clinics when the likelihood of getting a physician is remote."

The Journal gives some interesting reasons why doctors reject a rural medical practice. The Journal reports:

Because medical training has become increasingly sophisticated, many of them wind up as specialists; their specialized expertise is in greater demand in larger cities than in thinly populated areas. In the country, the round-the-clock demands on a doctor, and "professional isolation" from his peers, seem uninviting. And disadvantages of small town living, such as schooling that sometimes is inferior and limited cultural activities, deter doctors.

Since we cannot attract enough physicians to the rural areas, I think the situation is critical that we come up with a substitute. My substitute is explained in Mr. Webb's article. I again appeal to the President to bring together as soon as possible medical experts and trained professionals to meet this problem now.

The articles are as follows:

RURAL HEALTH CARE WORSENS AS DOCTORS RETIRE, MOVE TO CITIES

(By James P. Gannon)

DRY CREEK, W. Va.—The Jeep-like mountain vehicle lurches up a rocky path along a stream bed littered with rusty steel drums, crawls past a fleet of abandoned, stripped automobiles, and churns to a dusty halt in front of a ramshackle cabin.

Sitting on the porch is frizzy-haired Audrey Pettry, rolling one of the bent and pinched cigarets she smokes constantly. "I was just sittin' her wondern' if you'd come," the 73-year-old widow of a coal miner says. Inside the dark front room of the cabin, decorated with out-of-date calendars, Mrs. Pettry sits down while Mildred Snodgress, one of her visitors, inspects the old woman's ulcered leg. Mrs. Snodgress, a registered nurse, cleans and rebandages the sore while Mrs. Pettry puffs her cigaret down to a tiny, finger-scorching nub. "If it wasn't for these women," Mrs. Pettry says to another visitor, "I wouldn't have nobody."

Mrs. Pettry is one of more than 15,000 very poor people in Raleigh County who are beneficiaries of an unusual rural-health-care system known as the Mountaineer Family Health Plan. Based in nearby Beckley, the plan provides comprehensive medical, dental and eye care for country folks in the county, a coal-mining area in the southern part of West Virginia.

Programs like this one are important because of the worsening health crisis in rural America. The medical care problems all Americans face—ranging from shortages of doctors and clinics to skyrocketing, prohibitive costs—are found in double doses in rural areas. As the nation has become increasingly urban and its medical practitioners even more specialized, personnel and facilities for health care have concentrated in larger towns and cities, leaving country people to the care of the dwindling numbers of country doctors.

FROM HERE TO ETERNITY

Thousands of such general practitioners once were sprinkled throughout the rural countryside, but few remain. Many of those left are aging and unable to handle heavy patient loads. "There used to be one doctor in every little hamlet," says Dr. Martha Coyner, who practices in Harrisville, W. Va., and heads the state medical society's rural-health committee. Ticking off the names of a dozen colleagues who have departed the precincts, she says that she and another Harrisville doctor now "are the only two MDs from here to eternity, practically."

Figures from the American Medical Association show only one doctor for every 2,145 residents in the nation's most thinly populated counties; in the most densely populated, on the other hand, there's one doctor for every 442 residents. The AMA finds 132 counties without a single doctor practicing. While suburbia swims in specialists, many rural areas are better supplied with veterinarians than with family doctors. AMA data show that Los Angeles County alone has more active MDs (14,203) than the 13 states of Arkansas, Idaho, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, South Dakota, Utah, Wyoming and Vermont combined. (The county has about 7 million residents, compared to over 11 million in those states, and since the states cover a far larger area it's often more inconvenient for their residents to get to a doctor.)

As discouraging as the enfeeblement of the old rural-health-care system is the fate of one major effort to preserve it. Last year, the Sears-Roebuck Foundation reluctantly killed a 14-year-old program to help rural towns attract doctors by establishing well-equipped medical centers. By 1970, 52 of 162 such centers were closed and empty.

BEATING THE DRAFT

"The premise on which the program was founded—that a good facility will recruit and retain a physician—was no longer valid," a foundation spokesman explains. "There are fewer and fewer doctors who are willing to staff these clinics. It's an injustice to a community to encourage them to build these clinics when the likelihood of getting a physician is remote."

Doctors reject a rural practice for diverse reasons. Because medical training has become increasingly sophisticated, many of them wind up as specialists; their specialized expertise is in greater demand in larger cities than in thinly populated areas. In the country, the round-the-clock demands on a doctor, and "professional isolation" from his peers, seem uninviting. And disadvantages of small-town living, such as schooling that sometimes is inferior and limited cultural activities, deter doctors.

Perhaps surprisingly, money isn't the controlling factor; those doctors who do practice in rural areas often (though not always) manage handsomely. Dr. John E. Van Gilder, a 26-year-old West Virginia University graduate, set up practice last June at West Union, W.Va., in one of the Sears-Roebuck program's empty clinics. He expects to earn around $30,000 a year, probably more than he would earn his first year in a city practice. "It's simply supply and demand," says Dr. Van Gilder, who is the only doctor in a county of 6,400 persons.

But even Dr. Van Gilder finds a rural practice unattractive in some ways. There's no hospital nearby, so his most difficult and "interesting" cases have to be referred to colleagues in Clarksburg, the nearest city. That leaves him with "colds, sore throats and arthritis," he says. He worries about keeping abreast of new medical techniques. Dr. Van Gilder freely volunteers that the threat of the draft prompted him to take his job in West Union—where, as the only doctor in the vicinity, he could get a deferment. He expects to stay in West Union five years or so and then go on for more training and a specialty—probably in a big city—after that.

West Virginia hoped to overcome its shortness of doctors by establishing a medical school a decade ago. Yet, of 138 graduates now in practice, only 34 have remained in the state, and only 14 of them are in rural towns. "I don't think solo practice is any longer a viable answer to problems in rural areas," says Dr. Robert L. Nolan, chairman of West Virginia University's division of public health and preventive medicine.

Dr. Nolan and other students of rural health prescribe a new system for delivering health care to rural places. They think the solution lies in regional health-care plans, stressing preventive medicine practiced by groups of physicians based at a central clinic with an "outreach" effort to bring in patients from remote areas. Though no model system exists, the Mountaineer Family Health Plan—and similar systems in Maine, Florida, Alabama and California—represent significant innovations. According to the U.S. Public Health Service, the Mountaineer plan is the largest of the rural comprehensive health-care systems in operation.

It began four years ago as a poverty-war project of the U.S. Office of Economic Opportunity. The aim was to provide complete health care at no charge to Raleigh County residents whose annual incomes are below official poverty levels, currently $3,600 for a family of four. It's easy to find such families around here; 5,200 of them, with over 15,000 persons, one-fifth of the county's population, are registered and eligible for the plan.

The plan is based at a $500,000 clinic next to the Appalachian Regional Hospital at Beckley. The medical staff consists of five physicians and three dentists. On an average day, the doctors see 100 to 150 patients and the dentists about 30. Nearly all the patients have reached the clinic in the rugged four-wheel-drive ambulances that make daily runs between Beckley and its mountainous outlands.

Seven satellite clinics in hamlets like Slab Fork and Trap Hill are the plan's "outreach" terminals. Teams of health workers—a registered nurse, aides, drivers and environmental health workers who help build sanitary privies and test water supplies—work out of the satellite stations and keep in touch with even the most isolated families.

A tour with Mildred Snodgrass, nurse-supervisor at the Marsh Fork satellite center, shows how the plan works. The trip begins in her Scout vehicle from outside the four-room office housed in the building formerly occupied by the region's only private physician.(He died five years ago, and the nearest doctor now is some 25 miles distant.) She steers the vehicle along a bumpy trail to a cabin nestled in a sunny hollow between two green mountains. Here she takes the blood pressure of 60-year-old Chris Dickens, a new patient who lives alone on welfare, and makes sure he understands when to take his four newly prescribed drugs.

The day before, Mr. Dickens had his first physical examination in four years, at the Beckley clinic. "I haven't ever been to the doctor much," says Mr. Dickens, who is being treated for hypertension and indigestion.

After a stop to treat Mrs. Pettry's ulcered leg, Nurse Snodgress gingerly wheels the Scout up a precipitous path above the Coal River to the home of Cuba Opal Wiley, a disabled miner troubled by lung ailments. With his tobacco-stained teeth showing as he smiles, Mr. Wiley tells a visitor, "If it wasn't for this program, buddy, I don't know what I'd do. If I got sick, I guess I'd just lay here and die, buddy, that's all I could do." His wife, a diabetic, also gets medical care, and she's scheduled for liver surgery.

COSMOPOLITAN STAFF

Continuing her rounds, Nurse Snodgress and her aide take a medical history from a new patient, remind another of his scheduled appointment in Beckley, and make other routine visits.

Back at the Mountaineer clinic, a motley group of elderly, disabled men, pregnant women, tots and teen-agers patiently wait their visits with the doctors. The doctors themselves are a varied lot, and their names—like Arcadio Alarcon, G. Sri Rama Gupta, and Suradech Kongkasuwan—suggest the difficulty of keeping indigenous physicians in the area.

In fact, all five of the clinic's doctors—three internists and two pediatricians—are foreign physicians working here under temporary state licenses. "We have difficulty attracting American doctors," says Dr. Forest A. Cornwell, the Mountaineer plan's director. The $28,317 yearly salary isn't enough, apparently, to attract U.S. doctors, though all three dentists, who get $25,520, are Americans. (The foreign physicians generally have a harder time obtaining temporary licenses to practice in desirable urban areas, which often have their pick of American medical-school graduates and simply don't issue temporary certificates to foreigners.)

To the doctors, it's clear that their services are badly needed. "You see many children who have never been to a doctor, who have never had their inoculations," says Dr. Jose Alphonso, a Cuban refugee physician. "I have seen many children here who have worms, and many underweight and underheight because of poor nutrition."

"There's a tremendous backlog of care that is needed," says Dr. Edwin H. Warfield, a dentist. About one-third of Mountaineer's patients never have been to a dentist, and practically all the rest have received only minimum emergency care, Dr. Warfield figures.

WHERE'S THE MONEY COMING FROM?

Beckley itself, with a population of nearly 20,000, has abundant health services, There are 23 dentists, 70 physicians and several group-practice clinics. But the rest of the 610 square miles in the county is a health wasteland, served only by the Mountaineer plan and its free transportation.

The major difficulty with the plan is its cost. Mountaineer has been nurtured by federal subsidies; a $2.1 million grant from the Health, Education and Welfare Department finances nearly its whole budget. But HEW indicates it doesn't plan to support the project indefinitely, and Mountaineer officials have been told that its survival depends on its progress toward "self-sufficiency."

Prodded by HEW, the plan just adopted a sliding-fee schedule under which clients currently registered will have to pay 15% of their bills. Dr. Cornwell says the long-range aim is to transform the plan from a poverty project to a broader-based plan open to any county resident. Meanwhile, the budget squeeze is limiting the number of new enrollees who are poor.

Costs have risen fast. From only $41.55 in mid-1970, the charge for a day in the hospital has risen to $81.54. The cost of the average drug prescription has risen to more than $4 from $3.44. Officials have dipped into the capital construction budget for operating funds, and they've scrapped plans for some new activities, such as a mobile dental unit.

The financial squeeze suggests that Mountaineer will have to scale back its services, or raise fees even higher, and it creates a painful dilemma. "It gets to be a normal decision," says Dr. Cornwall, "It's like having 10 people in a lifeboat, and if two don't get out, all 10 are going to sink."

The only feasible solution, in the minds of most rural-health authorities, is a massive federal rescue effort. Says Dr. Leopold J. Snyder, a doctor from Fresno, Calif., who is chairman of the AMA Council on Rural Health: "If there is to be any widespread improvement in today's dismal rural health scene, there will need to be large expenditures of honest human energies and a large infusion of public funds."

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[Syndicated Column from the Newport News, Va., Daily Press]

## CONGRESS CONCERNED WITH HEALTH PLANS

(By W. David Webb)

WASHINGTON.—Good health is the greatest need for all mankind. Without good health, nothing else is really important. A great concern is sweeping the nation to improve the health delivery system so that all may have adequate care.

Congress has got into the act with great gusto as more than a dozen health-payment plans have been advanced. The most extensive health care plan has been advocated by Sen. Edward Kennedy and its concept may well provide him with the most appealing issue to sweep him into the White House. Basically Kennedy's "cradle to grave" treatment plan would establish a government operated national health insurance program completely paid by the taxpayer so that all people would be covered.

The Nixon administration has countered the Kennedy proposal with its own plan to provide health insurance coverage for all workers and their families which meet federal minimum standards. Nixon says his plan would cost a mere $7 billion and warns that Kennedy's plan would bankrupt the nation to the time of $77 billion.

Everyone is in the act with a plan—the American Medical Association, the private health insurance companies, Sen. Russell Long with his catastrophic health insurance scheme, plus many other political leaders and organizations.

However, all the plans tackle only the financing and fail to meet the basic need of improving the nation's current health delivery dilemma today.

If the nation provides the finances, the end result may be that Pandora's box will be opened and a plethora of patients will descend into the overcrowded doctors' offices and hospitals. The danger could be that instead of improving the medical delivery system it would be critically wounded.

However, Rep. Neal Smith (D.-Iowa), who has carefully observed the medical dilemma as a chairman of a key appropriations subcommittee, has come up with an idea to help solve the current problem. Basically, Smith believes that a series of clinics should be opened throughout the nation where preventive medicine could be practiced. He believes that if doctors are unavailable then medically-capable nurses or paramedic personnel could help ease the health crunch. In private many physicians believe that Smith's idea has serious merit.

Congressman Smith last February in a floor speech called for President Nixon to bring together the best people in medicine and related fields to tackle the current health crisis. He talked with doctors, hospital personnel and other medical leaders about meeting the problem now with a crash program of clinics. The President asked HEW Secretary Elliot Richardson to take a hard look at the Smith concept. Although silence at first prevailed, Richardson evidentally thought the plan had merit because in August he approved a HEW report recommending changes in licensing of health personnel so that the manpower shortage would be eased.

Congressman Smith clearly demonstrates that something should be done now when he points out that throughout rural America doctors are scarce and in many cases nonexistent.

"In the U.S. we only have 151 physicians for each 10,000 of the population and they are distributed in such a way so that many millions of people are for all practical purposes without adequate preventive health care," Smith explains. "One hundred and nine counties in the nation have no physician and 153 only have one."

Congressman Smith points out a perfect example in his own Iowa congressional district where the small community of Monroe struggled and saved so they could build a health clinic. Although the clinic was finally built, it had to close down because of the lack of a doctor.

Rep. Smith points out that all states must change their current licensing laws so that preventive medicine could be practiced without doctors on the premises but in close communication with well-trained nurses and paramedical personnel. Some people raise their eyebrows and say that doctors must be on hand. However, most physicians would welcome this plan to relieve them of simple medical functions which could be performed as well through close communications with the doctor. Maybe, an early diagnosis could prevent misery in the future. In many cases a well-trained technician or nurse could spot the trouble and send the patient to the doctor.

The nation can ill afford to wait for Congress to work out a financial scheme and the many years it takes to train badly needed doctors. The states would be wise to take a hard look at the Smith plan and to start licensing changes.

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## FEDERAL REGULATION OF STATE PENSION FUNDS

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. FRENZEL. Mr. Speaker, I wish to insert in the RECORD a recommendation on Federal regulation of State pension funds from the legislative retirement study commission, a permanent study commission of the Minnesota State Legislature. The resolution resulting from the study was passed by the Minnesota State senate; the State house adjourned before action could be taken. At this point in the RECORD I insert the recommendation:

LEGISLATIVE RETIREMENT
STUDY COMMISSION,
*St. Paul, Minn., October 27, 1971.*

I, the undersigned member of the Legislative Retirement Study Commission, am of the opinion that the Commission should recommend to both Houses of the Minnesota Legislature the accompanying resolution concerning contemplated federal legislation regulating pension funds.

I am further of the opinion that if the Legislature does not act on the aforesaid resolution, the staff of this Commission shall by appropriate means make known to the members of Congress from the State of Minnesota and other appropriate committees of the Federal Congress the fact that the Legislative Retirement Study Commission of Minnesota strongly favors the attached resolution.

At the next regular meeting of this Commission I will vote to confirm this proposed action.

J. A. Josefson, Chairman; Mel Hansen; Harmon T. Ogdahl; Richard J. Parish; Joseph T. O'Neill; Calvin R. Larson; Donald E. Forseth; Helen E. McMillan; Donald M. Moe; and D. H. Sillers.

RESOLUTION

A resolution memorializing the United States Congress to exempt Minnesota public pension plans from coverage under HR 1269, known as the Employee Benefit Security Act

Whereas, the United States Congress has before it HR 1269, the purpose of which is to establish national standards of fiduciary conduct for the management of all public and private pension plans; and

Whereas, the trustees of the public pension funds, by statute, already are charged with a fiduciary obligation to the state of Minnesota, the taxpayers which aid in financing the plans and the employees who are their beneficiaries; and

Whereas, specifically, the Minnesota statewide public pension plans have attained and are maintaining a high level of financing; and

Whereas, Minnesota public pension plans are required by statute to have annual actuarial valuations and are subject to close supervision and control by the Minnesota State Legislature and which regulations have become even more comprehensive since 1955, when a Legislative Retirement Commission was created, the single function of which is to study and investigate all public pension plans and to report at each session, its findings, conclusions and recommendations; and

Whereas, financial and actuarial reports plus the specific information required under HR 1269 already are disseminated to the members through various communication media; and

Whereas, pursuant to H.R. 1269 there is imposed upon the administrators of public pension plans, the obligation of duplicating these very activities and services, thereby not only adding to the administrative load of the plans with the accompanying considerable cost thereof to be borne by the already overburdened Minnesota taxpayers, but courting and risking conflict between state statute and federal law as well as funding concepts which, in resolution, could entail further expenditures of dollars, time and effort; and

Whereas, additionally, there may be imposed upon the public pension plans a compulsory contribution to an insurance fund, the sole object of which is to safeguard the rights of participants against termination of any pension plan, when liquidation of Minnesota public pension plans is contrary to all intents and purposes of the State Legislature and therefore such contributions by Minnesota public funds would constitute a payment for the support of terminated nonpublic pension plans; and

Whereas, it is conceded, based on nationwide reporting in publications of all kinds, that private pension plans and some public plans outside Minnesota may need this federal legislation for the protection of participants, it is evident that Minnesota public pension plans are already afforded this protection through state legislative control; and

Whereas, the very intent of H.R. 1269 thus is already vouchsafed by the sovereignty and integrity of the state of Minnesota which should not be considered less than, or take second place to, that of the federal government; now, therefore,

Be it resolved, by the Legislature of the state of Minnesota that the United States Congress exempt Minnesota public pension plans and comparable other public plans from coverage under H.R. 1269.

Be it further resolved, that the Secretary of State of Minnesota be instructed to transmit copies of this resolution to appropriate committees of the Congress and to the members of the Minnesota delegation.

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## OUR HERITAGE

### HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. SCOTT. Mr. Speaker, a personal friend of mine, Charles E. Webber of Salem, Va., is the Sovereign Grand Inspector General of the Scottish Rite Bodies of the Masonic Fraternity in Virginia. Brother Webber was honored last week by having the Kazim Temple's fall ceremonial of the Ancient Arabic Order of Nobles of the Mystic Shrine fall class named after him. Of course this is a recognition of Brother Webber's contribution to masonry and shrinedom

over a long period of years. A Past Imperial Potentate of the A.A.O.N.M.S., George E. Stringfellow, who himself has an excellent background both in private life and within the masonic fraternity, has some fine words to say about Illustrious Brother Webber and about the heritage of our country which I would like to share with my colleagues. Accordingly, the entire statement is inserted at this point in the RECORD:

OUR HERITAGE

(By George E. Stringfellow)

Illustrious Potentate Garland E. Sheets, Officers of Kazim Temple, Past Potentates, beautiful ladies and distinguished guests:

I am complimented by the invitation of Potentate Sheets to join you in honoring one of the most beloved and distinguished Masons of our time. In naming your Fall Class in honor of Illustrious Charles E. Webber 33°, Sovereign Grand Inspector General in Virginia and Grand Treasurer General, you have honored Kazim Temple.

Illustrious Brother Webber has served long and well all of the major Masonic Bodies in the Old Dominion State. He is truly the conscience of those fine organizations of which he has long been an integral part. By his conduct and example he is helping to make ours a better country.

It was Ralph Waldo Emerson in his great wisdom who said: "I consider him a great man who inhabits a higher sphere of thought into which other men rise with difficulty and labor." Emerson certainly must have had in mind such a person as Brother Webber for I know of no one who inhabits so high a sphere of thought.

May I speak to you for a few moments about our heritage. The dictionary defines "heritage" as that which is inherited, or passes from heir to heir; an inheritance; hence, the lot, condition, or status into which one is born; birthright; as, liberty of speech is the heritage of freemen.

No other people have been the recipient of such material and spiritual heritage as have we. Resources of mine and soil, water, field and forest, have been given to us in prodigal abundance. The power and wealth which have risen from the use of these resources are beyond comprehension, unrivaled by any empire, past or present.

Every American has a material heritage whose equal can be found nowhere else in the world. God has indeed been good to us. We are, however the beneficiaries of a spiritual heritage which transcends our material heritage as the sun surpasses, in all its splendor, the faintest star.

The Mayflower compact was the first of the notable documents marking the birth of our Republic. Its opening sentence "In the name of God, Amen" is followed by these spiritual words: "We have undertaken for the glory of God and the advancement of the Christian faith . . ."

In the stormy days of 1620, haunted by privation and tortured by anxieties, God was the refuge and the everlasting hope of our Pilgrim fathers. And so He is today.

It is difficult for us, in our comparative comfort and prosperity, to understand the hardships endured by those first settlers. They established for us the right to worship God according to the dictates of our conscience. Moral convictions motivated their decisions, as they should ours. They built here a society which would reverence and serve God. He supplied life and strength for their activities.

A century and one-half following the landing of the Pilgrim fathers, the signers of the Declaration of Independence held that moral laws are beyond the power of government to override. The final paragraph of that "passport to freedom" appeals to the Supreme Architect of the Universe for the recitude of their intentions.

God had a hand in the development of the Constitution of the United States which made us a free and prosperous people. In describing the Constitution, Gladstone said it was the most wonderful work ever struck off at a given time by the brain and purpose of man.

Our fair land was born and nurtured as a religious community dedicated to human liberty and the dignity of man. Our forefathers had iron in their backbone and granite in their character. They prayed to God and their prayers and efforts brought forth the form of government that wise and free men hold dear.

Let us contemplate these impressive words found on a time-worn tombstone: "My son, that which thy father hath bequeathed, you must earn anew if you would keep".

As you know, George Washington presided at the Constitutional Convention in Philadelphia. Back of his chair was a painting of the rising sun. "There were times during the convention" said Benjamin Franklin, the oldest member of the committee, "when I wondered whether the sun was rising or setting on America." At the end of the convention Franklin remarked, "With the signing of this great document, I now know that the sun is rising on America."

As he was leaving convention hall an elderly lady asked the venerable Franklin, "Mr. Franklin, what have you given us?" The wise man responded, "We have given you a constitution". Then he hesitated and said, "If you can keep it".

Statesmen all over the world expressed doubt that our Republic founded upon the Constitution could last longer than 100 years. More than 100 years ago James Russell Lowell, statesman and poet, was asked: "How long will the American Republic endure?" Lowell replied: "Only so long as the ideals and the philosophy of the men who made it, continue dominant in each succeeding generation."

There is disquieting evidence that many of us have drifted from the principles that made ours a great country. Some of our people do not realize that laws are rules by which we live. If we violate those rules, chaos reigns.

It is our duty to support all laws. Said President Cleveland: "The way to get rid of bad laws is to enforce them".

To be worthy of our heritage there is much for us to do. We must place God first in our lives. We must be stewards of His precious gifts. We must discharge our duties as citizens.

"Duty is the sublimest word in our language. One should do his duty in all things; he can not do more, and he would never wish to do less". So spoke that great patriot, General Robert E. Lee.

We must concern ourselves with what's right rather than who's right.

If we are to be a happy people we must take a positive position. We must not follow Hamlet who cried that the days were evil and cursed them. We must emulate St. Paul who, crying that the days were evil, labored to improve them.

Apathy can be changed to action. We Masons can help make ours a better country and a better world for our children and their posterity.

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## NATIONAL HEALTH INSURANCE PROPOSALS

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## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mrs. ABZUG. Mr. Speaker, it is truly shocking to observe that with our gross national product exceeding $1 trillion annually, few Americans—rich or poor—receive adequate health care. Even if adequate care is available, its costs are often so high as to discourage less affluent individuals from seeking medical attention when they need it.

There is no excuse for this situation. Medical care is as much a right of every American as is public education or police protection, and no one should ever be denied it because of his financial condition.

The House Committee on Ways and Means is presently considering a number of health insurance/health care bills. Some of them are no more helpful than a bandage on a cancer. The Health Security Act, which is also known as the Kennedy-Griffiths bill and of which I am proud to be a cosponsor, is the only one of these bills which holds out any promise of fundamental change in the fragmented, ill financed, and often irresponsible. While it is not perfect, it is basically a strong, progressive piece of legislation.

Today, I had the privilege of presenting my views on this subject to the Committee on Ways and Means. At this point in the RECORD, I include the text of my statement to the committee:

TESTIMONY OF CONGRESSWOMAN BELLA S. ABZUG

The American medical system, long assumed by Americans to be the world's finest, is under vigorous attack, and with good reason. Almost alone among the prosperous industrial nations, we have treated medical care as a commodity not very different from any other and have largely permitted the market place to regulate its organization, distribution, financing and quality control. There may be reason for producing and distributing automobiles this way, but it is no way to regulate the provision of a service that is a *sine qua non* of decent life.

Numerous legislative proposals now face the Ways and Means Committee. All purport to improve our medical care system; some are plainly rear-guard actions by frightened segments of the health care marketplace, desperate to preserve their influence; others offer trivial reforms that are far too limited to alter the consistent failure of American medicine to serve all Americans. Only the Health Security Act, which was introduced in the House by Representative Griffiths and four other Members of this distinguished Committee and in the Senate by Senator Kennedy, and of which I am a co-sponsor, demonstrates an accurate comprehension of the disgraceful gap between what our medical system is and what it should be.

I intend first to make a few remarks about the problems of our existing health care system and then to comment on pending legislative proposals to change it.

WHAT IS WRONG WITH TODAY'S HEALTH CARE

*Distribution of services*

Health services are not distributed according to the need for them. The poor suffer disproportionately from preventable but unprevented diseases and conditions like anemia, acute rheumatic fever, tuberculosis, malnutrition, and maternal death during childbirth, because there are too few hospitals and doctors serving them and because medical services cost more than they can pay. Rural areas, too, lack medical facilities, and there are entire counties without a single doctor.

We do not produce the right mix of medical personnel and services.

We have too few doctors in general practice but an excess in the more glamorous surgical specialties.

We have too many hospitals, sources of prestige to communities and community leaders, but too few out-patient facilities.

We have failed to attack our serious public health problems.

We, the world's most prosperous country, have tolerated crippling malnutrition in rural and urban poor and debilitating occupational diseases in miners and chemical workers.

We might have had present-day levels of auto safety years ago, had we cared to, and, many experts feel, we could have had a nearly crash-proof car by now.

We allow treacherous tires on our cars, highly flammable clothes on our backs, corrosives and poisons in our kitchens.

We have been half-hearted in our attempts to regulate the fouling of our air and water, sluggish in protecting our citizens against medical hoaxes, and timid in controlling the tobacco industry, a major cause of the cancer we are about to try to conquer.

*Organization of medical care*

Proper medical care, whether received through clinics, groups, or individuals, requires the attention of a generalist, who will be responsible for all aspects of preventive care and treatment of most medical problems, and readily available specialists who will deal with problems of greater complexity and advise and teach the generalist. Medical facilities should follow a similar pattern, with small installations for simple care and procedures, general hospitals for more difficult but still common problems, and sophisticated regional centers for treatment of obscure diseases, housing of expensive but infrequently used equipment, and maintenance of complex services requiring extraordinary skill, such as open heart surgery. Obviously, records must be kept and must flow freely from one level to another and the patient's movement from one level to another should be straightforward and unimpeded.

In fact, we have none of this. Most people have no doctor who is regularly responsible for their well-being. They do not know how to find out whether they need a specialist or what kind they do need. They do not know what tests to have annually. Their records do not travel with them. Our institutions all wish to be total services facilities; consequently, there is a fabulous redundancy of equipment and puerile competition for training fellows, patients and federal grants.

One reason for the development of a medical organization that leaves patients confused and undirected is the failure of medical institutions to bother asking patients, the consumers of health services, about their preferences. Any reorganization that fails to achieve significant consumer input will be unlikely to satisfy consumer needs better than the present one.

*Financing*

Medical care is a fundamental right, like police protection or primary education. The need for services should be sufficient reason to receive them. Personal wealth should be irrelevant. No bargain basement compromises can be countenanced, because medical care, unlike many commodities for which a cheap version will serve as well as a costly one, comes really only in two qualities, good enough and not good enough. The latter, no matter how cheap, is without value and fraudulent.

Americans have for years accepted the principle that the fundamental services provided by the government for all people, such as national defense, the judicial system, pollution control, food and drug regulation, etc., should be funded out of general revenues, and that these revenues should be collected principally by means of a progressive income tax. Medical care is just such a basic service and should be so funded.

The per capita cost of our medical care is rising rapidly and is already large compared with other industrial nations. This large relative cost, which has not brought us superior quality, is the consequence of several facts of the medical market place. The first fact is the doctor shortage, creating a sellers' market that will persist for the foreseeable future. The shortage is exaggerated by our failure thus far to make use of skilled paramedical personnel. The second fact is the position of the medical insurance companies, acting as fiscal intermediaries between patients and services but failing utterly to exercise the cost control that should be part of their function. There are several reasons for their indifference to rising medical cost. Their premium rates are adjusted to provide a set rate of profit, often by a cost-plus arrangement. Larger cash flow thus means a larger profit. Insurance companies invest money they hold and larger cash flow also provides more investment capital.

A very costly example of the insurance industry's failure to encourage efficient use of services has been their willingness to pay for unnecessary hospitalization. Because hospitalization has always been the catastrophe against which people most wanted protection, far more people own hospitalization insurance than have coverage for non-hospital costs. Diagnostic evaluations are therefore routinely performed in hospitals, where their real cost is large but where they are a covered service if a bogus "emergency" diagnosis is given. The same evaluations could be done more cheaply in outpatient facilities, but their cost would not be covered. Insurance companies have made no effort to discourage this practice by refusing to pay for these pseudo-emergencies, but have merely raised their rates to cover the deceptive practice.

The third fact is the outrageous profiteering and inefficiency of the medicine-associated industries, notably the drug industry. Drug manufacturers have an average rate of profit twice that of the average American company, although they have no unusual risks. Fully a quarter of their income is spent on promotion and marketing, a practice resulting in overuse of drugs and use of heavily promoted, new and expensive drugs instead of older, less expensive preparations which may be just and suitable. This modern medical sideshow is justified as needed to cover the cost the development of new, wondrous drugs, but research and development is only six percent of drug sales, and of that, the greater part is devoted to development willing to answer candidly will admit that he knows doctors who are too foolish, too old, or too irresponsible to meet even minimal standards of performance.

The point is not that doctors and hospitals are wretched; it is that we don't know much about them, because we don't look. They are self-regulating which means in medicine, as in every other human endeavor, unregulated except when disaster has struck or appears ready to strike. A proper national health insurance plan will set standards of care, evaluate performance in relation to these standards, and deal firmly with violations.

HEALTH CARE LEGISLATION

The health insurance proposals before the Ways and Means Committee vary as widely in cost ($2 billion to $70 billion) as they do in ambitiousness, but there are no bargains to be had. The total cost of medical care, now estimated at $70–80 billion per year, is more or less fixed, whether paid out of federal revenues or private resources. The question is whether reforms are going to affect a trivial part of that care and its cost or whether they will impinge on all aspects of the medical system. To emphasize this once more: we can only judge these legislative proposals as part of the whole cost of medical care. The "expensive" Health Security Act, at $70 billion, does not cost more than the Administration's "cheap" National Health Insurance Partnership Act, at $15 billion, when you add to the latter the $55 billion that will be paid by private and other governmental sources. The difference between the various proposals is not the cost, it is what we get, and what we get should be measured against the problems outlined above.

Some of our health care problems are more obvious, though not necessarily more important, than others. Obviously, the disaster of a catastrophic illness, destroying well-ordered, prudent families, is an event with which we all empathize, and there are many proposals to insure against this scourage. At the same time, Congress clearly is moved by the plight of the penniless and several proposals do provide free health insurance for them. The AMA-devised Medicredit plan, or Health Care Insurance Assistance Act, is one of these. It also provides some help to the near poor, though not much, since a family of four with a net income of about $5500 would receive a federal payment of only 10% of the cost of insurance. Such measures as these are directed at the extremities of the health care problem; they make no impression at all upon the body of our expensive, inefficient, fragmented, non-quality-controlled medical system.

Even worse, Medicredit would pour new billions into the health insurance companies that have financed, supported, and encouraged the present system. In testimony before the Senate Finance Committee, Secretary Richardson said that the bill "would have little effect on the organization and delivery of medical care or on controlling rising costs. The proposal would inflate demand for services yet it does not promote appropriate ways to use the leverage of new funds to help influence the quality and efficiency of services." The Secretary is correct, but similar criticisms apply just as strongly to the Administration-backed National Health Insurance Partnership Act.

The Administration bill purports to offer a new National Health Strategy, principally through encouraging doctors and hospitals to form comprehensive health care institutions, the health maintenance organizations (HMO's) and encouraging people to join them. I believe that an HMO, offering total, prepaid health care, can in fact be a more efficient provider of high-quality, unfragmented care than can doctors scattered about the community, and can perform patient education and preventive services, keep and organize records and evaluate therapy, to an extent impossible for the solo practitioner. It is the basic unit of an intelligent health care system if it is held to high standards and if its performance is under constant scrutiny by the people who receive its services and pay its bills. The existing HMO's such as HIP in New York, Kaiser-Permanente on the west coast, Group Health in Washington, and many others, have grown rapidly in recent years, indicating that despite some criticism of understaffing and a tendency to discourage use of the facility, these units have provided considerable patient doctor satisfaction.

Unfortunately, the HMO question would seem to be a bit of a smoke-screen at present, since, unlike the Health Security Act, the Administration bill does not provide much financial inducement for people to join HMO's or to doctors to form them. The proposal's principal feature is the requirement that employers buy three-fourths of a health insurance plan for their employees and employees' families. The minimum plan cannot have a very large cash value since there are substantial deductibles and coinsurance. The dollar value of the insurance would be applied at their employee's option, toward membership in an HMO, but there would be an additional cost to the employee equal to the actuarial value of the deductible and coinsurance, which is probably larger than the value of the insurance. The attractiveness of the HMO's will be inversely related to the extra money the family must pay to join.

An HMO needs doctors as well as patients. The National Health Insurance Partnership

Act does not attempt to control fees paid to private practitioners. Will large numbers of doctors give up the huge incomes of private practice for the merely generous incomes of the HMO?

If the Administration bill does not move consumers and doctors effectively toward HMO's it offers nothing more than the same new billions into private health insurance, without any more organizational change, that Medicredit would produce, and we've seen what Secretary Richardson thinks of that. The Administration bill also shares with Medicredit the particularly condescending features of deductibles and co-insurance, which are present because of a widely held view that poor people enjoy going to the doctor and will go often just for fun, even if they are not sick.

In his National Health Insurance speech President Nixon stressed cost consciousness. He said: "Only as people are aware of these costs will they be motivated to reduce them. When consumers pay virtually nothing for services and when, at the same time, those who provide services know that all their costs will also be met, then neither the consumer nor the provider has an incentive to use the system efficiently." It is very strange to put the responsibility for cost control on the patient, who, not being a doctor, does not know whether he is "sick enough" for medical care. (Interestingly, the HMO's supported by the administration do not have deductibles or coinsurance.) Cost control should be exerted by regulating the fees paid to providers, but this form of cost consciousness is not mentioned in the Administration bill. It seems to me to be a basic principle that we want no person to wonder, when he feels sick, whether he should spend money for treatment. Incredibly, it is a principle which both the present system and most of the pending bills stress. It has always been the situation faced by the poor. We want even the poor person to see a doctor, who can decide on the basis of his expert knowledge whether to treat the patient or reassure him. If we can educate patients so that they recognize certain symptoms as not serious, that will be excellent, but we do not want them to stay away because they don't have the cash.

The Health Security Act, in contrast to all of the other proposals before the committee, will promote broad organizational changes and will attack most of the ills of our health care system. As I will point out, it is far from a perfect bill, but it is worth reviewing briefly some of the beneficial changes it will promote with respect to problems outlined earlier.

*Distribution of services*

Wealth will no longer determine the amount or quality of one's medical care. There will be no financial barrier to seeking services; providers will be compensated directly by the system. The Act sets aside five percent of the total money in the Trust Fund for health planning and for dealing with a variety of distribution problems. Funds will be available for training specialists in short supply, for encouraging desirable geographic movements, and for planning and building facilities which are necessary to provide services. There is a commitment to equalize throughout the U.S. the availability of services by channeling more funds into areas which are now poorly served.

*Organization of Medical Care*

The Health Security Act encourages doctors to enter HMO's or comprehensive health service organizations, as the Act prefers to call them, by taking away the enormous fees now possible in fee-for-service medicine. Payments for a given service will be an appropriate fraction of the money available to care for a person's total health needs, i.e. the capitation payment. Therefore, comparable services delivered on a fee basis and on a capitation basis will lead to comparable incomes, except that the efficiencies of the HMO in terms of better use of paramedical personnel, office space, etc. may well permit greater net earnings to the HMO doctors. With rewards more or less equal the advantages to the physician of HMO's, such as easily available consultations, regular schedules and well-defined night call, and provisions for in-service continuing education, should prove adequate to bring doctors into that form of practice.

The Act provides funds for organizing new forms of health care delivery. Its governing board has the power to eliminate redundant service by ordering a provider to cease providing it, and to demand that new services be offered. Further, there is, for the first time an attempt to develop a consumer input into the medical care system. I will return to this a little later on.

*Financing*

Money for health care insurance and planning will come half from general revenues and half from employer and employee taxes. This is a far more progressive format than that of the Administration bill, although it suffers from the same flaws as our entire tax system does, generally failing to collect enough money from wealthy people. Payroll taxes appear at first to be a tax on businessmen; in fact, they are quickly passed along to consumers or compensated for by lower wages.

Private health insurance with its attendant costs will no longer be needed under the Health Security Act. Although the doctor snortage will not be eliminated overnight, the spiralling costs due to the sellers' market will be controlled by regulation of fees-for service and capitation payments. Overutilization of hospitals will be discouraged since outpatient services will be paid for.

*Quality Control*

Among current health proposals, the Kennedy-Griffiths Bill is the only one concerned with the quality of services delivered. All providers will be committed to furnishing information needed for peer review of utilization and for review of surgical procedures. Institutional providers will have to have good records, a proper utilization of review mechanism, and a therapeutics committee. HMOs must provide continuity of care, easy referral, and easy access to their services.

Practitioners will have to meet federal standards in addition to state licensing criteria and will have to meet federal continuing education requirements. Their participation as providers can be terminated for inferior care or unethical behavior. They cannot be paid for services delivered in a nonparticipating hospital.

In addition to its concern with the quality of services provided by health professionals and institutions, the Health Security Act will study broad trends in mortality, disease indigence, and therapeutics, attempting to evaluate the quality of the health care system as a whole.

The Health Security Act will encourage rational drug prescribing by paying only for drugs that are efficacious and safe and by requiring that doctors practicing outside the scrutiny of health institutions and their therapeutics committees identify the disease they are treating and use a drug known to be effective in treating that disease.

Despite the contentions of its critics, the Act encourages pluralism in delivery of care, permitting providers to organize in almost any way they choose, and be paid either on a fee-for-service basis or by capitation methods. It is "monolithic" only in that it will control the *amount* of payment and the *quality* of care.

The scope of the Kennedy-Griffiths Bill is impressive, but it does have some key deficiencies. A Bill called the Health Security Act, proposing to bring to all citizens equal and high-quality health care, cannot justifiably avoid dealing with aspects of public policy that have a large influence on health. Thus, while concern with auto safety has resided largely in the Department of Transportation, the death and injuries of tens of thousands of people in highway accidents has large health implications. Similarly, malnutrition, industrial disease, dangerous household products, air pollution, and smoking should be recognized as basically health problems. Allocation of resources to deal with them and studies of the efficacy of such allocations should flow from an agency whose concern is health.

Although the Bill empowers the Health Security Board to eliminate redundant services, it does not make explicit the desirability of having institutions, especially hospitals, be organized pyramidically, with, for example, large numbers of relatively small general hospitals and a much smaller number of regional centers where usually difficult or rare problems could be dealt with, where costly programs would be sufficiently utilized to justify their cost, and where high-quality clinical research could be maintained.

The financing of health care under the Kennedy-Griffiths Bill can also be criticized. Without entering into any discussion of our supposedly progressive income tax, I question the degree to which the Bill relies upon payroll taxes and social security-type levies. These are not progressive at all; in fact, the social security tax is quite regressive, since it has an income ceiling. At the very least, this ceiling should be eliminated. A payroll tax, in addition to being passed along to consumers, tends to make workers cost more and thus encourages an already-dangerous trend toward substitution of capital for labor. The most equitable and most rational financing mechanism would be from general revenues. It is condescending to suppose that Americans cannot understand that excise taxes take their money away just as unpleasantly as income taxes do.

The Health Security Act does not make a sufficient commitment to ending medical profiteering. It should be a stated goal that profits of medical industries not be larger than those of the average American industry. Measures suggested by the 1969 Task Force on Prescription Drugs would represent a fine start toward this end.

Although the Health Security Act will provide rigorous standards of quality control—there are essentially no standards now—it fails to set for solo practitioners the sort of demands it makes of doctors in comprehensive health service organizations. This makes little sense, since the solo doctor is often quite isolated from contact with other physicians and from new information. The Act should authorize the Health Security Board to set up local peer review committees for participating practitioners who do not belong to institutions already having such committees. Furthermore, it is time we recognized that while the M.D. degree, like a diamond, is forever, the knowledge and skills that came with it are not so permanent. In addition to requiring continuing education, the bill should demand periodic relicensing of physicians and possibly of other health professionals.

Perhaps the most important responsibility facing the organizers of health care is assuring that the system can never again become so isolated from and unresponsive to the people it serves. The Health Security Act provides for a Health Security Advisory Council made up of more than 50% health consumers. This Council also has regional and local counterparts. The function of these Councils is to advise the governing Health Security Board on matters of policy. Unresolved disagreements between Board and Council will be presented annually to Congress, but it would seem that the Board can ignore with impunity most of the Council's recommendations. One mechanism for partially easing the imbalance in power between

Board and Council might be to give the Council explicit standing before the federal courts in cases involving questions of whether the Board has carried out its functions properly.

Consumer input may be even more important at the level of primary patient care, but there are few requirements in the Health Security Act for such input. Comprehensive health service organizations are required only to consult with enrollees regarding policy; this provision is inadequate unless expanded. At the very least, it should provide that unresolvable disputes be brought promptly before the local Board for mediation, and before the courts if need be. Hospitals, nursing homes, and medical facilities other than the comprehensive health service organizations are not required to have any consumer input at all. This is a serious deficiency. All *medical* institutions receiving any public funds should be required to consult with the people they serve, have consumer representation on all peer review and other committees, and respond to criticism from enrollees.

This said, a hopeful word is in order. The current feeling that providers and consumers inevitably have hopelessly different aims, needs, and preferences is probably false. It is our institutions that make it seem so. Once the relations between health professionals and patients are no longer predominantly fiscal, they can relate to one another as parties interested only in quality health care.

While I consider the flaws in the Kennedy-Griffiths Bill real and significant, I must emphasize again my conviction that it is the only health insurance bill before the Ways and Means Committee that will change our health care system at all. It asserts for the first time a national interest in equitably distributed, progressively financed, intelligently organized, high-quality medical care and takes a giant step toward that goal. The other bills are tranquillizers, quieting the demand for medical reform without meeting it. They are worth little and would be worse than nothing, because they would create an illusion of our having acted, an illusion that would stifle real reform for years to come. Let us have something better.

## TRIBUTE TO WILLIAM J. LYNCH

### HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. BURKE of Massachusetts. Mr. Speaker, I invite my colleagues to join with me today in paying tribute to an educator, who during these last 40 years of dramatic growth and change in the educational systems and methods of this Nation, has been at the forefront of this tremendous evolution, at the local level where things are truly accomplished in this field.

On October 29, 1971, I attended a testimonial along with over 500 educators, clergy, Government officials, colleagues, former students, family and friends to honor William J. Lynch upon his retirement from his position of deputy superintendent of schools, in Randolph, Mass. At this occasion, he received countless plaques and citations from groups and organizations such as the Randolph School Committee, the Testimonial Committee, the Board of Selectmen of Randolph, the Lions Club, the Fire Department of Randolph, the St. Anselm's Alumnae Association, and the State Legislature of Massachusetts. In addition ne received a citation and personal letter from Archbishop Medeiros from Aquinas, was made an honorary citizen of Quincy, Mass., and received a presentation from the Randolph Teachers Association.

I would like to quote here the program dedication from the recent testimonial:

The lives of thousands of Randolph pupils have been enriched because of the influence and guidance of veteran educator William J. Lynch, Deputy Superintendent of Schools.

Mr. Lynch will retire from his post on December 31. He prepared for his life as a dedicated educator at St. Anselm's College in Manchester, New Hampshire from which he graduated in 1931 with an A.B. degree and an award for outstanding citizenship. He furthered his education at Boston University where he received a master's degree in 1954 and a C.A.G.S. in 1957.

His teaching career began at Van Buren High School in Maine where he was appointed principal in 1932 after serving for a year as a teacher-coach.

He came to Randolph in 1934 as Director of Athletics and Head of the Math department at Stetson High School. Because of his fraternity with students and teachers, Bill Lynch earned the reputation as the school system's "Mr. Chips."

In 1943 he went to Hingham High School where he was appointed Head of the Math department, and in 1947 he became assistant principal of the High School. During his time at Hingham High School, he took an active part in Randolph town government, serving as a member of the school committee and the finance committee. He returned to Randolph in 1954 to the position of principal of the Stetson Elementary School. The following year he was appointed assistant superintendent of schools.

A man who was active in professional organizations, Mr. Lynch was selected by the National Education Association to be chairman of the Election Committee of the NEA in 1965. He conducted the National Elections of 10,000 delegates at Miami, Florida with such efficiency that he received a commendation from the national association.

For the past 17 years Mr. Lynch has played an administrative role in the Randolph School system and has been credited by the School Committee with successfully obtaining more than 600,000 in Federal grants. He has seen the Randolph Public Schools grow from 1,600 pupils to over 7,000.

It is not only for what he did, but also for what he is, that Mr. Lynch will be remembered: his deep convictions, his strong sense of propriety, his dependability, his complete unselfishness, his genuine modesty, his courage in overcoming physical problems, and his strong religious beliefs. He was always aware of the small everyday problems in the schools. None were too minor to be recognized and settled.

School personnel, students, graduates, and residents all join in wishing Mr. Lynch success and happiness in his retirement.

I thought you would be interested in sharing with me the following article from the Brockton Daily Enterprise, "Over 500 Honor Randolph's Bill Lynch."

OVER 500 HONOR RANDOLPH'S BILL LYNCH

RANDOLPH.—Over 500 educators, colleagues, clergy, government officials, former students, family and friends gathered to honor William J. "Bill" Lynch, retiring Deputy Superintendent of Randolph Schools at the Lantana Ballroom, Randolph, with tribute for over 40 years of service to the town and the schools. He was greeted with a long standing ovation. Father Hickey, St. Mary's Church, Randolph, rendered the invocation and the benediction.

James J. Lynch, son of the honored guest, introduced the members of Mr. Lynch's family. Mrs. Irene (Lynch) Sumption presented her mother with a bouquet of flowers.

TWO HEAD TABLES

An elevated head table as well as a sub head table had to be used to accommodate the dignitaries that attended the testimonial, which included Congressman James A. Burke who was the keynote speaker.

Many plaques and citations were presented to Mr. Lynch which included: School Committee Plaque, presented by the president, Thomas L. Warren, Randolph's Superintendent of Schools; the testimonial committee presented a plaque which was presented by Mr. Joseph Zapustus, Master of Ceremonies for the evening, and a gift from the committee was presented by Town Clerk and Treasurer Edward L. Clark; Chairman Norman B. Silk presented the citation from the selectmen; The Lions Club presentation was made by Harold M. Tucker; Fire Chief Robert D. Teece made the presentation from the Fire Dept.; a presentation from the State Legislature in behalf of state reps. Joseph Semensi, Randolph, and Joseph Manning, Milton, and state sen. George Kenneally was made by Edward C. Hoeg; a speech was made by Joseph P. Collins, National president of the Alumnae Association, in behalf of St. Anselm's Alumnae Association, of which "Bill" is a member.

OTHER HONORS

Other honors bestowed upon Mr. Lynch included: A citation and personal letter from Archbishop Medeiros from Aquinas which was presented by Miss Nancy Boland, publicity director of Randolph Schools; the senior class plaque was presented by the president. Howard Fixler; Randolph Teachers Association presentation was made by Mr. Alfred Galante, representing Joseph Kane; and the City of Quincy plaque, making "Bill" an honorary citizen of the city from Mayor James E. McIntyre, was presented by Assistant Superintendent of Schools John E. Zoino.

The committee who worked so hard on the arrangements for the evening were well rewarded for their efforts in making the tribute a success. Fall floral corsages were given to the ladies of the committee. Mrs. Marie Cormey, Miss Nancy Boland, and the wives of the men of the committee; Mrs. Edward T. Clark, Mrs. Joseph Zapustus, Mrs. Edward C. Hoeg, Mrs. John A. Brewster, Mrs. John E. Zoino, Mrs. Charles E. Green, Mrs. Russell Thompson, Mrs. Charles E. Olsen, Mrs. Frank Sullivan, Mrs. Murray Lewis, Mrs. Richard E. Coburn, whose husband deserves much credit as the man behind the scenes, coordinator of the entire program.

Senior Class treasurer Al Finocliario was the photographer in charge of the guest book and photo album. Appropriate music was rendered by Lenny Rapoza, music coordinator of the Randolph Schools, and his orchestra during dinner and dancing, to round out an evening well deserved by "Bill."

## VETERANS DAY, 1971, AN OUTSTANDING SUCCESS FOR HOSPITALIZED VETERANS

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. McCLORY. Mr. Speaker, in further reference to the success of the first observance of Veterans' Day as part of the Monday holiday legislation, I call to the attention of my colleagues a recent communication from the office of the Ad-

ministrator of Veterans' Affairs. Mr. Speaker, according to this advice, Veterans Day on Monday, October 25 was an outstanding success insofar as the welfare of hospitalized veterans was concerned.

Mr. Speaker, the communication signed by G. C. "Gus" Wallace from the Administrator's office is as follows:

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF
VETERANS' AFFAIRS,
*Washington, D.C., November 17, 1971.*

Hon. ROBERT MCCLORY,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. MCCLORY: As Secretary-Treasurer of the President's Veterans Day National Committee, Dick Baker has requested that I inform you of the outstanding success on Veterans Day, Monday, October 25, of the "Very Important Patient" (VIP) program at our VA hospitals.

The three-day weekend enabled many patients to take advantage of a 72-hour pass to spend time with relatives, when otherwise they could not have, had the holiday been only of 24 hours duration. For the same reason, relatives were able to visit veterans in our 165 hospitals.

Many members of Congress, like yourself, were in their home districts for the long weekend and took time to visit VA hospitals in their areas. Large numbers of celebrities from the sports, theater, veterans organizations and local and State officials also participated in the VIP program.

These visits, signing of autographs and the willingness of celebrities to be photographed with hospitalized veterans was very stimulating and a great morale booster for these patients.

Mr. Speaker, some inquiries have been directed to me as to why the fourth Monday in October was designated as Veterans Day. I hasten to respond that this was a most logical selection of a long weekend holiday occurring, as it does, at a most beautiful time of the year. It is an excellent time for honoring our veterans of all of the wars. Also, it is an occasion for remembering our loved ones, for providing family reunions, including particularly reunions of veterans with their families and friends.

To have designated the second Monday in November would have placed this important holiday in such close proximity to the Thanksgiving holiday season, that the benefit of both holidays would have been diluted. Furthermore, to designate the first Monday in November would have meant that Veterans Day always would be the day before election day. This was deemed most undesirable by both veterans and others.

Even to assign the last Monday in October as Veterans Day would mean that frequently Veterans Day and Halloween would coincide—likewise a most undesirable choice.

Accordingly, the fourth Monday in October places Veterans Day in the season of the year when Veterans' Day has been traditionally observed and gives it both a greater significance and provides an expanded opportunity for the preparation of and carrying out of appropriate observances.

Mr. Speaker, it should not be considered that the Congress has changed Armistice Day, which will always be remembered as the calendar date upon which an armistice was reached, to bring the fighting in World War I to a close. Armstice Day is significant, both because of the date and of the hour on which it is traditionally observed, being the 11th hour of the 11th day of the 11th month. I share the hope with most veterans—particularly those veterans of World War I—that Armistice Day may always be observed with appropriate ceremonies, primarily with a few moments of prayerful meditation at 11 a.m. on November 11 of each year.

In addition, it is my hope that veterans, as well as all Americans, will give earnest support to the observance of Veterans Day on the fourth Monday of October in each year to honor all veterans of all the wars and armed conflicts in which our Nation has been engaged, to the end that the manifold benefits from this 3-day long Veterans Day weekend may become an ever more meaningful period during each successive year of our Nation's history.



## VISITS TO MAINLAND CHINA

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. WOLFF. Mr. Speaker, a great deal of attention has been focused on the People's Republic of China in recent months, partly as a result of President Nixon's announcement that he intends to visit Mainland China within the next year. Since that time a select few have been invited to visit China from this country, and we have read their reports in various newspapers and magazines describing social and political conditions, the Chinese economy, and speculating on the Chinese military potential for the next decade or so.

One recent visitor, however, has taken us a step further in bridging the gap of misunderstanding by writing a careful documentation of the realities of everyday Chinese life, something we in America know little about. She has recorded for us her sensitive understanding of the essence of the Chinese nature and in documenting so well the thoughts and aspirations of the average citizens of that country has helped to reveal the common bonds we have with all the peoples of the world.

Mrs. William Attwood, wife of the publisher of the Long Island newspaper, Newsday, had the good fortune to be included in a recent 17-day trip to Peking with a select handful of American journalists. With them, Mrs. Attwood visited schools and hospitals, factories and communes and ended her stay by joining Premier Chou En-lai for dinner. Mrs. Attwood has given us a vivid picture of life in China today, and I commend her report, which appeared in the November issue of McCall's magazine, to my colleagues:

I DECIDED THAT THERE WOULD NEVER BE A BETTER TIME FOR ME TO TRY ACUPUNCTURE

(By Simone Attwood)

In the hot stillness of dawn, we heard reveille. There was the sound of marching feet. It was five-thirty in the morning, and the Chinese were starting their workday. And we were starting our two weeks' visit to a country which almost no Americans had visited in more than two decades, a country which had isolated itself from the rest of the world to develop a life-style unlike any other.

My husband and I were the first American citizens to buy Air France tickets from New York to Shanghai. Some eighteen hours after our departure from Paris, we had arrived in the People's Republic of China, and our questions were endless.

Would people be friendly? Would we be free to walk around as we wished or would we be followed and watched? Would we be able to take photographs, and if we did, would we be able to take the films out of China? What had the Cultural Revolution of 1966 done to the people's minds, to art, to literature, to everyday life? Was it true, as we had heard, that family life had been destroyed? That husbands and wives had been herded into communes to live in dormitories while their children were cared for in state nurseries? And could it really be true, as the government claimed, that women were in fact the equal of men—in a country where for centuries women had been held in such low esteem?

We had been met at the airport in Shanghai by a colorful display of musicians and singers. They were not there for us, but for the Yugoslav foreign minister, who was heading the first official mission to the People's Republic of China—a big diplomatic breakthrough, since the Yugoslavs have been second only to the United States on China's blacklist.

In the airport terminal, built to accommodate many times the small number of passengers it serves at present, we had passed health-card and passport inspection, and had explained in a combination of sign language and English how many watches and cameras we carried, how much film. None of our luggage was opened.

At first glance, it was difficult to tell whether the airport officials were men or women. They all wore the same baggy pants (green, khaki, blue, or black) the same shapeless tunics (which didn't necessarily match the color of the pants), and the same caps. It was easy to wonder if women who worked and dressed like men, who shared the same regulation hairstyles (short, straight hair), and who wore no cosmetics or adornments of any kind, felt sexless and unfeminine.

We spent a peaceful night at the airport hotel—an airport serving a city of 10 million—with our windows wide open, our sleep undisturbed by a single arrival or takeoff. The next morning we were on our way to the capital of China.

During the next two weeks, which we spent in and around Peking, we spoke to many women and saw them doing many different jobs—in communes and factories, in hospitals and universities. We saw them with their husbands and children, picnicking at the Great Wall, strolling through the parks of Peking and the gardens of the Summer Palace. On a few occasions, we saw young couples talking quietly on a park bench. As we saw them, some of our questions were answered.

Although they lack many things that women all over the world consider indispensable, Chinese women are lovely. They smile often. Their eyes are bright, their cheeks pink and glowing with health, their hair clean and shining. They are doing a job and are proud of it—and it shows in the way they walk, in the way they tell you about what they are doing.

They feel the work they do is for the glory of the state and for Chairman Mao. Since the gigantic power struggle in 1966 between Liu Shaochi (then chief of state) and Mao Tse-tung, every Chinese citizen's think-

ing has been and still is being molded to conform with Chairman Mao's "pure Communism." According to Chairman Mao, China had begun to follow in the footsteps of Soviet Communism, developing a privileged bureaucratic and intellectual class which in time might lead the way back to Capitalism.

Until Chairman Mao emerged the victor, universities were closed throughout the country, while students, teachers, intellectuals, and bureaucrats were sent into factories and the countryside as laborers to be "reeducated." Today, propaganda teams work tirelessly to promote "pure" ideals: personal gain and "fame and fortune" must be rejected, and all personal effort submerged into the mass effort.

A working part of this mass effort is the Evergreen Commune, a group of villages about 30 miles outside of Peking. The commune has a population of 41,000 and it is typical of the thousands of communes throughout China. Its people raise fruit, vegetables, and pigs (the staple meat of the Chinese) for the markets of Peking. What makes it different from many others, however, is that the executive director is a woman.

Mrs. Wang Ung-wu is in her forties. The daughter of poor peasants, she was illiterate until 1950, when she learned to read in an adult-education class. Today she oversees all the activities of her commune: the day-to-day work, the accounting problems, the long-range projects.

Communes are, as far as possible, self-sufficient. They have their own nurseries, elementary and high schools, workshops for the repair and maintenance of the farm machinery, shoe-repair-shops, barbershops, and stores stocked with a surprisingly large selection of goods. Evergreen even has its own small coal mine.

Here, where the growing season is much shorter than in the south of China, crops are often planted in alternate rows—corn with wheat, potatoes with beans—so that when one crop is harvested, a second one will follow on the same plot. Not a square yard of land is wasted.

In communes the land is held in common. Families are allotted small plots near their homes where they raise whatever they wish for their own personal use; other than that, food can be bought cheaply. Each person earns work points based on his productivity. At the end of the year, a percentage of the earnings of the commune is retained for machinery, supplies, seeds, and improvements. The remainder is distributed according to the work points each person has earned. We were told that at Evergreen, the personal yearly earnings of each worker ranged from 300 to 700 yuans—or about $120 to $300 per year.

Mrs. Shih King-luan, a pretty young woman whom we visited, was obviously proud of the new home she shares with her family. They have three good-sized rooms, their own well and pump, electricity, and a radio. It's quite different from the days when, as a child, she and her family lived in a mud hut. There is no doubt, I think, that the peasants of China, who represent the overwhelming majority of the population, live far better than they have in the past.

All the communes have clinics—their number depending on how many people they serve—and each person pays the equivalent of fifty American cents a year for complete medical care. The clinic we visited was not fancy: What was impressive was its cleanliness and neatness. But although the conditions might seem primitive to us, the important thing to remember is that thirty years ago there was virtually no medical care of any sort for the poor. Since 1949, China has wiped out smallpox, cholera, typhus, and other epidemic diseases through mass inoculation. Tuberculosis, formerly a very serious problem, is rapidly vanishing. As in our country, the most serious illnesses are now cancer and cardiovascular diseases.

The clinics are staffed for the most part by Barefoot Doctors. This is the name given to the thousands of young women and some young men whose job it is to watch over the health of peasant families throughout the rural areas of China. These people are trained in first aid, midwifery, and the treatment of simple diseases, and are able to perform minor surgery and any follow-up care necessary after a patient's illness or operation. They combine medical work with agricultural work, and during the winter go to hospitals for further training.

One of the most important things the Barefoot Doctors do is to encourage family planning and the use of contraceptives. The Pill (a Chinese one), coils, and other means of contraception for married men and women are not only available, but strongly encouraged. Morals are puritan. Unmarried persons cannot obtain contraceptives at all, since premarital sex is considered taboo.

Sterilization for both men and women is also being promoted with a fair amount of success. Tradition dies hard, though, and in the rural areas family planning is still hampered by the preference for boy babies. Couples who have girls often continue having children until a boy or two is born.

Barefoot Doctors are trained in both traditional Chinese medicine and Western medicine, so that one or both may be used, depending on the patient's wishes. One aspect of Chinese medicine that is little known in the Western world is acupuncture—probably the world's oldest method of healing—which has been practiced in China for more than 5,000 years.

It is hard to believe that inserting a fine needle into specific "points" in the body can almost instantly cure headaches and stomach pains, relieve lumbago or a stiff neck. Why it works nobody knows—but then nobody knows exactly why aspirin works either.

Very simply stated, Chinese traditional medicine teaches that, to be well, a person's flow of energy—or life-source, the *Tch'i*—must circulate freely through the body along pathways called meridians. According to the Chinese, there are two kinds of energy—the yang, a positive force, and the yin, a negative force. The yang is activity, heat, male; the yin is rest, cold, female; and there is a constant change in our bodies from one to another. If this energy flow of yin and yang is not in equilibrium, illness will occur. And acupuncture supposedly restores this balance.

The Chinese also believe that emotion plays a very important part in man's well-being and good health. Frustration and anger exhaust us—impeding the flow of energy, often leading to serious illness. It may be difficult or impossible to remove the cause of our anxieties, but many doctors in Europe have found that acupuncture can relieve the muscular aches and pains we so often suffer as a result.

The most important new development in acupuncture's long history—and one which we may come to accept in our own country—is its use as an anesthetic. Western doctors have recently witnessed a number of major operations—including open-heart surgery and brain surgery—during which the patient was fully conscious while anesthetized by acupuncture.

At the Anti-Imperialist Hospital in Peking, I witnesed an abortion in which acupuncture was used to anesthetize the patient. As a young woman lay on the operating table, short needles were inserted into the cartilage of the upper part of her ear. She seemed to feel no pain. During the operation, she obviously felt nothing, and smiled and chatted with the attending nurse.

I was later told that there are about 50 "points," where needles can be inserted in the body to relieve headache and muscular pains. A student can be taught in a week or ten days. This is not to say that acupuncture is simple. There are more than 800 points; a skilled practitioner studies for years—and never really stops learning his art.

While in Peking, I suddenly had what felt like an acute attack of lumbago. I decided there would never be a better time to try acupuncture.

At the hospital, I lay on my stomach as the doctor touched various parts of my back and legs to determine where the trouble was. My husband watched with fascination—and some misgivings—as a very fine needle was inserted several inches into the back of one thigh, then the other.

Except for what seemed like the prick of a pin, I felt absolutely nothing as the needle went in. When the tip reached the nerve at the front of my thigh, there was some brief tingling pain; then no feeling at all as the needle was removed. There was no bleeding and no mark. My legs felt somewhat numb for a while afterward, but I must admit I felt better that night and had no pain the next day.

It was also at the Anti-Imperialist Hospital in Peking—a hospital founded in 1916 by missionaries and supported for about twenty-five years by the Rockefellers—that we had the privilege of meeting Dr. Lin Chauchi, head of gynecology and obstetrics, and one of the foremost women doctors in China. A doctor since 1921, Dr. Lin is a tiny, gray-haired woman who looks and acts much younger than her seventy years. She speaks excellent English (she studied in the United States and England for several years) and is enthusiastic about what has been accomplished during the last two decades to improve health in her country.

I asked her if there were psychiatrists in China. She smiled. Since she receives all our medical literature, she was well aware of the role that tranquilizers and psychiatrists play in the United States. "We have a few psychiatrists," she said. "But there seems to be very little mental illness in China—perhaps because the Chinese personality is very stable and stoic."

There is no doubt at all that one of the greatest changes brought about by the new government in mainland China is that women are treated with complete equality. The part they play in every aspect of Chinese life would have been unthinkable thirty years ago. Today, the key that opens the door to a responsible job or to a university is not whether you are a man or a woman—it is whether you practice correct political thinking.

Because of the Cultural Revolution in 1966, the entire Chinese system of education has been revised. Students must work for at least three years before applying for entrance to a university. Then, if found "politically acceptable" by co-workers and the revolutionary committee, and if they have sufficient ability, they are admitted.

During a day we spent at Tsinghua University, a polytechnical institution in the suburbs of Peking, those responsible for carrying out the new directives and ideas in education admitted that the University had reopened only this year, and had a freshman enrollment of 2,700—25 percent of whom are girls—the majority of them studying engineering.

To prevent the emergence of a new intellectual class, students now combine their theoretical studies with a great deal of factory and agricultural work, "to keep in touch with the masses." Courses have been reduced to four or five, instead of the seven or eight that students formerly carried, and they cover such subjects as engineering, math, and physics (no humanities are taught). The period of study is now three years.

The major problem seems to be that there is a great difference in the individual preparation students have had. Some are the equivalent of high-school graduates, some of junior high-school graduates; there are even

some older work-students who have had many years of practical work and experience in their field but very little formal education. These older students are highly motivated and determined to succeed and it will be interesting to see how this new approach to higher education evolves.

None of the high schools I visited seemed to offer any of the courses in homemaking, cooking, or sewing that we have here in the United States. In the cities, Chinese women, like men, work a six-day week, and they are fed three meals a day where they work. Women, I was told, are not interested in being housewives. In any case, their work schedule, plus the political indoctrination talks they must attend, seems to leave them little spare time.

I suspect, though, that love of color and beauty dies hard in the feminine heart; although women usually do not deviate from the normal drabness of their own clothing, they dress their children in bright colors and with a good deal of imagination. This lingering feminine "weakness" may account for the many photographs of colorfully dressed ballet stars we saw on the walls of the homes we visited. (No home, of course, is without pictures of Chairman Mao.)

Ballet seems to be the only cultural activity. It is, of course, in keeping with acceptable political thought and referred to as "revolutionary dance drama." Dance themes deal with wicked landlords, the exploitation of the peasants, and the victory of the Revolution.

No poetry and fiction is published, but there are great quantities of all the writings of Mao Tse-tung (everyone, young and old, has a little red book), and some textbooks. Magazines for women, such as we know them, are nonexistent. Western literature is not available at all—except to those in higher echelons of government.

No account of a trip to the People's Republic of China would be complete without mentioning the food. There are many restaurants, and the fare they offered was delicious.

In Peking, of course, we sampled the famous Peking duck. Since it requires many hours of preparation before it appears, crisp and steaming, it must be ordered well ahead.

We often dine at Chinese restaurants here at home, and we were surprised to find that tea was never served *with* meals, but always before; and that soup (sometimes, at more elaborate dinners, more than one soup) was served during and after the main courses, and sometimes before dessert.

Our most memorable meal was a dinner for other visting American journalists and their wives by Premier Chou En-lai. It was served in the Fukien Room of the Great Hall of the People, an enormous building which dominates Peking's main square.

We were seated, in the traditional Chinese way, facing our host across a round table; and even the political talk did not dim the premier's charm and sense of humor and our enjoyment of the superb meal.

The menu, handwritten in English and stamped with the red-and-gold seal of state, included:

Hors d'oeuvres; silver agaric consommé; sea cucumbers, abalone, and meatballs; chicken slices with shrimp and peas; shad; mushrooms and lima beans; bean puree; pastries; and fruits.

One of the things the menu did not tell us was that the hors d'oeuvres were a meal in themselves. Innumerable cold dishes were placed on the table. They included chicken, crabmeat, shrimp, bean curd, and string beans. Nor did the menu tell us about a seemingly endless number of side dishes—the small rolls, stuffed dumplings, and traditional rice.

Sea cucumbers were a new experience. In reality, they are sea slugs with a delicate flavor and a gelatinous and slippery consistency. If you can eat those with chopsticks, you can eat anything with chopsticks. The shad, served in a sweet-and-sour nut sauce, was especially delicious.

The bean puree, I discovered, was a thick, sweet, very cold dessert somewhat like chestnut puree; the pastries were made of almond paste, sesame seeds, and flavored with honey. The fruits served were slices of watermelon and bananas.

Each main dish called for a toast, to good health and friendship, with *mao-tai*—a very strong liquor made of sorghum and tasting somewhat like vodka. Premier Chou himself raised his glass to the liberation of women everywhere. Then, almost three hours after we first sat down to dinner, we moved into a sitting room where we drank farewell cups of tea.

Another farewell—to China itself—followed shortly thereafter. The next morning we left for Hong Kong. Our luggage went unopened at customs, our undeveloped film was passed without question. We were sent on our way by one official who said, "Come again."

I hope we will. We had been treated with extraordinary courtesy during our visit. There had been no objection to our photographing anything we pleased, anywhere we went. True, we were stared at a great deal—even in Peking, foreigners are curiosities. And we did feel great frustration because of our inability to communicate: Our Chinese did not include anything except "thank you" and "goodbye," and in our travels we met few people who could say more than the very same thing in English. But as we wandered by ourselves through the parks and along the streets, we had been greeted with smiles—and that seemed a significant communication all its own.

## THE INDEPENDENCE OF LATVIA

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. DERWINSKI. Mr. Speaker, today is the 53d anniversary of Latvian independence. On November 18, 1918, 1 week after the armistice had signaled the end of the First World War, the national council that had been established in Latvia proclaimed that country's independence.

Its brief period of freedom, which was destined to last for less than 22 years, began under very unpromising circumstances. Latvia had lost almost 40 percent of its population during World War I. Ten thousand farms had been completely destroyed. Practically all of its industrial machinery and other equipment, along with its industrial population of 100,000 workers, had been evacuated to Russia.

Despite the difficulties that confronted them, the people of Latvia were determined to establish a durable republic. They labored mightily to develop their new nation and enjoyed a certain degree of success. Unfortunately, the future of their land was not entirely in their own hands.

The defeat of the Germans and the overthrow of the Russian Government by the Communists produced developments in which a new and violent dictatorship grew to ultimately threaten Latvians and their newborn independence. The Communists had already seized power late in 1917, a year before the war ended, while Germany did not come under the domination of another leftwing force, national socialism, until early 1933.

These two totalitarian forces, which were ostensibly irreconcilable enemies, signed a treaty on August 23, 1939, that became a green light for the beginning of what eventually became a Second World War. The partition of Poland between Nazi Germany and Communist Russia was an indication to Latvia and her sister Republics on the Baltic, Estonia, and Lithuania, that their days of freedom were numbered.

The Soviet Union invaded Latvia in June 1940, all of it being in Russian hands by the 17th. On August 5 the free Republic of Latvia became a province of the huge Soviet Empire.

During the following summer the international gangsters fell out and Hitler's armies invaded the Soviet Union. Latvia was occupied by the Nazis from mid-1941 until nearly the end of 1944, when Stalin's forces again took possession.

Since the end of World War II, the history of Latvia has been a repetition of the history of all nations that have been subjugated by the forces of international communism, whether those forces are controlled from Moscow or Peking. Its farms have been collectivized, for all land is government property. Its industries have likewise been taken over by the government.

Education is also controlled by the government, over half of the teachers being non-Latvians whose only training has been in Communist political courses. The Communists have tried to stamp out religion, whether it be Christianity or Judaism.

Mr. Speaker, in my present assignment as a U.S. delegate to the General Assembly of the United Nations in a debate in the world body on the subject of self-determination, I directed the attention of the delegates from 130 member countries to the fact that the illegal occupation of Latvia, Estonia, and Lithuania by the Soviets is a denial of self-determination and is not acknowledged by our Government and should not be acknowledged by nations who have a legitimate interest in freedom.

Mr. Speaker, the example of Latvia, along with the kindred examples of Estonia and Lithuania and a score of other nations that lie beyond the Berlin Wall and the Iron and Bamboo Curtains, should be a solemn warning to free nations everywhere. Let us hope and pray that those countries where men and women still live in freedom will heed this warning and cease appeasing the evil forces of international communism.

## "WHITE HOLLY"

### HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. BEGICH. Mr. Speaker, the good ship *White Holly* of the U.S. Coast Guard has been a fitting tribute to the

Coast Guard. The officers and men of the *White Holly* have been extremely dedicated to their duty both to the United States and to Alaska. They have been efficient in keeping our waters free of any foreign encroachment and they have aided and assisted the people of Ketchikan and southeast Alaska in any manner possible. They have aided in rescues, searches, disasters, and navigation through hazardous waters.

The U.S. Coast Guard is transferring the *White Holly* out of Alaskan waters and the people of Ketchikan felt it only proper to pay tribute to this ship and its crew. In keeping with the community spirit, Mayor William F. Hamilton of Ketchikan declared November 11, 1971, as *White Holly* Day. I would like to take this opportunity to join the people of Ketchikan in their tribute to the *White Holly*. I am inserting a copy of the Ketchikan proclamation for my colleagues' inspection so that they may be aware of the outstanding job done by the *White Holly:*

PROCLAMATION

Whereas, the U. S. Coast Guard has ordered the transfer of the good ship *White Holly* from its natural and historic role as guardian of the last frontier, and

Whereas, the good ship *White Holly* has played a spectacular role in the policing of international waters against foreign fishery encroachment, has assisted in many search and rescue operations involving America's finest fishermen, hunters, loggers and miners, has maintained aids to navigation in some of the most hazardous waters of the world, and

Whereas, Alaska now has attained statehood, the U. S. Coast Guard has mechanized much of its search and rescue operations by using aircraft to speed up its services to the outlying areas, and

Whereas, the officers and enlisted personnel of the good ship *White Holly* have become outstanding examples of the U. S. Coast Guard, have brought its services and relationships closer to the people of greater Ketchikan than to those of any other portion of America, and

Whereas, other portions of the United States of America now need and deserve this humanitarian service long rendered to Alaskans by the *White Holly*, and

Whereas, the door to the First City of Alaska remains always open to the *White Holly's* officers and crew who will wish to return here for later duty or retirement,

Therefore, in recognition of the service of this vessel and personnel, I proclaim Thursday, November 11, 1971 as *White Holly* Day in greater Ketchikan and by virtue of the authority in me vested, requested all citizens of Greater Ketchikan to pay appropriate tribute to the good ship *White Holly* and its personnel.

Done under my seal and signature this 5th day of November, 1971.

WILLIAM F. HAMILTON, *Mayor.*

## HIGH KARTH AIDE RESIGNS

### HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. KARTH. Mr. Speaker, all of us in Congress know the valuable work performed by our staff members—it hardly seems necessary for me to point out to our colleagues that their contribution is essential to the work that we do. That is why it is always a disappointment when a Congressman loses an assistant to another "firm" that comes up with a better offer. That is the circumstance of the announcement I have today. I might point out that in this case the "firm" I am losing an assistant to is the assistant's family—this is the kind of competition that no Congressman can overcome. Fortunately my staff takes a great deal of pride in being one of the best on the Hill—and one of the reasons for this is their approach to matters such as this. That is why, Mr. Speaker, it is with pride that I insert into the RECORD the following tongue-in-cheek "news release" penned by one of my staff members to announce the resignation of my assistant, Mrs. Kay Beckman.

HIGH KARTH AIDE RESIGNS

WASHINGTON.—A high aide to the Hon. Joseph E. Karth (D-Minn.) (who is well known for her afternoon nips, thereby gaining the title of a "high aide") submitted her resignation to Karth's Legislative Assistant, Ed Tonat, early this afternoon.

Kay Beckman, a veteran Capitol Hill secretary who previously worked for Reps. Fino, Keogh, and Annunzio, said that she is accepting an executive level position with Beckman and Son. She had extensive experience as secretary, military case worker and legislative mail writer.

The pert, blonde woman, a well known figure among knowledgeable Hill observers, said, "This new position is just too good to pass up—this will allow me to spend more time with my husband Don, er, that is Dan, and our son, uh, whathisname."

Her co-workers in Karth's highly efficient office immediately filed charges of treason against the irrepressible Ms. Beckman, claiming that she is guilty of the grossest form of desertion.

The entire sentiment of the staff was well summed up by a well enunciated obscenity from the press secretary, "Shucks."

Another staff assistant commented, "This only goes to show you the lengths that this staff will go to in order to have a party!"

## MURPHY STRESSES URGENT NEED FOR GUN CONTROLS

### HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. MURPHY of Illinois. Mr. Speaker, there are many things wrong with this country today, things which we can rectify if we work together, and give a little time and energy to find solutions. One situation which confronts all of us is that of safety in our streets—safety from gun-toting hoodlums who would kill an innocent human being for a few dollars or simply for kicks.

It is indeed a sad note that many Americans are afraid to walk our city streets at night; that storeowners are threatened with a $5 pistol to give up their hard earned money; that homeowners are confronted in the middle of the night and forced to hand over their valuables to a petty crook who holds the power of life and death in his hands.

Our country is armed to the hilt with cheap handguns which are easy to obtain and even easier to use. When are we going to stop coddling every smalltime hood who thinks he can commit whatever crime he pleases because he has a gun?

People who oppose tighter control of handguns are often heard to say that "guns do not kill people; people kill people." This is twisted logic of the most extreme sort. Yes, people do kill people, but the possession of a so-called Saturday night special makes it easier for someone to take another's life.

What kind of a city is it where citizens fear for their lives and refuse to venture out at night? What kind of safety can we offer our families if accessibility to handguns is made easier because a few have the idea that the Government is attempting to register their guns for the purpose of confiscating them?

Those of us in favor of stricter gun controls are not denying the ownership of legitimate weapons used for hunting or target practice. We are interested in making it tougher for every small time criminal to obtain a gun for killing. We are interested in seeing that those who purchase guns with a legitimate reason are properly trained and responsible citizens.

Anyone who can deny the necessity for taking guns out of the hands of petty criminals and unresponsible persons is indeed denying the majority of our citizens their right to enjoy freedom from the fear of being assaulted. It is unbelievable that some persons could argue against gun control knowing full well that most crimes and rapes are committed at the point of a gun.

Are we all to arm ourselves in self-protection and by doing so return to the days of the Old West where men blazed away at each other on frontier streets? We have come a long way from that time and those situations, and it should not be necessary for every citizen to arm himself because his very life is threatened every time he sets foot out the front door.

I ask all citizens to support stronger gun legislation, designed to get "Saturday night specials" off the street and out of the hands of hoodlums. If we are ever to have law and order return to the streets of our communities, this must be the first step.

Men are never so brave as when they are holding a gun on an innocent victim. Our streets are never so unsafe as when the purchase of a cheap instrument of death is made easier by those who fear too much Government control. We must have stronger legislation to protect the majority of our citizens who are tired of being harassed by gun-wielding criminals. Only through stricter gun control can we once again say we are a country of domestic tranquility.

## DEAN EARL BUTZ

### HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. HILLIS. Mr. Speaker, today I would like to take a few minutes regard-

ing President Nixon's recent nomination of Dean Earl Butz of Purdue University as Secretary of Agriculture.

Dean Butz is an outstanding individual and it is my hope that he will receive early Senate confirmation.

Dean Butz was an Assistant Secretary of Agriculture under President Eisenhower and dean of the Purdue University School of Agriculture. At the present time he is dean of continuing studies at Purdue.

There have been some criticism of the nomination because Dean Butz is not an active farmer.

Mr. Speaker, let me tell you this: There are many active farmers who are better farmers because they went to Purdue and received their instructions from Dean Butz.

Dean Butz has made agriculture and the study of agriculture his lifework. He is a noted authority.

In Dean Butz, the President will also have an outstanding spokesman who will travel the Nation and learn of the problems and offer his solutions.

He is also respected by his fellow men.

His name was once placed in nomination for Governor of the State of Indiana and he is widely known throughout our State as an outstanding public speaker.

## FIRST PLACE TO AMERICAN OIL FOR POLLUTION-FREE WASTE DISPOSAL

### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. COLLINS of Texas. Mr. Speaker, In a program of awards for environmental control development endorsed by the Interior Department, the Environmental Protection Agency, the Commerce Department, and all phases of the petroleum industry, American Oil took top honors for their innovations in waste disposal. Petroleum Engineer awarded first place for America's development of a fluidized bed incinerator for safe disposal of oily sludges and spent caustic solutions without polluting the air.

Our country is proud of the petroleum industry as it sets the pace for protecting ecology in our increasingly industrialized society. American Oil was deservedly recognized as a leader in this program with the following citation:

Among the many waste disposal problems incident to petroleum refinery operations, the disposal of oily sludge and spent caustic is one which has been most perplexing. To solve it, the Mandan, N.D. refinery of American Oil installed a fluidized bed incinerator which has proved to be a safe and effective disposal technique while eliminating the air and water pollution problems associated with past disposal practices.

Since oily sludges and spent caustic are generated in substantial quantities in large refineries, the longterm solution of their disposal should be based on a reduction in volume and destruction of objectionable constituents to leave a compact volume of innocuous residue which can be disposed of easily and perhaps usefully. The fluidized bed incinerator was chosen because of its extremely high transfer efficiency, excellent mixing and stable combustion conditions. The unit consists of a vertical, refractory-lined furnace with ancillary facilities which include tanks and pumps to store and feed sludges and spent caustic, blowers to supply combustion and fluidizing air, automatic control equipment, and stack scrubbers to produce a clean, odorless exhaust gas. The organic portion of the wastes is completely burned inside the furnace within a fluidized sand bed to produce three stable combustion products: a clean, granular, inorganic ash; carbon dioxide, and water.

During operation oily sludge is pumped into the fluidized bed. As it enters the furnace the violent action of moving particles within the bed rapidly disperses the sludge throughout the entire bed. Water in the sludge evaporates immediately with the necessary heat provided by direct contact of the dispersed sludge with the bed material and hot combustion gases. Remaining oil and organic material rapidly ignite and burn within the bed. Heat released during combustion is absorbed by the bed material so the entire process is self-sustaining.

Spent caustic is introduced to the incinerator separately just above the bed. Stable products of its combustion, mainly sodium sulfate and carbonate, are deposited within the bed. Eventually the bed becomes composed predominantly of sodium sulfate and carbonate pellets, which serve the same purpose as the initial sand bed.

A temperature of about 1350 F is maintained in the bed during incineration, with about 20% excess air provided for complete combustion. Careful control of the temperature is necessary to maintain a temperature high enough for complete combustion and yet low enough to prevent fusion of the inorganic chemical residues.

Exhaust gases from the furnace are passed through a cyclone separator, where most of the entrained solids are separated from the gas stream. Recovered solids are returned to the furnace from the cyclone. Exhaust gases are then passed through a venturi scrubber, where final traces of particulate matter and any gaseous pollutants are removed.

## OIL AND "THE TIMES"

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. BIAGGI. Mr. Speaker, many of us have been concerned about the prospect of oil drilling off the Atlantic coast and what it will mean to those of us who have long enjoyed the fine recreational opportunities that the Atlantic shoreline has to offer. This morning's New York Times contained an editorial supporting a bill introduced by my good friend and colleague, Congressman NORMAN LENT of Nassau County, N.Y., which would put the Atlantic out of bounds for oil drilling unless foolproof environmental safeguards are developed. Because I was among the first of 70 Representatives from Maine to Maryland to join Congressman LENT in this effort, I want to take this opportunity to enter the Times editorial in the RECORD so all of our colleagues here in the House and the people of the entire Atlantic coast may have the benefit of these views.

SANCTUARY FOR THE SEA

The mighty oceans are in danger. As Jacques Cousteau observed in testimony before a Senate subcommittee, chemical pollution and reckless exploitation disrupt what are actually innumerable delicate balances between life and death in the world's oceans.

In the light of this clearly perceived menace, apprehension has been aroused on Long Island by reports that the Interior Department is considering the sale of leases for oil drilling on the continental shelf of the Atlantic seaboard. Technically the department has so far done no more than issue exploration permits, an all but automatic procedure. Yet the nervousness is warranted.

Secretary Morton has stated that no drilling will be sanctioned without a full consideration of environmental consequences, a pledge repeated in correspondence with members of Congress and others. That much he is required to do under the law. But the Secretary has made it equally clear that a paramount responsibility of his department is to meet the nation's demands for energy.

That is precisely the trouble. Mr. Morton's department, charged with both the promotion and regulating of oil production, is compromised from the start in deciding objectively where the production of oil threatens the integrity of the environment.

Certainly there is little reason to expect the department to ride herd on the oil prospectors of the Atlantic coast any more than it has on the despoilers of the Santa Barbara Channel and the Gulf of Mexico. There is even less reason to suppose that the companies will suddenly invest themselves with self-sacrificing concern for the environment.

It is natural enough for Long Island Congressmen to be taking the lead in trying to head off the sale of leases in view of the special threat to the island's beaches and wetlands. Representative Lent of Nassau County has proposed a moratorium on all oceanic drilling until the Secretary of the Interior can determine in conjunction with the Council of Environmental Quality just how much of the nation's natural resources are genuinely required for the years ahead—so that priorities can at last be clearly fixed. In addition, the Lent bill would provide for marine sanctuaries in the Atlantic permanently free of the threat of drilling.

Sanctuaries are similarly provided in a bill by Senator Cranston of California for the protection of that state's threatened coastline. The tragedy of the Santa Barbara oil catastrophe two years ago underscores the necessity of enhanced protection for the much-abused offshore waters of the Pacific and makes the Interior Department's foot-dragging response to the Cranston bill inexplicable.

Except as a last resort, when all other sources of energy have been used, the waters of neither the Atlantic nor the Pacific should be exposed to the added burden of oil drilling with its risks of spills and blowouts. The seas themselves are now in need of sanctuary.

## VILLARREAL CONFIDENT OF BUFFALO TRANSIT PLAN

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. KEMP. Mr. Speaker, it was my pleasure to invite the energetic administrator of the Urban Mass Transportation Administration, Carlos Villarreal, to be the principal speaker at the Construction Industry Employers Association annual dinner in Buffalo on November 12, 1971.

He delivered an important and timely address which demonstrates the Federal concern for effective systems of transportation nationally and on the Niagara frontier.

At this point it is indeed a pleasure

to insert his remarks into the RECORD and call this to the attention of my colleagues:

REMARKS BY CARLOS C. VILLARREAL

Gentlemen, good evening and thank you for your gracious invitation to come to Buffalo and visit with you this evening.

When your good Congressman, Jack Kemp, wrote and asked me if I could be here for this Annual Meeting of the Construction Industry Employers Association, my calendar was clear and I accepted the invitation with pleasure. As a matter of fact, I was particularly complimented by Jack's interest in our Federal mass transit program and am very pleased to have an opportunity to discuss it with you.

Little did I know that Secretary Volpe would jet home from Spain this past Saturday and ask me to accompany the Spanish Minister of Public Works Fernandez de la Mora and six or eight Spanish transportation officials on a coast-to-coast inspection trip. I want you to know that things are well in Phoenix, San Francisco, New York City and Washington—I know, because I have just come from all of those places!

Congressman Kemp's interest in our program and its effect on this region is very helpful to us in the Department of Transportation. I can tell you as the chief executive officer of a major Federal program, you get awfully lonely in Washington, and it is very reassuring to know that there are Members of Congress who are vitally interested in what we are doing.

The opportunity to meet with you is a welcome one. It enables me to talk to you briefly on what we are doing in Washington about mass transit and something about the construction implications and effects of the Federal public transportation program. Too often, mass transit is discussed only in terms of ridership, buses and transit cars, and the moving of people. The construction aspects of mass transit all too often are overlooked.

There is a common misimpression that mass transit construction competes with highway construction; that funds for mass transit means that less funds will be available for highways; that funds for transit construction means that less funds will be available for highway construction.

Not true. In fact, precisely the opposite is true. Mass transit complements and adds to our urban highway people-carrying capacity. Mass transit needs an equally effective surface street and freeway system for main line and feeder bus service. Furthermore, the construction of rapid transit, subway, and other exclusive right-of-way systems require and use the very same skills and construction know-how, and many of the same materials as are used in highway and other heavy construction. Even though mass transit means a whole new, big market for the heavy construction industry, I find very few contractors and builders who realize it.

As you know, just a little more than a year ago the Congress overwhelmingly passed President Nixon's Urban Mass Transportation Assistance Act of 1970. Even though earlier legislation in 1961, 1964 and 1966 provided year-to-year funding for mass transit development, only last year did we get the long-term Federal financing needed for the very large, big capital projects so characteristic of mass transit development.

This mass transit legislation that Secretary of Transportation John Volpe was so instrumental in obtaining, provides my Administration with $3.1 billion available for immediate obligation. It is part of a $10 billion, 12-year program to upgrade, rebuild, and extend existing transit service and to build new systems.

As one of the seven line agencies reporting directly to Secretary Volpe, the Urban Mass Transportation Administration is charged with the responsibility of using these funds to provide financial assistance for capital improvements to public bodies and to carry on a research program directed toward the development and demonstration of new transit systems.

In the past 10 years, about $1 billion Federal funds, matched by an equal amount of local funds, have been spent on public transportation. With the recognized need for a significantly larger national mass transit improvement program, and with the passage of the legislation last year, mass transit is now a big, new and important business.

Under the leadership of Secretary Volpe, we have seen our program grow from $175 million per year, to $400 million last year, to $600 million this year. We presently have under review for next year a program calling for $1 billion. Said another way, whereas Federal funds for mass transit have equalled $1 billion in the last 10 years, during the current 18 months—from January 1971 through June of 1972—we will obligate $1 billion, and thereafter, $1 billion per year.

Our legislation calls for biannual review of our obligation authority, so next year, Secretary Volpe and I expect to return to Congress and ask for the next increment of authority beyond the present $3.1 billion to carry this program forward.

I needn't tell you the Congress is a very severe task master and requires accomplishments and results from those managing programs for which the Congress makes funds available. I don't say this merely because Congressman Kemp is with us. I say it because it is true, and because it is important for you to know that we take seriously President Nixon's urban commitment and his very real desire to make progress in our cities.

Incidentally, I was interested to note that this area is known as the Niagara Frontier. When we were at the White House just about a year ago for the signing of our mass transit legislation, President Nixon spoke of frontiers. He said that whereas the West was the frontier of the 19th Century, the urban frontier is the frontier of the 20th century. From the very considerable progress that you are making in developing a regional public transportation capability here, it is very apparent to me that the Niagara Frontier won't be a transportation frontier very much longer. You will have a good bus and rapid transit service in operation.

Of course, we are disappointed the New York transportation bond referendum didn't pass last week. We are not discouraged, however. Undoubtedly you know that on Tuesday, the mass transit referendum passed in Atlanta, and that fast growing Southeast region is now proceeding with its planning for a regional bus and rapid transit system. Bear in mind that three years ago transit bonds failed in Atlanta—so you are not alone. They made it on the second try because the people in that region now realize there is no alternative to good public transportation.

It is unfortunate that some very much needed projects here in New York may be delayed or temporarily deferred. I need not tell contractors or their suppliers what happens to costs when construction projects are delayed. Where already there are more projects than there are local funds to finance them, delays can only aggravate an already chronic national shortage of State and municipal funds to carry forward transportation projects.

Having just come from the Bay Area Rapid Transit System in San Francisco the day before yesterday, I can tell you what construction delays cost. It now looks like the BART system will cost $1.4 billion, some $300 million more than the $1.1 billion estimated for the project when construction began in 1964. In Washington where $300 million worth of subway construction is underway and where some 1,800 men are at work, that system is now going to cost $3 billion, some 15% more than original estimates.

Going back to your transportation bond issue, I would hasten to add that New York is way ahead of most other states, however, having voted a $2.5 billion bond issue just three years ago, and already you are making substantial progress straight-across-the-board in a state-wide, all-modes transportation development program. This is not enough, I know. I am sure Governor Rockefeller wants to move ahead. I have to say that very few Governors have been as wholehearted and tireless in their pursuit of transportation improvements as Governor Rockefeller has been. I am also sure that in due course the necessary bonds will be passed.

Jack Kemp tells me that the transportation bond issue did carry upper New York State. Clearly, that is a very real indication of the broad public support I feel certain your currently developing local mass transit program has.

So don't be discouraged; proceed with your plans for a regional mass transit system, knowing that down in Washington we are anxious to help you make progress.

It is something of a mystery to me why big Federal programs—such as the one that I manage—aren't really well understood at the local level. I just want you to know that I am very familiar with the work being done by the Niagara Frontier Transportation Authority, particularly in mass transit. Our grant of $524,000 has helped the authority to analyze the feasibility of a 12½ mile rapid transit line in the Buffalo-Amherst urban corridor. We very much want to see this work go forward, along with the proposed development of a regional bus system.

Let me stop here for a moment. What about the Federal Government making money available to buy up private bus companies—like the seven bus companies in this area—substituting government enterprise for private enterprise? Let me make our policy on this question just as clear as crystal. And this policy question has received careful and meticulous attention by us in recent weeks.

Our policy is this: we are required by legislation—yes, by the Congress—to provide every opportunity for the full participation of private firms as well as public operators in carrying out Federally financed transit projects. It is becoming increasingly difficult, if not impossible, for private bus operators to earn an adequate return on their capital. Nonetheless, private operators should participate in our project to the fullest extent possible. And the work we do is directed towards this objective.

Having just been out to BART the day before yesterday, I am particularly reminded of the many construction aspects of this and other major rapid transit projects. You will be interested to know that a portion of the 75-mile, 34-station, fully automatic BART system will open in the Spring of next year. The complete system will open in November of 1972—just a year from now. This is the first completely new rail rapid transit system built in the United States in more than 50 years.

Of the $1.4 billion estimated total cost of BART, the largest single cost is not equipment or cars or automatic train control, as you might imagine. The largest single cost is construction—some $850 million. The total labor payroll will equal $200 million, representing nearly 35 million man-hours of labor, with an average annual employment of 2,500 men. The peak labor force, at times, during the past seven years has reached 8,000 men.

In the BART system, there are 2 million cubic yards of concrete; 3½ million barrels of cement; there are 19 million cubic yards of excavation, and 475,500 tons of steel. The numbers and quantities for the Washington Metro are equally impressive.

As you proceed with the development plans

for a new rapid transit system for this area, know that the construction implications are enormous. It only makes good sense for you, as construction industry employers, to encourage and support local public officials, your local transportation planning and development agencies, and others working towards improved public transportation in the Buffalo region.

We have found that the principal difficulty in implementing major mass transit projects is not the design and engineering, not the requirements of technology, or indeed the time, difficulty and cost of construction. The principal problems are in overcoming what might be called the political and institutional constraints in implementation. Obtaining agreement on how to proceed, adopting a regional plan, raising the local one-third matching share and otherwise marshalling the resources of the local community, these things are far more difficult than any of the technical or mechanical problems.

So let me encourage you to lend your support to your local efforts to move ahead, and know that we in Washington stand ready to be helpful with the Federal public transportation program, intended by the Congress to accomplish the objectives you, and I, and all of us have for the Buffalo region.

My thanks to you for inviting me here this evening. I always enjoy coming to New York State. I look forward to being here again with you very soon.

Good luck to you and thank you very much.

## HOUSE RESOLUTION 630

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to pro up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

## ON UNDERSTANDING CONGRESS—THE VIEW FROM THE HILL

### HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. MORSE. Mr. Speaker, I would like to share with my colleagues an article by Mr. William Shinn, Jr., that appears in the current number of the Foreign Service Journal. Bill Shinn, a Foreign Service officer presently serving in Vienna with the Arms Control and Disarmament Agency at the strategic arms limitation talks, and a former congressional fellow on my staff, explores in his article the new assertion of foreign policy-making power in the Congress and the age-old difficulty that politicians and diplomats have always had in understanding one another.

Bill considers a strong congressional role in foreign affairs to be not only the constitutional prerogative of this body, but also a healthy development that will insure that the major elements in our pluralistic society have some voice in determining national policy in this vital area. In addition, Bill calls for increased contact and better understanding between members of the diplomatic corps and the Congress.

I compliment Bill for his enlightened and knowledgeable discussion of the Congress' new consciousness of its responsibility in the process of foreign policy formulation, and I believe that his article can provide useful insights to those of us here in the Congress and to our counterparts in the State Department. I commend this article to my colleagues and insert it in the RECORD at this point:

ON UNDERSTANDING CONGRESS—THE VIEW FROM THE HILL

(By William Shinn, Jr.)

"Every man up here thinks he's smarter than the President and could do a better job," remarked a leading Democratic Senator of his colleagues at a recent meeting with the Congressional fellows. Few politicians would be so candid, but fewer yet would deny, at least in private, that this is so. It takes a vast amount of self-assurance, drive and just plain courage to get elected to public office, and these qualities infuse a constant dynamism in the game of politics. A congressman who retires of his own free will is a rarity. The natural urge is to go on to bigger and better things.

I would submit that this spirit is imperfectly understood by most practitioners of the diplomatic art. We instinctively resent the power of Congress to interfere in policies we conceive to be in the national interest, and we are rankled by the budgetary power of a few men over our very livelihood. We don't like to be pushed around but are frustrated, because if we fight back we are not being "diplomatic." Indeed, at times it must seem that some congressmen take a rather perverse delight in trying to make us "lose our cool."

Relations have rarely been smooth between Congress and the State Department and various reasons have been advanced to explain the difficulty. Dean Acheson, in his memoirs, points to the narrow constituencies and interests of legislators as the main trouble-making factor. Others argue that the potential for dispute is built into the Constitution, which actually allocates more specific powers in foreign affairs to the Congress than to the Executive. Indeed, it cannot be denied that the basic constitutional principle of checks and balances is an invitation to discord.

However, what may be the most important single cause of friction has, to my knowledge, been overlooked. It is the simple fact that politicians and diplomats are quite different human beings. In training, background and professional temperament, one could say they are almost exact opposites. Politicians seek public exposure as a marooned fish seeks the water. It's their natural element—the source of their existence. They are, for the most part, outgoing, outspoken, gregarious and acutely sensitive to the feelings and attitudes of others. They are also activists and seem to relish the tug and pull of argument and debate. Most are seemingly self-assured and display all the outward signs of classical hubris, but beneath a confident exterior, like characters in a Greek drama, they are haunted by the potential Nemesis of the electorate.

By contrast, a diplomat is schooled in the advantages of anonymity, taught to curb his passion and to maintain his reserve. While there are many exceptions to the "diplomatic" style, the natural bias of the profession encourages a kind of "poker face" syndrome. One's utterances should always be understated and one's movements ever cautious. If the rewards of politics are to be found in making public declarations and inciting public controversy, the success of a diplomat is measured by his ability to work quietly, patiently and behind the scenes, seeking to reconcile differences and resolve conflicts. Political misfires are easily forgotten. In diplomacy they can be fatal.

Is it any wonder then that we have problems understanding each other? It is all too easy for a Congressman to mistake reserve for arrogance, temperance for hostility and discretion for lack of candor.

Their stock in trade is getting through to people, and in dealing with Foreign Service officers, they often feel they are communing with Buddha. Hence the temptation to seize on mistakes and errors in judgment when they occur, blowing them up out of proportion and seeking to pillory the perpetrators. More often than not, this seems done less for political effect than in an effort, born of pique and frustration, to break through the impassivity of the Department and show that it does not have a unique monopoly on wisdom in foreign affairs.

The very atmosphere of the State Department is in stark contrast to the halls of Congress. Coming from the bustling sur-

roundings of the Hill, a visitor to State is prone to compare the place with a large metropolitan hospital—white, antiseptic and quiet. It is our special misfortune that we are located in an area called Foggy Bottom. Apart from the symbolic implication that our perceptions may somehow be dimmed by an absence of clear air, there is a troublesome connotation that the lack of elevation corresponds to our relative status with other Departments of the Government and, most of all, with the lofty seat of the Legislative Branch.

Congress today is in a period of increasing assertiveness in foreign affairs and the trend seems certain to continue. The agony of Vietnam, our declining trade balance in a tight economy, the pressure to restructure our national priorities and the greater attention paid to events abroad by the public media have all contributed to make foreign policy a major political issue. No longer is Congress content to act as a mere check on the Executive. It is seeking to have a real voice in actually making policy. It is endeavoring to do what Senator Javits urged in his Foreign Affairs article of January, 1970, when he declared that "every element of foreign policy must be totally debated."

I fear that many of us are but dimly aware of the changes that have taken place. On May 10, when Senator Mansfield suddenly introduced his amendment to withdraw our forces from Europe, I was urgently called out of a Foreign Relations Committee hearing and asked to get to work on material for the debate which was reportedly to end in a vote that very afternoon. In a quick search for up-to-date information I called several of my colleagues in the Department. Some of them were quite helpful. But for the most part, I met only with expressions of sheer incredulity. How could the Senate disrupt years of patient negotiation, throw our NATO alliance into disarray and reverse our posture in Europe in a single sweep?

Anyone who had followed attitudes in the Senate closely would have known that Senator Mansfield's position had considerable support and that the arguments in its favor were not entirely lacking in reason. As it was the vote was postponed and the amendment was ultimately defeated. However, the issue is bound to remain with us in one form or another. In dealing with it we cannot avoid the domestic political factors involved.

George Kennan and others have argued that Foreign Service officers should not consider domestic political factors when making judgments on foreign policy. I respectfully disagree. The climate of American opinion and the attitude of Congress are often crucial to the success or failure of policy initiatives. True, we cannot be experts on domestic politics, but years of experience in studying the internal affairs of foreign countries should give us some insights into our own political processes. To operate in an ivory tower, immune from political currents, is unrealistic and can only add to the popular misconception of State Department officers as elitist and out of touch with grass roots sentiments. In a democracy, the attitude of the people is always ultimately crucial.

This is not to say that popular opinion as measured by the polls or the collective wisdom of 535 members of Congress is necessarily more right than the informed and carefully considered views of diplomatic professionals on matters of foreign policy. From the tragic and misguided action of the Athenian Assembly during the Peloponnesian War to the rejection of the Treaty of Versailles by the Senate in our own time, history of lack of dollar resources.

in foreign affairs. The Athenian Diodotus gave good advice when, during the debate on the Mitylenian Revolt in 427 B.C., he said: "A wise city without over-distinguishing its best advisors, will nevertheless not deprive them of their due." In the matter at hand, the advisors were heeded and a serious blunder was avoided, but in later years the rash passion of the multitude came to prevail and led in time to the defeat and destruction of Athens.

Our founding fathers were persuaded of the wisdom of a separation of power in government. However, there is a universal feeling on Capitol Hill today that the balance has tilted in favor of the Executive Branch and there is an overwhelming demand that it be redressed. This is why there is so much effort being made to reexamine the doctrine of executive privilege, to redefine the President's war-making powers and to reappraise our commitments abroad.

A real attempt is being made to scrutinize all aspects of foreign policy. The very rationale behind our departure from isolationism a generation ago is being challenged, and Senators who argued against internationalist policies then are again being quoted with approbation on the Senate floor. At the current session of Congress even the normally complaisant House Foreign Affairs Committee has bestirred itself to action, voting down aid funds for Greece and Pakistan, while expanding its activities into new fields with the help of additional subcommittees and a beefed-up staff.

The Foreign Service should not view this process as hostile to the interests of good and responsible government. It is a healthy sign of widespread concern over the problems of a world in flux and of our country's proper role in the changes taking place. A strong role by Congress in foreign affairs is not only its constitutional prerogative, but it also helps to ensure that at least the major elements of our pluralistic society have some voice in determining national policy. Congressional debate is no guard against folly, but the sense of national participation it provides can be a force for concord and unity, especially if things later go wrong.

The overwhelming majority of those who make the grade in politics are intelligent, responsible and dedicated men, but with few exceptions, they bring to office little experience in foreign affairs. They are influenced by a wide array of special interest groups, concerned constituents and newsmen, they learn from reading and foreign travel, and they are advised by retinues of bright young staffers, scholars and a surprising number of former Foreign Service officers. Unfortunately the counsel of the State Department is all too often held in low esteem.

This should not be so. Congress could profit by drawing more on the vast reservoir of knowledge, experience and talent that is possessed only by those who represent our country's foreign interests on a daily basis. In dealing with Congress there are, of course, many pitfalls. We are bound, and rightfully so, to defend the policies of the Administration. There is a danger of becoming involved in political skirmishing, of being used as a foil for those with unrestrained political ambition, and of compromising one's relationships with foreign governments. There is always the possibility that secret and sensitive information could be leaked for political advantage.

The undue fear of these hazards is to a large extent a legacy of McCarthyism, which is more responsible for the lack of trust with Congress than is generally recognized today. The scars of that painful era are not easily forgotten and have produced an understandable timidity, if not outright aversion, toward association with those in political life. All this has unfortunately contributed to the "fudge factory" picture of the State Department as an organization of faceless automations.

This image, however, can be changed. Diplomatic professionals should be uniquely qualified to comprehend the vagaries of human nature and to get along with all types of people. A politician who has won public trust in the hard crucible of the electoral process is justifiably proud of his achievement. Not many Foreign Service officers would have the fortitude to fight a political battle and fewer yet would have the special ability it takes to win one. But this does not mean that they cannot meet politicians on their own ground and deal with them forthrightly on terms of mutual respect, shedding the Delphic mask used in confrontations with diplomatic adversaries. True, there are some people on Capitol Hill who are not easy to get through to, but none of them would be where they are if they totally lacked the ability to respond in kind to an open and honest approach.

The mistrust and prejudice accumulated over the years between Congress and the State Department cannot be cleared away easily, but better mutual understanding through more frequent contact could help to improve things. If the wolf and the lamb will not dwell together short of the millennium, perhaps they might at least learn to appreciate each other's qualities a little more.

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## FLYING FICKLE FINGER OF FATE AWARD

### HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. PETTIS. Mr. Speaker, it seems to me that television viewers must have been appalled on November 8 when Laugh-In's "Flying Fickle Finger of Fate Award" was given to the Federal Government for planning to build a Veterans' Administration hospital 75 miles from the site of one destroyed by an earthquake last February, with loss of life.

Surely this is too serious a subject to be used as a takeoff for humor.

Also, Laugh-In ridiculed the new hospital site choice without knowing the background, judging from the Veterans' Administration explanation.

I would say the Federal Government knew what it was doing when it selected the new site at Loma Linda, Calif., because of the careful and thorough steps taken to make sure the best site was picked.

I would like to take this opportunity to present the reply that Administrator of Veterans' Affairs Donald E. Johnson has sent to the producer of the Laugh-In TV show. I feel you will find it interesting and informative.

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINSTRATOR OF VETERANS' AFFAIRS,
*Washington, D.C., November 10, 1971.*

Mr. PAUL KEYES,
*Producer, The Laugh-In Show,*
*National Broadcasting Company,*
*Burbank, Calif.*

DEAR MR. KEYES: Once the news is broadcast, I doubt that there is any effective procedure for declining a "Flying Fickle Finger of Fate" award.

If such a procedure exists, then, as the head of the agency most involved, I feel I must decline the award made on the Monday night Laugh-In program.

Modest though it may be, the reason for the declination is simple. The award is in no manner deserved.

Although I have always viewed Laugh-In as one of the funniest programs on the air, the effort Monday night to blend humor with the tragic consequences of an earthquake sorely missed the mark, and was based on erroneous information.

These are the facts you would have learned had your people bothered to check before the show was produced:

Prior to Loma Linda's being selected as the site of a new Veterans Administration hospital, a team of expert outside consultants studied all geological, seismological, and engineering aspects of the area. It was the combined opinion of these experts that a VA hospital could, indeed, be designed and constructed at Loma Linda that would remain operational even during a major earthquake.

If the "Laugh-In" theory should be followed to the ultimate, there probably would never be another VA hospital—or any other kind of hospital—constructed in California, the state with the greatest veteran population in the country.

No less an authority than Charles F. Richter has made clear that there is no area in California free of earthquake risk, and that earthquake faults are present almost everywhere in the state.

In his booklet, "Our Earthquake Risk—Facts and Non-Facts," Professor Richter says, "The popular press, by continual emphasis on active faults in general . . . gives its readers the idea that risk is concentrated near the faults. This is not true. In California there are so many active faults that in the long run every locality is exposed to the risk of heavy shaking. It is important to understand that the risk of strong shaking, whether close to the fault or far from it, depends mainly on the character of the ground."

The Los Angeles Times in an August 27, 1971, editorial reported on a major engineering study of last February's earthquake by experts from Cal Tech. The editorial noted that the fault which generated the San Fernando earthquake was *so little-known it was not even on most geological maps.* The study said the main hazard is not from surface faults, but from ground shaking. The report concluded flatly that "Buildings can be made to resist the strongest shaking without collapse."

And it is that kind of building that will be erected at Loma Linda—a hospital that will incorporate the most advanced design and construction safeguards known to man.

The Loma Linda area was selected for the new VA hospital to replace the one destroyed last February at San Fernando—some 75 miles from Loma Linda—because the area offers two great advantages in the care of sick and disabled veterans. It will permit close affiliation of the hospital with an outstanding medical school—just as 96 VA hospitals now form a partnership with 81 of the Nation's great medical schools. The location will also be much more accessible to veterans in the rapidly growing Riverside-San Bernardino area, an area where VA hospital utilization by veterans has been much lower than in Los Angeles and the rest of Southern California.

Since your award announcement no doubt created needless alarm and concern in the minds of your millions of viewers, I believe you will agree that a brief explanation of these facts on your next show is in order to alleviate this anxiety.

Sincerely,

DONALD E. JOHNSON,
*Administrator.*



## THE SPIRIT OF GIVING

## HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. MAZZOLI. Mr. Speaker, I should like to call the attention of my colleagues to the career of a most exemplary citizen of my hometown, Mr. V. V. Cooke, Sr.

Mr. Cooke, who makes his home in Prospect, Ky., has been an inspirational leader of both the business community and the church community of Louisville, Ky.

His philanthropic contributions to the area's educational facilities have been nothing short of massive. Yet, his greater contribution to the community has been the example he has set through the dedication of his life to religious principles.

I, therefore, include the following newspaper article by Mr. Louis A. Moore, Jr., which appeared in the Louisville Times on November 1, 1971, in the RECORD:

THE SPIRIT OF GIVING

(By Louis A. Moore Jr.)

On a nippy November day in 1911, young Vinyard Vivian Cooke was on his way to be baptized in Green River in West Central Kentucky.

Before the 14-year-old youth could reach the spot where the religious immersion could occur, Cooke's horse halted suddenly for a drink of the icy water, dunking the lad prematurely into the river.

As a result of the two "baptisms" that day young Cooke wore frozen clothes throughout the long 7-mile journey back home.

Today V. V. Cooke Sr., now a 74-year-old successful Louisville businessman, enjoys telling the immersion anecdote—and what it symbolized as a turning point in his life

The same spiritual forces which made him willing to endure the cold water baptism also have influenced his attitude toward the fortune he has earned.

He has owned two Louisville automobile agencies and still owns a 1,000-acre Central Kentucky farm and a Louisville investment company as well as having many other smaller investments.

Cooke has also earned a reputation as a benefactor to the Louisville religious community, particularly among the Baptist denomination.

Cooke is a modest, friendly, affable man. And he has been reluctant to disclose the actual amount he has donated to charitable and religious organizations. But a source who should know places the figure at between $4.5 million and $5 million.

He began his philanthropic contributions in earnest in 1942, although since his youth he had practiced giving a tithe (10 per cent of his earnings) to religious activities.

The first large gift was to the old Louisville Baptist Orphans Home, which is now the Spring Meadows Children's Home in Middletown.

Since then he has made sizable contributions to other institutions, including the Student Union building at Kentucky's Georgetown College and the president's home and surrounding seven acres at the Southern Baptist Theological Seminary in Louisville. (The home was originally given to house the School of Church Music at the school. A new home for that school was completed last winter and named in honor of Cooke.)

Cooke also gave about $1.5 million to the Kentucky Southern College before it ran into financial difficulties and was taken over by the University of Louisville.

"Although it didn't go, I have no regrets," Cooke said of Kentucky Southern. He reasons that under U of L, the school is still carrying out the purposes of Kentucky Southern: to educate young people.

Education is a primary interest for the man who only completed three years of college himself.

Although he would "like to be able to" give to every notable endeavor, he acknowledges that "you can't give to all worthy causes."

Besides money, Cooke has also given his time. He is a deacon at Walnut Street Baptist Church in Louisville as well as a trustee of Southern Baptist Seminary. He has also been a trustee of Georgetown College, of the Kentucky Baptist Children's homes and of Kentucky Baptist Hospital.

Cooke, moreover, believes his success in business came as a result of his obedience to his faith as well as hard work.

But he was reluctant to talk to a reporter about his religious beliefs and their part in his financial success. He said he fears it will be misinterpreted by the public as being egotistical.

"I'm not one of those pious Christians who looks down his nose at anyone," he continued. "I'm just a sinner saved by grace, and I have many weaknesses.

"I sold all the merchandise I could as a Christian," he said, adding "I'm not bragging, but I tried to put into my business practice the Golden Rule, and be the same Christian on Monday, Tuesday, Wednesday, . . . as I am on Sunday."

As an example of putting his religious faith into practice, he cites how he handled Sunday closing.

Cooke's first Louisville automobile dealership opened Nov. 15, 1930, a Saturday. That day a representative of the manufacturer arrived in Louisville to talk with Cooke about handling his new business.

One point of discussion centered on opening on Sunday. Cooke told the representative, who insisted he remain open that day, "I'd rather have my place open six days a week and have the Lord on my side."

He kept his businesses closed on Sunday from then on.

A LIFE OF HARD WORK

Hard work has also been another factor in Cooke's life.

"I just enjoy working," he said. "I'd rather work without pay than to do nothing."

Although he recently had a pacemaker installed in his chest cavity to regulate his heart beat, Cooke still spends every weekday morning at his office on the first floor of the Medical Towers Motel, which he owns. That motel itself is an unusual investment. Situated in the Medical Center just east of the downtown area, the motel is for outpatients as well as for families of persons in one of the four hospitals in the vicinity.

Cooke's home is in Prospect. Each morning he and his wife Elva begin the day by reading the Bible aloud.

It is at their home that Cooke still plays the organ—something he has done since age 12.

"I think this (organ playing) had more to do with the kind of man I am today—along with my parents—and with the kind of life I have lived," he said.

He said he started playing the organ after his father purchased one for $30. It was the only one in their vicinity, and young Cooke and his sister were soon the only ones in the area who could play an organ.

Consequently, after several local churches purchased organs, Cooke was in demand as the church organist.

CHILDREN ARE INVOLVED, TOO

The Cookes have three children and 11 grandchildren. And Cooke is proud of his children's involvement with religion, too.

The Cookes' older daughter, June, is married to R. L. Hook, president of Bob Hook Chevrolet, Inc. Their second daughter, Jane, is the wife of Joe D. Cross, president of Cooke Pontiac Co. V. V. Cooke Jr. is president of V. V. Cooke Chevrolet Co.

Cooke Jr. is a deacon at Crescent Hill Baptist Church, Cross is a deacon at Walnut Street Baptist Church, and Hook is a deacon at Broadway Baptist Church.

The elder Cooke calls his children "the greatest asset I have in the world, and the greatest thing I will leave in the world.

"If I hadn't produced good children, my life would have been a failure—even if I were a billionaire," he added.

Cooke intends to continue to be active at as many functions as he can, as long as he can, he said.

"I enjoy every day to the fullest," he said. "It's a great place to live (Louisville) and a great time to be alive.

"I have great faith in our country and in our God that as the world goes on we will be making progress," he added.

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## NEWSLETTER TO CONSTITUENTS ABOUT FORCED BUSING OF SCHOOLCHILDREN

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## HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. BROYHILL of Virginia. Mr. Speaker, for the past several weeks I have been speaking on the floor and extending my remarks to include articles from various newspapers and magazines concerning the frustration, concern, and danger created by a series of U.S. Supreme Court decisions which have resulted in forced busing of countless schoolchildren across the Nation to achieve racial balance.

In assembling this material I also had rather extensive research done on the decisions themselves, their contradictions, and the need for a constitutional amendment to restore to our Nation's children the right to attend the schools of their choice in their neighborhoods. This research was done in preparation of a newsletter for my constituents. But since I believe this subject is of grave concern not only to my constituents, but to all the citizens of this Nation, I insert the text at this point in the RECORD:

FREEDOM FROM FORCED BUSING

A CONSTITUTIONAL AMENDMENT TO CORRECT THE COURT

DEAR FRIENDS AND CONSTITUENTS: From your numerous letters, I know of your frustration and deep concern over the breaking up of neighborhood schools and the forced busing of children to other schools sometimes miles away to achieve the "racial balance" sought by the courts. I realize that many white people and black people alike—including a number of staunch believers in integration as an ultimate goal—are angered by the disruption in their children's education and the discrimination implied in *forced* integration. I am aware that many of you are still protesting the court orders; and that others of you, not wanting to break the "law of the land," are reluctantly "going along."

Conscientious law-makers who believe as I do are "on the spot": We cannot advise you to break the law, and yet we cannot advise you simply to acquiesce and take the bus to serfdom.

When Hitler came to power in Germany that country was suffering from the social evil of mass unemployment. Two hundred thousand men and women with doctorate degrees, as well as many hundreds of thousands of young people were out of work. Hitler was hailed as a liberator. One of his first acts was to free the country of unemployment. And how did he do it? He rounded up unemployed professors, engineers, artists, businessmen, factory workers and others from their villages and towns and forcibly transported them across the Polish Corridor to East Prussia, where they were put to digging ditches or anything else that needed to be done. This was the act of a tyrant who went on to other acts of oppression, always trying to cure one social evil with another.

We would not dream of tolerating a Hitler here. And yet we are forcibly transporting children out of their neighborhoods against their parents' will. We are assigning on the basis of race black children as well as white children to schools many do not wish to attend and in which, because of their unhappiness, they learn less than they should be learning. We are acquiescing in the courts' attempt to cure the social ill of discrimination by forced segregation by the equally abhorrent social ill of discrimination by forced integration. And it is driving us mad.

It is quite understandable that many people who are opposed to forced busing and everything that it implies are at the same time afraid that any tampering with the Supreme Court's 1971 busing decision might negate the Court's 1954 decision, prohibiting the assigning of children to schools on the basis of race. However, there is a valid way to solve this very serious problem *without returning to any semblance of de jure segregation.*

No doubt you have heard of the several House joint resolutions bottled up in the Committee on the Judiciary, which propose an amendment to the Constitution of the United States which would prohibit the assignment of pupils to public schools on the basis of race, creed or color. I am a co-sponsor of one of these resolutions and have joined with more than 100 of my colleagues, both Republicans and Democrats, from the North, the South, the East and the West, in agreeing to back H.J. Res. 620 introduced by Representative Norman F. Lent, Republican from Long Island. A discharge petition has been filed; and when 218 signatures have been affixed, H.J. Res. 620 can be brought to the Floor for a vote.

I would like to have your understanding of the position I am taking and your strong support of the only solution to this problem of forced busing which I feel to be feasible—that is, this constitutional amendment which would in effect reverse the decision of the Supreme Court in the case of *Swann* v. *Charlotte-Mecklenburg* delivered April 20, 1971. I want to tell you: (1) why I believe the vast majority of the American people would be for such an amendment, and why the resolution therefore has a good chance of passage by the Congress and ratification by the States; (2) what, in my opinion such an amendment would and would not do; and, (3) where in my opinion we will be heading if we allow the forced buses to continue to roll.

THE PEOPE V. FORCED BUSING

The news media have given so much coverage to the American people's anger over forced busing, from Boston to San Francisco, from Pontiac to Jackson to Austin—to mention only a few of the cities that have been in the news concerning this matter—that I shall do no more than touch on it here.

A recent poll showed 82 percent of the population to be opposed to forced busing, leaving only 18 percent in favor of it.

It is not only in the South that people are rebelling against the court's busing orders. Wherever in the North or West an official of the Department of Health, Education, and Welfare or a Federal or a State court has demanded school busing to achieve "racial balance" the anguished cries have been heard.

It is not only conservatives who have become forced busing rebels. Liberals who send their children to private schools rather than allow them to be bused "to achieve racial balance" show what they think by their actions if not by their words.

It is not only whites who are in rebellion against the busing orders, but many blacks, Chinese Americans, Mexican Americans and American Indians—representatives of the very racial minorities the Supreme Court purportedly is trying to protect—have also protested vigorously.

Americans of whatever race, creed, color or national origin, are confused and angry about forced busing for a variety of reasons. State and local authorities are confused and angry over the conflicting court orders and moan at the mounting cost of having to buy or rent fleets of buses to comply with this plan or that. Environmentalists are chagrined that the additional buses will further pollute the atmosphere. Traffic experts anticipate increasing rush hour traffic jams and safety problems.

Many white parents frankly oppose the compulsory busing of their children to black schools with admittedly low educational standards. Many blacks, following the teaching of James Farmer and other black leaders who believe in "black pride," openly advocate "black schools for black children." A few weeks ago several hundred protesting white mothers in a Boston suburb said they feared for the safety of their children if bused to a new Negro school situated in an inner city high crime area. At the same time several hundred protesting black mothers in Boston said they preferred their children to attend their own fine, new, inner-city neighborhood school. The brothers Alsop, Stuart and Joseph, and their fellow columnist, William Raspberry, a prominent black spokesman, have been carrying on a crusade for the massive up-grading of education in the black schools as an alternative to the disaster of forcing integration now, as a preliminary to natural, voluntary integration.

Chinese-Americans in San Francisco have complained that busing their children out of Chinatown to white or black schools miles away would disrupt their pattern of developing Chinese-American culture. They want to continue sending their children to the neighborhood American public schools in the morning and to their own private Chinese schools in the afternoon and evening to learn Chinese history and languages, and respect for elders.

An so it goes.

However, in spite of the various reasons for which different Americans are opposing forced busing, there is a common denominator, a common reason for revolt against it. Busing per se—as disagreeable and senseless as, under court order, it may seem—is a symbol; it is not the real issue. The real issue, the underlying reason so many American blacks, whites, Chinese and others are opposing busing is the *force* involved: it is the loss of individual freedom implicit in the compulsory assignment of one's children on the sole basis of race to a particular school against one's will.

This does not mean that Americans, black, white, yellow, red, or whatever, are essentially "racist." With the exception of a relatively few die-hard, white supremacists and black militants, it does not mean that whites hate blacks, or that blacks hate whites, or that

Chinese hate blacks and whites, or that American Indians hate Anglo-Saxons. It simply means that the American people like, to the extent that they are able, to send their children to schools of their choosing in neighborhoods where they choose to live; and they do not want the government telling them that they *must* send their children, because of their race, to some other particular school. They feel that their inalienable rights, their civil liberties are being infringed. And many parents weep for their children who are the principal victims of the courts' tragic mistakes.

White children assigned to a predominantly black school frequently experience a kind of culture shock, a feeling of hostility and of being discriminated against, and consequently a lowering of their school grades. Even more heart-breaking because it happens so much more frequently, black children, and particularly black children from very poor families, suffer from the indignity of knowing that it took a law and forced busing to get them into the predominantly white school to which they have been assigned. Then, once they arrive at their destination, they too, often experience culture shock, always made worse when they are confronted with the frustrating discovery that, by no fault of their own they are at least two grades behind the white children of their age.

Such cruelty, even though it be inadvertent and the result of the best intentions, should not be occurring in the United States. It should certainly not be occurring by court order, if we can help it.

THE COMMAND TO DESEGREGATE

Although the real issue is neither busing per se nor desegregation per se, it is difficult, if not impossible to understand our present dilemma over forced busing without seeing it in historic perspective.

There are those who argue that since there was no furor over busing when and where it was done to maintain racially separate public school systems, the present furor over busing to achieve racial balance is unwarranted and unfair. But it must be remembered that segregation was the law in many States until 1954; that the "separate but equal" doctrine had been upheld as Constitutional by the Supreme Court in 1896; and that racially separate schools were generally taken for granted by blacks as well as whites. It must also be remembered that by 1954 when the "separate but equal" doctrine was successfully challenged, the American Negro had come a long way. Many Negroes already had achieved "outstanding success in the arts and sciences as well as in the business and professional world." In the landmark case of *Brown* v. *Board of Education*, the Supreme Court found the "separate but equal" doctrine no longer appropriate and, under the equal protection clause, ruled legally instituted segregation to be unconstitutional.

The chief counsel for the NAACP, Mr. Thurgood Marshall (now Supreme Court Justice Marshall) had told the Court:

"If this Court would reverse and the case would be sent back, we are not asking for affirmative relief. That will not put anybody in any school. The only thing we ask for is that State-imposed racial segregation be taken off, and to leave the county school board, the county people, the district people, to work out their own solution of the problem to assign children on any reasonable basis they want to assign them on."

The Supreme Court command was to desegregate, not to integrate. It was to end legally enforced segregation, not to institute legally enforced integration. It was to become color-blind, not accutely color-conscious in the assignment of pupils to the public schools.

I do not intend to give here a blow-by-blow account of all of the subsequent Supreme Court's civil rights decisions, of the constant litigation in the lower courts, or of the great burden of travail involved in actually carrying out the Court's command to dismantle legal (*de jure*) segregation. However, to indicate how it happened that the Supreme Court changed its 1954 command to desegregate, to its 1971 command to integrate, I must at least touch on the will of Congress in this matter, the blue-prints for social change drawn by the social engineers, and such court decisions as led indirectly to the forced busing decision.

CONGRESS, THE SOCIAL ENGINEERS, AND THE COURTS

The idea of forced public school busing to achieve racial balance first surfaced in the Congress of the United States, as a potential evil to be avoided, in the Civil Rights Act of 1964 which specifically forbade the use of funds for such practice.

In Title IV, Section 401(b) of the Civil Rights Act of 1964, the Congress expressed its will in the following language:

"Desegregation means the assignment of students to public schools without regard to their race, color, religion, or national origin, but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Title IV, Section 407(a)(2) authorizing the Attorney General to file suit to desegregate, is even more explicit. It reads in part:

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

In 1966, U.S. Commissioner of Education Harold Howe II, made headlines with his famous "Guidelines for School Desegregation"; with his attacks on *de facto* segregation (segregation existing, not by law but as a result of housing patterns) in the North as well as *de jure* segregation in the South; and with his publication of the "Equality of Educational Opportunity Report."

This report, better known as the "Coleman Report" was both hailed and denounced as a "bomb-shell." It revealed a U.S. Office of Education-funded survey of 645,000 pupils and 60,000 teachers tested in 4,000 schools. Johns Hopkins Professor James S. Coleman, principal conductor of the survey, came up with some pretty explosive findings. Children were tested at the beginning of grades 1, 3, 6, 9, and 12. The tests showed "that achievement of the average American Indian, Mexican-American, Puerto Rican and Negro (in this descending order) was much lower than the average white or Oriental American, at all grade levels . . ." This inequality was due, according to the professor, not so much to unequal buildings and equipment as to unequal social environments both at home and at school. The professor pointed out that various communities had been "struggling to achieve greater racial balance while retaining the neighborhood school." He noted that "busing, pairing, redistricting, consolidation and many other strategies had been tried"; many had failed, others had achieved at least partial success.

In his letter of transmittal of the "Coleman Report" Commissioner Howe said that the U.S. Office of Education, with the help of advisors would seek to determine how to use the results of the survey. The U.S.O.E. must have been already at work because shortly thereafter a U.S.O.E. draft bill entitled "The Equal Eductional Opportunity Act of 1967" was leaked to Congress. This amazing draft bill (which has been proved to be a blueprint of much that is taking place today) proposed in effect the complete restructuring of the American public school system, this to be accomplished through Federal bonuses (denounced as "bribes" by opponents) to school districts willing to comply.

Howe and his associates proposed that Title IV of the Civil Rights Act of 1964 be amended "to provide grants to support techniques appropriate to correct *de facto* segregation in individual communities." Such techniques might include (according to the proposal) comprehensive, district-wide rezoning of school attendance areas; pairing, grouping, or clustering of adjacent Negro and white schools by grade level; teacher assignment to assure faculty integration at all schools; careful site selection to locate new schools so as to maximize integration of residentially segregated student populations; development of "magnet" high schools, open to the entire school district on the basis of interest rather than ability; supplemental educational centers, comprehensive community schools, and shared-time programs to draw district-wide participation (usually called "educational parks"); open enrollment, voluntary enrollment, and free transfers; creation of metropolitan school districts to include urban and suburban areas; suburban-inner-city pupil exchanges; and—yes, you guessed it—*forced* busing of pupils.

Predictably Mr. Howe was roundly denounced by conservatives in Congress and out, as not only wanting to break up the neighborhood school system and local control of education, but also for apparently wanting to go beyond the Supreme Court decision in the case of *Brown* v. *Board of Education* which outlawed deliberate segregation. Seemingly Mr. Howe wanted legislative action which would lead to deliberate integration. In other words, the color-blindness of equal justice under the *Brown* decision would be replaced by the acute color-consciousness necessary for the attainment of "racial balance."

Debate raged in and out of Congress over what Congress really meant by the terms "desegregation" and "racial balance." Some insisted that the Congress meant that whereas the nation *must desegregate* and assign no pupils on the basis of race, color or creed, at the same time no Federal money was to be spent for *deliberate integration* whether by busing or any other means. Others insisted that the Congress meant that while *de jure* segregation must be overcome by whatever means (including busing if necessary), no Federal money was to be spent to overcome *de facto* segregation, that is segregation in the North.

In the case of *United States* v. *Jefferson County Board of Education*, 372 F. 2d. 836 (1966), the Fifth Circuit Court of Appeals in its opinion asserted: "It is clear . . . from the hearings and debates that Congress equated the term ('racial imbalance'), as do the commentators, with *de facto* segregation.'" In other words Federal money for busing was okay in the South to overcome *de jure* segregation, but forbidden in the North and West to overcome *de facto* segregation.

Judge Howard W. Smith of Virginia, the then Chairman of the Committee on Rules, did not see it as clear at all that Congress intended to equate "racial imbalance" with *de facto* segregation. In remarks on the floor of the House, during consideration of amendments to the Elementary and Secondary Education Act, Judge Smith said that trying to get a clear explanation of "racial imbalance" was like "trying to catch an eel in a barrel of lard." (CONGRESSIONAL RECORD, vol. 112, pt. 19, p. 25554.)

Well, there are still Senators, Representatives, judges, and Federal and local officials with their hands in the lard barrel, trying to catch that eel. Nevertheless, although "racial balance" certainly means different

things to different people, the Congress has expressed its intent not only in the Civil Rights Act of 1964 but in legislation to outlaw forced busing no less than four additional times. Anti-forced-busing provisions were part of appropriations measures for the U.S. Office of Education in the years 1968, 1969, 1970, and 1971. *Today* the Commissioner of Education is prohibited by law to make any Federal grants of money appropriated under P.L. 92–48 for the purpose of forced busing.

In the case of *Green* v. *County School Board of New Kent County*, 391 U.S. 430 (1966), the Supreme Court cracked down, ruling, in effect, that "freedom of choice" plans were only constitutional when the choice would lead to desegregation. The Court also ruled, in *Raney* v. *Board of Education*, 391 U.S. 443, that district courts were to maintain jurisdiction in segregation cases—thus keeping the courts in the business of controlling the affected schools.

While throughout the South freedom-of-choice plans were declared unconstitutional, the Department of Health, Education and Welfare demanded new desegregation plans satisfactory to that Department, which threatened a cut-off of Federal funds unless its demands were met. Before all of these plans were approved, the Supreme Court handed down its decision in the case of *Alexander* v. *Holmes Board of Education*, 396 U.S. 19 (1969), calling for immediate integration—as always, ruling regarding *de jure* segregation only.

In the pell-mell rush to obey the new command to avoid the cut-off of funds, the courts and the school boards formulated assignment plans which in some instances simply could not be put into effect without the use of—yes, you guessed it—forced busing. The only alternative to forced busing in some instances was to leave the neighborhood schools as they were or to use some other means of forced transportation. To leave the neighborhood schools as they were under "freedom of choice" was to defy the Supreme Court and risk the loss of funds; and to use Federal funds for forced transportation was to break the law as enacted by Congress in the Civil Rights Act of 1964 and in the current appropriations statute.

In 1970 attention in Congress and in the press, was focused on resegregation and the question of *de facto* segregation.

It is true that in the Southern States, while *de jure* segregation was being dismantled, considerable resegregation had occurred under freedom of choice plans, with many blacks and whites alike choosing their own schools, as well as with population exchanges between the cities and their suburbs. Also, in the north, *de facto* segregation was continuing and resegregation occurring, with thousands of blacks moving to the big city "ghettos" and thousands of whites moving to the suburbs.

Some viewed resegregation as the failure of a liberal dream. Others considered it a circumvention of the law, or even as a deliberate unlawful punishable maneuver to be rectified. Still others saw it as a sign that perhaps desegregation had been pushed too far, that perhaps many blacks actually did prefer to send their children to black schools, and certainly that black schools, especially in poor neighborhoods, needed up-grading.

During the years since 1954, the entire country, North, South, East and West had come to accept the unconstitutionality of *de jure* segregation. However, *de facto* segregation was coming more and more under attack. Senator Stennis said that for the Department of HEW and the Federal courts to keep up a steady barrage of demands for more and more desegregation in Southern school districts which once had legally maintained racially separate school systems, and to permit the same degree of segregation in parts of the Nation where segregation had always been *de facto* was discrimination against the South. Senator Stennis demanded equal U.S. desegregation treatment for the country as a whole. Senator Ribicoff decried *de facto* segregation in the North as hypocritical and called for Congressional outlawing of *de facto* segregation.

During the years since the *Brown* command to desegregate, the American Negro had again taken long strides forward in education, in employment, in increased earnings and in recognition in the professions. By 1970, "black pride" had become a by-word. Black voices rose to advise white America that blacks wanted to control their own black community schools, and they did not want to be *forced* to send their children to school with whites against their will.

In support of the South's record of compliance with the *Brown* decision and of black enrollment in white schools, I submit the following:

On June 18, 1971, the Secretatry of Health, Education and Welfare, Elliot L. Richardson, announced the "final results of HEW's second national survey of racial and ethnic enrollment in the public schools, comparing the 1968–69 and 1970–71 school years state by state." Mr. Richardson said in part:

"Compilation of the statistics confirms a January 14, 1971, projection by HEW that the 11-state South more than doubled the percentage of Negro students in majority white schools, up from 18 percent in the fall of 1968 to 39 percent in fall 1970. . . .

"Nationwide, the total of Negro students in majority white schools rose from 23 to 33 percent. In the six border states and in the District of Columbia, the regional percentage rose slightly to almost 32 percent in 1970. The 32 Northern and Western states remained unchanged at 28 percent. Hawaii was not included in the survey.

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"In terms of numbers, 756,000 more Negro students were in majority white schools in the fall of 1970 than in the 1968 survey. A total of 690,000 of those students were in the 11-state South, and 66,000 in 38 other states.

"The number of Negro students in 100 percent minority schools decreased from 40 percent (2.5 million) in 1968 to 14 percent (941,000) in 1970 on a national basis. In the 11-state South, the decrease in Negro students who are totally isolated with minorities was even more marked, down from 68 percent (2 million) in 1968 to 14 percent (443,000) in 1970. Almost 79 percent of the Negro students in the 11-state South were in schools with 80 to 100 percent minority enrollment in 1968, but two years of change reduced this total to 39 percent."

It was in this climate of Southern compliance with the Supreme Court's 1954 command to desegregate, of developing black pride in black schools, and of liberals' zeal to reach their goal of total integration, that the Supreme Court justices, I am sure with the best of intentions, took up the cudgels for the liberal social planners.

THE COURT VERSUS THE CONGRESS

When, in the case of *Swann* v. *Charlotte-Mecklenburg Board of Education*, the Supreme Court by unanimous decision ruled that "Title IV of the Civil Rights Act of 1964 does not restrict or withdraw from the Federal courts their historic equitable remedial powers," the "nine old men" found "no basis for holding that school authorities may not be required to employ bus transportation as one tool of school desegregation." They said that their objective was "to eliminate from the public schools all vestiges of State-imposed segregation. . . ." They said that the courts have "broad powers to fashion remedies that will assure unitary school systems." They said that the first remedial responsibility of school authorities, "is to eliminate invidious racial distinctions" with regard to faculty, staff, transportation, extracurricular activities and facilities. They said that teachers may be assigned under court order "to achieve a particular degree of faculty desegregation." They said that resegregation must not take place. They said that racial quotas may be permitted—but that the "constitutional command to desegregate schools does not mean that every school in the community must always reflect the racial composition of the system as a whole." They said that the existence of a few one-race schools "does not in itself denote a system that still practices segregation by law," but that the courts should "scrutinize such schools." They said that the pairing and grouping of noncontiguous zones "is a permissible tool. . . ." Et cetera, et cetera.

The press saw this historic decision as having a nationwide impact; and it did. The battle over school busing was raging again. The lower courts looked upon it as a green light to order integration via massive busing, and it was so ordered in many cities throughout the South and in some other parts of the nation as well.

Chief Justice Warren E. Berger must have found the eel slipping back into the barrel of lard because he said, in substance, that he thought the lower courts were perhaps misinterpreting the *Swann* decision and were going too fast, too far.

I agree that the courts are going too fast and too far, but are they really misinterpreting Chief Justice Berger when he delivered the opinion of the Court? Or was Berger, in commenting on Berger, merely suffering a twinge of conscience?

It behooves us to take a closer look.

The *Swann* decision, like the *Brown* decision, was based on the equal protection clause of the Fourteenth Amendment. But while the equal protection clause can be interpreted as prohibiting legally instituted segregation, not on the wildest flight of the imagination can it be interpreted as commanding integration. To be sure, in the *Swann* case, the Court did not say that the equal protection clause "commands integration" with all deliberate speed—or words to that effect. But what does giving approval to pupil assignments on the basis of race, to racial quotas, to pairing, clustering, and forced busing as useful starting points "to eliminate invidious racial distinctions," add up to but forced integration? Did the Fourteenth Amendment really mean that in order to have equal protection of the law a small black child in a school that once was part of a legally segregated system, must be *forced* to go to a white school whether it wants to or its parents want it to or not?

I submit that the signitors of the Fourteenth Amendment had no such intentions. I believe that the command to integrate by forced busing, quotas and other such obnoxious practices is both unconstitutional and immoral.

This, I am sure, well-meant command has caused great divisiveness throughout the country: between the races, among the branches of government, between the Federal government and the states, between the North and the South. It has aroused anti-government feeling and a distrust of the lawmakers and of the courts. Its principal victims have been the children, both black and white.

This well-meant command has undermined public education, and the neighborhood schools. It has made millions of Americans angry. It has robbed all of us of an essential part of our freedom.

THE BUS TO SERFDOM

Assuming that we allow the *Swann* decision to stand and that we go along with the orders to bus, redistrict, pair, cluster and make up quotas—anything to achieve total integration—what lies ahead?

The following predictions are made, not merely on the basis of conjecture, but on

the sound basis of what has already occurred plus the use of common sense and reason:

(1) Court orders to integrate will spread to the North. The recent court ruling that Detroit is practicing *de jure* segregation, is but one indication of what is in store for all sections of the country where *de facto* segregation exists.

(2) Since *every* public school district is in fact controlled by State or local law, *de facto* segregation will be declared *de jure* wherever it exists.

(3) More and more whites will flee to the suburbs and as the government rounds up their children to bus them back to the black city schools, more and more of these whites will flee further and further out into the country.

(4) When the distances and the traffic jams become too great for the practical use of buses, helicopters will be brought into play.

(5) When the helicopters become too costly, the courts will simply order the deliberate integration of housing both in the suburbs and rural areas; transporting inner city blacks whether they like it or not.

(6) At this point, blacks with pride will rebel.

(7) Meanwhile, the Supreme Court will have approved other blueprints drawn by such social engineers as Professor Coleman, whom I mentioned earlier in this newsletter. His suggestions for attaining racial and cultural integration include: replacing the family environment of disadvantaged children as much as possible with a school environment—"by starting school at an earlier age and by having a school which begins very early in the day and ends very late." The professor also suggests educational parks, private schools paid by tuition grants ("with Federal regulations to assure racial heterogeneity") and public (or publicly-subsidized) boarding schools.

But to carry out court orders along these lines will certainly require special police.

Do we really want to stay on the bus to a police state?

*Freedom from force*

Happily there *is* a solution. There is a way out, a way to regain the freedom which both black Americans and white Americans have lost by the Supreme Court's most recent, conflicting and confusing edicts. The solution is to annul those edicts.

Now there are three possible means by which this could be accomplished:

(1) The Court could reverse itself. This has occurred on occasion in the past after a change in the Court's membership.

(2) The Congress, under Title III, Section 2 of the Constitution, could limit the appellate jurisdiction of the Supreme Court in the field of teacher and pupil assignment.

(3) The Congress could pass and the legislatures of three fourths of the States could ratify a Constitutional amendment to return to the American people their freedom from force in the matter of teacher and pupil assignment.

After much thought I have come to the conclusion that there is little hope that the Court will reverse itself (even with the pending changes in membership or that the Congress will take steps to limit the appellate jurisdiction of the Supreme Court—at least in the foreseeable future. I therefore came to the conclusion that a constitutional amendment is the best solution.

House Joint Resolution 620 which I am supporting simply states that: "No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school."

This actually upholds the *Brown* decision commanding the end of *de jure* segregation so as to give all children equal protection without regard to the color of their skins. It merely forbids assignment to any school on the basis of race—whether by forced busing or any other means.

I personally would like to see legislation passed simultaneously with the passage of this resolution that would give special aid for the education of disadvantaged children, black and white, who are the innocent victims of our society and especially of the Supreme Court's unfortunate opinions.

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## LEGISLATIVE PROGRAM

## HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. DELLUMS. Mr. Speaker, over the past months, many of my constitutents have written asking me about my legislative program since I entered the Congress.

I have introduced over 150 separate pieces of legislation since I took office, and the range of subjects is very wide.

Listed below—broken into functional categories—are what I consider the major bills I have sponsored between January 20 and October 31:

MAJOR BILLS SPONSORED

TOPIC, NUMBER, AUTHOR, AND SUBJECT

*Agricultural*

H.R. 3579 (Mr. Burton): Limit procurement of lettuce by the Department of Defense.

H.R. 9776 (Mr. Dellums): To terminate all price support for tobacco with 1972 crop: Programs beginning with 1972 crop, no price support for tobacco shall be made to producers; and no export subsidy paid for export of tobacco to foreign countries after 12–31–72.

H.R. 10444 (Mr. Roy): To provide for the establishment of a National Development Center.

*Antitrust*

H.R. 6604 (Mr. Dellums): Makes evidence gathered on Antitrust suits open to the public.

H.R. 11051 (Mr. Dellums): To reduce the concentration of industrial power in certain markets: Duty of Attorney General to investigate structure of markets which appear to be oligopoly industry.

*Child welfare*

H.R. 7336 (Mr. Dellenback): Comprehensive Child Development Act: Comprehensive child development program including health, education, social services essential to achievement of full potential of child.

H.R. 9731 (Mr. Dellums): Requires child care facilities in low rent public housing.

*Civil liberties*

H. Res. 340 (Mr. Dellums): To abolish Internal Security Committee.

H. Res. 410 (Mrs. Abzug): Formal investigation of the FBI by Congressional Committee.

H.R. 4241 (Mr. Matsunaga): Banning establishment of emergency detention camps.

H.R. 5640 (Mr. Mikva): Freedom from Surveillance Act: To protect the political rights and privacy of individuals and organizations and to define authority of Armed Forces to collect, distribute and store information on civilian political action.

H.R. 7617 (Mr. Dellums): Government must notify individual of records concerning them kept by government agencies.

H.R. 9738 (Mr. Horton): To limit the sale or Distribution of mailing lists by Federal Agencies.

H.R. 9893 (Mr. Fauntroy): Establish voting privileges for Ex-Convicts in D.C.

H.R. 10591 (Mr. Fauntroy): To establish Equal Opportunity program for Library of Congress employees.

H.R. 10862 (Mr. Mikva): To amend the Voting Rights Act of 1965: Federal voter registration system should not be hindrance to voter.

H.R. 11104 (Mr. Dellums): To amend the Voting Rights Act of 1965: Registration of students at institutions of higher education where attending.

H.R. 11415 (Mr. Mikva): To change the minimum age qualification for serving as a juror in Federal Courts from 21 years of age to 18 years of age.

*Consumer affairs*

H.R. 4430 (Mr. Rosenthal): To establish Office of Consumer Affairs and Consumer Protection Agency.

H.R. 5631 (Mr. Eckhardt): Consumer Class Action Act of 1971: The district courts of the U.S. shall have original jurisdiction of civil class actions brought by a consumer or group of consumers under this Act on behalf of himself or themselves and all consumers similarly situated. The jurisdiction of district courts of the U.S. under this section shall be concurrent with that of the courts of the several states. If an action under this Act is brought in a court of a State, the provisions of Rule 23 of the Federal Rules of Civil Procedure shall apply to such action to the same extent that such provisions apply in the case of an action brought in a U.S. district court.

H.R. 11106 (Mr. Dellums): To ban war toys.

*District of Columbia statehood*

H.R. 9599 (Mr. Dellums): Proposes a referendum on D.C. statehood.

H.R. 10197 (Mr. Fauntroy): To provide home rule for the District of Columbia.

*Draft*

H. Res. 379 (Mr. Mitchell): Resolved that Military Selective Service Act of 1967, as amended, repealed 12–31–71.

H. Res. 486 (Mrs. Abzug): Resolved that Military Selective Service Act of 1967, as amended, repealed, 12–31–71.

H.R. 6592 (Mr. Dellums): Provide legal counseling to draft registrants.

*Drugs*

H.R. 6607 (Mr. Dellums): Prohibits unsolicited mailing of drug samples.

H.R. 7822 (Mr. Dellums): To prohibit foreign assistance to countries not preventing narcotic drugs from entering the U.S.

H.R. 11466 (Mr. Badillo): To amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug narcotics addicts and to authorize certain narcotics addicts to purchase meals with food stamps.

*Economy*

H.R. 10181 (Mr. Adams): Public Works and Economic Act of 1965: To establish an Emergency Federal Economic Assistance Program to authorize the President to declare areas of the nation which meet certain economic and employment criteria to be economic disaster areas.

H.R. 10321 (Mr. Monagan): To establish a Temporary Economic Emergency Guidance Board: Establishing price and wage guidelines.

*Education*

H.R. 9383 (Mr. Dow): Elementary and Secondary Education Act Direct Assistance: To encourage states to increase the proportion of the expenditures in state for public education which is derived from state rather than local revenue sources.

H.R. 10044 (Mr. Esch): To provide for educational assistance on behalf of or to certain eligible Vietnam veterans pursuing programs of education.

*Electric utilities*

H.R. 10228 (Mr. Tiernan): National Power Grid System: For the purpose of assuring adequate and reliable low-cost electric power supply consistent with the enhancement of environmental values and the preservation of competition in the electric power industry.

*Employment*

H.R. 1746 (Mr. Hawkins): Equal Employment Opportunity Enforcement Act: The Commission is empowered to prevent any person from engaging in any unlawful employment practice.

H.R. 6608 (Mr. Dellums): Extends unemployment insurance to agricultural workers.

H.R. 6876 (Mr. O'Neill): Permits federal sharing of cost of unemployment benefits which extend 52 weeks.

H.R. 7685 (Mr. Clay): National Public Employee Relations Act of 1971: Declared policy of the U.S. that public employees be afforded the rights to which all employees working in a free democratic society are entitled.

H.R. 9104 (Mr. Riegle): Public Service Employment for Vietnam Veterans: Veterans Administrator shall enter into arrangements with eligible applicants to make financial assistance available to public and private nonprofit agencies and institutions during times of high employment for transitional employment for unemployed veterans of the Vietnam era, in jobs providing needed public services, training and manpower services related to such employment which in unavailable and enabling such persons to move into employment or training not supported under this chapter.

*Environment*

H.R. 279 (Mr. McCloskey): Designating third week in April each year "Earth Week".

H.R. 387 (Mr. Bingham): Requesting Secretary of State to call for ten year halt to killing of whale, porpoise and dolphins.

H.R. 4556 (Mr. Hechler): Environmental Protection Enhancement Act of 1971: Control of surface and underground coal mining operations which adversely affect environment.

H.R. 4911 (Mr. Bell): State can have tougher pollution laws against polluters than federal laws.

H.R. 5047 (Mr. Udall): Authorizes class action suits against polluters: Civil action on behalf of individual persons injured or endangered can be effective and useful machinery for protection against harmful effects.

H.R. 5223 (Mr. Halpern): Detergent Pollution Control Act: To ban from detergents all phosphate and those synthetics which fail to meet standards by 6-30-73.

H.R. 5438 (Mr. Anderson of California): Amend National Flood Insurance Act of 1968. Provide insurance protection against loss and damage resulting from earthquakes and earthslides.

H.R. 5684 (Mr. Gude): To protect wild horses on public land.

H.R. 6484 (Mr. Hechler): Environmental Protection and Enhancement Act of 1971: To abolish strip mining.

H.R. 6560 (Mr. Saylor): Requires Congressional authorization of Alaskan pipeline.

H.R. 6590 (Mr. Dellums): Safe Pesticides Act of 1971: To conduct study and investigation of effects of use of pesticides and ban certain pesticides.

H.R. 6591 (Mr. Dellums): Requires Defense Department to study disposal of materials in waters.

H.R. 6599 (Mr. Dellums): Bans internal combustion engines after 1-1-75.

H.R. 6600 (Mr. Dellums): To amend the National Emission Standards Act to require standards be set at most stringent possible level, and to require the use of National Bureau of Standards for certain technical service in connection with establishing such standard.

H.R. 6601 (Mr. Dellums): Smogless Vehicle Development Act: Research development, demonstration project for non-air-polluting motor vehicle.

H.R. 6602 (Mr. Dellums): To prohibit SST flights until studies made.

H.R. 6606 (Mr. Dellums): Federal Procurement Environmental Enhancement Act of 1971: To amend Federal Water Pollution Control Act and Clean Air Act and provide assistance in enforcing acts.

H.R. 6986 (Mr. Ryan): Noise Abatement and Control Act of 1971: To expand the functions and responsibilities of Office of Noise Abatement and Control; to establish means for effective coordination of Federal research and activities relating to noise and control; to establish standard in regard to noise to promote the public health and welfare; to provide grants, contracts and assistance to levels of state and local governments and regional bodies for development, establishment and carrying out of programs of noise research and control; to establish a Federal Policy of Procurement and contracting which promotes noise control, abatement and prevention; and to establish Noise Control Advisory Council.

H.R. 6988 (Mr. Ryan): Noise Disclosure Act: To disclose operational noise level of machinery distribution in interstate commerce.

H.R. 6990 (Mr. Ryan): Occupational Noise Control Act of 1971: To require adoption of standards which will provide effective protection to workers against the deleterious effects of excessive noise.

H.R. 7555 (Mr. Pryor): Ocean Mammals Protection Act of 1971: To protect ocean mammals from being pursued, harassed or killed.

H.R. 7618 (Mr. Dellums): Clean Air Amendment of 1971: To provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent State standards covering vehicular emissions, fuel additives and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants.

H.R. 7619 (Mr. Dellums): Protection of marine wildlife through regulation of disposal in waters.

H.R. 9668 (Mr. Anderson of California): To prohibit use of poisons on public lands. Use of poisons, such as strychnine, thallium and compound 1080 (sodium monofluoroacetate) on public lands, unless specifically approved by the Secretary of Interior in conjunction with the Administrator of the Environmental Protection Agency; to establish a national policy and program with respect to wild predatory mammals.

H.R. 9680 (Mr. Harrington): Increased penalties under 1899 Refuse Act, Section 16, which reads "An Act making appropriations for the construction, repair and preservation of certain public works on rivers and harbors . . ." is amended to read, "every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize or instigate a violation . . . shall be subject to a pecuniary penalty of not less than $10,000 and not more than $25,000 for each such violation and each day in which such violation occurs shall be a separate violation, or imprisonment, if violation is by a natural person, for not less than 30 days and not more than one year; or both such pecuniary penalty and imprisonment . . ."

H.R. 9685 (Mr. Koch): Issuing of permits under 1899 Refuse Act is amended as follows: "And provided further, that, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, the Administrator of the Environmental Protection Agency may permit the deposit of any material above mentioned in navigable waters within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with and any violation thereof shall be unlawful."

H.R. 9796 (Mr. Dellums): National Environmental Bank to authorize the issuance of U.S. Environmental Saving Bonds to establish an Environmental Trust Fund.

H.R. 10032 (Mr. Dow): To require the Congressional Record to be printed with recycled paper.

H.R. 10098 (Mr. Dow): To authorize the GSA to set regulations for recycled materials.

H.R. 10099 (Mr. Dow): To insure use by Federal Government of recycled materials.

H.R. 10291 (Mr. Mitchell): To reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis.

H.R. 10354 (Mr. Veysey): To amend the Clean Air Act to clarify California's right to enforce its own stringent motor vehicle emission standards.

H.R. 10890 (Mr. Aspin): To amend the Internal Revenue Code to impose an Excise Tax on fuels containing sulfur.

H.R. 11102 (Mr. Dellums): To ban manufacture and military use and procurement of napalm and other incendiary weapons.

*Equal rights for women*

H. Res. 489 (Mr. Dellums) Proposing an amendment to the Constitution of the United States relative to equal rights for men and women. "Equality of rights under the law shall not be denied or abridged by the U.S. or by any State on account of sex. . . ."

*Foreign aid*

H. Res. 304 (Mr. Halpern): Cease all military aid to Pakistan.

*Foreign policy*

H. Res. 54 (Mrs. Abzug): Set withdrawal dates from Southeast Asia by July 4, 1971.

H. Res. 133 (Mr. Ryan): Total withdrawal of U.S. forces from Vietnam by 6-30-71.

H. Res. 193 (Mr. Wolff): Establish study team to observe Vietnamese elections.

H. Res. 296 (Mr. Dellums): Calling for war crimes inquiry by Congress.

H. Res. 317 (Mr. Leggett): Simultaneous end of war and release of prisoners.

H. Res. 491 (Mrs. Abzug): President must supply Congress with full and complete information on Vietnam policy decisions.

H. Res. 900 (Mr. Findley): To create an Atlantic Union delegation. Whereas a more perfect union of the Atlantic community consistent with the Charter of the United Nations gives promise of strengthening common defense, while cutting its cost, providing a stable currency for world trade, facilitating commerce of all kinds, enhancing the welfare of the people of the member nations, and increasing their capacity to aid the people of developing nations.

H.R. 4225 (Mr. Harrington): Prohibits use of U.S. forces in an invasion of North Vietnam.

H.R. 8063 (Mr. Koch): Soviet Jews Relief Act of 1971: Hereby authorizes to be issued thirty thousand special immigrant visas to aliens specified in Section 3 of this Act to enter the United States as immigrants; the spouse and children of any such alien, if accompanying or following to join him, may be issued special immigrant visas notwithstanding such numerical limitation.

H.R. 8955 (Mr. Dow): Act to End Combat in Vietnam: Declares that forty-eight hours after the enactment of this legislation, all United States Armed Forces shall cease all military combat and military support missions in the States of Cambodia, Laos, Vietnam and Thailand.

H.R. 9964 (Mr. Ryan): Making appropria-

tions to the President for the development of a prototype desalting plant in Israel to carry out the provisions of Section 219(f) of the Foreign Assistance Act of 1961 relating to the development of said desalting plant.

H.R. 11103 (Mr. Dellums): To suspend the production and deployment of MIRV's, ABM's and site construction until conclusion of the Strategic Arms Limitations Talks.

*Health*

H. Res. 108 (Mr. Long of Maryland): To keep Public Service Hospitals open.

H. Res. 512 (Mr. Seiberling): Issue a mandate to Secretary of HEW to make comprehensive Survey of incidence and location of serious hunger and malnutrition and health programs.

H.R. 2626 (Mr. Ryan): Making appropriations for lead paint poisoning program.

H.R. 3124 (Mrs. Griffiths): The Health Security Act: To create a national system of health security benefit which through national health insurance, will make comprehensive health services available to all residents of the U.S.

H.R. 3282 (Mr. Galifianakis): Amends Public Health Act to encourage physicians, dentists, optometrists and other medical personnel to practice in areas where shortages of such personnel exist.

H.R. 9596 (Mrs. Abzug): To amend the Food Stamp Act of 1964, the Adequate Nutrition Act of 1971, which broadens definitions of operating agencies and political subdivision, eligible household and administration.

H.R. 10870 (Mr. Rangel): Supplemental Appropriations for detection and research on sickle cell anemia.

H.R. 10936 (Mr. Rangel): Detection, treatment and research of sickle cell anemia.

H.R. 11171 (Mr. Fauntroy): To provide for the prevention of sickle cell anemia: Attainment of better methods of prevention, diagnosis and treatment of sickle cell anemia deserve the highest priority.

H.R. 11251 (Mr. Rangel): To make supplemental appropriation for Secretary of HEW for detection and treatment of and research of sickle cell anemia.

*Holidays*

H.R. 4097 (Mr. Conyers): Establish Martin Luther King Birthday Holiday.

H.R. 7114 (Mr. Nix): Martin Luther King Commemorative Stamp.

*Legal services*

H.R. 6360 (Mr. Meeds): National Legal Services Corporation Act: A private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the U.S., free from extraneous interference and control.

*Motor vehicles*

H.R. 11105 (Mr. Dellums): To amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of certain standards with respect to light banks, governors and speed control panels.

H.R. 11107 (Dellums): To amend Section 402 of Title 23 of U.S. Code relating to informational regulatory and warning signs, markings and signals.

*Native Americans*

H. Res. 181 (Mr. Meeds): The termination policy declared in H. Con. Res. 108, 83rd Congress, no longer represents the policy of Congress and termination is not a Congressional objective in legislation on Indian affairs.

H.R. 7039 (Mr. Meeds): Alaska Native Claims Settlement Act of 1971: Congress hereby recognizes the claims of Natives and Native villages based upon aboriginal occupancy and use of lands within the State of Alaska, and finds and declares that there is an immediate needs for a fair and just settlement of all land claims by such Natives and Native villages and that the purpose of this Act is to effect such settlement by providing a grant to each Native village of title to the village site and additional lands; organization of Native corporations payment of $500,000,000 as compensation for Native lands taken in past or to which Native title will be extinguished by this Act; authority for individual Natives to acquire ownership of the lands; and protection of Native subsistence hunting, fishing, trapping and gathering rights.

H.R. 8937 (Mr. Meeds): To amend the Elementary and Secondary Education Act of 1965, to provide for administration programs of Indian education by a National Board of Indian Education in the U.S. Office of Education: Commissioner of Education is authorized to make grants to State and local educational and research agencies, organizations and institutions (including federally supported elementary and secondary schools for Indian children) to support planning, pilot, and demonstration projects which are designed to plan for, test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children.

H.R. 9777 (Mr. Dellums): To enforce the Treaty of Guadalupe-Hidalgo as a treaty made pursuant to article VI of the Constitution in regard to lands rightfully belonging to descendants of former Mexican citizens, to recognize the municipal status of the community land grants.

H.R. 11305 (Mr. Udall): To provide for the settlement of certain land claims of Alaskan natives.

*Public lands, parks*

H. Res. 111 (Mr. Edwards of California): To establish San Francisco Bay Wildlife Refuge.

H. Res. 547 (Mr. Dingell): To establish Tule Elk National Wildlife Refuge.

H. Res. 3228 (Mr. Burton): To establish Juan Manuel De Ayala Recreation Area (Golden Gate Recreation Area).

H.R. 4270 (Mr. Waldie): To designate San Joaquin Wilderness.

H.R. 6595 (Mr. Dellums): Declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof.

H.R. 6598 (Mr. Dellums): To enlarge Sequoia National Park (Mineral King).

H.R. 6605 (Mr. Dellums): Creates National Coastline Conservation Commission.

H.R. 7238 (Mr. Waldie): Eel, Klamath and Trinity Rivers as components of National Wildlife and Scenic Rivers.

H.R. 9498 (Mr. Burton): To establish a National Recreation Area in San Francisco and Marin Counties.

H.R. 10155 (Mr. Mathias): To provide for the establishment of the California Desert National Conservation Area.

*Senior citizens*

H. Res. 254 (Mr. Pryor): Whereas the problems confronting our senior citizens are of such vital national concern as to require the full-time attention of a select committee of the House of Representatives; the committee is authorized and directed to conduct a full and complete investigation and study of any and all matters pertaining to problems of older people.

H.R. 9105 (Mr. Rosenthal): Free or reduced rates (transportation) for over 65 and handicapped.

H.R. 11259 (Mrs. Abzug): To amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons.

*Social security*

H.R. 5991 (Mr. St Germain): To amend Title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage.

H.R. 6243 (Mr. Obey): 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.

H.R. 7372 (Mr. Burke of Mass.): To amend Title II of the Social Security Act to provide a 50% across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits.

H.R. 7620 (Mr. Dellums): Social Security: Liberalize conditions of eligibility of blind to receive disability insurance benefits.

H.R. 10500 (Mr. Pepper): To amend Social Security to allow police a tax cut.

*Taxes*

H.R. 5082 (Mr. Wylie): To exclude first $3,000 of Retirement Income from taxes.

H.R. 7621 (Mr. Dellums): To extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns.

H.R. 7622 (Mr. Dellums): To amend the Internal Revenue Code in relation to bringing exemptions to $1000.

H.R. 9187 (Mr. Halpern): To amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence.

H.R. 9297 (Mr. Aspin): Excise Tax on nonreturnable bottles and cans.

H.R. 9298—(Mr. Aspin): Excise Tax on phosphate content of cleaning agents.

H.R. 10013—(Mr. Aspin): To amend the Internal Revenue Code of 1954 to increase exemptions by tying to cost of living.

H.R. 10435—(Mr. Koch): To amend the Internal Revenue Code so that blood donations are deductible from gross income.

H.R. 11396—(Mr. Danielson): To amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States.

*Veterans*

H.R. 5279—(Mr. Teague): Veterans' Pension Act of 1959: Increases monthly rate of pension for World War I Veterans' Widows.

H.R. 11089—(Mr. Edwards of California): Authorizing the Secretary of the Army to establish a National Cemetery at Camp Parks, California.

H.R. 11108—(Mr. Dellums): To increase Servicemen's Group Life Insurance Coverage to a maximum of $50,000 to liberalize coverage under GI Life Insurance Program.

*Urban affairs*

H. Res. 252—(Mr. Morse): To create a Committee on Urban Affairs.

H.R. 4001—(Mr. Ryan): To provide supplemental appropriations and increased contract authority to fully fund the urban renewal, model cities, and rent supplement programs and the low income homeownership and rental housing programs for the fiscal year 1971.

H.R. 6593—(Mr. Dellums): To provide that certain expenses incurred in the construction of the Twelfth Street Bay Area Rapid Transit Station in Oakland, California, shall, to the extent otherwise eligible, be counted as local grants-in-aid toward the Chinatown Urban Renewal Project.

H.R. 6594 (Mr. Dellums): The Urban Mass Transit Act of 1971: To establish an urban mass transit trust fund.

H.R. 11146 (Mr. Dellums): To amend the National Housing Act to authorize the insurance of loans to defray mortgage pay-

ments on homes owned by persons who are temporarily unemployed.

H.R. 11181 (Mr. Koch): To amend U.S. Code to authorize construction of exclusive or preferential bicycle lanes.

*Welfare reform*

H. Res. 423 (Mr. Ryan): Concurrent resolution expressing the sense of Congress that any individual whose earnings are substandard or who is amongst the working poor or near poor should be exempt from any wage freeze under the Economic Stabilization Act of 1971, as amended.

H.R. 7257 (Mr. Rangel): The Adequate Income Act of 1971: To insure minimum income.

H.R. 11096 (Mr. Pepper): Annual Social Report from the President.

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## MEDICAL RESEARCH PROVES CHIROPRACTIC

### HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. HELSTOSKI. Mr. Speaker, a constituent of mine, Mrs. Camille Fattoross of East Rutherford, N.J., has written several interesting and perceptive essays on chiropractic. As one who has sponsored legislation to allow for the inclusion of chiropractic services under medicare, I found her call for patients' freedom of choice of the type of physician they desire for treatment particularly cogent.

In order to provide my colleagues with the benefit of another side of the chiropractic issue, I include Mrs. Fattoross' essays at this point in the RECORD:

MEDICAL RESEARCH PROVES CHIROPRACTIC

(By Camille Fattoross)

For the past 75 years, chiropractors have been proving over and over again, with millions of patients, that vertebrae out of place in the spine can cause headaches. Today, Medical researchers are beginning to discover the inescapable truth that vertebrae misalignment, putting pressure on nerves (irritation), can be the underlying cause of not only headaches, but many other aches, pains, illnesses and diseases.

Evidence of this appeared in a medical front report titled "Headaches Yield to Neck Treatments," in the Record Newspaper in New Jersey, on July 1, 1971. The article is written about Dr. Murray Braaf, an orthopedic surgeon, who has been tracing headaches to unsuspected neck injuries.

Dr. Braaf has traced many cases of Meniere's Syndrome (ringing in the ears, dizziness, lack of balance) to pinched neck blood vessels. He has treated former boxers, the victims of too many punches, and found that they had not suffered brain damage from being hit around the head, but had pinched neck arteries from the snapping of their necks as a result of the punches.

He reports that any position of the head which puts a strain on the neck or the ligaments supporting the spinal column can produce a problem of alignment and eventual trouble.

"There are 30 million people in the United States who suffer from headaches that do not respond to aspirin or ordinary treatment," says Braaf. "I guess if I have one goal in life, it is to get as many doctors as possible to look at these patients' necks before they load them up with more pain-killers or send them off for psychiatric treatment as psychosomatic cases."

Considering the remarkable increase in psycho-active drugs (in 1970 alone 220 million legal prescriptions were filled for psycho-active patients), wouldn't it seem logical then, to seek a doctor who may relieve a nerve disorder without drugs? And, considering even manipulation of the neck by cervical traction does in time provide headache relife, isn't it easy to see how the precise adjustment and re-alignment of vertebrae with specific chiropractic methods (developed through 75 years of research) can bring relief in even less time, increase the percentage of results and give longer lasting benefits?

Another article, A Pain in the Neck, which appeared in 70-Days Health and published by the American Medical Society in June, 1968, explains the spinal cord, the narrow, vulnerable tunnel formed by the arches of the seven neck vertebrae, the vital communication line between the above and the rest of the body below. It tells how the nerves of the neck control muscles and other vital functions in the body. The Vagus nerve in the neck has fibers which reach and affect the heart, lungs, larynx, stomach, intestines, liver, pancreas, spleen, and kidneys. The Phrenic nerve in the neck controls the diaphragm, the main muscle of breathing which separates the chest cavity from the abdominal cavity.

Ironically, it continues, most of the time, when something is wrong within the neck, the pain is felt in another part of the body. Headaches and shoulder pain and dizziness are probably the most common symptoms. Dr. Winters goes on to explain a common neck problem, which often is thought to be psychological but is actually organic. It is called the scalenus antecus syndrome.

The authors go on to say that almost all victims of scalenus antecus syndrome complain of persisting pain extending from the neck into the upper extremity and fingers. The pain is often described as dull and aching, but it may also be sharp and burning. The suffering is made worse by turning the head.

Severe pain may make it necessary for a physician to inject an anesthetic into the scalenus antecus muscle in the neck. If this fails, say the authors, surgery may be necessary to cut the muscle and release the pressure.

Because spinal adjustment to remove nerve disturbance is the basis of chiropractic, let us get a chiropractor's approach on improving health and possible prevention of surgery.

Chiropractors hold that if the vertebrae of the spine are in proper alignment, then the semicircular openings in any two adjoining vertebrae will coincide to provide full circular openings even as the spine is bent and twisted in the normal activities of living, and there will be no interference with the emerging nerves. They also emphasize that if the spinal vertebrae are not properly aligned the nerves issuing through the foramina will be compressed, stretcher, twisted or otherwise distorted.

By the correction of structural misalignments in the body, for the most part in the spinal column, interferences with the nervous system are eliminated and the body is enabled to cure itself.

Like medical doctors, the doctor of Chiropractic is thoroughly trained in all methods of diagnosis. In the physical examination of the patient, he makes a skillful analysis of the spinal column for body balance, postural distortions, and spinal defects which may be causing nerve irritation and resultant dysfunction. A careful examination of all skeletal structures and the nervous system is indeed an important factor in his diagnosis.

In addition, he may use in his diagnosis all modern laboratory and clinical procedures, such as electro-cardiography, stethoscopy, percussion, auscultation, nerve tracing, urinalysis, blood tests, blood pressure instruments, X-ray diagnosis, and other scientific instruments and procedures, as indicated.

In fact, the diagnostic value of the X-ray has played a very vital part in chiropractic's continuing research into the causes of diseases which stem from spinal defects, postural distortions, occupational hazards, and produce constant tension and nerve irritation. These bodily organs, conditions which may result in far more serious disease, if not promptly corrected.

Your chiropractor will depend very greatly on his highly trained and sensitive fingers in performing his analysis. He will examine your spine digitally with great care, noting the various curves and irregularities that are detectable by touch; this is known as palpation. In addition, when he locates an area that is sensitive, that reveals tenderness, pain, or that may even be numb, he will determine its extent and then follow the course of the nerve or nerves leading to or from it by means of his fingers; this is termed "nerve tracing".

Nerve tracing can also be done by means other than the fingers alone; there are various extremely sensitive devices which some chiropractors use to aid them in this part of the analysis. One of these is the neurocalometer—the name means simply "nerve heat meter". It takes full advantage of the fact that nerves whose transmission of impulses are hampered in some way throw off an abnormal amount of heat.

An advanced method for detecting spinal hyperemia, caused by nerve irritation, is done electronically by means of a photoelectric device.

Another means of locating nerve interference is by picking up minute electric currents from the tissues. A variety of instruments is used for this purpose.

Once he has determined the area that requires attention, the chiropractor will initiate you into the "adjustment". In this process he is seeking to correct an interference with nerve impulses. He does this by moving a vertebra in the direction necessary to realign it to normal position, and restore normal nerve function.

In short, chiropractic holds that by the correction of structural misalignments in the body, for the most part in the spinal column, interference with the nervous system is eliminated and the body is enabled to cure itself, without drugs and in many cases without surgery.

For its own good, mankind is hopefully looking forward to the day when all M.D.'s, accepting the proof of their own research, will take a closer look at chiropractic concepts, treatment, and results. The day is surely coming when M.D.'s will refer chiropractic cases to doctors of chiropractic, just as they refer to other specialists . . . and just as chiropractors now refer medical and surgical cases to M.D.'s.

There is no argument with a cured case, regardless of the method used. In view of statistics from both medical and chiropractic research, isn't it logical that medical doctors and chiropractors should work more closely together for better health for everyone?

A NOTE FROM THE AUTHOR

References for this article have been taken from Chiropractic Health, published by Pyramid Books in 1969. "Headaches Yield to Neck Treatment"—Record newspaper, New Jersey, 1971. "The Over-Medicated Woman"—McCall magazine, September, 1971. "A Pain in the Neck"—Today's Health, 1969. Chiropractic Society (Bulletins). "Legal Pill Popping Hits a High"—The Washington Post, 1971.

Liberated from the tortures of migrain headaches suffered for over thirty years, without drugs, it is my duty, both as a writer and patient to defend the principle of Chiropractic Health.

As a free-lance writer, my work has ap-

peared in South Bergen News, Herald News, Free Press (all the preceding are local newspapers), Salesian Bulletin, "Why" magazine, Electrical Workers magazine, Pen magazine and a portion of an article was used in Readers Digest, September, 1969.

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DOCTOR OF CHOICE

(By Camille Fattoross)

As Congress prepares its final version of the Social Security Amendment's Bill, the Chiropractic profession is again under attack from the American Medical Association and other health groups who will join to oppose the inclusion of Chiropractic payment under Medicare and National Health Insurance.

In the July issue of the Reader's Digest appeared the article "Should Chiropractors Be Paid With Your Tax Dollars?". Though obviously written with all good intentions, it is nevertheless a misrepresentation of the Chiropractic profession.

The American Medical Association, in its continuous campaign against Chiropractic, attempts to mislead the public in this collection of half-truths and innuendoes. As most Chiropractic articles, it not only degrades the Chiropractic profession, but it imposes a damaging and inaccurate view of Chiropractic before the public.

An example of this abuse was released last year in a series of articles written by Arthur Isbit entitled "Your Health and Dollar". Through the intercession and courage of Dr. Martin, Doctor of Chiropractic, some of the false images promoted by the American Medical Association were retracted and for the first time, Chiropractic came out with the dignity it deserves.

During that time, the *Bergen Record Newspaper* in New Jersey contained an article on "A Brief For the Elimination of Chiropractic in the State of New Jersey", a thoroughly worded document sent by the Bergen County Medical Society to Governor Richard Hughes, Attorney General Arthur Sills, and Bergen County Legislators.

The shocking aspect of the New Jersey Medical Society's attempt to ban licensing of Chiropractors is that the health freedom of the people of New Jersey would be denied them. It is also a shocking fact that organized medicine has almost a virtual monopoly over the flow of news concerning the healing arts, thus, in addition to belittling Chiropractic at every opportunity, organized medicine is able to exercise an almost complete blackout on the subject of Chiropractor's possible merits to the public.

In my research for materials for this article, I looked through the periodicals at the public library and could only find two articles on Chiropractic, both written by Lee Smith, and both degrading to the Chiropractic profession.

How then can the public judge for themselves if Chiropractic is beneficial or dangerous when the only available information is both damaging to the Chiropractic profession and misleading to the public?

The fact is that Chiropractic has proven successful, frequently after medical care has failed and a vast segment of the public have been guided by results rather than propaganda.

A striking example of this is the angry reaction of both the public and civic groups, who came to the support of the Chiropractic profession. These included the State Patrolmen's Benevolent Association, representing 16,000 law enforcement officers. The PBA said, "As professional law enforcement officers, we need the services of Chiropractic and feel that health is a personal matter which requires freedom of choice of doctor."

Letters such as the following poured into the *Bergen Record's* office:

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FREEDOM TO CHOOSE

EDITOR, the Record:

I am only one of thousands of people who have been helped by Chiropractic. If it were not for this I would have undergone a major operation.

I am appalled at the fact that we are not free anymore to spend our money and go to the doctor of our choice. Since when has America taken these privileges away from us?

I feel that Chiropractors are being unjustly condemned.

Mrs. V. FERRANTE.

RIDGEFIELD.

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FREEDOM OF CHOICE

EDITOR, the Record Call:

Medical doctors acting through their union, the American Medical Association, are now trying to take the licenses away from Chiropractors.

My own experience is perhaps helpful. I suffered for many years with stiffness and pains, diagnosed by medical doctors as arthritis and sciatica.

As a last resort, I tried Chiropractors. Now I can walk and work around my home without terrible pain, and no longer need a chair or table to support me as was the case before Chiropractors.

I do not pretend to know all the answers as to why I am better now. I do know that I am thankful I had the choice to make, and I deeply resent the attempt on the part of the A.M.A. to restrict my freedom of choice.

Now that man has gone to the moon, is it too much to ask that all cooperate to heal the sick in a massive community and national effort?

Mrs. MATILDA RAMMENSEE.

WESTWOOD.

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MEDICHRIO

EDITOR, the Record Call:

There is an aspect of Chiropractic that the public at large should be concerned with. Notwithstanding the wide application of Chiropractic to alleviate spinal disorders, authorities have not given due recognition under Medicare to Chiropractic.

Could this be considered a form of discrimination?

ALLAN J. FIELD.

NORTH BERGEN.

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HEALED

EDITOR, the Record:

Chiropractors are licensed in New Jersey by the Board of Medical Examiners.

For three months I have received treatment from a Chiropractor, licensed by the state. The tension, headaches, and back troubles which no pills could kill and several physicians were unable to deal with have disappeared. Does anyone need say more?

BERTRUN DELLI, Ph. D.

BERGENFIELD.

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CHIROPRACTIC

EDITOR, the Record Call:

I can't possibly describe my reaction to the New Jersey Medical Society's position on trying to ban Chiropractors from practicing in this state.

This group of professional medicine men like to play God. They would like to tell me and other free thinkers like me that I don't need a Chiropractor.

There is more than one way to do anything. There is more than one way to heal.

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CHIROPRACTIC

EDITOR, the Record Call:

I was totally shocked to see that a profession such as medicine could ever dream of destroying such wonderful healing art as chiropractic.

Chiropractic has helped so many sick people to get well when medicine has failed—they must be doing something right!

Since when does medicine dictate to the people where they should go for their health care? It is bad enough that their monopoly controls in the health field have kept chiropractic out of Medicare, Blue Cross, and Blue Shield.

. . . As for educational standards, the chiropractor has a minimum of two years undergraduate work and four years in chiropractic college. He also takes medical examinations in diagnosis, which does make his ability to diagnose equal to the M.D.'s, since their exams are the same as the medical doctor's.

If anything should be banned it is the present monopoly of organized medicine and the drug industry.

Mrs. J. R. INTELISANO.

PASSAIC.

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I am angry, disgusted, and ready for a fight, and so are the thousands of people who are patients of Chiropractors and who want to make sure they stay in business as long as this old world turns.

Mrs. D. PALLOTTO.

HILLSDALE.

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With all due respect to the Medical profession, who attempts to preserve us from the harm of Chiropractic, the inescapable conclusion is that both Chiropractic and medicine practice is capable of preserving good health depending on individual circumstances.

A worker with a "kink" in his back wants that kink removed by adjusting the malpositioned vertebra. When the paitent leaves the Chiropractor's office, with all or part of his pain removed, he knows that Chiropractic works . . . and so do millions of Americans who seek Chiropractic care every year.

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## A BILL TO IMPROVE LABOR-DISPUTE SETTLEMENT PROCEDURES IN TRANSPORTATION

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## HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. PRICE of Texas. Mr. Speaker, today I am introducing a bill to provide a more effective means for protecting the public interest in national emergency disputes involving the transportation industries. My bill incorporates the President's recommendations for strengthening the dispute-settlement provisions of present law, recommendations which he first introduced in March 1970 in the 91st Congress and repeated in February of this year.

The transportation industries covered by my bill are the railroads, airlines, longshoring, marine shipping, and trucking. The bill would amend the two Federal statutes which deal with labor-management disputes—the Railway Labor Act, covering the railroads and airlines, and the Labor-Management Relations—Taft-Hartley Act—covering all other industries affecting interstate or foreign commerce. Neither the Railway Labor nor the Taft-Hartley Act, as they now stand, can actually put an end to any labor dispute, no matter how crippling or damaging such a dispute may be to the national economy or to any region. The only intervention open to the Federal Government under these two laws is to provide mediation services to the negotiating parties and, when all else fails, to postpone a threatened or actual

emergency creating work stoppage for 60 days under the Railway Labor Act and 80 days under the injunction procedures of Taft-Hartley. If the disputant parties still have not settled after the 60- or 80-day "cooling off" period, a strike can then take place with no further hindrance by the Federal Government unless the Congress intercedes with a special law to cover the situation.

On eight separate occasions within the past 8 years, Congress has felt obliged to do just that—to step in with specific legislation to delay or end threatened or actual emergency-creating strikes in the railroad industry. The pace of this case-by-case intervention has quickened as the breakdown of the Railway Labor Act accelerates—four of the eight instances of ad hoc legislation occurred during the past 2 years.

My bill would put all transportation labor disputes under the Taft-Hartley law, and would give the President three new procedures to prevent or end emergency-creating strikes in transportation. When all else fails—negotiations with mediation, proffers of arbitration, and cooling-off periods—the President will have the power to require the parties to come to a contract agreement. This Presidential power, authorized by the "final offer selection" provision of my bill, will spare the American public the trauma of a damaging withdrawal of necessary goods and services while two private parties struggle for personal gain, and will spare the Congress the burden of considering in a crisis atmosphere the enactment of special-purpose strike legislation.

The urgent need for a stronger arsenal of Presidential weapons to combat emergency strikes in transportation is evident in the deteriorated state of industrial relations on the railroads, by the tremendous dislocations caused by the Teamsters strike in 1970, and especially by the present dangerous situation created by the dockworker strikes. The west coast longshoremen are currently working under an 80-day injunction order, after being out on strike for over 3 months from July 1 to October 8 of this year. Pathetically, the major issue in the west coast dock dispute revolves around a jurisdictional struggle between the teamsters and the longshoremen as to which group has the right to pack containers before they are loaded on the ships—a struggle over which the struck employers have little or no control. The west coast longshoremen may strike again when the injunction period runs out. If so, there is nothing further under Taft-Hartley that the President can do. In six out of the seven previous occasions during the life of the Taft-Hartley law that an east or west coast longshore strike was enjoined, the workers struck again after the 80-day injunction had expired.

While the west coast longshoremen have been forced back to work because of a strike injunction, east coast stevedores in several cities remain on strike. At the present time the east coast strike is centered primarily in New York City, where longshoremen are pressing for a continued guarantee of employment. But now with the end of phase I of the wage-price freeze, other ports throughout the east and gulf coast area, which are under the International Longshoremen's Association, may join the strike in a bid for higher wages.

Mr. Speaker, as the representative of a district whose economy is closely dependent upon agriculture, I cannot overemphasize the seriousness with which I view the prospects of an extended strike throughout our Nation's seaports. In spite of all the recent unpleasant news about our balance-of-payments deficit, I should hasten to point out that American agricultural exports have been a strong factor in our favor. Last year farm exports reached a record total of $7.8 billion, and by the end of this decade the total value is expected to amount to $10 billion. Of course, the expansion of this export trade is entirely dependent upon our ability as a nation to first produce, and second to deliver our goods to our customers in a reasonable and orderly manner.

I can say for a fact that we shall have no trouble in producing the necessary food and fiber—American agriculture remains unchallenged for its efficiency and ingenuity. But it is our dependability as a transporter of goods which becomes the weak link—the simple fact is that the Japanese, the Europeans, and the rest of our customers, who expect to eat three meals a day, to keep their factories and mills going, and to keep their livestock fed, simply cannot afford to put themselves in a position of dependence upon a producer who may at any time suddenly cut off the source of supply. By playing this game of Russian roulette we are indeed gambling with our own economic well-being. An extended strike by longshoremen could have a disastrous effect on domestic producers who would find their commodities rotting at dockside as well as seriously undermining the channels of export trade which have been built up through long and hard years of effort.

Mr. Speaker, at the present time, dockworkers of the east and gulf coasts belong to one union, while west coast dockworkers belong to another, and each of these unions bargain independently. Thus, each union enjoys only a half stranglehold on the American economy. But Harry Bridges of the west coast ILWU and Ted Gleason of the east and gulf coast ILA have been talking merger. If a merger of these two unions should occur, the resultant labor monopoly will have a 100-percent stranglehold on U.S. commerce, and then heaven help us all.

Mr. Speaker, "big business" and "monopoly" used to be words applied primarily to our large corporations—and both of these terms have acquired an undesirable connotation. Americans long ago reacted to the "public be damned" attitude of certain barons of industry with a series of regulatory statutes at the Federal and State level. In more recent years, however, we have witnessed a mushrooming of power among our labor unions to the point where today they have in effect become "monopolies" and "big business." While unions have served a worthwhile purpose by improving working conditions for our men and women and hastening the end of corrupt and undesirable practices such as child labor, they have in more recent years carried certain demands beyond the point of reason, and with their concomitant growth of power have in some instances become capable of threatening the well-being of society itself. When we realize, for example, that the dockworkers of America can at will completely paralyze America's international commerce and bring chaos to our economy, we must face up to the fact that this power has gone too far and that the good of society must be paramount to the special interests of one group of workers. It is the obligation of the Congress to reestablish the proper perspective in protecting the public welfare in labor-management relations.

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## CAMPAIGN SPENDING REFORM

### HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. BOLAND. Mr. Speaker, campaign spending reform is among the very highest priorities of this Congress.

The cost of running for national office, always high, is now all but prohibitive. Campaign spending in 1968 made a huge quantum jump—50 percent—over the spending rate just 4 years earlier in 1964. And, still worse, the costs continue to climb at an even more dizzying pace. National office is now beyond the reach of 95 percent of the population. Indeed, it is becoming the inviolable domain of the rich or of those skilled at tapping the pocketbooks of the rich.

The Washington Post, in an editorial published Tuesday, points out that 11 of 15 major senatorial candidates in 1970 were millionaires. The other four—this is hardly startling—were defeated. Let me cite just one further example: Senator FRED HARRIS, after spending an astonishing $250,000 in an early campaign for the Democratic presidential nomination, abandoned the effort just a few weeks ago. His campaign was foundering in debt and unable to raise anything more than trifling contributions.

It is not an exaggeration, Mr. Speaker, to say that public confidence in democracy itself may hinge on meaningful spending reforms.

The extortionate cost of campaigning—and the unseemly scramble for money that accompanies it—is a threat to the democratic process.

The House begins debate today on campaign spending. But we cannot approach this issue in the straightforward and workmanlike way that it merits. The parliamentary context is puzzling—indeed, bewildering. Jurisdictional rivalry among committees has yielded three separate bills—one already passed by the Senate, another from the House Commerce Committee, still another from the House Administration Committee.

The Senate bill, broadest and strongest of the three, calls for just the kind of sweeping reforms needed. It would repeal

the unwieldy "equal time" provision now governing the appearance of candidates on radio and television, eliminating one of the most vexing problems faced by broadcasters and candidates alike. It would, still further, set a ceiling on the cost of television and radio time—the "lowest unit cost" paid by a broadcaster's biggest advertisers. Its provisions would prohibit candidates from spending more than 6 cents per eligible voter in broadcasting messages, or more than 4 cents per voter in conventional printed materials.

The bill, in short, would set up enforceable limits on campaign spending. And—perhaps even more significantly—it would demand public disclosure of just how much is spent and just where it came from.

Drafted by my colleague from Massachusetts, Mr. MACDONALD, the Commerce Committee bill seeks changes in "equal time" and broadcasting expenditures closely akin to the changes sought in the Senate's legislation.

It is ironic that the weakest of the three bills—the one from the House Administration Committee—is scheduled first for floor action.

An effort will be made to replace this legislation with the Commerce Committee bill and the most significant provisions of the Senate bill.

Needless to say, Mr. Speaker, I support this effort.

We must enact the strongest bill possible.

## LEGISLATION EXTENDING INCOME TAX BENEFITS GIVEN MARRIED PERSONS TO SINGLE PERSONS

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. FRENZEL. Mr. Speaker, the Secretary of State of the State of Minnesota has forwarded to me a copy of House File 66, Resolution 1 as adopted by the legislature of the State during its extra session. The resolution calls on Congress to enact legislation extending income tax benefits given married persons to single persons. The full text is as follows:

A RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS TO ENACT LEGISLATION EXTENDING INCOME TAX BENEFITS GIVEN MARRIED PERSONS TO SINGLE PERSONS

Whereas, there is inequality in the present income tax structure which places an unduly large financial burden on single taxpayers of this country; and

Whereas, this problem is becoming more serious with each increase in taxation; and

Whereas, fair income taxation to all people of this country, regardless of marital status, should be a prime concern of the United States Congress; now, therefore,

Be it resolved, by the Legislature of the State of Minnesota that Congress should speedily enact legislation, such as H.R. 4219, H.R. 850, and S. 869, which would extend to all single taxpayers the full tax benefits now enjoyed by married taxpayers filing joint returns.

Be it further resolved, that the Secretary of State of Minnesota transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairman of the Finance Committee of the Senate, the Chairman of the Ways and Means Committee of the House of Representatives, and the Minnesota Senators and Representatives in Congress.

## HON. WILBUR MILLS DEDICATES THE LIBBIE MOODY THOMPSON BASIC SCIENCE BUILDING

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. TEAGUE of Texas. Mr. Speaker, it was my privilege to be in attendance on Friday, November 12 at the dedication ceremonies of the Basic Science Building at the Galveston, Tex., branch of the University of Texas Medical School. The building was named the Libbie Moody Thompson building after the wife of one of our former colleagues, Clark Thompson. It was a most impressive ceremony and under leave to extend my remarks, I wish to include the text of the dedicatory address delivered by the Hon. WILBUR MILLS, the distinguished chairman of the House Committee on Ways and Means:

REMARKS OF CONGRESSMAN WILBUR D. MILLS

Chairman Peace, Chancellor Le Maistre, President Blocker, Members of the Board of Regents, Faculty, Ladies and Gentlemen. I am pleased and honored to participate in these dedication ceremonies. This is, I know, a happy and proud time for all of you here.

You have reason to be proud of this magnificent building and the great purposes it is serving and will serve for many years to come. Today, November 12, 1971, we officially and formally commit this building to the service of not only the City of Galveston but also the State of Texas and the entire Nation. When Texas' first medical school celebrates its centennial two decades from now, this building will have constituted a substantial part of that century of service. And, it is fitting indeed that this building, dedicated to the service of humanity, will bear the name of a great and fine lady known for her dedication and ideals of service for the public good.

The building we dedicate today bears the name of this lady of Galveston—the Libbie Moody Thompson Basic Science Building. She was born here in Galveston, and, I am sure she would say, has spent the most enjoyable years of her life here. But fate was to require that she also spend many years far from her place of birth.

Fate appeared more than fifty years ago in the person of a young marine who was stationed here along with other strangers from the middle and far west of a Nation in its First World War. This young marine, who happened to belong to the same college fraternity as her father, wooed and won his Libbie. After their marriage in November, 1918, Libbie followed this marine officer "to the beach", as the marines say, in the First World War. She was to follow him again. Clark was called back into the Marine Corps from his reserve status in 1940 and was in the first marine expedition to leave the country after Pearl Harbor. This tour of duty was to last five and a half years, until World War II was won.

Then another type of public service called this dedicated couple and 1947 was the beginning of a two-decade period of a distinguished and fruitful career in the United States House of Representatives. This part of the career of Clark and Libbie was, of course, not entirely new to them; they came to Washington for two years in the early thirties when Clark completed the term of an incumbent who died in office.

Clark has often remarked that in politics, when they were campaigning together, Libbie got more votes than he got himself. I know very well from my own experience that the better half can get the better half of the votes, too!

But whatever circumstances Clark might say led to his seat in the House of Representatives, I can testify personally to the fairness and great wisdom so many of his colleagues relied upon in the course of great debates in the Congress. Clark Thompson was a valued, respected, and diligent member of the Committee on Ways and Means. And his wit and sense of humor got us over many a rough spot. It is a further tribute to Libbie that he was not only always sensitive to the needs and aspirations of the people back home but he could also see the larger needs of the Nation he had served with such distinction in two great wars. One thing we all know, Clark and Libbie are a team and I am sure it was that way from the day they decided to travel life's road as man and wife.

Those of you here today are more aware than I of the great interest Mrs. Thompson has shown in health matters over the years and of her particular interest in the University of Texas Medical Branch in Galveston. This great medical complex—the Medical School, the John Sealy College of Nursing, John Sealy Hospital, and the State Hospital for Crippled Children, the School of Allied Health Marine Biology Research—has served the needs of Galveston and Texas for eight decades and is destined, I know, to serve many more. Galveston and Texas need this new building. And so does the Nation. This institution has been blessed by the generosity of many of the leading citizens and organizations of Galveston—the Sealy and Smith Foundation, the Moody Foundation, the Hempner family to name just a few.

The Committee on Ways and Means is now engaged in public hearings on national health insurance. We have been hearing a good deal about what is considered wrong with our present health system, but we have also been hearing what is right.

And one of the things that is right is that so many public-spirited Americans are giving freely of their own time and money to see that their community has the best in health care. You people know that good health care cannot exist without the well-trained professionals who furnish the care. A good case has already been made in our hearings that many of the problems in health care today can be traced to shortages of well-trained health professionals.

Frankly, one of the most disturbing facts we have learned as our hearings began is our increasing dependence on foreign-trained physicians. Last year, while American medical schools were graduating 8700 new doctors of medicine, 8100 alien graduates of foreign medical schools, mostly Southeast Asian, entered the U.S., almost all of them to stay and practice here. It is certainly my hope that we can reverse this trend with the increased capacity of great training centers like this one.

There seem to be four or five major areas of concern which have been developing from these hearings.

One is the area of preventive health measures. This is a quite common theme of those who have been testifying, regardless of their position on specific bills. I hope before the hearings are over we will have gained more specific information and ideas on this important subject, including how to get people to take better care of their own health.

A second area which has been mentioned by many witnesses is the need for a method

of helping the family which is made poor because it happens to be among the relatively few who are hit the hardest by high health costs. There are a variety of ways this problem can be solved but the one which is finally adopted must meet the tests of simplicity of administration and minimum interference with the present system.

The one point that is made by virtually every witness is the heavy inflation which we have seen in health care costs in recent years. We will need to examine carefully every one of the proposals which have been made to see what is possible and desirable in this area. But we will have to be sure that people understand that better health care costs more, too. And health costs aren't the only item in the family budget that have been rising rapidly. Since 1963, men's haircuts have gone up 42.8 percent and health costs 40.9 percent. But I haven't seen a bill in Congress to put the barbers on the Federal payroll.

I can assure you all that the Committee will take a close, hard look at all the proposals before us and we will not act in a hasty, ill-considered fashion. Any bill we finally approve will be so constructed as to retain the much that is good with American health care and to encourage the new and promising developments in our present system. And one of the good things about the present system is here before us—an illustration of how a community and State can help itself and so help the Nation.

It is most fitting and timely, then, that we pause in our daily routine and together dedicate this new addition to the medical school. All of you would agree, I am sure, that in a larger sense the ceremonies here today go beyond the dedication of mere bricks and mortar. Those of you who are associated with the Medical Branch no doubt find this a moment for the rededication of your lives to the fine work you have already begun.

We are also dedicating this building to the good works of your own Libbie Moody Thompson, and the auditorium in particular to the Thompsons' late daughter, another Libbie.

It is then with respect and much personal pleasure that I have been privileged to participate in these ceremonies—for the dedication of a new building to train physicians, for the rededication of the lives of those who will use it, and in honor of the lady of Galveston who has helped turn the dream into reality.

Thank you.

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## SHOWDOWN WITH RONALD REAGAN

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### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. WALDIE. Mr. Speaker, an excellent article on the crisis of higher education in California has been brought to my attention by Mr. Claude Ury of Aberystwyth, Wales.

In a time when the entire economy is under the gun, I think it is significant that the Governor of California sees the crippling of colleges and universities in the State as a primary means of eliminating monetary problems.

As my colleagues will note in reading this excellent article, the tactic could do a great deal more bad than good.

Mr. Speaker, I submit this article, entitled "Showdown with Ronald Reagan," from the London Times for inclusion in the RECORD. Noel Greenwood should be commended for his fine job of reporting:

SHOWDOWN WITH RONALD REAGAN

(By Noel Greenwood)

The higher education boom in the bellwether state of California has exploded amid tightened state spending and a general loss of public confidence.

The slump, which reverses at least 10 years of significant expansion, shows most dramatically in the state's nine-campus University of California and 19-campus state college system. Total budgets for both have been held at virtually their previous year's level although both are admitting thousands of additional students this fall.

Faculty staffing has been cut back for the first time in recent memory, and professors have been denied a customary cost-of-living pay raise by the Legislature and Governor Ronald Reagan for the second year in a row. Faculty members are being accused by Mr. Reagan and others of not working hard enough, and the long-standing tradition of tenure is under attack.

Average class sizes in both systems have risen to their highest levels ever and the flow of money for new campus construction has slowed to a trickle. The state's much-admired Master Plan for Higher Education, for the first time since its adoption in 1960, is being submitted to close scrutiny by a committee of legislators and a select citizens' committee, and the outcome is in doubt. A key measure, the amount of money spent a student by the state, has dropped below its previous year's level. Fees charged to students have been rising more rapidly than ever before. State support of scholarships and special programmes for minority group and low income students has been reduced.

Two, much-ballyhooed, university programmes to attack urban problems and air pollution have been crippled by lack of funding. A $246m health sciences bond issue (about £100m), for the University of California, enabling it to turn out more medical doctors, was rejected by voters last year in what was widely seen as a backlash against student demonstrations. A similar measure going on the ballot again stands little chance of approval.

The situation has led Dr. Charles Hitch, president of the university, to warn that this system is at a point where "distinction will become a memory" unless the pattern is reversed.

Dr. Hitch told the university's board of regents last month: "Without the necessary funds, the university probably could still enroll all eligible undergraduate Californians, but the character of the university would change drastically. Its character would probably be less controversial—and one might welcome this change at first—but it would also be a sterile university."

Even State College Chancellor Glenn S. Dumke who usually avoids any open disagreement with the governor, said that his system is now "providing services at a marginal quality level for a maximum number of students."

Perhaps the most unexpected broadside came from Dr. S. I. Hayakawa, the semanticist who is president of San Francisco State College and a favorite of the governor for the way in which Hayakawa used police force and a no-compromise attitude to put down campus disorders. Dr. Hayakawa charged that "budget technicians" were taking over control of higher education and declared: "The public should be interested to learn what is happening to their college system in the name of economy."

TIGHTENING THE BELT

Mr. Reagan, a Republican conservative and former movie actor, pays little attention to such declarations, saying that higher education has been richly provided for in the past and it can stand some belt-tightening along with the rest of state government.

Belt-tightening is certainly what happened this year. The University of California, which enrolls more than 100,000 students selected from the top 12½ per cent of all high school graduates, is the state's most prestigious system.

Faced with an enrollment increase of more than 4,000, its regents proposed a $372.8m budget, which Gov. Reagan trimmed to $336.6m, virtually the same amount appropriated in the previous year. Last month, Mr. Hitch added up the results for regents. "In the recent past the university has been forced to drop its state-funded summer classes, reduce state-funded research by $6m and lower overall instructional support by 5 per cent. The consequences of the last-named will be severe," he said.

"For example, some campuses are in desperate need of additional faculty support to meet the needs of even such basic courses as freshman chemistry and organic chemistry. Consideration has been given to reducing the number of laboratory sessions or reducing the number of students who are required to take such courses. Neither alternative can be followed without either lowering educational quality below minimum standards or delaying student progress in their major fields. These are the types of choices with which we are now faced."

Library hours have been cut back by 17 per cent, and library acquisitions by 15 per cent. Mr. Hitch said the latter cutback has weakened the campus library collections by forcing fewer purchases of new books ("which has created gaps in the collection") a drop in the number of journals to which libraries subscribe and dwindling purchases of out-of-print materials.

The student-faculty ratio is rising 21 per cent to 17.4:1. Because enrollment in many upper division and graduate courses must remain relatively small, the brunt of the increase will be borne by lower division classes, where enrollment in many cases already numbers in the hundreds.

Mr. Hitch is particularly disturbed about the impact on undergraduate education, which he had singled out for reform only a year earlier. "Our ability to improve undergraduate instruction has been crippled by the decimation of our budget request to the state", he said. "New courses and freshman-sophomore seminars can be offered only by elimination of other courses and increasing class sizes, unless we alter fundamentally the balance between instruction and research."

RESEARCH NEXT FOR ATTACK

University salaries once ranked among the 10 highest in American higher education, but in the latest ranking by the American Association of University Professors they have slipped to 64th place. The lean budget resulted in the loss of 480 faculty positions statewide, which the governor defends by claiming that university professors are not carrying a heavy enough workload.

Recently, state auditors began looking into university operations with special interest in the amount of outside research and consulting done by faculty members—probably indicating that this will be the next subject of attack by the governor. Tenure for professors is under attack not only by the governor but also some legislators and many of the general public. Their displeasure is mainly caused by militant leftist or radical professors, who have considerable job protection under tenure regulations. Although faculty members do not appear to be fleeing the system, there is more talk than usual—even by senior professors—of supporting the hitherto minor moves toward faculty unionization. University officials claim that the governor's attacks have made it difficult for the first time to attract bright young academics to the university faculty.

In some ways, the big (200,000 enrollment) state college system, which accepts students from the top one-third of all high school graduates, has been hit even harder than the university. The state college board of trus-

tees, faced with almost 20,000 additional students, this year asked for $369.3m from the state. Governor Reagan cut the request to $315.8m, a mere $5m more than the prior year's budget. In so doing, the governor cut the existing faculty positions by 250. After the bad news was known, Mr. Dumke told trustees:

"The college presidents and their staffs have already begun to identify those classes which may have to be cancelled and those which may have to be deferred to future academic terms. This will inevitably disappoint numbers of students. Some students may be unable to get the precise classes they wish in the term they desire. This may result, in some cases, in delayed graduations and postponed career plans. The faculty-student ratio will increase more than 11 per cent. This will be translated into more crowded classrooms with necessarily more limited personal contact between faculty and students and a decrease in the amount of time faculty have available to counsel and advise students."

Faculty members in the state colleges, like their university counterparts, received no pay raise for the second year running. Unlike the university, the downturn in the faculty's fortunes seems to be having a visible effect in the state colleges. Faculty turnover is at a three-year high, but, more importantly, the number of senior faculty resigning has shot up 60 per cent compared with the prior year.

Talk of faculty unionization is spreading. A poll shows that a majority of state college faculty favour it, and even the Academic Senate, the main (and traditionally moderate) faculty body, is studying the question. State college faculty have suffered cutbacks not shared by their university colleagues. Awards for distinguished teaching have been abolished, sabbaticals were cut in half, special leaves for research were wiped out, and professors teaching graduate students—who demand more individual attention—now must carry the same workload as professors teaching undergraduates.

The morale of professors has slipped considerably, said one faculty leader, who declared: "It's pretty hard to get enthusiastic about teaching when at every turn you're confronted with what looks like an attack on the faculty."

State college libraries have cut back their hours and book purchases, and the move to year-round operation on all campuses has been stalled. Additionally, joint doctoral programmes with the university, teacher training, the master's degree programme in social work, study abroad programmes and instruction television have all taken budget cuts.

Foreign students in the state colleges were especially stung by the governor's budget actions. They left for summer vacation in June knowing they would have to pay increased fees this fall, but assured the total would be held at $600. The governor's budget pushed that figure to $1,100.

The lean days for higher education are also being felt in the state's 93 community colleges, which enroll more than 800,000 full and part-time students. The fastest growing of all higher education segments, the community colleges offer two-year programmes, both academic and vocational. Virtually anyone may enroll at these campuses, which are supported by tax funds from the state and the local community.

Local taxpayers have become reluctant to increase their support, and state support has decreased proportionately. The result has been tighter budgets, which in turn have increased the number of overcrowded classrooms and made it more difficult for students to get the courses they need.

Private colleges and universities, though not funded by the state, are having troubles of their own. Financing is harder to get and many institutions, including big campuses, like Stanford, have embarked on budget-cutting campaigns and slowed their growth. Enrollment applications are falling off, and one reason may be that the rapid rise in tuition at private colleges and universities is sending more and more students to the cheaper public institutions.

The great variable in all of this is how enrollment will grow in the next several years. Most studies suggest that the steady rise in higher education enrollment will continue through the 1970s. In the 1980s, the growth rate should decline and there is even the prospect of a net drop in enrollment—mainly because of population trends in the state. Then, in the 1990s, an upturn is expected.

Mr. Reagan is suggesting that California higher education can squeeze through the 70s with just about the staff and facilities it now has, then find relief when the growth rate slows in the 80s. But many higher education experts argue that the enrollment crush will be too heavy, and California will have to begin turning students away from its university and college campuses within a few years unless spending is markedly increased.

SECOND THOUGHTS ON GRANTS

Against this backdrop, the state is taking a look at its Master Plan for Higher Education, which set out the functions of the three segments (university, state college, community college) for the first time. Implicit in the two studies of the plan is the central question of whether California can afford to stand by its pledge to grant a higher education opportunity to anyone who can profit by it.

Some authorities are having second thoughts. The governor has suggested that the state colleges and university might have to become more selective. That would push the excess enrollment to the community colleges, but it is doubtful if those institutions could handle the load.

Mr. Reagan may have antagonized higher education circles by his actions, but he has won general support from the California public. Although campuses have been relatively quiet in the past year, Californians are still angry at the widespread disorders and demonstrations—especially those protesting the Vietnam war—in the years before.

Campus administrators were blamed by Mr. Reagan for not cracking down on dissident faculty members and students, and most of the public agreed with him. Issues like the case of Angela Davis, the young black communist professor fired from her job at UCLA over the protests of the faculty and the campus chancellor, and now standing trial in Northern California for her alleged role in a court-house shooting, provided fuel for their anger.

If nothing else, all this means that the golden years for higher education are ended in California and a long, difficult job of rebuilding public and legislative support lies ahead.

## SID GOODMAN: IN MEMORIAM

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. UDALL. Mr. Speaker, on November 9 we lost Sid Goodman, a man whose type seems to be rapidly disappearing from American public life. Sworn into the Postal Service on St. Patrick's Day, 1937, his college career ended by the depression, he planted his feet where he found them and worked for 30 years to better the life of his fellow postal employees, rising through the ranks of the union to be president of the National Postal Union in 1964. He served as president until 1968 when, perhaps aware of the illness that was to cut his life short, he took advantage of the 30-year retirement he had fought for and withdrew from public life.

Sid Goodman was an egalitarian of a type that only the depression years seemed to produce. He said:

A voice and a vote for every member.

The national officers of NPU were elected by a mail ballot in which every member could vote. NPU became the third largest organization of postal workers during his presidency, only 10 years after it was founded. His power base was always the 22.500-member Manhattan-Bronx Postal Union where he served so many years, but NPU membership was three times that when he stepped down. He brought to it the distrust of institutions and sensitivity to the real needs of the rank-and-file employee that can so easily be lost when a man is in a position of power.

Self-taught, an intellectual and activist, he remained "young" in the best sense, never feeling that he had too much to lose to take risks. "Title, prestige. Who needs them?" he said. And again, as president of NPU, "If a guy wants to say, 'We don't want you any more,' he can do it." He made sure it was that way within NPU, for he had never reneged on the values of his youth.

In 1955–56, he was caught up in the repercussions of the Internal Security Act and with several other Federal employees suspended for 6 months until a Supreme Court decision reinstated them. As he put it:

I think it was a combination of the Depression and the Spanish Revolution that made me take a look at unionism. I had read the Marxist classics in college.

Goodman survived this period of witch-hunting working full-time for the union. His intellectually honest, open attitude was no pose, and he weathered the various storms of the times he lived in as well as any man because he identified his interest with that of his fellow workers.

The union movement and the Postal Service, from which he retired 3 years ago, will miss him but his influence will always be felt. His wife and his children will miss him, warm family man that he was. But most of all the country will miss Sid Goodman, an early loss from a certain group of men who came to maturity in the 1930's and drew the right moral and emotional conclusions from what they saw around them.

## A PARALLEL: JOHNSON AND TRUMAN

### HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. CABELL. Mr. Speaker, I would like to introduce into the RECORD an article by a good friend and astute columnist, Dick West of the Dallas Morning News. His

subject brings out some very interesting reflections on former President Lyndon Johnson's tenure in Washington.

The article was printed in the Dallas Morning News on October 7, 1971, and is as follows:

A PARALLEL: JOHNSON AND TRUMAN

(By Dick West)

To those who know Lyndon Johnson personally and studied his troubled years in the White House, there are two interesting impressions of his book "The Vantage Point":

A striking resemblance between the five years he spent on Pennsylvania Avenue and the 7½ spent by Harry Truman; incidentally, they are the only two living expresidents.

The revolt against him—you can even call it double-cross—by the liberals for whom he did more than any other president in history.

A lot of the liberals, particularly those in the influential news media, have seized on publication of his book to renew their attacks.

The review in Newsweek, for example, is extensive in space as well as criticism. His book, Newsweek says, is "bland" and "self-serving." On Vietnam, it adds, "he focuses almost entirely on the facts that justify his decisions. Instead of a full view from the cockpit of history, we get tunnel vision."

As in 1964, which was the year Johnson ran against Barry Goldwater, Newsweek says, "We get just the information that suits Johnson's purposes" in the book just published.

Like Truman, Johnson took over a job he never expected to have and assumed it under the most difficult circumstances. When you don't expect a hot potato and it suddenly is thrust into your lap, you have to react and improvise quickly to keep from getting burned.

Truman faced circumstances that led to the conflict in Korea. The same was true with LBJ in Southeast Asia. Truman followed an anticommunist policy and was firm in carrying it out. So did LBJ.

Both presidents were poor and had an agrarian, populist philosophy. Both men had to take the oath in an atmosphere of sorrow—and both were reluctant, naturally, to change the course set by Roosevelt and Kennedy, respectively; yet both in time were forced to establish their own identities and to assert their own brands of national leadership.

Neither grew up in an environment of black-white friction; yet, next to forging a strong national defense, to both civil rights became a vital priority.

The hearts of both men remained in the United States Senate where they had served with distinction (particularly Johnson) and established their closest ties.

The two "did my best" in the face of constant carping and neither ran for the office but once, although Truman served almost eight years because FDR died after serving only 3½ months after his last election.

Three former presidents were living when Johnson took over after the assassination: Herbert Hoover, who was very aged; Truman, and Gen. Eisenhower. All offered their services and counsel, but this important paragraph in the book reveals the influence of Truman and the possible course the Texan would follow:

"He (Truman) pledged his support for our efforts in Vietnam. He told me he had faced the same problems of aggression in Greece, Turkey and Korea. He said that if we didn't stand up to aggression when it occurred, it would multiply the costs many times later. He said that his confrontation of those international challenges—particularly in Korea—had been horrors for him politically, bringing his popularity down from a high of 87 per cent to a low of 23 per cent. But he said they represented his proudest achievements.

"He told me always to bear in mind that I was the voice of all the people. A few of the big voices, he said, would try to drown me out from time to time, but the duty of the president was to lead and champion the people's causes."

The strangest irony of Johnson's 61 months in the White House was the bitter opposition from those he had helped the most—the so-called intellectual liberals.

John F. Kennedy was their ideal—yet JFK never, in his three years as president, gave them the broad legislation they had sought for years.

Kennedy's greatest failure was in his dealings with the Congress. It remained for Johnson to do what Kennedy never was able to do; this was because Kennedy's heart and soul were always above and apart from the Congress and Johnson's were imbedded in it.

Johnson's greatest genius was conceiving a bill and passing it. He knew the right time, the right places and the right men. He had been tutored by the old master, Sam Rayburn, but he combined that tutorship with amazing talents of political timing and persuasion.

His first big assignment in taking over the presidency, therefore was to establish rapport with Congress, then push through legislation which, frankly, Kennedy had been unable to do. Psychologically, this was important, so as to reassert the chief executive's importance.

Johnson approached this assignment skeptically. "Frankly, I was not certain I could get a single bill through Congress."

But the next 10 months saw passage of a tax-reduction bill, the civil-rights bill, the food stamp bill, the War on Poverty, the Urban Mass Transit Act, the Housing Act, the Wilderness Areas Act, National Seashore Act and Nurse Training Act.

What will the historians say of Lyndon B. Johnson of Texas? James Farley, who has known all the presidents intimately since Cal Coolidge, told me on his recent visit to Texas:

"I think Mr. Johnson's place will be alongside that of Harry Truman. I hope Johnson lives long enough to enjoy the praise that is certain to come to him in time. He met his complex and difficult assignment manfully, competently and with determination and courage."

## SENATOR BYRD ON TAXES

### HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. DOWNING. Mr. Speaker, my distinguished Virginia colleague in the Senate, the Honorable HARRY F. BYRD, Jr., has once again expressed his informative views concerning our national economy. These were covered most interestingly in the editorial columns of the Northern Virginia Daily. I am pleased to include the editorial so that everyone may have an opportunity to benefit by reading it.

[From the Northern Virginia Daily, Nov. 11, 1971]

SENATOR BYRD ON TAXES

Virginia's Senator Harry F. Byrd, Jr., has expressed certain views regarding the Nixon economic program which were intended primarily for the U.S. Senate, but should be carefully studied by every American.

After making clear his support of the current effort to halt inflation, including the temporary surtax on imports, the wage-price freeze, and the abandonment of the gold standard, Sen. Byrd questions the advisability of President Nixon's tax proposal as embodied in the pending tax bill (H.R. 10947). The bill, if passed in its present form, would reduce annual tax revenues by some $10 billion.

These reductions would be accomplished by the following provisions in the bill:

1. A seven percent Job Development Credit (President Nixon proposed a 10 percent credit until August 15, 1972, and five percent thereafter).

2. Repeal of the seven percent excise tax on automobiles and repeal of the 10 percent tax on light trucks.

3. Accelerated reduction in individual income taxes beginning in 1971 by an increased personal exemption of $25 for 1971 and by an additional $75 for 1972; and an increase in standard reductions.

4. Deferral from taxation of portions of income derived from exports of Domestic International Sales Corporations (DISC).

5. Codifies depreciation on corporate capital assets.

Taken individually, Sen. Byrd sees merit in each of the above proposals, as being beneficial to either business or to individual taxpayers. This is especially true in regard to the seven percent Job Development Credit, which would in effect be a reinstatement of the old Investment Tax Credit which was repealed in 1969 at the instigation of the Nixon Administration.

However, what the senator questions is the implementation of extensive tax reductions at a time when "the government is already running a smashing federal funds deficit."

In the current year, he points out, "revenues would be reduced by $11.2 billion; next year the revenue loss would be $9.8 billion." And, these reductions are contemplated at a time when there appears to be no intention on the part of the Administration to cut federal spending.

In his statement Sen. Byrd put it this way:

"But I do not see much indication that either the Congress or the Administration is prepared to reduce spending. In fact, the Administration urged the Congress to increase the amount appropriated for foreign aid from $1.9 billion in 1970 to $3.5 billion for 1972—almost double; it is urging Congress to enact a new $1.5 billion program dealing with school desegregation; and worst of all, it is strongly urging the Congress to approve a new welfare proposal that would increase the annual cost at least $5.5 billion."

The federal deficit for fiscal 1971 was $30 billion. The Joint Committee on Internal Revenue Taxation places the 1972 deficit at $35 billion. Sen. Byrd raises this pertinent question: In view of the dismal outlook for continued federal deficits of enormous size, and in view of the fact that federal deficit spending is recognized as the major cause of runaway inflation, is this the time to talk about reducing tax revenues, an action which can only result in even greater deficits?

Wise fiscal heads will certainly hesitate before taking such a step, unless it can be accompanied by corresponding reductions in federal spending.

## REPORTER SUMMARIZES A CHAMPION'S RECORD

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. EILBERG. Mr. Speaker, we of the Philadelphia delegation have always been proud of our distinguished colleague, ROBERT N. C. NIX. So it was with more than a little pleasure that I recently

read an article by Jack Saunders in the Philadelphia Tribune, which puts the past record and future intent of ROBERT NIX in the perspective of his admirable service to not only his constituents, but to the Nation as a whole.

I enjoyed seeing in print the definite commitments by Congressman NIX on troublesome issues. I would like to call Mr. Saunders' article to the attention of all my colleagues and hope this article will again be brought to the attention of every constituent in the Second District of Pennsylvania so they can appreciate the sincere and vigorous statesman who represents them in the Congress:

JACK SAUNDERS SAYS

(By Jack Saunders)

Champions seldom, if ever, retire while they are in their prime. Joe Louis was way past his peak when he retired as undefeated heavyweight champion of the world. So was the incomparable Sugar Ray Robinson when he stepped down as middleweight champion of the world.

Congressman Robert N. C. Nix, Sr., is a real champion in the halls of the United States House of Representatives. Thus, when I heard on the streets that Mr. Nix was thinking of retiring from Congress after he completed the current term, I went to his headquarters, at 2139 N. 22nd Street, last Tuesday night, and asked him the big question.

Congressman Nix looked at me is if he thought I had taken leave of my senses. "Retire?" he said, frowning. "Am I going to retire? From Congress?" He laughed, or rather chuckled. "No, Jack," he said, shaking his head, "I am not going to retire. I might retire ten years from now, but I certainly have no intention of doing it at the end of this session. I shall stand for reelection in 1972, and I shall be successful."

Robert N. C. Nix, Sr., was the first Black man elected to the United States Congress from the Commonwealth of Pennsylvania. And last Tuesday night, when I went to see him to question him about the retirement rumors, his son, Robert N. C. Nix, Jr., was elected to the Pennsylvania State Supreme Court, the first Black man to achieve that distinction.

Consequently, Congressman Nix was in exceedingly good spirits when I entered his headquarters, and his spirits were still soaring when I left. In the meantime, he had given the lie to rumors that he was considering relinquishing his seat as Pennsylvania Representative of the 2nd Congressional District.

I have known Congressman Nix since I was a newspaper cub reporter. His son was about seven years old the first time I heard Mr. Nix plead a case for a client in magistrate's court. He did a magnificent job, too, because he was then, and still is, a brilliant lawyer.

Quite frankly, I didn't believe the Nix retirement rumors when I heard them. He would never leave Congress while in good health—and his health is top-flight. He would never quit so long as he could represent his constituents in a manner that would gain for him the respect of all of his colleagues and gain for his constituents the kind of legislation beneficial to them and theirs.

Congressman Nix is not a do-nothing Congressman, he's a working Congressman. He has one of the best attendance records in the House, and his voting record on bills and measures of great significance to the nation, state, city and his district is almost without parallel.

A Member of Congress since 1958, Congressman Nix has the kind of seniority which enables him to walk with and legislate with the most powerful members of the House. As a result, he is a member of the potent Post Office and Civil Service Committee, the Foreign Affairs Committee, is chairman of the influential sub-committee on Postal Operations, and chairman of the House Interparliamentary Committee of the United States and Mexico.

As a working Congressman rather than a do-nothing Congressman, Mr. Nix has four offices where his constituents can call upon him or his administrative assistants: 2201 Rayburn Building, Washington, D.C.; 2139 N. 22nd Street; Customs House, 2nd and Chestnut Streets, and 8325 Stenton Avenue, Philadelphia, Pa.

I asked Congressman Nix to fully acquaint me with his Congressional record, last Tuesday night. Responding, he talked about Vietnam, Israel, Education, Health and Health Insurance, Consumer Legislation, Crime, Drugs, Equal Employment, Federal Employees Salary, Foreign Affairs, Income Tax, Small Business, Social Security, Obscenity, Pollution, Interstate Commerce, Memorials, Near East Peace and Monthly Benefits.

On memorials: "I introduced a Bill, HR 7745 which designates the birthday of the late Dr. Martin Luther King Jr., January 15, as a legal holiday; and HR 16685 which authorizes the President to present a gold medal to the widow of Dr. Martin Luther King Jr., for his work in the cause of human rights and the equality of men."

On Vietnam: "I have opposed the Vietnam conflict from its inception. I have introduced and joined with other members of the House of Representatives in the introduction of 20 House Resolutions demanding the immediate cessation of the Vietnam War and the immediate withdrawal of all United States forces, and I shall continue the fight until this cruel and senseless slaughter is ended."

On Israel: "I am irrevocably committed to the preservation and prosperity of the State of Israel. My commitment to Israel was made known to President Nixon by direct communication, and by House Resolutions introduced by me alone, and in cooperation with other Congressmen in which demand was made for the sale of planes and the extension of credit to Israel."

On education: "Measures I have introduced in Congress aid and expand the educational field for our young people and these bills along with others for which I have voted and worked, reflect my own deep commitment to the value of full educational opportunity. In addition, I have secured over 1,500 college scholarships for young people in my district. Further, it might interest you to know that I have appointed over 30 young people (Black and white) to the Service Academies—West Point, Annapolis, and the Air Force Academy."

On income tax: "My bill, HR 12861, increases from $600 to $1000 the personal Federal income tax exemptions of a taxpayer."

Congressman Nix and I discussed his congressional career and record until early midnight, last Tuesday. At the conclusion, I was firmly convinced that I had been conversing with a public servant to whom "retirement" was an unthinkable word.

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## TESTIMONY IN SUPPORT OF CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROJECTS

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. KOCH. Mr. Speaker, a panel of five distinguished men appeared before the Ways and Means Committee on Tuesday, November 16, in support of the extension of the special project grants under title V of the Social Security Act. I have introduced legislation to extend the Federal funding for these children and youth and maternal and infant care projects for an additional 5 years at a funding level of $630 million. This bill, H.R. 8799, is cosponsored by 86 Members of the House and has been introduced in the Senate by Senators GAYLORD NELSON and EDWARD KENNEDY with 15 other sponsors. Their testimony was extraordinarily impressive and I append it for the interest of our colleagues:

TESTIMONY OF FRED SELIGMAN, M.D., M.P.H.

My name is Fred Seligman. I reside at 1522 S.W. 81 Avenue, Miami, Florida. I am Director of the Children and Youth Project at the University of Miami School of Medicine and am here today as the Chairman of the Association of Children and Youth Project Directors. I represent the staff of the 68 Children and Youth Programs throughout these United States and the more than 500,000 children and youth who receive comprehensive health services through these programs. I endorse most emphatically the continuation of these programs under Title V of the Social Security Act. Specifically, our Association supports without reservation the bill introduced to the House of Representatives by Congressman Koch of New York (H.R. 8799) and the companion bill introduced to the Senate by Senator Kennedy of Mssachusetts and Senator Nelson of Wisconsin (S. 2135).

These programs exist throughout this Nation: in the Virgin Islands, Puerto Rico and Hawaii. There are programs in all corners of the Mainland—Miami, Concord, Los Angeles, and Seattle; Central America—Chicago and Omaha; Rural America—Little Rock, Charlottesville and Helena.

This Nation is moving in the direction of comprehensive health services to defined segments of the population. Many proposals have been receiving serious legislative concern by many members of Congress. Mr. Chairman, neither our Association nor any member of your Committee would advocate that we move recklessly in establishing a National Health Plan. This task requires considerable thought. Even though our health delivery system is far from perfect, we must resist the temptation to destroy what we already have, only to create something new. We must instead build on those components of our system that have proved their effectiveness and modify only those segments of the health system that require revision. We cannot afford the economic and human costs of abandoning programs that have demonstrated their efficacy. We cannot afford to ignore the critical health problems that daily face this Nation's young.

For these reasons, Children and Youth Projects as well as a variety of other significant health programs for mothers, infants, children and teen-agers, that are authorized under the current Title V of the Social Security Act, should be continued organizationally intact until June 30, 1977 and expanded to at least the $500,000,000 level which both bills recommend.

Because no perfect system has been developed, Children and Youth Projects should continue to demonstrate and develop improved health care delivery patterns to children. Ultimately, Children and Youth Projects will ably phase into an overall National Health Plan, or, if in the judgment of this Committee, the counsel of our Association be considered wise and visionary, a National Health Plan should ultimately be phased into and expanded upon a merging of the basic triad of Title V of the current Social Security Act, namely children and Youth Projects, Maternity and Infant Care Projects and Crippled Children's Programs.

Essential factors of quality health care include comprehensiveness and continuity. Concentration on a defined geographical area provides for efficiency. Neighborhood Health Center Programs are currently the

only publicly-supported programs, other than children and youth projects that are explicitly committed to the delivery of comprehensive health services to a specific population group in a well-defined geographical area.

Children and Youth Projects, both organizationally and philosophically, are distinct from all previously conceived health programs. Children and Youth Projects focus medical and dental care to all children in a family; however, the provision of most ancillary services such as public health nursing, social services, nutrition and health education are usually family-based. Unless there is a specialized focus and concern for children, children frequently do not receive the priority they deserve in family oriented *medical* system. Children and Youth Projects have developed a meaningful model of health delivery with built-in standards accepted by the appropriate professional bodies, that is applicable to children nationwide and upon which can be built family-centered care to children and adults.

Children and Youth Projects are the only publicly-supported comprehensive health care system that has developed meaningful quality control and evaluative components. While there is a wide variation in average cost per registrant among individual projects, the average cost per registrant was $162. In calendar year 1969, and is estimated to be $130, per registrant for the present fiscal year. As compared to the national average health cost of $350, per man, woman, and child in this nation, these projects are performing economically, particularly considering that these children are drawn from least healthy geographical areas.

Our Program at the University of Miami, like many throughout the country, has demonstrated the efficacy of health care delivery that is based on a preventive rather than an episodic approach. Since initiation, we have decreased our overall cost per patient more than 80% in spite of inflation. Nationwide the Projects have increased the frequency of "well-children registrants" by 50%. There have been significant decreases in the number of diagnosed preventable conditions as well as diagnosed correctable defects. Such factors demonstrate the positive impact of these Programs through preventive services, correction of defects, and health promotion.

The value of a preventive approach is seen in respect to hospital admissions. In fiscal year 1969, the hospital admissions in Children and Youth Projects nationwide decreased 36%. The continued need for these programs is demonstrated by the fact that a relatively high percentage of children, particularly in the 5–9 year age group have a low immunization level in the geographic areas served by the Children and Youth Programs. One out of 10 registrants in these Programs fail the vision and hearing screening tests. There have been many published studies documenting these facts relative to Children and Youth Projects.

Children and Youth Projects are administered by teaching hospitals, official health departments, and Pediatric Departments in medical schools. The Projects are approximately equally divided between these three funding agencies. The impact that these Programs have had on these agencies has been profound, particularly on the voluntary hospitals that have been involved, and especially on the medical schools. As a medical educator, I can speak to the fact that these Programs have had major impact in exposing medical students and other trainees in the health sciences to an innovative inter-disciplinary health care delivery system, a system that is concerned with maximizing quality and efficiency. New manpower models have been developed in these Programs. Students are learning how they can ultimately interface with the many new ancillary health professionals in the field. An increasing number of these trainees are now choosing careers in community medicine having had meaningful exposure to these Projects.

These programs have attempted to solve the manpower crisis in health by retraining talented individuals, both professional and non-professional, who have been attracted to these programs. These individuals have thereby gained meaningful experience and expertise in the delivery of comprehensive health services, particularly to children.

Termination of these projects will mean that these now talented and vibrant individuals will return to the less meaningful professional and ancillary ventures that they came from. Mr. Chairman, our association invites your committee members to visit our programs. There you will sense the enthusiasm of health workers, you will perceive the vitality of concerned people, you will feel the hope and well-being of patients. You will sense an atmosphere of excitement and creativity. You will witness quality care.

Gentlemen, what this Nation needs is people who care. We speak of a health care crisis in America. Our emphasis has been on "Health". Our crisis is not so much in "Health" as in terms of "Caring", in terms of developing a cadre of professionals who truly care for the people they serve.

Termination of the projects will mean that both professionals and recipients will feel penalized for caring. Already there have been professionals who have left these projects feeling that those in positions of power and authority do not care. For example, four of the Children and Youth Projects in the greater New York City area presently do not have directors because of an uncertain situation.

Most importantly, termination of these projects mean that the children and youth in our various communities around the country decide again that they have no friends in the establishment and will return to anti-social behavior, juvenile delinquency, poor health habits, sickness and the cycle of poverty.

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TESTIMONY OF VERNON E. WECKWERTH

My name is Vernon E. Weckwerth. I am a resident of St. Paul, Minnesota in the 4th Congressional District. I am a professor in both the School of Public Health and the Medical School in the Department of Family Practice at the University of Minnesota.

My testimony today is a distillation of over 5 years of personal involvement in developing an on going management and evaluation of the C & Y program.

Of the currently registered nearly 500,000 of the nation's poorest children living chiefly in central city slums, about 3 of 5 or 60% are black, about ⅓ or 34% are white with the remaining 5.4% comprised of chiefly American Indians. About 1 of 6 of 17% who are Spanish speaking or of Spanish surname.

Currently 68 local service projects located in all 10 HEW regions and in 31 states are delivering appropriate services which are citizen acceptable, easily available, readily accessible, of high quality and of low cost.

The C & Y as a program is national in scope but characterized by an American ideal of being tailor made by and directed to fit the idiosyncrasies of each local area, be it central city, rural or a mixture of population densities. The 68 projects are as diverse in tailor making care delivery to their local areas as their areas and this nation is diverse. Organizational forms include a full spectrum from classical fee for service solo practice private physicians to indigenous community worker quarterbacked coordinated home care delivery teams.

The C & Y Program has been intentionally cautious about publicity, not wishing to make promises it could not fulfill, not overselling the creative dreams of the hundreds of zealous workers who have too frequently seen demonstration programs satisfy the innovator's needs without benefitting the health of those they purported to serve.

Critical to C & Y is a rarely occurring if not unique organized flow of services with its data documentation system. This data system was created to produce on-going evidence of the effectiveness of alternative ways to deliver health services. It's data system was created to be the decisionmaking basis for allocating resources, documenting flows of children receiving services, documenting the kind of presenting problems, documenting the frequency and effectiveness of treatment and requiring a written care plan tailormade for each child to assure that timely and effective preventive services were received by the child.

Without question, the current crisis in health care delivery is the crisis of cost, because technically no services are free, someone must pay. Government at all levels must find means by which to obtain from the private sector the dollar resources to pay for the care of government has promised to millions of Americans who do not pay directly for such services.

Five years ago, one of the first endeavors we undertaken was to assure that the C & Y data system would be structured in such a way that annualized costs per child year of risk could not only be documented but that such data could be applied to project management on an on-going basis. As part of that development new theoretical efforts were solved and field tested to assure that they would work in the pragmatic day to day service would but also that conceptually they could be used for prediction. Each year for the past 3 years we have projected the annualized costs of services per child year as of the following year. We have always been within $2 of the actual expenditures once the cost incentive was in and anticipate similar accuracy for next year.

The dramatic performance in annualized cost reduction in the C & Y is simply summarized this way:

As of January 1, 1968 at the beginning of such mandatory reporting the annualized cost per child year was $201 per child, by December 19, 1969 it had fallen to $162 and by December 31 of 1970 it had fallen to $140. Our estimate for what the cost should have been as of June 30, 1971 was $129.81. We have not as yet received final audited expenses from all projects because not all are on a Federal fiscal year but the remaining projects are known by past history to average slightly less than the programs at large. To date that program average annualized cost is slightly less than $131.

Our predicted cost for June 30, 1972 is slightly over $126 per child per year—compared to the popularly cited cost per year per man, woman and child of $350 in the United States, the health care costs are unrealistically low for such a health deprived population when you consider that that $131 cost includes medical services, including hospitalization, dental services, nursing services, social services, speech services, hearing services, nutritional services, psychological services and physical and occupational therapy services in addition to health education, transportation by most projects and an array of specially tailored programs to meet problems of the preschooler, the adolescent, the unwed mother and some family planning services.

Although this management data system was developed over 5 years ago, the essence of its development was to answer questions believed to be those which would be asked and critical to be answered in the early 1970's.

For example the overall cost measure, annualized cost per child year is the operational term to implement the vague concept of capitation. The organizational forms include substitution and interchange of skills among non-professionals and profes-

sionals in teams structed so that less costly workers can do the job in lieu of more costly and usually scarcer workers. Such manpower is critical to most of the current national health services proposals be they acronymed by CHSO, HCC or HMD.

The array of performance measures which were developed as means of quantifying completeness and continuity of care is the heart of any mechanism for decision making and organizational direction and control or for reorganization of health services in existing alternatives currently proposed.

For example, each C & Y project receives each quarter a report on its absolute performance by an array of measures such as medical backlog, dental backlog, well child rate, reassessment interal etc. These measures tell the projects how they are performing, how long it will take to produce healthy children at their current productivity rate for all registrants and how they have allocated resources relative to the major jobs to be done in their project areas. In addition, each project receives a relative ranking to all other reporting projects on each performance measure.

Currently in vogue is another concept called outcomes of care. The C&L programs and its management information system was created to answer the outcome questions. Too long health programs, health workers and health facilities had believed their existence was a social good and that they were justified by expending time, effort and resources believing they were above accountability as stewards of societal resources. Their beliefs provided data which were no more than wing flapping statistics of head counts, lab tests, visits to clinics and dentists and physicians and days in the hospital. The unit item of service inputs never required nor could they answer whether all those resources did any real good, and only concentrated on accounting that the birds had in fact flapped their wings so many times. No one had questioned whether the bird flew—let alone how high, how far, how long. The C&L program and its tailor made management information system was designed to produce and document the production of healthy children and a management accountability system to assure that children were maintained in that healthy state—within the limits of our own knowledge and skill of the art and science of health care delivery.

To my knowledge, this is the only health program which is national in organization, which has an on going performance measuring system to reflect an accountability for health maintenance, with appropriate care which is available and accessible and acceptable which is adaptable to any locale in this diverse nation capable of adjusting locally required inputs by a process of providing services which result in accountable outcomes.

But this glowing tale of documented performance—no special date had to be created for this testimony, no case had to be made with scurrying for evidence of performance or cost benefit analysis—they're all there as an on-going part of this program—has a very bleak other side.

Our analysis shows that the costs are currently below what they should be. Backlogs are now rising, planned service rates are falling, the growth rate is approaching zero—meaning that many projects have closed their doors to new registrants and many more will within this fiscal year.

Even though we can with special and very sophisticated Markovian and foregone benefit economic analyses impute the annualized cost per child year for any project, compare it to the actual cost and then determine its economic efficiency the program at large is currently underfunded. Those underfunding effects are now showing operationally. They are deferring required services because of lack of dollar resources.

All of the program indicators taken in composite shows a jeopardizing of the state of health attained by these children. If the legislation is not extended, let alone if funding is not increased, these half million of America's most health economic deprived children face a return to the devastatingly inadequate, disease oriented crisis emergency scene that characterized the usual and usually only service available to nearly all of them prior to the implementation of these Children and Youth Projects.

Without question the need is critical, the evidence is in, the facts are available for the reading. The question in a sense becomes—is this just another great idea and a noble demonstration in the graveyard of the health field? Or is it one that has proven itself to become expanded and extended as a prototype for millions more of our children.

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TESTIMONY OF DR. ROBERT E. COOKE CONCERNING TITLE V, SOCIAL SECURITY ACT, H.R. 1, NOVEMBER 16, 1971

MR. CHAIRMAN: I am Doctor Robert E. Cooke, Pediatrician-in-Chief, Johns Hopkins Hospital, professor of Pediatrics, Johns Hopkins University School of Medicine, and Chairman of the Scientific Advisory Board of the Joseph P. Kennedy, Jr. Foundation. Our Department at the Johns Hopkins Hospital operates one of the largest children and youth projects, caring for almost 20,000 poor infants, children, adolescents, and young adults of East Baltimore. For over five years the resources of the Children's Medical and Surgical Center of the Johns Hopkins Hospital have been dedicated to the 25% matching support for this program. The Johns Hopkins Medical Institutions have utilized the Comprehensive Child Care Clinic, as it is called, for research supported by private foundations, the Maternal and Child Health Service, and the National Institutes of Health, with participation by the Westinghouse Aerospace Industries. Studies are made on physician efficiency, clinic efficiency, the optimal design of outpatient facilities with respect to utilization of personnel and acceptability by patients.

RECOMMENDATION

I am appearing in support of amending H.R. 1 to extend Title V of the existing act as described in section 508 and 509 with full funding at the 350 million-dollar level with removal of 508B and 509B, as described in the Koch bill which was introduced by Congressmen Burke, Corman, Carey and others. This will continue project grants as 40% of the total, with funds being allocated on a state formula basis of 50% and for research 10.

JUSTIFICATION

The Maternal and Infant Care and Children and Youth programs have more than demonstrated their contribution to the health of mothers and children. I will devote my testimony primarily to the need for project grant continuation to permit the concentration of health care in high risk areas, rather than devoting the majority of my testimony to justification of the Maternal and Infant and Children and Youth programs.

The data is indeed impressive from Maternal and Infant Care centers for the reduction in infant mortality, and for the expansion of family planning services. These are services which cannot be carried out by traditional fee for service activities. The Children and Youth program has brought care to almost one half million needy children. In East Baltimore alone some 20,000 children are under care, with 70,000 visits being made each year, as well as 12,000 community home visits. Over 10,000 tuberculin tests and 3,500 vision screenings are made on an annual basis alone. This project provides the only medical care for some 25,000 children in an area where there is not a single physician caring for children. In one year alone, this project has detected over 200 cases of early tuberculosis, 225 behavioral disorders, 650 cases of asthma, and 200 cases of mental retardation and severe learning disabilities. All of these cases are under treatment. In a study of the effectiveness of the examination program in comparison with a similar control group not under Comprehensive Care, there was 50% greater elective correction of disabling defects—strabismus or squint leading to blindness if not corrected; hernias leading to disability in later life if not repaired early; and serious cosmetic defects which, if not corrected, could lead to serious psychic scars.

MAINTENANCE OF HEALTH

A highly sophisticated computer system has been developed in order to flag high risk patients or an uncooperative family needing special social work attention. This follow-up mechanism that we liken to the term "Esso's watchdog service" permits proper supervision of a large number of patients in a way that could not be done by any small group operation: In addition, it provides accountability data which is essential in any adequate assessment of financing.

COMMUNITY INPUT

The parents of the children's service provide continued input and review of the program through a fourteen-member Parent Advisory Board. They have assisted in the determination of the kinds and hours of service, made decisions regarding Food Stamps, and assisted in such activities as determining Food Stamp eligibility and housing problems. The parents have also assisted in a major way in combating drug abuse and school dropouts. The training programs for indigent poor have led to excellent employment programs, particularly by means of community health visitors who provide remarkable follow-up in social services.

A cancer screening program is established with blood and urine specimens assisting in the early detection and treatment of certain kinds of tumors and leukemia. A vigorous lead poisoning screening program has been in existence for several years. In one month alone some 246 children were screened, 88 were discovered with blood lead toxicity, 29 with major toxicity. Of the 29 with major toxicity, 24 have been spared brain damage by early detection, and the other five who were mentally retarded, have been given treatment. Extensive planning for family services has been made available. A training ground for personnel from the community, as well as physician training and recruitment, has been established.

Traditionally, Johns Hopkins has produced leaders in medical education. Now every medical student at Hopkins has the opportunity to see medical care in the community, to see effective preventive therapy in action. All these activities have been done at the cost of $142 per registered patient per year which includes outpatient and inpatient dental care, drugs, eyeglasses, applicances, and so forth. Of all the children in the census tract, the cost is approximately $153 per child per year.

Our project is not alone in having this excellent record. In Rochester, New York, sharp reductions in expenditures due to extensive economizing have been effected by Comprehensive Child Care. This includes a 38% reduction in expensive and usually unsatisfactory emergency visits.

NECESSITY FOR PROJECT GRANTS INSTEAD OF TOTAL STATE FORMULA ALLOTMENTS

If this amendment is not adopted, a decreasing amount of funds will go to states with urban populations. Following a 1935 formula which gave a double weight in funding for high rural birth areas, as a consequence, truly health depressed urban areas will lose their only source of comprehensive medical care. Fifty-six counties in the United States account for one half of all the

yearly excess infant deaths in the United States. These fifty-six counties are mainly large metropolitan centers with large backlogs of other unmet child health needs. Every area needs more for mothers and children but urban ghettos have major health problems.

INFANT MORTALITY

Urban areas have far higher rates for infant mortality. For example, the District of Columbia has a mortality rate of 27.3% per 1,000; this is far higher than the national average.

PREMATURITY

Prematurity with its serious consequences of mental retardation in a high percentage occurs 2 to 3 times more frequently amongst the urban poor. Births out of wedlock, with a high risk of abnormality, are 10 to 15 times higher in urban areas, as are venereal disease rates in adolescents.

MEASLES

Measles occurs 2½ to 4½ times more frequently in low income urban areas. In Los Angeles, Dallas, Houston, and Little Rock, measles occurs earlier far more frequently, with brain damage from encephalitis leading to mental retardation. Inadequate measles immunization occurs in these cities with a much greater chance of spreading to epidemic proportions in crowded city areas.

TUBERCULOSIS

Tuberculosis occurs throughout the United States 18 cases per 100,000. In cities such as El Paso, Texas, the rate is 63.9 per 100,000; in Baltimore, Maryland, 54.4; in the District of Columbia, 48.9. Again, in crowded areas, tuberculosis spreads amongst the disadvantaged. Seventy-five percent of these cases could be kept from active disease if early identification and treatment could be carried out.

ACCIDENTS

In the National Health Survey of 1968, the accident rate, which is the major killer of youth, was higher by 25% in urban areas. Children had illnesses confining them to bed twice as frequently in the city and considerably more school was lost by the children who needed it most.

RHEUMATIC FEVER

Rheumatic fever is three times more common where there is crowding. In the city of Chicago, there are 35 cases of rheumatic fever per 100,000 as compared with Sweden, with 2.3.

MEDICAID NOT ADEQUATE SUBSTITUTE

In urban areas, Medicaid cannot substitute for Children and Youth programs. There are no physicians in most areas. The number of physicians giving primary care to children is dropping rapidly. As Doctor Albert Haynes has pointed out in his book *Health Care in the Ghetto*, there has been an extreme loss of physicians; in many center cities the only resource are Children and Youth programs.

An excellent study from Rochester, New York, published in the New England Journal of Medicine, indicates that the pattern of use by low income families has not changed at all as a result of Medicaid; medical services are not obtained except for major illness, in sharp contrast to the patterns of middle income families. Even if there are adequate numbers of physicians, the fee for service approach, conventional private practice approaches, or Medicaid approaches cannot reach the urban ghettos. To reach families who require help most, adequate organization extending into homes and into schools is needed. We have designated such approaches as "hot pursuit," an absolute essential. There must be a large active door-to-door field force and computer capabilities for flagging and identifying important cases.

EXPLANATION FOR DIFFERENCES

The major reason for the difference in approaches for staffing patterns which put emphasis on community follow-up results from a remarkable difference in compliance. For example, in community mental health programs amongst the urban poor, 50 to 60% drop out from conventional community mental health centers. Many mental health centers refuse social difficulties. If appointments are not kept, the patient is considered resistive and dropped.

On the other hand, centers such as those associated with C & Y activities have a vigorous follow-up program, and patients dropping out are considered to be the ones requiring treatment the most. The follow-up of tuberculosis needs active participation from a field force. INH, a very effective preventive measure in children without risk, can be given in a one-month supply but 50% of the children may not return.

Therefore intensive pursuit is required to develop effective treatment programs. Compliance in the taking of penicillin has been adequately studied. In private practice, 56% of children remain on penicillin for nine days for the treatment of streptococcal throat in order to prevent rheumatic fever. Of the urban poor, 71% have stopped taking penicillin in the treatment of streptococcal throat by the sixth day, and only 18% of clinic patients remain on penicillin through the ninth day, even when the penicillin is supplied free.

C & Y AS A FOUNDATION FOR CHILD DEVELOPMENT PROGRAMS

Congress has just passed major Child Development legislation. Many of these activities will use C & Y projects as a major foundation. Parent and Child Centers that are changing the patterns of development of poor young infants, as well as their parents, have frequently grown out of C & Y projects.

Title IV of the Elementary and Secondary Education Act has four of its eight projects through the Cooperative Research Act of the Office of Education, which are intimately associated with C & Y projects for health and nutrition services in Topeka, Kansas; New York City; Dayton, Ohio; and Galveston, Texas. Several of the new Advocacy Centers in Parent and Child Centers will depend upon C & Y projects for total health care.

DURATION OF EXTENSION

The administration has recommended a one-year continuation of the Special Project Grant component of Title V. Such a one-year extension can only be interpreted by the staff and those supporting C & Y projects as a terminal year. Less than a five-year extension will be interpreted as a lack of confidence and support by Congress with further deterioration of the program's activities.

A five-year extension will permit an incorporation of these activities in the prepayment plans of National Health Insurance programs if they come about, with very significant cost reduction features that have proven to be acceptable and efficient in operation.

These projects, according to a published paper of the Secretary of Health, Education, and Welfare, have been identified as excellent foundations for new Health Maintenance Organizations. It is absolutely essential that approval from Congress be expedited. Delay of the decision to next year will lead to severe morale problems and loss of critical staffs built up over the past five years.

SUMMARY

In over 30 years of medical activity, I believe these projects have accomplished more for the health of mothers and infants than any other federal activity. Instead of defending the continued existence of these projects, we should be encouraging their expansion with greater coverage in the care of needy mothers and children by effective health care programs, rather than simply patch-up procedures. The amendment which we support does not add to the tax burden and actually is one of the most effective means by which costly later disabilities, mental and physical, can be significantly reduced.

In conclusion, I should like to express my appreciation for the opportunity to appear before this Committee. The leadership of this Committee has traditionally provided wise direction and support for health and welfare programs for children throughout this nation.

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TESTIMONY BY EDWIN F. DAILY, M.D., BEFORE THE COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES

(Charts mentioned not printed in RECORD.)

I am here today in my capacity as the Director of the Maternity, Infant Care-Family Planning Projects of the New York City Department of Health to explain the necessity of continued Federal support of the MIC Project in New York City and similar Projects in 50 cities throughout the United States.

H.R. 11484, introduced on October 28, 1971 by Congressman Edward Koch, if enacted, will assure continuation of these urgently needed health services for mothers and children.

New York City has one of the greatest concentrations of low-income families in this country, with more than one-million people receiving public assistance in 1971. As in 1963, they continue to strain the resources of this city, as I believe they do in many other large cities. Before the MIC grants to New York City, there was serious overcrowding of the maternity services in the 15 inadequately staffed, tax-supported city hospitals. These hospitals were two or three bus fares away from many families who had no place else to go for maternity care in 1963, so many mothers often got little or no prenatal care.

In 1963, 40% of the city's residents giving birth were medically indigent; in 1970 this had increased to 50%. In 1963, the incidence of prematurity among general service patients was three times that of the private patients receiving adequate prenatal care and the infant mortality rate of these low or no-income patients was twice as high as that of private patients.

The New York City MIC program started in 1964 with two maternity clinics in district health centers and has grown each year until now it is operating in 11 Health Department centers in those ghetto areas of the City where the poorest families live. (See map.) The large stars represent clinics providing both maternity and family planning services; the smaller stars where family planning services alone are provided.

In 1970, 13,000 maternity patients received care in these 11 centers. In 22 Health Department centers family planning services were provided to 35,000 patients. (The graphs attached to my testimony show the growth of the MIC program since 1964.) Medical care is provided by skilled obstetricians or certified nurse-midwives from the staffs of 10 voluntary and 3 municipal hospitals affiliated with the MIC Project. The women are delivered in these hospitals.

The MIC patients receive total maternity care during pregnancy, at delivery, and postpartum. In addition to obstetricians and certified nurse-midwives, the clinics are staffed with public health nurses, social workers, nutritionists, dentists and the ancillary personnel needed—all under the direction of specialists in the field of maternal and child health. The clinics are operated on the appointment system—broken appointments are promptly followed up. Humane and dignified patient-doctor, patient-nurse relationships are maintained. Consultation or hospitalization for complications is readily available in the affiliated hospitals. Specialized teenage clinic sessions are available to meet the many difficult problems of the young unmarried mothers.

The MIC program has made great strides in reducing infant mortality in New York City, as evidenced by the following figures. In 1964, when MIC started, the infant mortality rate was 27 per 1000 live births; in 1970, it was 21.6—a decrease of 24%. How-

ever, the Mott Haven Health District of the Bronx, where MIC placed two of its largest services, the infant mortality rate has dropped over 50% during these six years! In the adjoining Morrisania Health District, also with MIC services, the rate dropped 30%! Another adjoining Health District—Tremont—without MIC services had an increase in infant mortality during the same six year period.

The perinatal mortality rate (late fetal and early infant deaths) is lower for MIC delivered women than for all private and non-private births in New York City. Considering that the MIC patients live in the poorest areas of the city, many of whom are known to have had inadequate housing and food for most of their lives, this reduction in infant and perinatal mortality rates must be attributed in no small part to the work of the MIC program.

We talk with every prenatal patient about the importance of preventing unwanted pregnancies by using a birth control method after the baby is born. Before they leave the hospital, our peer-level family planning counselors get them started on a birth control regime of their choosing. Studies have shown that 40% of the children born to low-income families were not wanted by the parents. In New York City alone, this would mean 25,000 unwanted children are born each year to low-income families. Unwanted children often create serious social and economic problems within the family, especially if there are other children. That is why, at the same time we try to provide good maternity care under MIC, we make every effort to minimize the occurrence of unwanted pregnancies in future years. I am confident these efforts are related to the declining birthrate in New York City. Furthermore, the cost of raising these children educating them and providing health and social services is often a staggering cost to the community. If the MIC and In-Hospital Family Planning program, described in the reprint attached to my testimony, prevents even 10,000 unwanted pregnancies in a year among the 60,000 women to whom we provide post-partum and post-abortal family planning service each year, it will result in a savings of at least $10 million in tax funds per year—which is three times as much as the annual MIC grants to New York City.

Mayor John Lindsay, in a recent communication to Secretary Elliott Richardson, stated that "It appears most unlikely that local funds could be made available to support these lifesaving health programs if the Federal MIC funds are not available after June 30, 1972."

The New York City Health and Hospitals Corporation announced in October that, because they have been unable to operate within the budget approved for the Corporation, they plan to reduce through attrition, all staff (except physicians and nurses) in the municipal hospitals by 12%. Inasmuch as the municipal hospitals are already inadequately staffed, this can only have a highly deleterious effect on patient care.

To abandon the MIC program and return the MIC patients to the overcrowded clinics of inadequately staffed and under-financed municipal hospitals would scatter to the winds all of the advancement made in the delivery of maternity care during the past seven years. Once again, these patients, many of whom face special health hazards, would be subjected to long hours of waiting in the overcrowed clinics of most of the municipal hospitals. There would be a means test and charges which would result in many patients receiving no care.

The quality of maternity care now available through the MIC board-qualified obstetricians and nurse-midwives, social workers, nutritionists and dentists, and other staff in the MIC clinics would not be available to this population without MIC. Gone would be the warm patient-doctor and patient-nurse relationship never before known to most of the patients before MIC. The MIC clinics convenient to the homes of the patients, now serve one-fifth of all general service patients in the City. 30% of MIC patients are on welfare and 70% are from what have been designated as "working poor" families. Without MIC or other Federal funding, the MIC maternity clinics in New York City will have to close. Last week, I talked with Dr. Byron Hawks, the MIC director in Little Rock, Arkansas, who told me that if MIC funds are not continued, the low-income women in that city would have to return to "granny midwives" for maternity care.

The United States is one of the wealthiest nations in the world. There are funds to support armies, to aid other nations, to subsidize the farmers and yes, even to subsidize the railroads and aircraft industry. Surely funds can be found to finance essential health services for the nation's low-income women. I know your committee is giving consideration to various proposals for financing nationwide health services. I hope that whatever legislation is enacted will assure the financing of specialized high quality maternity and infant care services wherever needed. Since a new nationwide health program cannot be operative for several years, discontinuing MIC would leave an enormous void between 1972 and until a national health program is in full operation.

I can assure you that tens of thousands of women living in ghetto areas of the cities who have or will benefit from MIC services, will be grateful and relieved if the Congress approves continuation of these desperately needed health services for mothers and their children.

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## New York City's In-Hospital Family Planning Program

(By Edwin F. Daily, M.D., Aileen R. Sirey, and Lucille S. Goodlet)

In May 1970 over 2,800 medically indigent maternity or post-abortal patients in 23 New York City municipal and voluntary hospitals received family planning counseling—and in seven out of 10 cases were initiated on a contraceptive method—before hospital discharge. The counseling is provided on the maternity wards by 51 family planning counselors specially trained and employed by the Maternity and Infant Care-Family Planning Project (MIC-FP) of the New York City Department of Health. The counselors are themselves mothers; some had been on welfare; all live in the vicinities of the hospitals they serve.

The In-Hospital Family Planning Program was begun on an experimental basis in July 1969 with maternity patients in three hospitals. The program is expected to reach 4,000 low-income women each month by the end of 1970 and will be extended from the obstetrics and gynecology departments at least to the out-patient departments of the municipal hospitals. Two more municipal, eight voluntary and four state mental hospitals will be added to the program, with counselors assigned to medical, surgical, psychiatric and other services. It is hoped that eventually in-hospital family planning counseling and services can be offered to all of the 140,000 general service patients of child-bearing age who are discharged each year from New York City municipal and voluntary hospitals.

The major objectives of the new in-hospital program are:

To offer family planning information and services to large numbers of women of child-bearing age at a time when they are most receptive,

To create a community system to provide such patient education and service involving the cooperation of the Department of Health and the OB/GYN departments (and eventually other departments) of New York City's municipal and voluntary hospitals,

To develop an effective method to select and train community women so as to foster a maximum of commitment and initiative, and provide them with sufficient skill and knowledge so that they can work with a minimum of supervision,

To operate this program at a per patient cost far less than the cost of traditional outreach programs, and

To augment scarce manpower resources by employing community women and preparing them as family planning counselors, thus channeling much of the program's funding back into the communities that are served.

### BACKGROUND

The MIC–FP project basically provides prenatal care for 12,000 new patients each year in 14 neighborhood centers and hospitals, and family planning services for some 16,000 new patients a year in 28 neighborhood centers.

Early in 1968 the Department of Health, Education and Welfare invited the New York City Department of Health to submit a plan and budget for an expanded family planning program. The MIC–FP director met with chiefs of obstetrics and gynecology in 12 hospitals then participating in the MIC–FP program to seek their advice. These physicians emphasized the importance of getting family planning help to patients as soon as possible after delivery, since this was the period when motivation to accept contraception was highest. They pointed out that numbers of patients were becoming pregnant between their hospital discharge and post partum visit, and that at least 60 percent of patients never returned for a post partum examination. They also suggested that it would be useful to introduce birth control to postabortal, medical, surgical and psychiatric patients of child-bearing age. Despite the tremendous need for introduction of such services, these physicians said, family planning was a low priority item for busy hospital residents, nurses and social workers. A new type of health worker was needed, they said, recruited from the patients' own communities, and specially trained to educate their neighbors about family planning.

Initiation of contraceptive counseling and services immediately after parturition had been tried with some success at Cook County Hospital in Chicago and Grady Memorial Hospital in Atlanta. In neither case, however, was the counseling performed by peer group women drawn from the patients' own neighborhoods. (In Chicago, volunteers—predominantly white and middle-class—counseled a patient group which was poor and mostly black; in Atlanta nurses provided the counseling.) The In-Hospital Family Planning Program was developed (and endorsed by the OB/GYN chiefs of the 12 hospitals and other key health and family planning leaders in the city) so that family planning counselors would be recruited from the hospital communities, trained by MIC–FP project staff and placed in hospitals which wished to initiate family planning for their patients. The plan and budget ($137,000 for the first 12 months; it is now up to $500,000 a year) was approved by the Department of Health, Education and Welfare (DHEW) Children's Bureau* in March 1969. By July:

A core staff of family planning coordinators had been hired in MIC–FP's Division of Community Education to organize recruitment, screening, training and supervision of the family planning counselors. The coordinators are college graduates, some with experience in teaching or the behavioral sciences, and all with a deep interest in the development of family planning services.

Site visits were made to Grady and Cook County Hospitals to observe the in-hospital family planning programs developed there.

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*The Childrens Bureau initially directed DHEW's family planning projects grant program, now under the jurisdiction of the National Center for Family Planning Services of the Health Services and Mental Health Administration.

A seven-week training course for family planning counselors was developed, and an initial group of six women was recruited and trained.

DEVELOPING THE PROGRAM IN NEW YORK CITY

In October 1969 the program was extended to the OB/GYN departments of the nine voluntary and six municipal hospitals then currently participating in MIC–FP projects. Subsequently, agreements to participate in the in-hospital program were signed with a total of 13 municipal and 10 voluntary hospitals with two more municipal, eight more voluntary and four state mental hospitals expected to join the program by the end of 1970.

The in-hospital agreement is a formal document signed by the OB/GYN chief of the hospital and the MIC–FP director. The OB/GYN department of the hospital agrees:

To take charge of the family planning program in the hospital,

To offer all generally accepted methods of family planning (including IUD, pills, tubal ligation and rhythm),

To offer family planning services at least to all maternity and abortion patients, before discharge unless there is a medical contraindication,

To provide family planning services and materials to patients without charge,

To acquaint all doctors, nurses and nurses' aides working with women of childbearing age in the hospital with the importance of family planning to the health of the mother and of future children and to the economy of the family,

To inform all prenatal patients attending the hospital's OPD service of the importance of family planning and provide appropriate family planning literature,

To appoint a physician thoroughly familiar with all methods of family planning and the indications and contraindications for various methods, and give him responsibility for medical supervision of the in-hospital and out-patient family planning program.

To appoint a nurse-midwife or a nurse interested and fully informed about family planning to assume day-by-day supervision of the family planning counselors,

To instruct all nurses on daytime duty on floors covered by the family planning program about dispensing of pills when this is the method prescribed, and to instruct residents serving these floors about medical approval or disapproval of the methods selected and about insertion of IUDs,

That patients started on a family planning regimen (other than tubal ligation), will be given a written appointment for their first post discharge family planning visit in a hospital or health department clinic most convenient for the patient; a copy of the appointment slip will be sent to the clinic selected, and a copy sent to the MIC-FP director, and

That missed return appointments to the family planning clinic will be followed up by one or two telephone calls or letters requesting that another appointment be made.

The MIC-FP director agrees:

To employ and train family planning counselors and assign them to participating hospitals on a full- or part-time basis (depending on the average number of discharges per day of patients),

If the OB/GYN department already has family planning counselors, to reimburse the department for the number of hours each month spent on the in-hospital family planning program,

To pay the OB/GYN department to help defray its added costs: $4.00 for each in-patient initiated on a family planning regime of pills or diaphragm before discharge; $6.00 for each patient with an IUD inserted before discharge; $25.00 for each in-hospital tubal ligation before discharge.

The per capita reimbursement to the OB/GYN departments averages about $7.25 per patient who is initiated on a medically prescribed method.

The role of the counselor is clearly defined: Her duties consist solely of providing family planning information to patients, filling out statistical forms required for reimbursement and seeing to it that a post partum and family planning appointment is arranged for every patient who is initiated on a contraceptive method.

After the agreement is signed, the MIC-FP's Director of Community Education and Training and one of the family planning coordinators begin a series of informal meetings with key hospital staff to reinforce their awareness of program objectives and their understanding of the role of the family planning counselor, as well as to assist professionals in working through complementary role activities with these new peer counselors. Experience has shown that in some hospitals the program is met hesitantly at first.

Typical questions raised are: "Who *are* these people?" "What kind of training do they have?" "How much supervision will they need?" And, though never articulated, some staff members' attitudes clearly showed that they felt professionally threatened.

MIC–FP's coordinator is responsible at each hospital for establishing an atmosphere of cooperation, and assuring staff involved that the family planning counselors will not add to their already heavy responsibilities.

RECRUITMENT OF FAMILY PLANNING COUNSELORS

Community women are recruited as trainees for the in-hospital program through discussions with such grass-roots agencies as community corporations, Puerto Rican Manpower Development, Planned Parenthood's Community Action Department, the Puerto Rican Guidance Center and the New York State Employment Center. In some cases advertisements are placed in community newspapers.

No educational qualifications were established for the position of family planning counselor in order fully to utilize the untapped human resources in the community. At the same time some kind of criteria were needed to evaluate candidates so that the program would not be faced with continual turnover of staff into whose training a great deal of money, time and effort had been expended. A screening process was devised whereby groups of seven to 10 applicants are seen by a staff interviewer and observer. The interviewer describes the program, briefly outlines the responsibilities of the family planning counselor and stimulates group discussion on such subjects as local community problems or the applicants' feelings about family planning. Through this group screening process candidates are sought who can discuss "sensitive" topics on a mature level, show tolerance of the opinions of others and can articulate their own thoughts and feelings. Candidates are expected to show an interest in hospital work and need to be able to read and write sufficiently well to handle the statistical forms.

The interviewer and observer meet after each screening session to discuss each applicant's responses and to select candidates for training. Applicants about whom there is some question are asked back for an individual interview with a different staff member. About one out of five applicants are accepted for training.

Successful candidates are started in the training program immediately. The salary during the seven weeks of training is $2.50 per hour, $3.00 an hour when assigned to a hospital and $3.50 an hour after six months. The salary is supplemented with full health insurance (a benefit available for the first time to many of these women and their families).

TRAINING

The training program was developed to provide factual knowledge about family planning, reliable techniques to impart knowledge to patients and an understanding of hospitals and hospital procedures.

A number of questions about the training program soon became salient:

What did the trainees already know?

What would happen to the counselors' ability to relate on a "peer level" after intensive training?

If the counselors' education was formal and didactic, wouldn't they relate in the same formal and didactic way to the patients?

It was decided that a laboratory training experience tailored to each group's particular needs was required to encourage individual initiative.

The first day of training begins under the direction of a psychologist-consultant.

Both professional staff and trainees engage, on a first-name basis, in activities designed to break down the barriers to communication. On succeeding days the group discusses the role the counselor will play in the hospital. Out of the questions trainees raise about the job, topics for investigation are formulated about family planning, reproduction, human sexuality and hospitals. In the atmosphere of mutual respect engendered by this laboratory approach to training, life experiences are exchanged without self-consciousness, trainees giving "tell-it-like-it-is" reasons for human behavior, and the coordinators contributing factual knowledge from their own professional experience. Methods and media include lectures, panel discussions, role-playing and problem-solving sessions. On-the-job training experiences at a municipal and voluntary hospital are provided as part of the counselors' seven-week training course.

HOSPITAL EXPERIENCES

At least two family planning counselors are assigned for each hospital to talk about contraception with the patients and, where possible, with their husbands. When the patient is interested in a method, the counselor informs a resident, who prescribes a method after examining the patient. The counselor visits the patient again to explain the details of the method chosen. She completes the statistical form for reimbursement and makes a post partum-family planning appointment for four to six weeks after the patient is discharged. About one in five patients have received their prenatal care at an MIC clinic. These patients are referred to an MIC-FP center in their neighborhood for their post partum and family planning care. Others may come back to the hospital or are referred to a more convenient neighborhood facility. Appointment and counseling records follow the patients from hospital to clinic where a referral has been made. (Clinics have begun to participate in a joint record system whereby each patient is identified by a unique numbering system derived from her maiden name, date and place of birth.) The counselors have found almost all patients eager to discuss family planning (most have *never* discussed family planning before with a health worker) and to have their questions answered in their own language.* All the hospitals participating started the counselors on the OB/GYN service with instructons to interview all post partum and all post-abortal patients before discharge. Each counselor is able to reach about five to 10 patients each day. At the present time there are 51 counselors in 23

*Of the first 3,500 patients counseled in the program, half were Puerto Rican and only 200 were mainland white. Well over half of the counselors are bilingual in English and Spanish.

hospitals; in the month of May they interviewed more than 2,800 patients.

The problems that have arisen are as interesting and as varied as the 23 hospitals with which we are working. Three OB/GYN chiefs objected to the immediate post-partum use of steroids, but were willing to prescribe other methods; patients wishing the pill in the three hospitals were given a supply of foam to use until their post partum appointment, and were informed that they would be started on the pill three to four weeks later. In a few hospitals, at the beginning, residents balked at cooperating with the program; they saw family planning as a low-priority item in their busy schedules and feared that the counselors would make extra work for them. Other hospitals did not have residents who were able to insert an IUD. One hospital pharmacy refused to dispense pills to patients before discharge; while in another the chief of obstetrics had to be persuaded not to ask the counselors to give pills to patients. A few floor nurses feared that the counselors would overlap some of their functions or "be in the way." This fear was quickly allayed as the nurses observed how well informed the counselors were, and how much the patients liked and trusted them. Soon nurses and other hospital personnel began to come and listen in on the patient-counselor discussions to become more closely acquainted with patient problems related to family planning. One hospital administrator questioned whether it was legal for a health department employee to work in the hospital. (He was reassured that liability for the counselor was assumed by the health department.) In several hospitals, operating room time is at a premium, and tubal ligations, though requested by patients and their husbands and approved by the hospital committee, cannot be performed before discharge. Such patients are asked to return when the hospital is less crowded and are provided with an interim method of contraception.

STATISTICS

Table 1 shows that between July 1, 1969 and May 1, 1970 family planning counselors interviewed 17,706 patients in 21 New York City hospitals. At least nine out of 10 patients interviewed indicated that they wished to begin contraception before discharge; 68 percent of this group received contraception while still in the hospital. Of those initiated on contraception in-hospital, 51 percent received pills, 19 percent IUD's, 10 percent tubal ligations and 20 percent foam and other methods. Some of the hospitals are much more committed and better staffed to implement patient choices about in-hospital initiation of contraception than others.

Thus in 13 hospitals where there is strong endorsement by the OB/GYN chief, and a resident assigned full-time to the program, more than 80 percent of patients interested were provided with contraception before discharge. In one hospital, of 1,247 patients interviewed, 1,226 indicated that they wanted to start family planning and 1,212 were initiated on a method of contraception before hospital discharge. As the program becomes more smoothly integrated into the routine of more hospitals, it is expected that the number of contraceptive initiations will be closer to 100 percent of the patients interested. This trend can be seen in Table 1: Whereas 67 percent of patients counseled in the first six months received contraception in-hospital, 76 percent of patients counseled in April 1970 were so initiated. The number is not likely actually to reach 100 percent of patients, however, since the policy of the various hospitals about initiation of certain methods (namely orals and IUDs) immediately after parturition varies, as does their capability to perform certain procedures (e.g., tubal ligations) while the patient is in the hospital. Fifty-seven percent of the patients initiated on a method of contraception declared they wanted no more children. Sixty percent of the women accepting a method had two or fewer children. Fifty-six percent were married; forty-four percent were single, separated or divorced.

TABLE 1.—NUMBER OF NEW YORK CITY WOMEN WHO HAVE RECEIVED IN-HOSPITAL FAMILY PLANNING COUNSELING, REQUESTED AND RECEIVED CONTRACEPTION IN PARTICIPATING HOSPITALS,[1] JULY 1, 1969 TO MAY 1, 1970

| Month | Number of patients counseled | Number requesting contraception | Number initiated on contraception before discharge | Number of participating hospitals |
|---|---|---|---|---|
| July 1969 | 712 | 677 | 454 | 10 |
| August 1969 | 804 | 746 | 586 | 11 |
| September 1969 | 1,000 | 894 | 698 | 11 |
| October 1969 | 1,047 | 951 | 703 | 18 |
| November 1969 | 1,891 | 1,790 | 1,032 | 18 |
| December 1969 | 2,325 | 2,161 | 1,344 | 19 |
| 1969 (6 month) total | 7,779 | 7,219 | 4,817 | 19 |
| January 1970 | 2,382 | 2,136 | 1,306 | 19 |
| February 1970 | 2,130 | 1,836 | 1,231 | 19 |
| March 1970 | 2,667 | 2,356 | 1,668 | 21 |
| April 1970 | 2,748 | 2,441 | 1,848 | 21 |
| 1970 total for 18 hospitals[2] | 7,647 | 7,062 | 5,500 | 18 |
| 1970 total for 3 hospitals[3] | 2,280 | 1,707 | 553 | 3 |
| 1970 (4 month) total | 9,927 | 8,769 | 6,053 | 21 |
| Grand total | 17,706 | 15,988 | 10,870 | 21 |

[1] Participating hospitals are: Bellevue, Beth Israel, Bronx Lebanon, Brooklyn Jewish, Brooklyn-Cumberland, Brookdale, Flower-Fifth Avenue, Greenpoint, Kings County, Fordham, Lincolh, Long Island College, Methodist, Metropolitan, Morrisania, Roosevelt, St. Luke's, Sydenham, Coney Island, Harlem, Jacobi. (On June 1 the program was extended to Brooklyn Women's and Delafield Hospitals.)
[2] Hospitals in which all methods are prescribed prior to discharge.
[3] Hospitals in which the pill is not prescribed in-hospital.

FOLLOW-UP

Patients' visit behavior after hospital discharge is monitored through a simple visit information form. Clinics to which the patients are referred receive five visit forms numbered for the first and each subsequent patient visit, and are asked to return the forms each time an appointment is kept. These visit forms are filled out almost entirely by the family planning counselor, and stamped self-addressed envelopes are included to minimize demands on busy clinics. Since compliance is voluntary, however, response from the clinics is uneven (though it has shown considerable improvement in recent months as clinic clerks have become more used to the procedure). To check out the rate of return for the post partum clinic visit, the statistical form was matched with clinic medical records for an MIC-FP clinic and its affiliated hospital for one month. The study showed that the kept appointment rate for the hospital clinic was 71 percent and for the MIC-FP patients 89 percent. This compares to a kept appointment rate of 40 percent for hospitals and about 80 percent for MIC-FP clinics prior to initiation of the In-Hospital Family Planning Program.

Using the established reporting system, non-MIC patients from three hospitals complying with the follow-up protocol were studied. The results add to the impression that pre-discharge initiation on a method helps to increase post partum return. An overall post partum return rate was calculated for each hospital. The samples were then dichotomized into "initiated" and "non-initiated" subsamples. The overall return rates for the three hospitals were: 40 percent, 50 percent and 63 percent respectively. Corresponding return rates for the "initiated" subsamples were: 63 percent, 83 percent and 81 percent. For each hospital, the sample constituted patients counseled during one full month. Return was defined as a kept post partum appointment reported within three months of discharge. Of these initiated patients who returned for the post partum appointment, 97 percent, 87 percent and 84 percent, respectively, reported that they were active contraceptors in the interim period between hospital discharge and post partum return.

Patient retention, however, is a general family planning in big cities; an average of 50 percent of family planning patients have dropped out of New York City clinic programs in the course of each year, mostly, it is believed, because of frequent changes of address. It is expected that increased in-hospital contraception and the resultant improved post partum returns should improve overall retention. Traditional follow-up and outreach programs involving home-visits to patients does not appear to be practical in New York City because of the high degree of mobility and the practice, on the part of some maternity patients, of falsifying address to gain admittance to a particular desired hospital. One New York City study found that the cost of locating each delinquent patient, utilizing trained community women as home visitors, averaged $361.00 per patient who returned to the clinic.[1] Home visits, therefore, are only made where there is a specific medical indication, such as a positive Pap smear.

Because of the known difficulties of following very mobile low-income families, a three-month pilot study of a new follow-up method was begun June 1 of this year in one voluntary and one municipal hospital chosen to provide a patient population representative of the city as a whole in terms of ethnicity, age, parity, economic status and contraceptive method chosen. Women who have begun a method of family planning in the hospital are being advised by the family planning counselors that a routine part of the service is a monitoring of her satisfaction with her chosen method after hospital discharge. Patients are told that other counselors will be available by telephone from 9 a.m. to 8 p.m. every day (except Saturday and Sunday) to answer questions. Patients are asked to telephone MIC–FP on

[1] R. K. Westheimer, "Maternal Care, Family Planning, and the Paraprofessional Community Health Worker," paper delivered at the Ninth Annual Meeting of the American Public Health Association, Philadelphia, November 1969.

dates suggested in advance for the first three months after hospital discharge.*

Each woman is asked to make the first call immediately after discharge to introduce herself to her "woman's health counselor." (The patient is given the name of the health counselor by the family planning counselor.) All patients are asked to call every week until one week after the post-partum visit. From that time the frequency of calls is varied systematically by patient groups (weekly, biweekly and monthly) to study which is most effective.

Patients are invited to call any time they have a question or problem, and are urged particularly to contact the counselor *before* discontinuing a method for any reason, or if they plan to move.

All groups are provided with a calendar that displays the telephone call schedule, the name of the woman's health counselor assigned to the patient and the MIC-FP direct line telephone number she is to call. The calls are without cost to the patient. A special telephone installation immediately processes *all* incoming patient calls toll-free. For example, a patient calling from a public telephone has her dime returned by the operator before the call is actually placed. And the patient is spared the potential embarrassment of telling the operator she wants to place a collect call; the special letter and digit combination of the telephone number itself advises the operator of the fact that the cost of the call will be borne by MIC-FP.

At least 50 percent of all patients counseled in the hospitals report having a phone in their own homes. The toll-free call system should encourage the use of public telephones among the balance of the women. The calls, whether placed from a home or a public phone, are a simple means to provide continuity.

The telephone calls are received at the MIC-FP central office by neighborhood women who have received the same training as the in-hospital family planning counselors as well as additional training in understanding telephone interaction. A complete record for every patient is kept adjacent to the telephone for immediate reference each time a call is received. With each new contact the record is updated. Calls from patients with problems or questions that require expert response are referred to appropriate MIC-FP professional staff.

A control group has been drawn from a simliar patient population. Efforts will be made to contact this group three months after the counseling experience. In the interim these patients will not have had any deliberate reinforcement of their initial counseling other than that which would have occurred at the post-discharge clinic visits; opportunity for reinforcement of method use in the clinics is equally available to all groups. Substantive information secured from the study groups will be asked of the control patients at the time of delayed contact. Retention in the two groups will be compared.

COST OF THE PROGRAM

Unit cost for the first 11 months of the in-hospital program was calculated on the basis of the costs of professional, paraprofessional and clerical personnel, educational materials, operational supplies and reimbursements to hospital OB/GYN departments.

The cost for each patient initiated on a family planning method before hospital discharge was $15.28, of which $7.25 (approximately 50 percent) represents a fixed per capita return to the participating OB/GYN departments. The cost of the family planning counseling service currently is $6.23.*

The cost to the Department of Health and the Department of Hospitals for continuing family planning visits for these patients must also be considered. This is about $40–50 per year per woman remaining on family planning. Thus, the total cost of initiating and maintaining a new patient on family planning is about $55–65 the first year.

In-hospital initiation thus appears to be a comparatively efficient and low cost means of bringing family planning to a post-delivery patient.

It is expected that the in-hospital program may double in 1971 the number of new patients coming to tax-supported clinics in New York City as compared to the number of new patients admitted in 1969. The eventual additional cost of initiating and maintaining our target of 50,000 patients on family planning each year, will be in the neighborhood of $3 million. This should be compared to current costs for care of unwanted children.

Applying the recent findings of Bumpass and Westoff [2] on unwanted pregnancies to New York City, there are at least 40,000 unwanted births occurring each year. The medical, hospital and related costs alone for these unwanted births are approximately $60 million per year. The subsequent increased welfare costs, infant care costs, care of mentally retarded, etc. for these unwanted children create a far greater fiscal burden for the community each year.

CONCLUSIONS

Within 11 months the in-hospital program encompasses 23 hospitals and has counseled 18,000 patients. Currently, over 2,800 women a month are receiving counseling and more than seven out of 10 receive contraception before discharge from the hospital. The program is being expanded this year to the OPD department of all municipal hospitals and into the medicine, surgery and psychiatry departments in one voluntary and one municipal hospital to determine whether our first priority should be to expand the program in participating hospitals or to extend services into OB/GYN departments of additional hospitals.

Hospital OB/GYN departments and the Department of Health have demonstrated that they can cooperatively develop an effective and efficient program for initiating a family planning regime before women are discharged. We believe this program can be duplicated by other MIC–FP programs and by health departments working with hospital OB/GYN departments in many other cities. The end results, as measured by prevention of unwanted births, will not be known for several years, and then only if new methods of follow-up of highly mobile urban families are productive.

The selection and education of peer level counselors is considered by the authors as the most important element in assuring success of such a program. Their proven usefulness in this program is evidence that peer level counseling can be used far more widely in family planning. For example, could not such family planning workers be valuable in such settings as junior and senior high schools where the community and teachers wish to initiate family planning discussions with teen-age boys and girls?

*It was considered that follow-up would prove successful only if patients were invited to participate in a personally meaningful service available from the moment they left the hospital. It was decided, therefore, that counseling would be provided by a rotating staff of the very counselors the patients had come to know as informed peers; counseling would be immediately available, all day and through the evening hours, in a single, central location where there is supporting professional personnel.

*The proportion of the cost that represents reimbursement to hospitals is unaffected by cost-effectiveness considerations because it is fixed. The unit cost per patient interview, independent of initiation outcome, is the only aspect of cost that is sensitive to efficiency in the delivery of services.

[2] L. Bumpass and C. F. Westoff, "The 'Perfect Contraceptive' Population: Extent and Implications of Unwanted Fertility in the U.S.," *Science* (in press).

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STATEMENT OF DR. ROGER B. BOST ON THE CHILDREN AND YOUTH PROJECT BEFORE THE HOUSE OF REPRESENTATIVES, COMMITTEE ON WAYS AND MEANS

INTRODUCTION

I welcome and appreciate this opportunity to talk with the Committee about a health care program, the continuance of which is vital to the State of Arkansas, individually, and the United States collectively—"The Children and Youth Project". I am Roger B. Bost, Director, Department of Social and Rehabilitative Services, State of Arkansas. I am also professor of Pediatrics at the University of Arkansas Medical Center, Fellow of the American Academy of Pediatrics and former Director of the Children and Youth Project in Little Rock, Arkansas.

GENERAL

The Little Rock Children and Youth (C&Y) Comprehensive Health Project 658 was funded 1 July 1968, initiating patient services 1 October 1968. Throughout its tenure, the Little Rock C&Y Project's primary thrust has been devoted to organizing and structuring a health care delivery system which would reflect the objectives envisioned by the 89th Congress in the 1965 Amendments to the Social Security Act. The prime objective has been to develop a system which would provide easily accessible, continuous, comprehensive health care services for children of low-income families through promotion of health including, "early case finding, preventive health services, diagnosis, treatment, correction of defects, and follow-up utilizing a multidisciplinary approach." One index relative to the effectiveness of these efforts is manifested by the $267,944 expended during Fiscal Year 1971 to support out-patient and in-patient services for our C&Y population. It is significant that these payments were authorized only after all other community resources had been petitioned, without success, to pay these charges. In Little Rock, and across America, the C&Y projects frequently represent the medically indigent's sole resource in obtaining health care for his family.

GEOGRAPHIC AREA

The Little Rock C&Y geographical area encompasses 25 census tracts in Pulaski County, Arkansas. Examination of the census tracts would reveal that they encompass the eastern portion of Little Rock and the southern and eastern portions of its twin city North Little Rock and three distinct areas outside the city limits. The principal criterion utilized in designing the project area was predicated upon the large number of low income families depicted on the 1960 census tracts. The total population for this area is approximately 118,103. There are approximately 25,521 family units of which 7,911 or 31% have a total income of less than $3,000 per year. There are approximately 35,248 children between 0–16 years of which an estimated 18,000 are eligible for treatment with project funds. Approximately 10,700 of these children are registered in the Little Rock C&Y Project. Children and youth costs per registrant per year have averaged approximately $60. Delivery of services along the entire health care continuum for this sum represents, by all accounts, a very favorable cost/benefit ratio.

HEALTH CARE DELIVERY SYSTEM

The children and youth enabling legislature encouraged creation of new health care

delivery systems. We have therefore endeavored to produce an operational model which would be both sensitive and responsive to the health needs of the population within our particular geographical area. From these efforts there has evolved a network of care centers with varying levels of capability. The University of Arkansas Medical Center, with its concentration of expertise, provides the base for specialty consultations and sophisticated diagnostic and therapeutic support for complex medical problems. Arkansas Children's Hospital, an 85 bed non-profit voluntary hospital, affiliated with the University of Araknsas Medical Center, represents the next level of care in our delivery system. Approximately 50% of our episodic and acute problems are solved in this very excellent institution which is easily accessible to a large segment of our project population.

The next level of care consists of satellite neighborhood health clinics. Each satellite clinic is routinely staffed by Children and Youth Project pediatricians, nurses, social service workers, nutritionists, a laboratory technician and clerks. A psychologist, physical therapist, audiologist and speech therapist are available to augment the clinic staff upon request. Care provided in the satellite clinics consists of episodic care, preventive health services, and assessments. The first satellite clinic was established at College Station, a community located in southeastern Pulaski County where it is isolated both geographically and socio-economically. Its problems reflect poverty that is extreme even relative to other portions of the Children and Youth Project area.

The College Station clinic is located in a community-controlled building which is leased by the community Economic Opportunity Agency, (EOA). Cooperative arrangements exist between the C&Y Project, EOA, The Community School, Head Start and Follow-Through programs. The second satellite clinic was established at Kramer School, Seventh and Sherman Streets, Little Rock, Arkansas. It was found to be impractical and was discontinued. The third satellite clinic was established in the North Little Rock Health Department in North Little Rock. Public transportation available to the clinic makes this an ideal location for all registrants in North Little Rock. Patients presenting conditions beyond the capability of the satellite clinic are referred to either Arkansas Children's Hospital or the University of Arkansas Medical Center. Within the parameters of this particular health care delivery system we are able to move each child toward the best state of health that the art and science of health care can now create.

COMMUNITY HEALTH SERVICES COORDINATION

Cognizant that interagency cooperation can potentiate the value of a multi-disciplinary approach to comprehensive health care, the Little Rock C&Y Project personnel have been eager to cooperate, rather than compete, with other modalities of health care in the community. There have been both intensive and extensive efforts by the C&Y staff to assure existing community services were utilized in developing treatment plans for their registrants. Some of these agencies include: Little Rock, North Little Rock, Pulaski County and Arkansas State Health Departments; School Health Programs; Volunteer Health Agencies; EOA Clinics; USDA and Commodity Distribution; Crippled Children's Division; Maternity and Infant Program; Police Courts; Child Welfare Agency, etc. Similarly, there has been extensive interactions with community groups to assure the consumer's point of view was given proper consideration.

SUMMARY

The Little Rock Children and Youth Project has provided health care services that were badly needed, genuinely wanted, effective and not exorbitantly expensive. Additionally, the wisdom of the 89th Congress in establishing Children and Youth Projects as a vehicle for providing comprehensive health care to low-income families while concomitantly encouraging innovative approaches in developing effective health care delivery systems has been well documented. The Little Rock Children and Youth Project has been an effective instrument in translating from legislation to reality the principle that good health care is a right rather than a privilege. I strongly urge that the Children and Youth enabling legislation be extended.

## GI BILL ABUSE

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. ROSENTHAL. Mr. Speaker, 23 colleagues (Mr. BRADEMAS, Mr. BURTON, Mrs. CHISHOLM, Mr. CONYERS, Mr. FRASER, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. MAZZOLI, Mr. MIKVA, Mrs. MINK, Mr. MITCHELL, Mr. MOSS, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ST GERMAIN, Mr. SEIBERLING, Mr. STOKES, and Mr. YATES) join me today in reintroducing H.R. 11532, my bill to provide for the honorable discharge of GI drug addicts and their rehabilitation at civilian treatment centers.

The problem of drug dependency in the armed services should strike the conscience of every American. While we have called upon our men in the military to make superhuman sacrifices for us, we have selfishly stood back and condemned them for human failings. Instead of viewing them as sick individuals, needing treatment, by our own self-righteousness we have cast them into a backwash of disregard. They are the genuinely silent Americans, for no one is their spokesman. They are left on their own to handle a problem which constantly threatens to destroy them.

The military is not equipped to cure drug addicts. The Pentagon detoxification programs are crippled by a lack of sincere commitment combined with an overwhelming shortage of doctors and hospital space. Moreover, the prospects of an extended stay in the service is no incentive for a drug addict to voluntarily commit himself for treatment. H.R. 11532 would be a first payment on the debt we owe our addicted servicemen. In essence, the bill does three things:

First. It provides for discharge under honorable conditions for drug dependent servicemen, upon a physician's recommendation, and their civil commitment to Public Health Service hospitals or other appropriate facilities for treatment (costs would be reimbursed by the Defense Department);

Second. It allows the retroactive granting of such discharges to those previously discharged dishonorably by reason of narcotics dependency, thus making them eligible for veterans' benefits for medical treatment and cures, and

Third. It establishes medical confidentiality in the doctor-patent relationship in the military, excluding use of information about the drug problems in any criminal prosecution on the patient for use or possession of drugs. (The ban on prosecution would not necessarily apply to crimes which might have been committed while under the influence of narcotics.)

The hour to act came long ago. But it is still not too late to begin solving the problem of GI drug addiction. With this bill we have the chance to end the decline of our services into "drug jungles." I call upon all Members to join with us in recognizing the Nation's responsibility to our drug-dependent servicemen.

## NATIONAL HUNTING AND FISHING DAY

### HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1971*

Mr. RUPPE. Mr. Speaker, today I am joining many of my colleagues in the sponsorship of a House joint resolution which provides that the President of the United States declare the fourth Saturday of each September as "National Hunting and Fishing Day." It is fitting that the sportsmen of our Nation be honored in such a way, and I am pleased to endorse such a measure of recognition.

Generally speaking, one finds that sportsmen are the true environmentalists of our country. These men are the great lovers of the out-of-doors. No one feels more deeply a sensitivity to nature and the need for preserving a balance of nature. In an age when all citizens share this interest in nature and their environment, it is particularly appropriate for us to establish a means of tribute to these individuals.

There are a large number of participants in hunting and fishing sports. Last year in the United States more than 39 million licenses were issued for this purpose. In the State of Michigan, almost 3 million hunting and fishing licenses were issued in that same time period. Over 200,000 of these were issued to out-of-resident applicants who enjoyed the beauty and tranquility of the Michigan countryside through their participation in these sports. The contribution that these people make, both to the economy in general, but most specifically to the wildlife conservation programs which such moneys support, is significant.

This resolution will call to the attention of the public the Nation's appreciation of both the recreational aspects of hunting and fishing as well as the environmental role of these sportsmen in our society. I am proud to sponsor this legislation and am hopeful that both the House and the Senate will act favorably upon it in the near future.