

Georgia, Mr. NIX, Mr. MITCHELL, Mr. DELLUMS, Mr. CONYERS, Mrs. HECKLER of Massachusetts, Mr. MATSUNAGA, Mr. HAWKINS, Mr. HELSTOSKI, Mrs. ABZUG, and Mr. STOKES):

H.R. 16869. A bill to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY:

H.R. 16870. A bill to amend the Sockeye or Pink Salmon Fishing Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RANDALL:

H.R. 16871. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 16872. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL (for himself, Mr. BEGICH, Mr. BLATNIK, Mr. MITCHELL, Mr. O'KONSKI, Mr. POBELL, Mr. REES, Mr. ROSENTHAL, Mr. ROUSH, Mr. SYMINGTON, Mr. THOMPSON of New Jersey, Mr. WIDNALL, Mr. CHARLES H. WILSON, Mr. YATES, Mr. DINGELL, and Mr. MELCHER):

H.R. 16873. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregard-

ing it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 16874. A bill to amend the Occupational Safety and Health Act; to the Committee on Education and Labor.

By Mr. SMITH of Iowa:

H.R. 16875. A bill to provide for the establishment of a veterinary biologics facility by the U.S. Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. STEPHENS (for himself and Mr. BLACKBURN):

H.R. 16876. A bill to regulate closing costs and settlement procedures in federally related mortgage transactions; to the Committee on Banking and Currency.

By Mr. STRATTON:

H.R. 16877. A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. THONE:

H.R. 16878. A bill to promote the development within the United States and foreign countries of American arts and handicrafts; to the Committee on Interstate and Foreign Commerce.

By Mr. DENHOLM:

H.J. Res. 1309. Joint resolution to amend the Constitution of the United States providing for a limitation of annual appropriations to achieve national fiscal responsibility; to the Committee on the Judiciary.

By Mr. MATHIS of Georgia:

H.J. Res. 1310. Joint resolution establishing a National Commission to investigate the Olympic games of 1972; to the Committee on the Judiciary.

By Mr. FREY (for himself, Mr. KEATING, Mr. ALEXANDER, Mr. ANDERSON of

Illinois, Mr. ARCHER, Mr. DERWINSKI, Mr. FASCELL, Mr. FORSYTHE, Mr. FRENZEL, Mrs. HECKLER of Massachusetts, Mr. HOSMER, Mr. HARRINGTON, Mr. MAILLIARD, Mr. PEPPER, Mr. ROBINSON of Virginia, Mr. THONE, Mr. VEYSEY, and Mr. WARE):

H. Con. Res. 712. Concurrent resolution to require a court impact statement in each report of legislation from a committee of either House of Congress to that House; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

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

By Mr. MELCHER:

H.R. 16879. A bill for the relief of Loretto B. Fitzgerald; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 16880. A bill for the relief of Ann E. Shepherd; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 16881. A bill for the relief of Cosimo Pellegrini and his wife, Angela, and their children Giovanna and Felecia; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 16882. A bill for the relief of Dr. and Mrs. Donald J. Alm; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

286. The SPEAKER presented a petition of the Board of Selectmen, Brookline, Mass., relative to the deaths of 11 athletes at the XX Olympiad; to the Committee on Foreign Affairs.

## EXTENSIONS OF REMARKS

### PLANS FOR SAVING THE CITIES

#### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. EILBERG. Mr. Speaker, we have heard many statements by so-called experts that our cities are dying and that the people do not care about them anymore.

In my city, Philadelphia, however, there is a group of young men who are answering these charges with action. They are men who care about their city and want to do something for it.

Their organization is called "The Shackamaxon Society" and its officers are: Robert I. Alotta, president; John Corr, vice president; Harold J. Schneider, secretary; and Harry J. Solimeo, treasurer.

One of the group's major projects has been the restoration of Old Fort Mifflin, which guarded the water approaches to Philadelphia during the Revolutionary War.

At this time I enter into the RECORD a letter from Mr. Alotta concerning the group and its plans for the fort and a summary of the activities which are already underway and those planned for the future.

The letter follows:

THE SHACKAMAXON SOCIETY, INC.,

Old Fort Mifflin, Sept. 4, 1972.

DEAR CONGRESSMAN EILBERG: As we commence the celebration of the two hundred years since the start of Old Fort Mifflin in Southwest Philadelphia, The Shackamaxon Society views the past activities in the city, the state and the nation . . . and we are frightened . . . frightened by the lack of creativeness and aggressiveness. We have long espoused the tenet that "you don't know where you're going 'til you know where you've been." With this philosophy in hand, we have sketched out what we feel is a meaningful program for the commemoration of the Bicentennial of Old Fort Mifflin. Here, in outline, is what The Society plans for the period beginning, September 4, 1972, and continuing until November 16, 1977.

As we will read, our intention is to present Old Fort Mifflin as "the Alamo of the Revolution" with imagination, dignity and a sparse budget. With the loss to Philadelphia of an International Exposition in 1976 and the lethargy of Philadelphia Bicentennial planning, we feel we must go it alone and do the best we can. Perhaps, by our example, we can encourage others to use their native intelligence and skills toward a "Meaningful Bicentennial . . . through Living History."

Sincerely,

ROBERT I. ALOTTA, President.

#### THE PROGRAM

##### 1. "LIVING HISTORY"

(a) Old Fort Mifflin Guard: For the past five years, The Shackamaxon Society has been working with a group of young men, collectively called the Old Fort Mifflin Guard. The Old Fort Mifflin Guard swelled now to

almost 35 men and boys, regularly drill and re-create the musters of soldiers two hundred years ago. They do this voluntarily because, as they put it, they're a "living part of history." For the next five years, The Society hopes to increase the membership of the Guard and continue to outfit them as soldiers of the 18th century. Their uniforms will, as they were in 1777, be made by hand—and by the men themselves. They will be divided into the various regiments which were once stationed at Old Fort Mifflin. This will be a unique experience since Old Fort Mifflin had two black regiments serving there during the worst days of the November '77 battle.

The Guard will intensify their study of Revolutionary War history and will, by their enthusiasm and example, educate others.

(b) Revolutionary appreciation program: The Society will inaugurate, with the cooperation of the Philadelphia Board of Education, a Revolutionary Appreciation Program for Junior High School Students. It is our intention to take 25 students each year for a two-week summer period and have them live at Old Fort Mifflin as the soldiers of '77 did. This means they will eat, sleep, work and study at the Old Fort . . . without the interruptions of radio, television and newspapers. The material they will read will be reproductions of pamphlets and newspapers of the period. They will eat the same type of meals which were fed to the soldiers. They will drill and they will learn about history by doing. At the completion of the two-week course, the students will be required to write an essay explaining their experiences as "Revolutionary War soldiers" and what it means to them personally. The combined essays will be published by The Shackamaxon

Society and made available to schools and libraries. The resulting work will also be made available to the public at a nominal cost.

(c) Visitation and public speaking: The Shackamaxon Society will intensify visitations to schools and public speaking engagements, telling the story of Old Fort Mifflin and its meaning to this nation.

#### 2. COLONIAL CRAFT PROGRAM

As part of the operation of Old Fort Mifflin, the Society will increase the visual activities taking place at the Fort itself. As an example, members of the Old Fort Mifflin Guard will produce, as soldiers two centuries ago, cartouche boxes, belts, buttons, bullets, pewter and wooden utensils, uniforms, candles, tinware, and so forth.

#### 3. PUBLICATIONS

With the success of our "pamphleteering," The Shackamaxon Society has plans for the publication of new historical research booklets on a quarterly basis. These publications will supplement our 40 Valiant Days, the Men of Mifflin and a Glossary of Fortification Terms.

It is our hope that through this method of communication, we will be able to disseminate the message of Old Fort Mifflin . . . the message that men must have a very strong reason for risking their lives . . . even for an ideal. This should be the meaning of any bicentennial commemoration because we are recalling to mind how the United States came into being.

#### 4. MUSEUM OF THE AMERICAN SOLDIER

With the limited funds at our disposal, we plan to begin work immediately on the Museum of the American Soldier to be compiled and presented in the Soldiers' Barracks at the Old Fort. In this museum, we will be unique and present the living conditions of the American fighting man from the Revolutionary War to the Korean Conflict (the periods during which Old Fort Mifflin was an active military installation).

As time and money permit, we will enlarge our "living museum" concept to include other areas, such as: the life of the officer, the education of the military, displays of cannon and firearms used during the Old Fort's military life, and others.

#### 5. RESTORATION

We have listed restoration last because we feel it is not the prime reason for a bicentennial commemoration.

Initially, we will seek funds to stabilize the buildings and make them safer. We will attempt to install lighting in those structures which, at present, do not have such service. Our principal aim, however, is in educating and interpreting the history of Old Fort Mifflin.

### NEW LIBERAL ARTS COLLEGE

#### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. CONTE. Mr. Speaker, though Hampshire College in Amherst, Mass., opened its doors to students just 2 years ago, it already has attracted nationwide attention and respect.

I was pleased to have played a part in the founding of this fine institution which, along with 13 other colleges and universities, is located in the First Congressional District of Massachusetts. Hampshire's experiment with a challenging and innovative approach to higher education has been the subject of

numerous articles in the news media. I now include in the RECORD, as one example, the story which appeared in the September 17, 1972, edition of the Washington Post. It provides a good insight into the goals and achievements of the administration, students, and faculty at Hampshire.

The article follows:

#### THE "NEW" LIBERAL ARTS COLLEGE (By William Trombley)

AMHERST, MASS.—Of all the new colleges that have sprung up around America in recent years, none has been more carefully planned than Hampshire, a coeducational liberal arts institution in the college-rich Pioneer Valley of West Central Massachusetts.

Five years of planning and fund raising took place before the doors were opened in September, 1970.

The reason for all the planning was that Hampshire set out to walk a narrow line between the traditionally strong liberal arts education for which New England is famous (the new college's immediate neighbors are Amherst, Smith and Mt. Holyoke) and reforms that Hampshire's planners thought were needed to keep liberal arts education alive.

On the reform side, Hampshire has banished required courses and majors. Students plan their own programs of study, working closely with faculty advisers.

The college has no academic departments, encouraging specialists from many fields to work together in interdisciplinary studies.

There are no grades. Students move from one level to another by passing a series of competency examinations.

#### TIME NOT SPECIFIC

While it is expected that most students will complete a program in four years, the opportunity exists to do it in two or three years or in five or six. Students are encouraged to leave the college for a term or longer to engage in field studies or independent study or simply to look around for a while before returning to academic life.

"We really are trying to get people to be responsible for their own lives and their own educations," Vice President Robert C. Birney said in an interview. "If you can generate your own course of study and learn to struggle with the problems that come out of that, then we think you can handle any kind of problems that come up later."

He added with enthusiasm, "When one of these kids discovers he is really responsible for his own education, what a revelation! How he takes off."

Students are encouraged to plan and teach their own courses and some do.

For example, Arthur Samuelson, a 22-year-old student entering his third year at Hampshire, has organized a course about the Nazi extermination of six million European Jews during World War II.

The course will be called thinking about the unthinkable: An encounter with the holocaust.

Samuelson has read deeply in the subject. Next year he hopes to lead a group of 10 or 12 students to Germany and Central Europe to study in historical archives and to interview survivors of the holocaust.

As a result of preparing this course, Samuelson "has become a self-educated historian," said Francis D. Smith, dean of the School of Humanities and Arts. "He has had no formal history training that I know of but he is able to discuss historical ideas with professional historians."

#### NOT THE EXCEPTION

Most colleges can point to a few unusually talented undergraduates like Samuelson, but Hampshire College likes to think its approach makes this kind of initiative the norm, not the exception.

"I'm wildly prejudiced about the overall

success of what we're doing here," said Dean Smith. "It's been exhausting but there are a lot of kids who are really making it as individuals."

The college has high aspirations financially as well as educationally.

"We're trying to show here that a quality liberal arts college can operate on tuition and fee income," said Donald F. Berth, director of development.

Charging a comprehensive annual fee of \$4,600 (tuition, room and board), Hampshire had a \$215,000 deficit last year, \$100,000 less than expected. The plan is to break even by 1975, with a fee of \$4,800.

Assisted by extensive publicity and high student word-of-mouth ratings, Hampshire has been deluged by applications and has been able to increase its enrollment from 250 to 1,000 in three years without a noticeable decline in student quality.

In its efforts to break even on tuition-fee income, Hampshire maintains a student-faculty ratio of 15 or 16 to 1, considerably higher than its small-college neighbors.

The college also expects to save money through extensive use of technology, but to date these savings have not been realized.

One of Hampshire's most serious problems is a shortage of financial aid money. Last year only about 15 percent of the students were receiving aid, resulting in a student body made up largely of the well-to-do, with only a sprinkling of poor and middle-income students.

"We are, by and large, a school for the upper-middle class," said Berth. "This presents a dilemma because many of our kids would like a better demographic mix."

There are also academic problems. The Hampshire approach seems to work well with highly motivated students but it is less successful with students who are intelligent but who lack an intense academic interest or career drive.

Tom Corey, 20, likes to paint and do graphic arts. For him, Hampshire College has been a joy. He has had one-man shows of his paintings and has helped organize a thriving poster-making business in the town of Amherst.

"I wouldn't want to be anywhere else. You can really act on your own initiative here," said Corey, a broadshouldered youth who has been working on a campus construction crew this summer.

"But this place isn't for everybody. A lot of students just seem to get lost and don't do much of anything."

An elaborate faculty advising system is supposed to help such students, but at Hampshire, as at almost every other institution of higher learning, the quality of advising varies widely.

Next year, the college will try in-service training for faculty advisers if this does not help, professional counselors may be hired.

The examinations that enable the students to move from one level to another are a constant source of anxiety.

Faculty members in one academic area tend to question the rigor of examinations in another and most faculty members are appalled by the amount of time the examinations promise to consume when several hundred students are taking them each year.

Any college that attempts to individualize instruction places a heavy burden on its faculty members and Hampshire is no exception. Professors are expected to teach six courses a year, devise and give the competency examinations, advise students and serve on endless faculty committees.

Some faculty members doubt the system of heavy personal counseling and competency exams will survive the coming year, when enrollment will jump from 600 to 1,000.

There also is a question as to how innovative Hampshire College really is.

While the absence of grades, departments, required courses and majors unquestionably makes the college "experimental," the pull of



traditional liberal arts education also is strongly felt.

The curriculum seems conventional in many respects. Missing are the courses in bread baking, macrame and sensitivity training featured at some experimental colleges.

## THE COST AND FINANCING OF HEALTH CARE

### HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. ROY. Mr. Speaker, since the rising cost of medical care and the development of national health insurance are pressing issues in our Nation today, the following study may be of interest:

#### COSTS OF MEDICAL CARE

President Nixon acknowledged the rising cost of medical care when he made medicine almost the only service industry which fell under his price controls. Unfortunately, the American consumer, especially those in the lower and middle classes, had already felt the brunt of rising medical costs. Health care expenditures had consistently led the cost-of-living rises for more than a decade, rising approximately twice as far as the general consumer price index.

In the last twenty years, health care expenditures have increased nearly 400%. Since 1965, total health care expenditures have almost doubled, from \$8.9 billion dollars and 5.9% of the gross national product to 75 billion dollars in 1971, and 7.4% of the gross national product.

For the individual, costs have increased more than 150% per capita over the last decade.

Hospital costs, the largest part of the national health budget, have led the price increases. Average per day hospital costs which were \$37 in 1965 are over \$80 in 1972, and in many areas the cost of a semi-private room has gone over \$100 a day. Costs for special care units such as special respiratory units and intensive care wards have soared as high as \$400 to \$500 a day. In addition, hospitals have been increasingly charging for services which were formerly included in the bill, such as laboratory fees.

Costs of health insurance have been rising at a rate of 14% to 17% a year, with cost increases for policies as high as 20% to 40% in a single year. Costs to industry for health insurance and related expenses have risen 177% over the last decade.

Government programs have been equally hard hit by the increasing costs of medical care. Costs for Medicare more than doubled between 1967 and 1970, while enrollment increased only 8%. Medicaid costs rose 25% in 1971 alone.

Behind the rising costs of medical care are rising physician fees, which have also been increasing at a rate nearly twice as high as the cost of living, with some lags. In 1970, the rate of increase of physicians fees was an astonishing 7.4%. At the same time, the average annual income of physicians of over \$40,000 places them in the top 1% of the population in terms of income.

The rising costs of medical care have made it increasingly unavailable to the poor, and the working classes. It is estimated that perhaps 40% of the American people receive substandard care, including 20% receiving no medical care at all.

#### FINANCING OF MEDICAL CARE

The financing of health care has been dominated by two trends in the recent past—the growth of private health insurance, and increasing government involvement.

Demand for health insurance, which can reduce the out-of-pocket health costs to the consumer, has been rising steadily over the last twenty-five years. As of January, 1971, close to 80% of the population was covered by some form of insurance against hospitalization, 77.7% had some form of surgical insurance, and 70% had coverage against inpatient visits by physicians and laboratory tests in hospitals. The total bill for private insurance in 1970 was 17.2 billion dollars, and accounted for 40.3% of all consumer health expenditures. The 1970 total was an increase of 17% over 1969, and 1969 figures represented an increase of 14% over costs in 1968.

Since 1966, the federal government has assumed an increasing role in the financing of medical care. 38% of the total national health care budget in FY 1971 was borne by federal, state and local governments. The federal government alone accounted for more than a quarter (26%) of all health care expenditures. Federal spending on health for 1972 amounts to 25.5 billion dollars, almost five times the 1965 budget of \$5.2 billion. Government now accounts for 36% of all personal health care expenditures, including 50% of all expenses for hospital care and 25% of the total for physicians services.

The major components of the Federal government's spending is the Medicare program, with expenditures of 10.4 billion dollars for FY 1973. Over 95% of the eligible population is now covered under the program.

The Medicaid budget of 6.5 billion dollars is another major component of government spending, financed equally by the states and the Federal government.

But these figures, while they suggest that most Americans are covered by some form of health insurance, fail to show the enormous gaps in coverage. In 1970, private health insurance failed to meet 27% of consumer expenditures for hospital care, met less than half of consumer expenditures for physicians' services, and only 5.5% of the costs of all other forms of health care. The enormous cost of health care, and the frequent failure of health insurance to cover major portions of services has led 28% of the population to buy duplicate coverage.

For Medicare patients, despite the almost universal enrollment, the average out-of-pocket health bill of the elderly is presently \$225 a year, only slightly lower than the 1966 bill of \$234 a year, due to the coinsurance and deductible provisions of Medicare, and soaring medical costs. Monthly premiums have doubled since 1966, to \$5.60 a month. In addition, the Nixon Administration has been forcing Medicare patients to pay a higher portion of the bill through increased coinsurance provisions, and retroactive denials of payments.

In 1971, payments for extended care facilities were cut back from \$360 million a year to \$180 million a year, largely through retroactive denials of aid. In 1971, 40% of all claims were paid at a reduced amount, resulting in untold hardships for patients, who faced denial of services from growing numbers of physicians and hospitals. The health crisis of the elderly is reflected in the fact that over half of Medicaid payments currently go to the elderly, and 25% of the total health bill of the elderly is currently paid by Medicaid. Further cutbacks in Medicare have been envisioned in Nixon's welfare proposals which would raise coinsurance provisions and increase the deductibles for the first days of service rendered.

Medicaid, which originally promised to provide services for the medically indigent as well as these below the poverty level, has failed to live up to its goals. Twenty-two states have failed to develop programs for the medically indigent, and the current deadline for the extension of medical aid to this major group has been all but abandoned by the Nixon Administration.

Rising costs of medical welfare payments, which presently account for 40% of all welfare payments, and rose 25% in 1971 alone, have led to cutbacks in service in many states, the institution of copayment schemes, and the denial or unavailability of legislated benefits. In addition, hard-pressed state governments have asked the federal government to take over the costs of the whole program, which now cost the states roughly 3.3 billion dollars a year.

Besides failing to provide adequate coverage against precipitous costs of medical care, present methods of financing can be faulted very strongly on other grounds. Private health insurance has created a 2.4 billion dollar a year administrative machine; operating expenses of private health insurance accounted for twenty per cent of all premiums in 1970. At least \$1 billion of this can be counted as waste caused by overlapping sales forces, administrative systems, and expenses due to advertising and promotion.

The method of payment of both private health insurance and Federal programs, with open-ended payment for services, and a dependence on reasonable and customary costs, has favored the least economical form of health care delivery, private fee-for-service medicine. Widespread coverage of hospital care has provided incentives to both doctors and patients to use hospitals rather than less expensive forms of care, and has resulted in unwarranted surgical remedies to problems with other medical solutions.

Payment for hospitalization and surgical expenses, without comprehensive insurance, has contributed to the flight of medical resources from primary comprehensive care.

While extending buying power to increasing number of people without providing for commensurate increases in number of personnel or providing efficiency incentives, third-party payments by government and insurance companies have contributed the major part of soaring medical costs. It has been estimated that between 1948 and 1966, the increase in the price of private health insurance was responsible for 30% of the increase in the costs of health care merely because of the increase in physician fees which it generated. Since 1966, the impact of government programs in reducing the financial barriers to medical care for the elderly and the poor has increased the rate of inflation of medical costs, without substantially improving the quality of care or costs. In cases like extended care nursing facilities, the Medicare and Medicaid programs increased the amount and cost of programs, while subsidizing the development of profit-making facilities which provided low quality care.

#### NATIONAL HEALTH INSURANCE

Present proposals for the restructuring of financing of medical care can be placed into three major classes. First are the proposals endorsed by the special interest groups, AMA's Mediscredit, the American Hospital Association's Ameriplan, and the Health Insurance Association of America's plan. All of these programs rely on tax incentives to stimulate the voluntary purchase of private health insurance, with separate programs for the poor to provide for government purchase of health insurance. Except for Mediscredit, they provide modest encouragement for HMOs.

The second class, as embodied in the Nixon proposal, goes a step further and mandates the purchase of health insurance by employers for their employees, with the employer paying 65% of the cost of the insurance, going to 75% after 30 months (as compared to 80% under most large group plans). At the same time, Nixon would establish a new Federal Health Insurance Plan to replace Medicaid, which would cover families with dependent children under a complicated set of formulas based on family income and number of children. For those not covered by

Medicare, mandatory insurance, or FHIP, group policies would be made available. HMO options are mandated under the Health Insurance Act, if locally available.

These first two classes of programs are remarkably similar. They rely on the private enterprise approach to medicine, with an indirect approach to the problems of medical care. They preserve the present private health insurance industry, although it is likely that the small fly-by-night health insurers who are guilty of the most flagrant abuses would be eliminated in favor of the Blue Cross/Blue Shield plans and the major commercial insurers.

Looking specifically at the Nixon proposal, we can see that it fails to answer any of the real complaints about the present financing or organization of medicine, but rather rewards the chief beneficiaries of the present system. Financing is not equitable, and would put large burdens on small employers and on employers in low-wage industries (up to 10% of labor costs for some employers). The plan leaves large gaps in coverage for part-time workers, migrant workers, multiple-employer maids, unemployed single people, childless couples, the self-employed, or those between classes. Benefits are not comprehensive, since deductibles and co-payments erode the protection offered. Under Nixon standards, the patient with a total hospital bill of \$1,020 (not unreasonable for a six or seven day stay in a typical hospital) would be required to pay \$428 out-of-pocket. Substantial benefit limitations for the poor would perpetuate the two class system of care, and the high premiums, deductibles, and co-payments, would require the extension of substantial welfare payments to the poor for medical costs, with the burden shifted from the Federal government back to the states, local governments, and individual providers of care.

Administratively, the Nixon program would probably be almost unworkable. It includes five separate programs which will require constant enforcement to insure that employers comply with the program, the FHIP program establishes five different income classes, each with its own set of deductibles, copayments, and premium rates which are subject to redetermination every six months, and requires stringent means tests. Probably neither administrators nor beneficiaries would ever understand who would receive what benefits.

Nor does the Nixon administration proposal place any controls on the costs of health care. The administration regards the independent development of HMOs as the chief mechanism to achieve economy and control costs, yet there is no evidence that Nixon's proposals will have any substantive effect on the cost increases of medical care.

What the Nixon proposals do accomplish is major cutbacks in services provided for the poor, and a continuation in the gaps in service for the aged. They would provide a windfall to private insurers, and would place no curbs on the rising cost of medical care. The Nixon proposals are no more than a form of protective reaction to the growing demands for comprehensive national health insurance.

In the third class of programs are three major bills to implement national health insurance currently under Congressional consideration—the Kennedy Health Security Act, which is strongly supported by organized labor and has been endorsed by Senator McGovern, the Javits bill, and the Dingell bill. Other plans are currently being drafted and introduced. All of these plans would rely on an expanded Social Security financing mechanism, with employers taking three-fourths of the burden, and direct contributions from government revenues. This form of financing is probably the most equitable, since payroll taxes are proportional to income, while health insurance premiums are not, and fall most heavily on those with-

out group coverage. All would rely on central collection of funds, and disbursement of revenues through a national board.

Among the health bills, the Kennedy plan is conceptually the broadest. It would extend comprehensive health care benefits to all U.S. residents, excluding only such benefits as cosmetic surgery, custodial nursing home care, and adult dental expenditures. No payments would be required at the point of service. It would replace Medicare, Medicaid, and the private health insurers, and vest control of revenues in a central health board with approximately a hundred regional offices.

Funds would be allocated on the basis of population and health needs of a given population to each of its district offices. Central to the disbursement of funds is the capitation method of payment. Physicians would have three options for payment: comprehensive health care corporations could agree to provide services through salaried employees. In the case that fee-for-service bills exceeded the allocated amount for the patients covered, physicians would be paid according to the ratio of total funds available to total bills submitted.

The capitation system, along with the large sums (\$200 million the first year, \$400 million the second year) for construction of comprehensive health centers, would provide the economic incentives for reorganization of health services on a comprehensive care basis. In addition, the regional distribution of services would be affected since funds would be allocated equally for equal populations, and physicians would have economic security in areas other than the suburbs.

Also present in Health Security is a legislated budgeting system aimed at requiring financial responsibility on the part of the health establishment. Funds would be allocated according to the population covered and the expected volume of services, and only in emergencies would increases be granted. Health expenditures could not exceed the total amount available to the fund.

The Kennedy plan also takes into account the need to expand health facilities with a fixed 5% allocated to a Health Resources Development Fund, which would eventually total upwards of 5 billion dollars a year.

The Javits bill is basically a compromise between the positions taken in the Nixon/industry proposals and the Kennedy bill. Although it uses the Social Security financing mechanism, it fails to take any steps to reorganize the system of medical care, and is open-ended as to cost. It would preserve the major medical insurance carriers, as well as opening the option of a quasi-governmental carriers, as well as opening the option of a quasi-governmental insurance substitute as a thrust to competition. Perhaps the greatest flaw in the Javits plan is its open-ended fee-for-service cost provisions, which would subject it to the same problems which have plagued Medicare and Medicaid: rising costs and lack of control over the quality of care administered.

Like private health insurance and Medicaid, the benefits under the Javits plan might be eroded by deductibles and coinsurance provisions. In addition, the Javits plan allows persons to opt out of the national health insurance system if their health insurance is more adequate than that provided under the national plan. This is a concession to the two-class system of care, and might again allocate the bulk of medical resources to the rich and the upper middle class.

Criticisms of the Kennedy Health Security Act and similar plans for national health insurance are listed below:

(a) Probably the most salient and vocal objection to National Health Insurance, and the one that deserves the most attention, is cost. Advocates of the Kennedy plan claim that the plan would cost 67 billion dollars if enacted this year. Others claim that it would

cost 10 billion more than its proponents estimate. Similar arguments exist around the Javits and other proposals. All of these estimates should be viewed in the light of the fact that a National Health Insurance proposal would not represent new spending, but instead would be a major rechanneling of funds through a central authority.

A breakdown of the Social Security estimates for the Kennedy-Griffiths health plan for fiscal year 1974 illustrates this quite dramatically.<sup>1</sup>

[In billions]

	With Kennedy	No in- surance	Net change
Private expenditures:			
Health insurance.....	1.9	26.4	-24.5
Individual payments.....	11.2	32.0	-20.8
Other.....	2.8	3.9	-1.1
Total.....	15.9	62.3	-46.4
Public expenditures:			
Federal Government.....	91.4	32.0	+58.4
Local and State.....	6.5	11.1	-4.6
Total.....	97.9	43.1	+54.8
Total health expenditures..	113.8	105.4	+8.4

This estimate assumes an addition of 8.4 billion dollars to the health care budget because of costs of extension of service, but does not project any savings because of better organization of care, cost control, or administrative savings, which would occur.

In essence, the total initial national health expenditures would probably not differ substantially under any of these programs, and the central question to keep in mind is that medical expenses have been predicted to rise substantially without national health insurance, and that health care projections are almost impossible to make due to exactly what National Health Insurance would hope to cure—rapid cost increases and inequitable distribution of resources.

The important considerations in national health insurance are the long-range considerations for cost-savings and improved quality.

(b) Manpower and facilities are overtaxed already. The added burden placed on the system by national health insurance will be overwhelming. This argument is an acknowledgement of the need present in the system rather than its capabilities. Demand with the concomitant assurance that health care is a right would encourage the rapid reorganization of services, with the probability of very large savings due to enforced financial responsibility and the moral and legal responsibility of providing the services. Manpower must be attacked as an independent problem, but the visibility of need, especially for primary services, would probably have a substantial effect in prodding health educators to rapidly expand their facilities.

(c) There is a moral hazard in providing free service that will artificially swell demand for service. This is the most persuasive argument used by the health insurance lobbyists who point to the "success" of coinsurance provisions and deductibles, in limiting the expenses of services. Such a conclusion is born out, in their opinion, by comparative studies of populations with different forms of coverage, and different utilization rates of services. These arguments are not substantiated by the experience of such prepaid plans as Kaiser-Permanente, or in other countries where National Health Insurance has been enacted. Although there is a large demand for health care which is unmet by

<sup>1</sup> Fiscal year '74 was chosen for this projection because it was near enough to project; the estimate was based on no significant change in delivery of care, or governmental involvement.



present delivery systems, which will demand new resources, allocation of medical resources is made most frequently by the providers of care, and most estimates conclude that roughly 85% of the costs of care are determined by physicians rather than patients themselves. Mechanisms to limit overuse of facilities such as stringent physician review of hospital admissions would of necessity be built into national health care, and coinsurance or deductible provisions except for relatively small ones for such services as individual visits and house calls probably would have little effect on any national system if it were properly administered.

A corollary to the free care moral hazard is the unwarranted assertion that removal of financial barriers to medical care would be replaced by other barriers, such as long waits for appointments, and artificial barriers created by administrative systems. The standard of comparison here is the British NHS and the long waits that frequently occur under that system. With references to any comparisons to the British system, it is important to remember that Britain spends roughly 5% of its GNP on health care while the U.S. spends 7.5% of a much larger gross national product. It is obvious that there would be waits for physician services, as there are now, and consumers would be unable to exercise benefits because of distributional shortages, but these problems would not necessarily be compounded by any national health insurance schemes.

(d) Second-class medicine or substandard clinic care are predicted by opponents of any extension of medical services. This criticism ignores the effect of malpractice as a barrier against substandard medicine, as well as the generally high levels of professional care which the medical profession vaunts so frequently.

#### HANOI SUPPORTS ARAB TERRORISM

HON. PHILIP M. CRANE  
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES  
Tuesday, September 26, 1972

Mr. CRANE. Mr. Speaker, while Ramsey Clark, David Dellinger, and a host of other American antiwar spokesmen repeatedly tell us of the good will of the North Vietnamese regime in Hanoi, the fact is that this regime is one of the most brutal in today's world.

Its brutality has been evidenced in many ways. Ho Chi Minh and his colleagues slaughtered tens of thousands of North Vietnamese peasants in 1956 when they resisted forced collectivization. A steady campaign of terror and assassination has been conducted by the Vietcong in the south, and the Hue massacre of innocent civilians remains one of the most grotesque acts in the annals of modern conflict.

Recently, Hanoi has expressed its continuing belief in violence and terror as valid means for the achievement of political ends by hailing the Palestinian Black September group as heroes for their murder of the 11 members of the Israeli Olympic team in Munich.

While the rest of the civilized world recoiled in horror at the tactics of terror being employed by Palestinian activist groups, the North Vietnamese gave their wholehearted support to such tactics.

Columnists Rowland Evans and Robert Novak report that—

The North Vietnamese reaction to the September 5 Munich massacre came September

12 when Israel and West Germany were accused of choosing the "path of hatred and betrayal" by *Nhan Dan*, the Hanoi party daily. "The recent bloody incident in Munich is eloquent proof of the cruelty and perfidy of the U.S. and Israeli aggressors and the dark design of the Nixon Administration and company to wreck peace under the extremely hypocritical label of humanity and peace," the newspaper continued.

Nhan Dan declared that the United States and Israel "deliberately allowed" the murder of Israeli Olympians as a pretext for reprisals and added:

They planned to whip up a chauvinistic hysteria in Israel and create a false protest movement within the so-called "civilized world" to vilify the just struggle of the Palestinian people and to threaten and split the Arab countries.

Columnists Evans and Novak point out that—

The long love affair between North Vietnamese and Arab revolutionaries has been ignored by Hanoi's apologists in the West. . . . Thus, addressing Jewish rabbis September 6 in Los Angeles, Senator George McGovern compared Arab terrorists in Munich to U.S. bombing of North Vietnam.

It is high time that the true nature of the Hanoi regime be understood by all Americans. The response of that regime to the events in Munich is added evidence of its brutality and its contempt for human life.

I wish to share with my colleagues the column by Rowland Evans and Robert Novak, "North Vietnam's Arab Line," which appeared in the Washington Post of September 21, 1972:

#### NORTH VIETNAM'S ARAB LINE

(By Rowland Evans and Robert Novak)

Even Hanoi-watchers accustomed to rigid militancy by the North Vietnamese Politburo were stunned last week by its fervent support of Arab terrorism in Munich—ominously revealing the mentality of the men in charge at Hanoi.

One week after Munich North Vietnam fired a propaganda barrage endorsing the guerrillas' attack on the Olympic Village not equalled outside the Arab world—certainly not in Moscow and Peking. Referring to the Arab assassins as "Palestinian patriots," Hanoi accused Israel and the United States of plotting the Munich massacre to justify retaliation against Arab guerrilla camps.

What makes this so surprising is the possible threat it poses to Hanoi's campaign to influence liberal opinion in the United States and Western Europe against present U.S. policy on Vietnam. Those same liberals, incensed by the terrorist invasion at Olympic Village, could be alienated by North Vietnam's embrace of the Arabs.

In fact, this embrace until now has received no attention in the West. But Hanoi could scarcely have counted on that. Some Hanoi-watchers doubt the North Vietnamese Politburo even contemplated an adverse Western reaction to its pro-Arab propaganda.

Rather, careful students of Hanoi believe its revolutionary ideology is so inflexible that it felt impelled to applaud Arab terrorism no matter what the cost. Such dogmatism supports those pessimists in official Washington who doubt Hanoi will ever settle the war on anything less than its own terms.

The North Vietnamese reaction to the Sept. 5 Munich massacre came Sept. 12 when Israel and West Germany were accused of choosing the "path of hatred and betrayal" by *Nhan Dan*, the Hanoi party daily. "The recent bloody incident in Munich is eloquent proof of the cruelty and perfidy of the U.S. and Israeli aggressors and the dark design of the Nixon administration and company to wreck

peace under the extremely hypocritical label of humanity and peace," the newspaper continued.

Charging that the U.S. and Israel "deliberately allowed" the murder of Israeli Olympians as a pretext for reprisals, Nhan Dan added: "They planned to whip up a chauvinistic hysteria in Israel and create a false protest movement within the so-called 'civilized world' to vilify the just struggle of the Palestinian people and to threaten and split the Arab countries."

The line was echoed Sept. 13 by the North Vietnamese army newspaper: "Those schemes and act of the aggressors can stamp out the Palestinian resistance movement or break the Arab peoples' will to fight for their fundamental rights."

This unequivocal support for Arab terrorism contrasts sharply with the public disavowal by Moscow and Peking of the Olympic Village raid. "We have never been in favor of such adventurous acts of terrorism," Chinese Ambassador Huang Hua told the United Nations.

But to be in the vanguard of world revolution, the Hanoi Politburo is rigidly allied with the Palestinian guerrillas—an alliance that began in early 1970 when Palestinian guerrilla leader of the Al Fatah was lionized on a visit to Hanoi.

Since then, Hanoi has been insistently anti-Israeli, denouncing Mideast peacemaking efforts and cease-fire proposals. Admittedly against any internationally supervised Vietnam cease-fire, North Vietnam wants no such precedent in the Middle East.

The long love affair between North Vietnamese and Arab revolutionaries has been ignored by Hanoi's apologists in the West, many of whom support Israel. But Hanoi's embrace of the Munich terrorists makes this position increasingly less tenable.

Thus, addressing Jewish rabbis Sept. 6 in Los Angeles, Sen. George McGovern compared Arab terrorists in Munich to U.S. bombing of North Vietnam. Visibly aroused, one indignant rabbi asked McGovern how he could possibly compare American air officers with Arab fanatics. McGovern immediately temporized, but the conflict was obvious. Hanoi's newest embrace of Arab terrorism does not make it easier.

#### LOS ANGELES FREE CLINIC

HON. THOMAS M. REES  
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES  
Tuesday, September 26, 1972

Mr. REES. Mr. Speaker, the Los Angeles Free Clinic, a nonprofit corporation, has helped more than 150,000 people free of charge since its founding in 1967. From disadvantaged minorities, to alienated youth, to the sick elderly citizens of Los Angeles, the free clinic turns no one away. The clinic's services include: Free medical care, psychological counseling, legal aid, and health education with an emphasis on the pressing problems of drug abuse and venereal disease.

At this time I would like to personally thank the following devoted volunteers of the clinic for their valuable contributions to the public health, and to follow both the Los Angeles City Council and the Los Angeles Board of Supervisors in wishing these unselfish individuals continued success in the future:

#### LIST OF VOLUNTEERS

Patricia Ariana, Roberta Aronson, Nathan Atkinson, Bobby Baum, Don Bay, Janetha Benson, Kay Carter, Sandy Carter, David Cleveland, and Mark Edelstein.

Sylvia Fields, Ivan and Janice Frankel, Judy Friesen, Richard Gould, William Greenberg, Julio Guerra, Frances Helfman, Bob Hersh, Jum Hue, Jackie Jackson, Bill Kessler, Cal Lav, and Sue Lipson.

Melissa McCarty, Jacqueline Markham, Betsy Mazursky, Joe Moody, Al Muscatel, Joe Ortiz, Irving Osser, Karen Pines, Rodger Samuels, Louis Schneidman, Bruce Schutte, Ed Segal, Jay Stumpf, Mike Talbot, Thomas Waner, Mimi West, and Joanne Willens.

## FROM "GO FORTH" TO "COME HOME"

### HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. KEITH. Mr. Speaker, it has been said that those who ignore history are condemned to repeat it. That warning was never more appropriate than it is today. For there is a sizable body of opinion in the country today that wants America to ignore the hard-learned lessons of the last half-century, and instead to "come home" to concentrate on our own problems and ignore the rest of the world.

To be sure, "there is a little 'go forth' and a little 'come home' in all of us. Even those most zealous to carry out a mission abroad have moments of weariness and disillusionment and despair in which they too, would like more than anything else to 'come home.' The one injunction is not more noble than the other, more patriotic than the other, more peacefully inspired than the other."

A national desire to "come home" certainly is not a new sentiment. We heard it after World War I, from the Republicans, and heeded it—thus assuring the failure of the League of Nations. We heard it after World War II, and heeded it for a time—thus permitting Eastern Europe to fall into the Russian orbit.

Now, in the wake of Vietnam, we are hearing it again, this time from the Democratic presidential candidate. He would have us withdraw from an activist role in the world, ignore our responsibilities abroad and instead come home and nurse our own wounds. We are urged to disown the judgments and actions of Franklin D. Roosevelt, of Harry S. Truman, of Dwight D. Eisenhower, of John F. Kennedy, of Lyndon B. Johnson. We are told that the world is different now, that somehow, if we announce our intentions are honorable and that we will not intervene in international disputes, all other nations will see the light and do likewise.

As one who went to college in the thirties and to war in the forties, I find myself frankly frightened by this viewpoint.

I am idealistic enough to hope that the day will come—but realistic enough to know that that day is not here yet.

Yesterday's Maine Sunday Telegram carried a thoughtful article on this issue by J. Russell Wiggins, former editor of the Washington Post and an Ambassador to the U.N. under President Johnson. His current residence, in Brooklyn, Maine, is undoubtedly an isolationist

one, but his current thinking is not. I found his views both provocative and profound, and commend them to the readers of the RECORD:

[From the Maine Sunday Telegram, Sept. 24, 1972]

#### THE BIG CHANGE FROM "GO FORTH" TO "COME HOME"

To grasp the dramatically changed direction of the New Democratic Party from that of the Old Democratic Party, it is only necessary to place two words from the inaugural address of President John F. Kennedy, on January 20, 1961, alongside two words from the acceptance speech of Senator George McGovern on July 14, 1972.

Those two words in the inaugural address of President Kennedy were "go forth"; and the two words in the acceptance address of Senator McGovern were "come home".

No man present in the Inaugural stands at the east front of the Capitol that cold January day will ever forget the impression made by the young President as he said:

"Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this nation has always been committed, and to which we are committed today at home and around the world. Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

This was a voice of youth, a voice of vigor, a voice of courage and high resolve, summoning a peaceful people to face even the ardors of military conflict itself, if necessary, to protect and defend "old allies whose cultural and spiritual origins we share".

In the decade that has passed away since then, what a change has been wrought in the people to whom he spoke, in the party he led and in the leadership of that party.

Now, eleven years later, another sincere and earnest man is carrying the banner of the same party. But he is not saying to Americans "go forth" and he is not proclaiming the readiness of this nation to defend the country's principles wherever attacked. What he is saying is "Come home, America." His appeal is rather: "Come home to the affirmation that we have a dream; come home to the conviction that we can move our country forward". Its admonition is, "from wasteful military spending—come home!" His promise is not the risk of war for the sake of freedom, but the risk of freedom for the sake of avoiding war.

If this seems a shocking contradiction, that reaction must be tempered by the knowledge that it is a contradiction that often has existed in the party, in the country and in the hearts of citizens of this country. The nation, from the beginning, has had a missionary zeal to disseminate throughout the world the principles in which it has believed (and the great Kennedy inaugural address appealed to that zeal); and it has had, at the same time, a longing for peaceful isolation from the international quarrels in which its missionary passion for freedom frequently threatened to involve it, and the supplication to "come home" appeals to that impulse and that inclination.

As a people, we sometimes seem to hear such "drums" as President Kennedy sounded when he told veterans at Arlington Cemetery on Nov. 11, 1961:

"There is no way to maintain the frontiers of freedom without cost and commitment and risk. There is no swift and easy path to peace in our generation. . . . We cannot save ourselves by abandoning those who are associated with us, or rejecting our responsibilities".

That there are, at other times and places, ears for a "different drum" has been clear these past many months as the candidate of the New Democratic Party has promised that the war in Vietnam will be ended, the bombing stopped, the soldiers returned, the prisoners brought back.

The situation is not quite as clear as though there were two different decades, two different audiences, two different parties and two different countries. There is a little "go forth" and a little "come home" in all of us. Even those most zealous to carry out a mission abroad have moments of weariness and disillusionment and despair in which they, too, would like more than anything else to "come home". The one injunction is not more noble than the other, more patriotic than the other, more peacefully inspired than the other.

This is not to say that it makes no difference. It makes a great deal of difference whether, at any given moment of history, the "go forth" or the "come home" impulse is uppermost. The vast continent which Americans inhabit never would have been filled up with a numerous people if, over its generations of exuberant growth, the loudest cry had been from the cautious, the prudent, the careful and the distrustful, petitioning the explorers on distant seas, the adventurers on strange coasts and the settlers in far-away lands to "come home". The weak and almost defenseless little nation of a few million Americans scattered along the Eastern seaboard might never have emerged to full nationhood if it had tried to exert its power before its maturity and had followed an injunction to "go forth" into the quarrels of Europe. Generally, the tides that fluctuate between the confident impulse to "go forth" and the timid temptation to "come home" have favored the national destiny. Perhaps it was in the twenties, in the reaction to World War I, that the ebb and flow of these contradictory national impulses did us major disservice by keeping America out of the effort to make the League of Nations effective. We were then all for coming home, after our disillusionment at the outcome of a "war to end all wars".

These balancing forces in American public life swell into great currents that submerge old party boundaries. Those who have the instinct for a "come home" philosophy are critical, not only of the opposition party, but of their own party (or former party) as Senator McGovern was when he said: "I am here as your candidate tonight in large part because during four administrations of both parties, a terrible war has been chartered behind closed doors".

The appeal is thus to those of "both parties" who believe the era of American internationalism commenced by World War II, and persisting through Republican and Democratic Administrations ever since, ought now to be brought to an end. The election will say much on the question of how the nation now divides between those who would from foreign involvement "come home" and those who would let the word "go forth" that this country still persists in a more enlarged view of its foreign commitments.

It would be a distortion to say that a Nixon administration which has so far withdrawn American power was as internationalist as the administration which commenced on a note of "go forth"; and it would be a distortion to say that a McGovern administration would pursue the America First formula of the Harding administration.

Things are more complicated, differences are more subtle and situations more intricate than this. Nevertheless, the essential appeal of the McGovern acceptance speech (repeated in many addresses since) is an appeal to Americans who wish to "come home" from many of the arduous responsibilities which the country assumed under Presidents Truman, Eisenhower, Kennedy, Johnson and Nixon; a summons to Americans of all parties who are wearied in well-



doing abroad, tired of the costs in manpower and money and disillusioned with the role of world leadership. And the appeal of the Nixon campaign is essentially an appeal to those who believe in the post-war policies, adhere to the belief that there was indeed a threat of communist domination of the world and still are convinced that only an active foreign policy, with all its perils and problems, can save this nation and the nations with which it is aligned.

What it really comes down to, for the earnest, serious and sober citizens of this great Republic, is whether they feel that at this hour, the time is upon us to "come home" to domestic issues and problems, or whether they think there still is, in the destiny of America, a summons to "go forth" with its message of freedom, its economic might and its military power, if need be, in the fulfillment of a world role.

This is not only an issue between the conventional parties; it still is an issue within the Democratic Party. The Republican Party resolved this issue essentially at the Willkie Convention of 1940 and since then has been an internationalist party under Eisenhower and Nixon. The Democratic Party, throughout the lifetime of most adult voters, has been the party of an activist foreign policy, framed by Roosevelt, Truman, Kennedy and Johnson. Now the New Democratic Party marches to other music. It has been remarkably successful in completely changing the direction of a great national party. It has, in effect, and to a very large degree, repudiated most of the foreign policies of the great Democratic leaders of recent years.

Now it is attempting to achieve the same success in changing the direction of the whole country. If it succeeds, the United States will have disparaged and apologized for its foreign policy since World War II. It will have embraced the theory that the cold war was indeed a myth. It will have accepted the notion that the communist menace was a figment of frightened imaginations. It will have dismissed the alliance of the free world as a conspiracy against the peace of mankind.

Change achieved at the polls is too frequently referred to metaphorically as a revolution; but such a change in the philosophy of a nation's foreign policy could hardly be described with accuracy by any other term than that of a "revolution". Seldom has any people, without the intervention of military disaster and defeat, travelled so far in so short a time as the distance from the optimistic and activist foreign policy of John F. Kennedy's "go forth" address to the revisionist and withdrawal philosophy of Senator McGovern's "come home" speech.

**DONALD R. LESIAK IS CLEVELAND NAA "OUTSTANDING MEMBER OF THE YEAR"**

**HON. WILLIAM E. MINSHALL**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. MINSHALL. Mr. Speaker, it has always been a point of particular pride with me that the 23d Congressional District of Ohio, which I represent, has more than its quota of outstanding citizens. Therefore, I am delighted when their abilities are recognized officially.

One of the most recent honors accorded a constituent has been received by Donald R. Lesiak, Parma, Ohio, who has been named "Outstanding Member of the Year" by the Cleveland chapter of the National Association of Accountants. Mr. Lesiak was presented with an en-

graved plaque on September 21 at an NAA banquet in Cleveland.

Some of the reasons for this tribute by his 800 colleagues in NAA are given in a news release from the organization. I include it to show the tremendous job Mr. Lesiak is doing so successfully in his field:

NEWS RELEASE

Lesiak, a native Cleveland and a resident of Parma for the past six years has been an active associate director and member of NAA since 1969 and has become a self-created leader in northeast Ohio in the area of career guidance on the education committee and initiated with the Cleveland East chapter of NAA the "Accountant for a Day Program" for area high school students.

During the past year Lesiak was also a major contributor and an associate director on the chapter public relations committee that won one of five NAA national awards for public relations for the first time in the 51-year history of the Cleveland chapter.

All of this, plus perfect attendance at chapter meetings and the writing of a 24-page manuscript entitled "The Productivity Solution: Behavior-Oriented Accounting in the Age of the Dwarfed Dollar and Challenged Values," did it. Lesiak claims that the concepts described in his manuscript actually work and are simply based on the principles of "working smarter, not harder" and "two heads are better than one." A million dollars (\$1,000,000) savings per year ain't hay, especially when it has been repeated for five consecutive years. Maybe this will be the wave of the future, but according to Lesiak, it has arrived.

**PROPOSED AMENDMENTS TO H.R. 16704—HOUSING AND URBAN DEVELOPMENT ACT OF 1972**

**HON. HERMAN BADILLO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. BADILLO. Mr. Speaker, we are experiencing a critical shortage of housing for low- and moderate-income people. Our production of subsidized housing is seriously lagging behind our national needs. New York City has a waiting list of 150,000 families, approximately one-half million individuals, who are in need of such housing. Their need cannot be met. The city will be able to construct only about 1½ percent—or 3,000—of the units actually needed. Simultaneously, New York, as well as about another dozen cities across the Nation, is in such dire need of operating funds for already existing units that unless substantial commitments in this area are immediately made these units cannot remain in operation.

Yet, owners by the thousands are walking away from housing units in Washington, Philadelphia, Detroit, Cleveland, Baltimore, Boston, and Birmingham. New York City is losing between 15,000 and 20,000 units a year. The Department of Housing and Urban Development estimates that annually 200,000–300,000 units are lost to the Nation through abandonment—at a replacement cost of \$30,000 per unit.

Moreover, large numbers of these houses are not dilapidated and inhabitable. In New York City an estimated 80 percent of the unrecorded losses in

1968 were in buildings classified only 3 years earlier as either sound or deteriorating, but not dilapidated. Consequently, abandonment in those cases represented a decision "to get out and leave" on the part of the owners.

In both New York City and Baltimore losses through abandonment are estimated to nearly equal or exceed additions through construction of units for low- and moderate-income families. Thus, it is abundantly clear that unless we are prepared to do something about the abandonment crisis it will be impossible, through traditional housing programs, to keep abreast of our housing needs.

A deteriorating building which is abandoned becomes a danger for the entire community. It becomes a haven for addicts and other criminals who can terrorize the entire neighborhood. This leads in turn to increased disinvestment and accelerated out-migration of all who can afford it. Whole areas then move toward the status of the "crisis ghetto" characterized by decreasing median family income, increasing unemployment rates, declining total population, increasing public assistance dependency, increasing rates of crime and vandalism.

Continued owner-occupancy, on the other hand, acts as a stabilizer for the neighborhood. When people occupying a building have a proprietary interest they can and do take an active part in the affairs of the community. In New York City tenants occupying buildings abandoned by the landlords have banded together to maintain, as best as they can, a roof over their heads. They arrange for most immediately needed repairs, they keep the buildings habitable and often set up common funds for common expenses. Their interest and presence help in reducing rates of vandalism, crime, and other social ills which often result in the eventual death of a neighborhood.

Two of the amendments I am going to offer to H.R. 16704 are designed to assist tenants in acquiring ownership of buildings which are abandoned and which they are already occupying in some instances. Title VII of the bill gives the Secretary the power to "assign or sell or otherwise dispose" of property acquired by him under the act. The bulk of such property, in my estimation, will consist of housing which reverted to HUD due to the abuse of section 235 and 236 programs. It will be located in cities such as Denver, Kansas City, St. Paul, San Antonio, Paterson, Washington, Philadelphia, Berkeley, Seattle, Everett, Spokane, St. Louis, Elmwood, Pittsburgh, and New York—in other words, cities where problems of abandonment are being experienced and where tenant groups are trying to cope with housing problems. My first amendment on page 102 of the bill directs the Secretary to give special consideration, when disposing of such property, to applications by tenant groups and cooperatives.

My second amendment, directed toward this problem, is much more extensive. It proposes a new title XI on page 259.

For the information of my colleagues, I am inserting the text of both my amendments in the Record at this point:

## AMENDMENT No. 1 TO H.R. 16704

Page 102, after line 4, insert the following new subsection:

(f) In dealing with and disposing of real property acquired and held by him under this Act, the Secretary shall give special consideration and preference to applications made to acquire such property by tenant groups and cooperatives, particularly those whose members are actually occupying the property involved at the time of application.

## AMENDMENT No. 2 TO H.R. 16704

Page 259, after line 15, insert the following new title (and redesignate the succeeding title and sections accordingly):

**TITLE XI—ACQUISITION AND REHABILITATION OF LOW AND MODERATE INCOME HOUSING BY TENANT COOPERATIVES**  
**FINDINGS AND PURPOSE**

Sec. 1101. (a) The Congress finds that the most effective method of preventing further urban decay, property devaluation, abandonment, and the resultant and concomitant social problems is the promotion of homeownership by low- and moderate-income families. The Congress further finds that many multifamily housing units in core-city areas could be rehabilitated to provide suitable housing for such families, but that the necessary broad-scale rehabilitation can be achieved and maintained in such areas only through the elimination of absentee-ownership and by placing the structures involved directly into the hands of their occupants.

(b) It is the purpose of this title to provide the means whereby low- and moderate-income families and individuals can acquire, rehabilitate, and improve the structures in which they live and to give such families a means to contribute, through homeownership and their resultant interest in the community and its present and future improvement and maintenance, to the general welfare.

**AUTHORIZATION OF ASSISTANCE**

Sec. 1102. (a) In order to carry out the purpose of this title, the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") may make grants to finance the acquisition by a tenant cooperative of multifamily housing which its members occupy and the rehabilitation of such housing, whether such housing is acquired from the owners directly or from the municipality in which it is located after condemnation or other legal proceedings vesting title in such municipality. Except as provided in section 1103, any such grant may be made only to the tenant cooperative which is to acquire and rehabilitate the housing involved.

(b) A grant under this title may be made only if (as determined under regulations of the Secretary)—

(1) priority in the membership of the tenant co-operative will be given, first, to the individuals and families currently occupying units in the housing involved; second, to individuals and families currently occupying units in other housing undergoing rehabilitation with assistance under this title, with a preference to individuals and families occupying such units in the neighborhood where the structure to be assisted is located; and, third, to other individuals and families displaced by Federal or federally assisted programs, with a preference to individuals and families displaced by programs in such neighborhood;

(2) the average income of at least 80 per centum of the occupants of the structure involved, at the time of full initial occupancy following rehabilitation, will not exceed 135 per centum of the maximum income limits which can be established in the area, pursuant to the limitations prescribed in sections 3(2) and 6(c) of the United States Housing Act of 1937 (as amended by section 301 of this Act), for initial occupancy in

public housing dwellings; and the average income of the remaining occupants of the structure at such time will not exceed 90 per centum of the limits prescribed by the Secretary for occupants of projects financed with mortgages insured under section 502 of the Revised National Housing Act;

(3) the total of the average monthly payments of the occupants of the structure involved at any time for purposes of membership in the cooperative, taxes, insurance, upkeep, improvements, and contingencies, and the average monthly payment of any individual or family at any time for such purposes, will be within such limits as the Secretary may find necessary to assure that the purpose of this title will be achieved;

(4) the units in the structure after rehabilitation will provide the members of the cooperative with decent, safe, and sanitary housing; and

(5) none of the units in the structure will be rented or otherwise made available on a commercial basis to persons who are not members of the cooperative, except that an individual member of the cooperative may make his unit available on a rental basis to such persons for temporary occupancy.

For purposes of paragraph (1), an individual or family displaced from a dwelling unit by rehabilitation being carried out with assistance under this title shall be considered to be currently occupying such unit.

(c) (1) No grant shall be made under this title to any tenant cooperative unless it is shown that such cooperative would be unable to secure the necessary funds from other sources upon terms and conditions that would preclude the payment of more than 25 per centum of the income of any individual or family for the acquisition, rehabilitation, and upkeep of the structure involved.

(2) No grant shall be made unless it is shown that any rehabilitation will be undertaken in an economical and businesslike manner, and that any structural changes to be made will not involve elaborate or extravagant design or material.

(d) The Secretary shall enter into such arrangements and take such actions as may be necessary to provide insurance covering structures being purchased or rehabilitated by tenant cooperatives with assistance under this section, at premium rates which are within the means of such cooperatives and which are determined without regard to any high-risk characteristics of the area where the structure involved is located, in cases where such insurance is otherwise unavailable or is otherwise available only at excessively high rates.

**INTERIM LOANS TO MUNICIPAL AGENCIES PENDING FORMATION OF COOPERATIVE**

Sec. 1103. If the Secretary determines that there are substantial organizational or administrative difficulties preventing the formation of a qualified tenant cooperative in time to apply for and receive a grant under this title with respect to any housing, he may make a grant to the local municipal government or the appropriate agency thereof to finance the acquisition and rehabilitation of such housing upon receiving satisfactory assurances that—

(1) a tenant cooperative satisfying the requirements of this title will subsequently be organized, and

(2) all right, title, and interest in and to such housing, together with all outstanding debt obligations and other liabilities related thereto, will be transferred by the local government or agency to such cooperative at the earliest possible date following the completion of the rehabilitation.

A grant made to a local municipal government or agency under this section shall be made subject to all of the terms, conditions, and requirements of this title; and the Secretary shall prescribe such regulations as may be necessary to insure that any such grant will carry out the purpose of this title.

**GRANTS TO LOCAL MUNICIPAL GOVERNMENTS FOR CERTAIN LEGAL PROCEEDINGS**

Sec. 1104. In order to encourage local municipal governments to enact and enforce laws or ordinances providing for the acquisition by condemnation or otherwise of multifamily residential properties which repeatedly violate local building codes or codes relating to safety and sanitation, with a view to bringing about the conveyance of such properties to tenant cooperatives for rehabilitation with assistance under this title, the Secretary may make grants to any such local government (or the appropriate agency thereof) in amounts up to 50 per centum of the administrative costs incurred by such government (or agency) in acquiring title to any such property under such a law or ordinance, holding and servicing the property to the extent necessary, and conveying the property to a tenant cooperative.

**TECHNICAL ASSISTANCE**

Sec. 1105. (a) In order to insure that grants under this title will be effective in carrying out the purpose of this title, the Secretary shall establish in the Department of Housing and Urban Development a tenant cooperative technical assistance service, which shall be based in the local field offices of the Department and shall work in cooperation with local housing, human relations, and antipoverty agencies and with such other groups as may be appropriate. The Secretary shall take such action as may be necessary to make available to tenant cooperatives applying for or receiving assistance under this title, to the maximum extent practicable, all types of assistance necessary to the successful operation of the identification and organization of tenants' groups, the provision of assistance in the acquisition of buildings, the contracting of rehabilitation work, the arrangement of grants, instruction in corporation management, and the provision of assistance in the actual management of the tenant cooperative in its initial stages. To the extent he determines it appropriate and consistent with the purposes of this title, the Secretary may delegate certain of these functions to nonprofit organizations which specialize in rendering assistance to cooperatives, and may enter into such contracts and other arrangements as may be necessary and appropriate for this purpose.

(b) In addition to assistance provided under subsection (a) with respect to the rehabilitation of a structure or structures by a tenant cooperative, the Secretary shall undertake to indemnify any surety company with respect to any bond issued by it covering a contract of a small business concern which is located in the same neighborhood as such structure or structures and which is or would be engaged under such contract as a construction contractor or subcontractor in the rehabilitation of such structure or structures with assistance under this title, upon a determination that such indemnification will materially affect the ability of the small business concern to obtain the bond and that there is no reasonable assurance that the conditions for the discharge of all liability on the bond will not be fulfilled.

**POWERS OF SECRETARY**

Sec. 1106. In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402 (except subsection (c)(2)) of the Housing Act of 1950.

**LABOR STANDARDS; EMPLOYMENT OF LOCAL RESIDENTS AND CONTRACTORS**

Sec. 1107. (a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the rehabilitation of housing assisted under this



title shall be paid wages not less than these prevailing in the locality involved for the corresponding classes of laborers and mechanics employed on work of a similar character, as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (the Davis-Bacon Act); but the Secretary may waive the application of this subsection in cases or classes of cases where laborers and mechanics not otherwise employed in the rehabilitation of such housing voluntarily donate their services for the purpose of lowering the costs of rehabilitation and the Secretary determines that any amounts saved thereby are fully credited to the tenant cooperative.

(b) (1) Under regulations prescribed by the Secretary, to the maximum extent feasible, the laborers, mechanics, and other persons engaged in the rehabilitation of a structure assisted under this title shall be residents of the neighborhood where such structure is located, giving first preference to individuals who are or will be members of the tenant cooperative.

(2) The Secretary may take such steps as may be necessary to provide persons engaged in the rehabilitation of a structure under paragraph (1) with such training as may be required to enable them to perform the work involved.

(c) Under regulations prescribed by the Secretary, to the maximum extent feasible, any contracts for or in connection with the rehabilitation of a structure assisted under this title shall be entered into with contractors and subcontractors located in the neighborhood where such structure is located.

#### AUTHORIZATION OF APPROPRIATIONS

Sec. 1108. There are authorized to be appropriated from time to time such sums as may be necessary to carry out this title.

#### DEFINITIONS

Sec. 1109. As used in this title—

(1) the term "multifamily housing" means any residential structure (or group of structures) containing three or more dwelling units;

(2) the term "tenant cooperative" means any group of the tenants of a multifamily housing structure which is organized as a cooperative corporation under the applicable laws of the State and locality in which the structure is located;

(3) the term "rehabilitation" may include such interim emergency repairs as may be necessary to prevent further deterioration of the structure involved before actual rehabilitation is commenced; and

(4) the term "acquisition and development cost" means the total cost of the acquisition of a multifamily housing structure and its rehabilitation, including any necessary onsite or offsite improvements which may be necessary to insure that after it is rehabilitated it will effectively provide decent, safe, and sanitary housing for its occupants.

#### TRANSPORTATION TRAFFIC SAFETY EDUCATION

**HON. JOHN M. MURPHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. MURPHY of New York. Mr. Speaker, the largest outdoor transportation traffic safety education exposition ever held in New York City has been announced. The project is designed specifically to demonstrate traffic safety.

Federal, State, and New York City government agencies will participate in the Transportation Traffic Safety Education Exposition. The program is de-

signed specifically to demonstrate traffic safety. It will be staged at the Park Department's Manhattan Beach parking field on Oriental Boulevard, Brooklyn, N.Y., on September 28 from 1 to 5 p.m. Admission is free to the public and there will be no solicitations.

New York City Comptroller Abraham D. Beame is the chairman of the Transportation Traffic Safety Education Exposition Committee. Governor Nelson A. Rockefeller has issued a proclamation designating the month of September as Traffic Safety Month.

The traffic safety project has been created and produced by Alex Novitsky from Brooklyn, N.Y. Novitsky was the chief of public relations and director of traffic safety education for the late New York City Traffic commissioner, Henry A. Barnes. Novitsky has produced over 1,000 radio and television programs including the first live remote television program in Brooklyn on WABC-TV. A 1-hour television program and a 45-minute radio show will be produced on the Joe Franklin WOR-TV show in conjunction with the Transportation Traffic Safety Education Exposition. Novitsky also plans to produce America's Transportation Safety Exposition in 1976 on the 200th anniversary of the birth of our Nation.

#### CHECKS AIR TRANSPORT TICKETING

**HON. GILBERT GUDE**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. GUDE. Mr. Speaker, in the August 28, 1972, issue of Aviation Week & Space Technology there appeared a most interesting story on the investigation currently being conducted by the Civil Aeronautics Board, under the leadership of Richard J. O'Melia, Director of the Bureau of Enforcement, into the various illegal ticketing practices of certain airlines. I believe that my colleagues are well aware of some of the problems these improper methods have caused for the traveling public. This includes the sale of tickets by travel agents for charter or group flights to persons who are ineligible.

I am pleased that the CAB is taking such an interest in this problem, and I offer the text of that story for inclusion in the RECORD at this point for the consideration of my colleagues:

AIR TRANSPORT—ILLEGAL TICKETING TO BE  
SCRUTINIZED

(By Harold D. Watkins)

WASHINGTON.—Major attack by the Civil Aeronautics Board on illegal ticket practices by airlines, tour operators and travel agents in the North Atlantic market will involve surprise checks at airport counters, subpoenas of witnesses and records and the threat of criminal prosecution.

The Board action initiated last week is the latest evidence of the mounting concern among government, industry and airline officials over the proliferation of the fare discounting, rebates and other illegal practices (AW&ST May 8, p. 28).

The practices are considered by some a result of alleged airline efforts to foster sales of seats to agents and tour operators, but the

Board also is concerned that those operators and agents may themselves be conducting similar illegal practices as competitive tools against each other.

In instituting the far-reaching action under authority delegated to him by the Board, Richard J. O'Melia, the CAB's director of the Bureau of Enforcement, said the investigation would have twin key targets:

Airlines permitting special rates or concessions to persons purchasing large blocks of seats for resale to the public.

Tour operators and travel agents who may be reselling such seats at amounts less than those set forth in the tariffs on file with the Board or to persons ineligible for the fares provided, either with or without the knowledge of the carriers.

Board action follows information provided it by the International Air Transport Assn. (IATA), the Air Transport Assn. of America (ATA) and individual airlines. But O'Melia told Aviation Week & Space Technology that the immediate trigger for his decision to launch the investigation formally was the profusion of illegal practices uncovered during a recent five-day surprise check of tickets at New York's Kennedy International Airport, which was conducted by 15 IATA investigators and five from the Board's Bureau of Enforcement (AW&ST Aug. 21, p. 23).

The investigation will be conducted under Board procedures intended to provide the basis for later corrective action if that is determined to be called for. The so-called "informal, non-public" investigation gives the Board power to subpoena witnesses to appear before a hearing examiner and to have them provide designated documents.

The hearings are private and the records of the hearings are considered internal Board documents not available to the general public.

O'Melia used the same type of investigation in conducting his earlier investigation of charter flight violations, which has produced action against both airlines and agents.

Some types of alleged charter violations will also come under scrutiny in the current probe, but O'Melia believes the abuses of affinity charter rules have been drastically cut.

"What was a roaring river is now a trickle," he claims.

O'Melia, in the order setting forth the investigation, said the information received by the Board about the alleged offenses was of "grave concern" to it. If true, such widespread practices will result in significant loss of revenue to carriers, will jeopardize the livelihood of numerous ticket agents working within the law, and will serve to "unjustly enrich those ticket agents or other persons receiving unlawful payments or concessions with no commensurate benefit to the traveling public," the order charged.

Such under-the-table practices must be considered to be contributing substantially to a higher fare structure for the traveling public generally, he said. IATA carriers are estimated to lose between 200 million and \$500 million a year through the practices being investigated, O'Melia said.

The order for the investigation followed a June 26 letter from CAB Chairman Secor D. Browne to all domestic airlines and foreign ones serving the U.S. alerting them to the information it had received and warning that the Board would not condone such practices. Browne urged carrier managements to take individual measures to put an end to the practices.

This was followed July 17 by a letter to the same carriers from O'Melia in which he referred to the chairman's letter concerning "alleged improper payments by U.S. and foreign air carriers made to agents, tour operators and others as inducements to obtain additional passenger and cargo business."

In this, O'Melia stated it was the Board's understanding that a number of carriers have undertaken these illegal practices as

"defensive" measures. As such, O'Melia sought help from them as to how illegal rebates and discounts were disguised in connection with both passenger and cargo business.

Responses to this request are still coming in, but O'Melia indicated that one of the primary purposes of the new investigation will be to uncover how the illegal practices are conducted. Up to now leads to alleged violations have often "just gone up in smoke," he remarked. The investigation will be aimed at facilitating the establishment of proof of the violations.

The order lectured the industry that the "Board has already exhorted the carriers, as well as IATA and the ATA, to take immediate corrective steps." But despite this, the order continued, "it has become increasingly clear that the Board itself must play an active role in this matter where destructive competitive practices not only pose a grave threat to the carriers themselves but also may constitute violations of federal law."

While the immediate investigation is aimed at passenger traffic, a similar one into cargo practices could come later. O'Melia said: "I am just as suspicious of cargo as passengers, but I do not have the people to go into everything that some think we should."

Already, as a result of the check at Kennedy, O'Melia said his staff is planning some formal action against violators, although he refused to identify them. He said there will be similar checks at other airports with the same absence of advance warning.

Whatever inner fears may exist as to where chips from the investigation may fall, industry spokesmen and those at airlines queried endorsed the CAB's investigation.

An ATA spokesman said the discounting problem was similar to the over-capacity one in that, as some airline executives contend, it is not solvable by action of individual airlines. "The thing grew upon itself, and the quicker it is cleaned up the better," he said.

An IATA spokesman, noting the role that the international group already has played in focusing attention on the problem said: "The international airlines want the market place cleaned and any action to that end is welcomed." He said enforcement of some tariffs—such as youth fares—and some charter operations were beyond the reach of IATA's own enforcement machinery because they are not part of an IATA agreement.

A Trans World Airlines spokesman, emphasizing the problem is an industry one, said: "To the extent that the CAB's involvement will contribute to solving this problem, we welcome it and will cooperate fully in the hope that the investigation would benefit all involved."

In summing up what the Board was attempting to do in this investigation, the order laid out these goals:

Determining the existence and extent of rate-cutting, rebating or similar unlawful practices in the North Atlantic and to identify airlines—U.S. or foreign, scheduled or supplemental—or other parties engaged in them.

Obtaining evidence for use in enforcement proceedings before the Board, including civil penalties, and for possible referral to the appropriate U.S. Attorney for use in civil or criminal action in the federal courts.

Gathering information that might lead to formal proceedings to alter U.S. carrier certificates and foreign air carrier permits.

Emphasizing the zeal with which the investigation will be pursued, O'Melia in an interview referred pointedly to the serious potential penalties outlined in the order and remarked: "That order is my declaration of war."

The order also said the investigation would concentrate on suspected areas of violations such as:

Devices used for circumventing time-period validity provisions on scheduled carrier excursion fares.

Selling either scheduled or charter affinity fares to the general public or persons otherwise ineligible, or permitting individual one-way passage for persons required to travel in a group. (Interviews at Kennedy revealed passengers with affinity group tickets had no idea of what group they were supposed to be traveling with, O'Melia said.)

Devices for circumventing provisions covering sale of air and land accommodations as part of a group inclusive tour, such as failure to collect for or to supply required land components.

Schemes for avoiding provisions of age or status for youth and student fares. (In the Kennedy investigation, an 81-year-old woman was found attempting to travel with a youth ticket, O'Melia said.)

Cash "kickbacks" or discounts by carriers or tour operators to favored customers, including persons purchasing large blocks of seats for resale.

O'Melia said the investigation would not be limited to the U.S. side of the Atlantic but would include alleged violations in Europe as well. He has not sought the active aid of counterpart government agencies in Europe, but has established lines of communications in case their help is desired.

O'Melia is counting on help from the IATA enforcement personnel. The CAB enforcement staff includes only eight investigations, up from six in 1956, and 12 lawyers.

#### CAB FOCUSES ON TICKET REBATES AS RECORD PENALTIES IMPOSED

Record in civil penalties levied by the Civil Aeronautics Board lies ahead this fiscal year with fines totaling \$173,000 handed down in the past two months. Included is a record \$87,000 imposed on Trans World Airlines for failure to pay denied boarding compensation.

At least another \$300,000 in fines, stemming largely from illegal charter operations, is in the pipeline for the remainder of the fiscal year, according to CAB Bureau of Enforcement Director Richard J. O'Melia.

Continuing Enforcement Bureau investigations into illegal ticket practices could send the total even higher, especially if Congress approves pending legislation raising the ceiling on civil penalties from \$1,000 to \$25,000 per violation.

The legislation would bring CAB sanctions more in line with those available to the International Air Transport Assn.'s breaches commissioner, who can levy fines up to \$50,000 per violation in cases of undercutting legal tariffs and other ticket malpractices.

Citing a significant decline in illegal charters, O'Melia said his staff of eight investigators has now declared "open warfare" in shifting its attention to ticket discounting and rebating. The CAB and IATA recently combined forces in a five-day unannounced spot-check of airline tickets at New York's Kennedy International Airport (AW&ST Aug. 21, p. 23).

The amount of fines resulting from investigations into discounting has not yet been determined, but O'Melia predicted the \$87,000 levied on TWA would not remain a record for long.

The TWA compromise civil penalty accepted by the Board on July 13 resulted from the carrier's overbooking of flights. The airline was cited in more than 500 instances for failure to distribute denied boarding compensation notices to passengers who were turned back, and in over 300 instances for failure to pay such compensation.

A TWA spokesman said the violations occurred during the peak season last summer and that the airline now uses a programed airline reservations system (PARS) to prevent reoccurrence.

Other fines levied the past two months: Total of \$27,000 against Saturn Airways and World Airways for operating charter flights for groups not qualified for charter rates.

\$50,000 fine against Alitalia for selling 2,400 youth fare tickets last summer at illegal rates.

Total of \$9,300 in compromise civil penalties along with cease and desist orders against three carriers as a result of violations of cargo tariff rules. Delta Air Lines paid \$3,900; Eastern Airlines, \$2,400, and National Airlines \$3,000 at the rate of \$300 per violation.

Since July 1 of last year, O'Melia said, civil penalties totaling more than \$370,000 have been collected, more than half the amount collected by the CAB in civil penalties in the previous eight years. Fines amounting to \$203,850 were collected in Fiscal 1972, the bulk of which stemmed from charter violations.

An Enforcement Bureau survey made in July confirmed a "significant decline" in the activities of New York consolidators in selling charter transportation across the North Atlantic. The bureau said flights promoted by these consolidators had previously represented the major area of recent illegal charter operations.

The bureau's shift of emphasis from charter operations to scheduled airline irregularities is partly in pursuit of agents who switched from charters and are now sending their passengers on scheduled airlines at illegal discounts.

#### TURKEY, DEMOCRACY WITH RULES, UNDER COMMUNIST ATTACK FROM WITHIN: WHICH COUNTRY NEXT?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES  
Tuesday, September 26, 1972

Mr. RARICK. Mr. Speaker, as our Government continues to mellow toward the Communist power structures of the world, other free nations continue to be besieged by sabotage and subversion to the point of constituting national emergencies in order to preserve their own representative government.

Less than a year ago our neighbors in Canada suspended constitutional liberties in that country in order to stamp out separatist terrorism. The kingdom of Greece continues to be harassed from many leftwing quarters because its people refuse to tolerate terrorism and succumb to communism. In the paper this week we have read of the subversive terrorism in the Philippines and the extraordinary action being taken by President Marcos to prevent communism from overthrowing the democratic institutions of that nation.

The emergency Communist crisis has also struck the Government of Turkey but is being little publicized. Were it not that the Turks' new law censuring the press had resulted in the arrest of 220 newspapermen in that country, it is doubtful that the action invoked by the Government of that country to control subversion would have been reported in the news media.

To the average American, the idea of censoring the free press or arresting some newspaper reporters may seem extreme and frightening but those same Americans should understand that the representatives of those foreign governments know full well the power of irresponsible and distorted free speech as



a weapon in provoking strife, instigating subversion, and overthrowing responsible legal governments.

Responsible newsmen would do well to heed the warning from the seeds of the Red tide of terrorism becoming commonplace around the world by policing their own profession—moderating on sensationalism—less crusading on reforms and extremism and with objective reporting of the facts. Unbridled free speech and free press are great privileges from the tolerance of society but their abuses and excesses are rapidly curtailed in any country under attack by terrorism and Communist aggression.

I had recently commented in a report to my people on the role played by our Government in bringing about the tragic and unfortunate situation which now exists in Turkey. As our great Nation abandons its role as the leader of the free world and continues to follow a policy of mellowing toward the Communist world with agreements and trade, I fear more and more leaders of our former allies will be compelled to suspend civil liberties in their countries and invoke harsh laws if they are to prevent Communist overthrow. All that is necessary for evil to triumph is for good men to do nothing.

Thank goodness there are still leaders dedicated to freedom around the world. We should commend them and give them support for the unpopular stands they have had to take to keep their people free rather than to criticize them. All Americans must be made conscious of the role that our leaders have played and are assuming in this international struggle of the free world, splintered and disorganized against the efficiency of a dictatorial world.

Those Americans who would profit from terrorism and misery should consider what will happen when it comes our turn.

#### Related newscippings follow:

[From the Panama Star & Herald,  
Sept. 12, 1972]

#### TWO HUNDRED AND TWENTY TURKISH NEWSMEN JAILED UNDER NEW LAW

ISTANBUL.—The president of Turkey's syndicate of journalists reported today that 220 Turkish news men have been convicted under this country's tough, new press law.

Sadullah Usumi made the report at the opening meeting of the international federation of journalists. Journalists from 19 non-Communist countries are attending.

Denmark and West Germany are boycotting the meeting in protest against its being held in Istanbul. They claim discussions cannot be totally free because of press controls here.

Eleven Turkish provinces are currently under martial law in a crackdown on terrorist activity and strict press controls are being enforced.

Usumi told the assembly that there were 754 cases against newspapermen in the courts of Turkey their most important press centers—Istanbul, Ankara and Izmir. In 220 of these cases newsmen have been convicted and are awaiting the results on appeals, he said.

Usumi added that a report prepared by his unions listed 18 prominent journalists as having been jailed. Four are still in jail.

Usumi said a request to the government for a press amnesty had brought no reply.

Minister Ismail Arar, representing the government, said Turkey was the target of destructive subversive separatist activities.

[From the New York Times, Apr. 9, 1972]

#### THE ARMY IS GETTING ITCHY

(By Metin Munir)

ANKARA.—In the decade of the 1950's, when the cold war was at its height, Americans learned to regard Turkey as perhaps their staunchest NATO ally. Turkey had been fighting the Russians since before the United States was born, and the Turks had no love for Russia's new Communist rulers.

Those days have gone. In a country where one could not speak favorably of Communism without endangering one's career, Communism has become a serious threat. American sailors, once feted at every turn, cannot visit the Istanbul waterfront these days without risking being toppled into the Bosphorus by pro-Communist students.

The once-stable outpost of Western rule has been buffeted by violent internal division, often inspired by Marxist revolutionaries. So much so that last week the Turkish President, the former Army Chief of Staff, Gen. Cevdet Sunay, asked the nation's political parties to suspend political debate and give the Government authority to rule by executive decree. To outsiders this might have sounded like the death knell of democracy in Turkey but President Sunay argued otherwise. He said he was merely proposing a solution for stabilizing the country in a hurry—without inter-party squabbling—so that general elections would be held on schedule in the autumn of 1973. "All we want to do is to give Turkish democracy a better future and firmer foundations," explained Premier Nihat Erim.

What had brought Turkey to such a state?

The causes go back a decade to 1960 when the army, angered by the increasingly despotic behavior of the Government of then Premier Adnan Menderes, revolted and seized power. A year later, during which time Mr. Menderes and other former ministers had been executed for crimes against the state, the soldiers returned to their barracks, having given Turkey a surprisingly liberal constitution.

For the first time in Turkish history the constitution allowed advocacy of socialist doctrines. (Communism was still outlawed but the line dividing socialism and communism was so thin that this hardly mattered.)

Writers, columnists, artists, university professors, students and teachers embraced socialist concepts until the extreme left wing, although never scoring more than 4 per cent in the elections, became the most audible voice in the country.

The government at this time, Suleyman Demirel's conservative pro-American Justice party, won in two elections in 1965 and 1969 but could not cope with the left.

To rectify that situation, in the late sixties, Mr. Demirel changed the election law making it impossible for the small Turkish Labor party to win any seats. With no hope of gaining predominance through democratic means, the left launched its theory of "extra-parliamentary democracy."

The moderate Turkish Labor party was replaced by the violent Turkish People's Liberation Army, an underground guerrilla organization, formed mostly of students.

With increasing fervor the students spent more time on politics than their lessons, holding forums, boycotting, seizing control of school buildings and killing. Between 1969 and 1971, 21 people were killed in clashes between extreme left and right-wing students. The exact membership of the Liberation Army is not known but is estimated to be between 400 and 800. Its activities have been concentrated in Ankara, Istanbul and Izmir, three of Turkey's biggest cities.

The Russians, following their perennial dream of penetration of the Middle East, found an amenable Trojan horse in these new Turkish Communists. They supplied money and guidance. The Arab countries, for whom

Turkish suzerainty was a not so distant memory, also favored a weak Turkey and made available training facilities already used by Palestinian guerrillas. Then, at the beginning of 1971, came the first kidnapping of a group of American servicemen. The internal war was on in earnest.

The Turkish Army, in the tradition of Ataturk, the founder of modern Turkey, still considered itself the protector of Turkish democracy and stepped in to right the dangerously deteriorating situation.

On March 12, last year, through "a coup by radio"—a short army ultimatum was read over the radio while a general waited outside the studio—they forced the withdrawal of the Demirel Government. In its place Mr. Erim formed a new Government that would be "above party politics" and designed to implement reforms leading to elections as quickly as possible. The army stayed closely in the background.

That was the situation until last week, when in the wake of yet another kidnapping—this time of three NATO technicians who were brutally murdered by guerrillas—matters threatened to get out of hand again. It was for this reason that President Sunay made his request for government by decree. If his proposal is not accepted, it is safe to assume that a complete military takeover will be unavoidable.

[From Time, May 1, 1972]

#### DEMOCRACY WITH RULES

Turkish Prime Minister Nihat Erim was not terribly surprised last week when a message from President Cevdet Sunay was rushed to him at Ankara airport. Erim had just said goodbye to Soviet President Nikolai V. Podgorny, who flew home after a week of inconclusive negotiations over a proposed Soviet-Turkish friendship treaty. Ceremonies completed, Erim tore open the envelope to learn that he was being relieved as Prime Minister because of his "extreme fatigue."

Actually, Erim had been trying to resign for more than a week; he had agreed to remain on the job only to handle the Podgorny visit. Whatever fatigue he felt was caused by his unsuccessful efforts to deal with an obstructionist Parliament that refused to approve his tax- and land-reform measures and sought to prevent him from using the alternative—ruling by decree.

Erim's resignation and Sunay's search for a successor who would continue the departed Prime Minister's "above party" approach to government produced a new political crisis for Turkey. For 50 years the country has been effectively run from behind the scenes by the military, which last year turned out Prime Minister Suleyman Demirel (for not cracking down hard enough on dissenters) and installed the then virtually unknown Erim, a former law professor. Officially, Turkey is a parliamentary democracy, but the four main parties are so fractiously divided that little in the way of creative change is possible. Because Parliament so strongly opposed his reform programs, Erim had tried to resign twice before receiving last week's letter from the President. Both times the army persuaded him to stay on.

Adding to Turkey's political malaise is the increasing activity of left-wing urban guerrilla groups, many of them composed of students or graduates from the universities. The guerrillas last year carried out a campaign of violence that culminated in the kidnap-murder of Israeli Consul General Ephraim Elrom. Terrorist Leader Mahir Cayan and a cadre of guerrillas from an organization called the Turkish People's Liberation Army were convicted of that crime and were in Istanbul's Maltepe Prison awaiting final sentencing. But they escaped four months ago, kidnaped three NATO radar experts serving at a Black Sea base, and took them to a remote mountain village. As army

troops closed in, the hostages were shot all but one of the guerrillas were killed in a subsequent shootout.

The murders of the NATO technicians set off a renewed army crackdown on dissent. Since then, 107 leftists have been arrested. Generals now hold key positions in the police, the state radio and television networks and the government-run airline. Some Turkish intellectuals feel that the military has been somewhat excessive in its zeal to preserve order. The army commander of Ankara, for instance, closed down a display of pictures of President Nixon's China visit, sponsored by the Turkish-American Association. Showings of two U.S. movie classics, *Citizen Kane* and *The Grapes of Wrath*, were halted because their themes were considered too controversial. Reports persist that some antigovernment critics who were jailed in the crackdown have been tortured.

#### NO TYRANNY

The Turkish generals and their complacent allies among the politicians insist that the situation in their country should not be compared with that of neighboring Greece, where the colonels rule. "There is no tyranny here, no dictatorship," insists ex-Prime Minister Demirel, who remains head of the Justice Party, which holds the largest number of seats in Parliament. "This is a free country." By and large, the 36 million Turks—the vast majority of them conservative, unsophisticated Moslem villagers—still support what one observer calls "democracy within the rules."

A major reason for their willingness to go along with the military's ironhanded but velvet-gloved rule is Turkey's economic prosperity. Exports (primarily tobacco, textiles, hazelnuts and cotton) have reached a record high, and so has the balance of payments surplus. Tourism will set new records this year despite inadequate hotel space, and a massive suspension bridge is being built across the Bosphorus at Istanbul. Social life in the cities is gay, albeit a trifle restricted. Ankara hostesses, aware that under martial law no one is allowed on the city's street after the 1:30 a.m. curfew, always make certain that their parties end before that time.

#### CAPITAL PUNISHMENT AND THE SUPREME COURT

**HON. ROBERT F. DRINAN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. DRINAN. Mr. Speaker, I wish to bring to the attention of our colleagues the following analysis of the Supreme Court's recent decision in the capital punishment cases by the distinguished professor of philosophy of Tufts University, Dr. Hugo A. Bedau:

[From the *Jewish Advocate*, Aug. 10, 1972]

CAPITAL PUNISHMENT AND THE SUPREME COURT  
(By Hugo A. Bedau)

EDITOR'S NOTE.—The following is excerpted from remarks recently delivered on the Louis Lyons News and Comment program on WGBH-TV, Channel 2. Dr. Bedau, chairman of the Philosophy Department at Tufts University, is editor of the standard volume, "The Death Penalty in America", and President of the American League to Abolish Capital Punishment. He attended the U.S. Supreme Court oral arguments last Fall at which appeals on the capital cases leading to the decision discussed below were heard.

The United States Supreme Court made headlines in closing out its year's work by declaring the death penalty unconstitutional.

Newspaper and other reports have left a confusing impression on the precise impact of this historic decision. For this, the Supreme Court can blame itself. The justices' written opinions total 243 pages of text and footnotes, a glut of legal prose requiring some leisure to absorb. Also, each of the nine justices wrote his own opinion, and the gaps dividing the nine justices provide plenty of room for conjecture and inference. Nevertheless, after the opportunity to study closely the Court's opinions, it is possible to dispel some of the major confusions.

Did the Court, as some have said, split along political lines, with the five survivors from the liberal Warren Court in the majority against the death penalty, and the four new Nixon appointees in conservative defense of capital punishment? Well, all four justices appointed by President Nixon did oppose judicial repeal of capital punishment at this time. But at least two of the four, Justice Blackmun and Chief Justice Warren Burger indicated strong personal opposition to capital punishment, in sharp contrast to President Nixon, who at his press conference showed that he favors the death penalty as a deterrent for kidnappers and airplane hijackers at least.

As for the five justices who voted to abolish the death penalty, two of them, Potter Stewart and Byron White, were never counted among the solid liberal majority on the Warren Court. Only last year, in another important capital punishment case, Stewart and White both voted with the Nixon appointees to keep the death penalty. The other justices—Douglas, Brennan and Marshall—heirs to the humane jurisprudence championed by Earl Warren, each went off in a different direction in his opinion against capital punishment, one of the most striking displays of judicial independence on the Supreme Court in many years.

So, the image of erstwhile Warren Court justices solidly against the death penalty and pitted against Nixon appointed justices equally solid in favor of it is a considered oversimplification.

Is it true that the majority of five justices (as *The New York Times* claimed) "did not agree on a single reason for their action"? Not at all. What is true is that no two justices among the five agreed in the entirety with all the reasoning of their colleagues. Their opinions do show, however, that they share many reasons for their common decision.

All agreed that the death penalty imposed as it is, with infrequency and by juries which operate with no discernible standards whatever, is unconstitutionally "cruel and unusual."

All agreed that the purpose of the death penalty, whether it be retribution or deterrence, cannot be achieved when it is so rarely used.

All agreed that one purpose of the Eighth Amendment, which forbids "cruel and unusual punishment," is to prohibit legislatures from imposing punishments like the death penalty which, because of the way they actually function, serve no valid social purpose.

None of the justices wrote these very words in their opinions, of course. But what they did write plainly entails solid agreement on such fundamental reasons as these.

Is it true, as Chief Justice Burger said, that "the actual scope of the Court's ruling . . . is not entirely clear"? Well, a great deal in the ruling is clear. It is clear that all the broadly framed capital statutes in this country, whether state or federal, statutes which punish murder or rape or other felonies with death at the jury's discretion—all these statutes are now invalid. It is also clear that the death penalty as such has not been ruled unconstitutional. Only two of the five member majority—Justices Brennan and Marshall—wrote opinions which would support such a holding. The

other three justices in the majority made it clear that the constitutionality of very narrowly drawn capital statutes, or of mandatory death penalties where the jury has no discretion, has not yet been settled. In cases like our own statute in Massachusetts, which provides a mandatory death penalty for anyone convicted of murder in the course of forcible rape, constitutionality will be decided only by further litigation when someone is tried and convicted under such a statute and the conviction appealed.

Some have said that the decision of the Supreme Court to abolish the death penalty is good news for the criminal element, "a license for anarchy, rape and murder" (Lt. Gov. Lester Maddox of Georgia), and that it will "precipitate an avalanche of violent crimes" (Walter McLaughlin, Chief Justice of the Supreme Court in Massachusetts). No one can be certain in such matters one way or the other. But if we can be guided by precedent experience elsewhere we have no cause for alarm. In 1958, Delaware abolished capital punishment, and no upsurge in murder or rape followed. In 1964, Oregon rid herself of all capital statutes, and the rate of violent crime did not increase. More than a century ago, in 1853, Wisconsin became the first jurisdiction in modern times anywhere in the world to do away completely with capital punishment. At no time in all the years since then has any avalanche of murders or other felonies been traceable to abolition. There is no reason to think that what proved true in Wisconsin, Delaware, Oregon and in other states and countries will suddenly prove false for this nation as a whole.

Our experience with the gallows, the electric chair and the gas chamber has been a long one, but for all practical purposes it is now at an end. In this century alone, we have executed over 7,000 criminals in the United States in an effort to increase respect for human life. Last week, at the direction of our highest court, the nation has embarked on a different and more humane route to this end.

#### CONTINUING SOVIET HARASSMENT OF JEWISH CITIZENS WISHING TO EMIGRATE

**HON. BERTRAM L. PODELL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. PODELL. Mr. Speaker, I wish to call to the attention of our colleagues the continuing deterioration of the Soviet Jews' situation, by inserting a news item from yesterday's *New York Times* which so clearly illustrates this Soviet harassment of Jews which I have repeatedly condemned from the floor of this Chamber.

The item follows:

SEVEN JEWS IN MOSCOW SAID TO BE JAILED

Moscow, September 24.—Seven Moscow Jews who staged a sitdown protest at Government offices against the new education taxes on would-be emigrants have been tried secretly and sentenced to 15 days in prison, Jewish sources reported today.

Two other Jews including a prominent activist, Aleksei Tumerman, have been put in mental hospitals. At least two more are being held at undisclosed prisons in Moscow, according to information that Jewish sources say was given them by the police.

The arrests were made Thursday when 40 to 50 Jews took part in or were preparing to take part in protests to the Supreme Soviet or its collective leadership, the Presidium. The taxes were enacted by the Presidium Aug. 3 and were expected to be rati-



fled by the full Supreme Soviet at its two-day session, though the Soviet press did not disclose that any action had been taken.

Jewish sources said about 10 Jews in Vilnius, Kishinev and Tbilisi had paid the education taxes, ranging from \$5,000 to over \$30,000 and affecting pensioners as well as regent graduates of higher educational institutions. But so far as is known, no one in Moscow has paid the taxes so far.

## RODMAN DRAWDOWN SAVES TREES

### HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. YOUNG of Florida. Mr. Speaker, the lowering of the water level in Rodman Pool in Florida has triggered accusations of serious damage to fish and trees. If anything, this decision is reversing destruction of the area and resulting in the saving of thousands of trees.

To set the record straight on this controversial issue, I submit for the consideration of the Congress the following article from the September 2 issue of the Florida Times-Union:

#### RODMAN TOUR YIELDS NO STENCH (By Paul Ferguson)

EUREKA.—The chairman of an interagency task force study team toured the controversial Rodman Pool near here Friday and "found things just about as we had expected."

But George Gardner, special assistant to the assistant secretary of the U.S. Department of the Interior and chairman of the task force that brought Interior, Agriculture and the U.S. Army Corps of Engineers together for an environmental study several months ago, didn't find the massive fish kills, the stench of rotting flesh, fish camps going out of business, fishermen unable to fish or many other things that opponents of the Rodman Pool drawdown have claimed existed.

Gardner, officials of the U.S. Forest Service, staff members of the Florida Game and Fresh Water Fish Commission, Game Commissioner O. L. (Sonny) Peacock Jr. of Ft. Pierce and newsmen made a complete tour of the Rodman Pool, starting at Eureka and running to the Rodman dam.

Highlights of the tour showed:

There has been considerable relief for the trees that had been under stress during the flooding of Rodman. New leaves have sprouted, Cypress knees have begun to "breathe" and in several areas, new shoots have started.

About 25 fishing boats were on Rodman Pool Friday; all reported catching fish when questioned. Some said fishing was "good," others said it was "slow." Boats were able to be launched from within 1,000 feet of the Rodman Dam. The Rodman recreation area boat ramp is not usable.

Boat launchings were observed at Orange Springs in two locations and near Paynes' Landing, but government boat ramps there were not usable since the drawdown has lowered water levels too far.

There were no mosquitos. Those on the trip reported they did not see "one single mosquito."

Eldon Lucas, wildlife staff officer for the U.S. Forest Service and Gardner, however, said there may be some mosquitos when the small fish in the low water areas are gone. Those baby fish, they said, are eating the mosquito larvae as fast as it becomes available.

Perhaps the most surprising thing on the tour was the total lack of any smell in the

entire pool with one exception—where the tour stopped for lunch at Orange Springs. There, at the end of what once was one of Florida's most scenic ferry crossings across the Oklawaha River, Asian clams and large river snails, caught on the sandy area that once was the roadway to the ferry itself, had been caught when the water subsided and had died.

They smelled, but Game Commission wildlife officers on the tour said an ordinary swamp smells worse and stronger than the clams and snails.

Lucas, outspoken advocate of the Rodman drawdown, after touring the entire pool and finding no stench of rotting flesh of fish, said: "Those people (in Palatka) have a paper mill over there and then claim this smells bad."

Gardner, somewhat more reserved, said he was surprised there was not more of a smell. He noted that the interagency task force study team had predicted there would be a temporary smell from the decaying vegetation—water weeds—in the area.

"But this is really surprising because there is no smell," he said.

He was also pleased with the control of water weeds. There has been spraying for the growth on the Rodman this year, and the drawdown has put mats of water hyacinths along the shoreline in many areas, has caught the elodea and other water weeds on what is now dry land but the channel itself is not clogged as it was last summer and two years ago.

The interagency task force had recommended that the pool level be flushed—raised and lowered—in an effort to try to control water weeds.

The trip started at a small boat landing erected many years ago at Eureka by the Marion County Commission in the Oklawaha River. Four game commission boats and a game commission air boat were used. Peacock said he wanted to make the trip—he actually requested it—"so that I would know what the real story was" while attending game commission meetings.

He said the commission "has been catching a lot of stuff" since the drawdown from advocates of the Cross Florida Barge Canal.

He said there "is only one word to describe the devastation of some of the areas along the route that was to have been used for the now defunct Cross Florida Barge Canal—Rodman was a part of that system."

"That word," declared Peacock, "is criminal. Somebody ought to be tried for doing this," he said as he looked out from Orange Springs at the Rodman Pool area and the thousands of trees now dead, the uneven terrain that still shows the signs of a giant crawler built to try and crush hundreds of thousands of trees into the soft swampy muck for the Rodman Pool.

With scientists from the University of Florida and forest service experts pointing the way, the tour showed where the stress is being removed as the water drops. Lucas said about 1,000 acres of trees have been uncovered as a result of the drawdown, and Gardner said the interagency task force believes that 25,000 of the trees on those 1,000 acres of Rodman shoreline "can be saved. We think they will live."

That figure, he said, is what "we think we can guarantee." He declined to give an estimate as to those that might live, saying he and members of the scientific study team that produced the first complete environmental study ever performed on the Oklawaha and Rodman preferred to stay within figures "that we are positive about. We don't like to speculate."

Most of the oak trees sighted showed signs that they were dead. Maple trees showed, in the Eureka area, signs of stress relief, as did ash. The stress was quickly evident. Branches were dead, leaves were very slight in color and small, some were wilted.

As the trip progressed to Rodman, the evidence of stress became greater, said Ben Sanders, a game service forester, from the

greater depth of water that covered root systems.

Many maple trees had sent out massive root runners above what is now the ground, but below what was the water level. Sanders explained that these enabled the trees to eat the nutrients in the Oklawaha and Rodman—both are very heavy in nutrients.

Peacock pointed out that the Silver River—it flows from Silver Springs—is very heavy in phosphates, and other nutrients, and that excessive amounts of nutrients flow in the Oklawaha from Lake County—Lake Apopka, Harris and Griffin are heavy in them—and that prior to the canal project and Rodman, the Oklawaha was a fast moving river, had a thick canopy of growth extending out over the water, and fed trees along her banks, still keeping down the water weeds.

As the Rodman Pool was filled, the current was slowed, the canopy cut back for the canal and pool maintenance, water weeds began to grow excessively fast, and the trees began to die.

Gardner said reports of heavy fish kills had reached Washington and he wanted to see for himself. A game commission fish biologist, "Smokie" Holcomb, said he and members of his staff have been on the Rodman almost daily, and that some fish were killed. He said the Corps of Engineers estimated the kill at approximately 4,000 fish, and the Game Commission personnel "set the figure at from 4,000 to 5,000 fish" from one to four inches with some larger ones.

One game commission man said he toured the entire area last Thursday, and found one dead mud fish.

The tour Friday found not a single dead fish. After hitting Orange Springs and being unable to maneuver in regular boats loaded with four or five people, the game commission airboat was pressed into service to make sure the bulk of Rodman was covered.

Just north of Orange Springs, the U.S. Army Corps of Engineers channel markers failed to show the channel of the old Oklawaha, and boats that tried to follow the channel markers quickly bogged down in mud. Other small, lightly loaded, boats were able to maneuver through the silt that has accumulated through three years of flooding, and made the entrance into Rodman easily.

The tour, however, put two newsmen, Gardner, Lucas and Peacock aboard the airboat and headed for the area where the crusher tried—and failed—to force those trees into the ground eight years ago.

There were small pockets of water caused by the change in terrain that were landlocked and the airboat did not tour them. The tour did reach the bulk of the pool with the exception of the immediate entrance to the St. Johns River lock north of the Rodman Dam.

Fish—presumably bass—struck the pool waters frequently. Fishermen pulled up strings of six to ten bass to show off for the passing boats . . . a pickup truck had just launched a boat at the Rodman Dam.

"Where are all of the fish that are dead," a newsmen from an Orlando television station asked.

Holcomb said birds—there has been a heavy influx of white ibis into Rodman since the drawdown—ate the dead fish "just as fast as they died." He said he found some slight odor the first few days when the fish died, but that the kill was not massive and the odor was not strong.

"I guess this is all relative," he said, explaining that "massive" might mean more to some than to others.

The Rodman area was a sight that looked like pictures from Vietnam, showing the effects of the crawler tractor vividly. Peacock suggested that perhaps one reason the proponents of the canal fought so hard to prevent the drawdown "was to keep from uncovering their mistakes in construction."

The Corps of Engineers had admitted the use of the crawler tractor crusher was a mistake and has pulled thousands of logs and stumps that have come loose through the years from the muck and piled them along the shoreline in several piles.

The drawdown has uncovered tens of thousands of remaining stumps and logs—and some are just below the surface of the water, making navigation as dangerous now as it was three years ago when the biggest portion of the logs began to surface.

Holcomb, questioned at length about the effect of the drawdown and water weeds on fishing in the area, said studies have shown that the water weeds in the Rodman Pool use up most of the available oxygen at night when they do not produce oxygen. He said studies have shown the oxygen level to be at an absolute zero at 7:30 a.m., but as the water weeds begin to produce oxygen, the level has increased in two hours to 15 parts per million parts of water, which he called "super saturated." By 2 p.m., the level had increased, the study showed, to 22 parts per million.

As a result, Holcomb said, fish have been forced to adapt themselves to going with very low levels of oxygen for periods of time and then being saturated with oxygen a short time later.

Gardner noted the interagency study had predicted a 20 percent drop in sports fishing in the pool, but an increase in fish population there. This results, he said, because the area of the pool has been cut from approximately 9,000 acres to about 4,000 acres and the fish are congregated into the smaller area.

Holcomb noted that the Corps of Engineers estimates on fish kill—about 4,000 fish—would mean one fish dead per acre of remaining pool area.

"That doesn't sound very massive to me," Peacock said.

One of the hardest hit areas of dead trees is an area that was selectively cleared during the construction by the Corps of Engineers—the national office gave the Jacksonville office an award for the selective clearing.

Many of those cypress are dead. The area has a bleak look throughout, yet nearby trees—population areas 5 and 6 in the interagency study—show considerable stress relief, and many trees still alive, although sworn testimony in a federal court case last year produced evidence from canal authority these areas were dead.

Gardner was obviously pleased with the early results of the drawdown. He said he will come back to the area with some of the team of scientists and experts gathered for the study report earlier this year for a followup study after he reports to Washington and the White House on what the drawdown has shown thus far.

He took indignant exception to claims by the canal proponents and opponents of the drawdown efforts was to "try to nail the last nail in the coffin" of the canal, saying the final question will be settled in the courts and in the halls of Congress.

Gardner said the drawdown was pushed in order to preserve the options for future use of the river should the canal be declared dead for good.

#### TENNESSEE SCOUTS RECEIVE HIGHEST RANK

#### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. DUNCAN. Mr. Speaker, one of the finest organizations in this country

for young men is the Boy Scouts of America. I know much about this organization firsthand since my sons were Scouts and because I maintain an adult membership.

I am always proud of boys from my district who achieve high goals in scouting. In fact, on several occasions I have had the privilege of participating in ceremonies where the rank of Eagle Scout is bestowed on worthy recipients.

Many young men in the Second District of Tennessee have recently become Eagle Scouts. I would like to place their names in the Record at this time to honor them in this small way:

#### EAGLE SCOUTS

Mr. Rex Barton, Athens, Tenn.  
Mr. Johnny Campbell, Athens, Tenn.  
Mr. Ted Heatter, Athens, Tenn.  
Mr. David Brakebill, Athens, Tenn.  
Mr. Jim McCall, Athens, Tenn.  
Mr. Carey Cox, Athens, Tenn.  
Mr. Doug Hutson, Athens, Tenn.  
Mr. Larry Hood, Athens, Tenn.  
Mr. Skipper Billings, Athens, Tenn.  
Mr. Casey Hewgley, Athens, Tenn.  
Mr. Wade McKenzie, Athens, Tenn.  
Mr. Cy Jones, Athens, Tenn.  
Mr. Jim Erpenbach, Concord, Tenn.  
Mr. Mike Ruppert, Concord, Tenn.  
Mr. Charles Salley, Jr., Concord, Tenn.  
Mr. Roy Whitehead, Concord, Tenn.  
Mr. David Snider, Concord, Tenn.

#### KEYSTONE INDUSTRIES ADVOCATES ENVIRONMENTAL COOPERATION

#### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. COLLINS of Texas. Mr. Speaker, industry is establishing a great record in its progressive efforts to solve pollution problems in our environment. According to the U.S. Public Health figures, the manufacturing industry accounts for less than 20 percent of the air pollution problems in our environment. Many ecologists blame industry without realizing the aggressive part that industry is playing in contributing to the technological field and in giving money to reduce the pollution impact.

This past week, I was interested in reading an environmental booklet sent out by Keystone Consolidated Industries in Peoria, Ill. Keystone had received this folder from the American Iron and Steel Institute and is sending it out to students, teachers, and to their stockholders.

One of the most interesting sections was headed up "What can you do." Six points were listed. One that impressed me the most was "Don't travel by car if you can walk or go by public transportation." Have you ever noticed how many people come to work by themselves? Do you remember the old saying that stated, "Is this trip necessary?"

Here is the section from Keystone's Report on what you can do about improving the environment:

Young people care very deeply about improving their environment. Their anxiety was fed not only by what they could see, but

by accumulated evidence from all over the country. Anxiety was followed by anger. By now, that has changed to the much more useful reaction of "What can we do about it?" Answers are beginning to be seen in the daily news with encouraging regularity.

Civic organizations are forming ecology groups to train youth in conservation activities. Citizens are banding together to improve neighborhoods. In short, the do-it-yourself characteristic that first made America great is re-asserting itself. As phrased by President John F. Kennedy, "Ask not what your country can do for you; ask rather what you can do for your country."

Well, what can you do about it all? Here are some suggestions.

1. Don't litter. Pick up other peoples' litter. Join with others in your neighborhood to clean up. Make sure that others know about your activity so that they may be prompted to follow your lead.
2. Don't travel by car if you can walk or go by public transportation.
3. Use electricity sparingly. Its generation creates pollution problems.
4. Avoid open burning of rubbish and leaves.
5. Encourage support of bond issues for improved sewage treatment plants and incinerators when proposed in your community.
6. Find out about ecology from people who really know; not shouters and alarmists. Colleges, universities, and schools can tell you what is being done that is useful, and you may be able to join in the good work. You will find that most industrial firms are engaged in constructive ecological programs with their communities.

#### NIXON LEADS VOTER PREFERENCE

#### HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. SPRINGER. Mr. Speaker, voter preference for President Nixon grew so much in the last month of the summer that he took the lead over Senator McGovern even among registered Democrats.

This survey, conducted by Daniel Yankelevich, Inc., a major survey research company for the New York Times, found that Nixon moved to a 39-point lead, 62 percent to 23 percent for McGovern. The previous month, Nixon had only a 28-point margin of 56 percent to 28 percent.

One of the real surprises of the Yankelevich, Inc. poll is that if the poll were taken today, a majority of registered Democrats would vote for President Nixon.

I insert the results of the poll which was carried in the New York Times on Monday, September 25:

NEW SURVEY FINDS NIXON IS LEADING  
McGOVERN 62-23 PERCENT

(By Jack Rosenthal)

Voter preference for President Nixon grew so much in the last month of the summer that he took the lead over Senator George McGovern even among registered Democrats, according to a new 16-state electoral vote survey.

The survey, conducted through Sept. 12, found that Mr. Nixon had moved to a 39-point margin of 62 to 23 percent. A parallel survey a month earlier found a 28-point Nixon margin of 56 to 28 percent.



The 16 states surveyed are the nation's largest. They account for two-thirds of the total electoral vote. A total of 2,329 registered voters were interviewed by telephone in the new survey.

#### SURVEYS SUBDIVIDED

The surveys are among a series conducted by Daniel Yankelovich, Inc., a major survey research company, for The New York Times. They differ from other political polls because they are subdivided by state, permitting appraisal of the potential electoral vote as well as the popular vote.

In some states Mr. Nixon widened his popularity even more dramatically than in the entire sample. In Texas, the spread was 53 points—71 per cent of Mr. Nixon, 18 per cent for Senator McGovern, and 11 per cent undecided.

Even in New York, which traditionally votes Democratic in Presidential elections, the new survey found a Nixon lead of 57 to 26. This 31-point margin compared with a 17-point Nixon lead in the first survey. In New Jersey, the Nixon spread increased from 30 points to 34, and in Connecticut from 30 points to 39.

#### LANDSLIDE FOR NIXON

There was an indication in the survey that Mr. McGovern may have narrowed the Nixon margin during early September, but this shift was so small that it could be explained by sampling error.

The over-all verdict of the new survey was that, if the election had just been held, Mr. Nixon would have won by a landslide among virtually all ages, social classes, income levels, nationalities and regions.

The President led by 34 points among Catholics, 38 points among independents, 43 points among middle-income voters, 47 points among Italian-Americans, 51 points among Protestants and 54 points in the South.

But the most dramatic finding was of a Nixon lead even among Democrats. The August findings indicated significant defections, although Mr. McGovern still led among all Democratic voters, 45 to 37 per cent.

The new survey showed that Democrats for Nixon now total 43 per cent, compared with 40 per cent who said they would remain loyal to their party's nominee.

Further, the Democrats for Nixon appear to be increasingly committed. In the first survey, half said they were sure to cross party lines to vote for Mr. Nixon. In the new survey, 70 per cent said they were sure they would do so.

The seriousness of this shift among Democrats is illustrated by analysis of the survey. If Senator McGovern had the support of all the defectors, the survey would have showed a Nixon lead of only three points—44 per cent to 41.

#### REASON FOR POPULARITY

A major reason for Mr. Nixon's increasingly strong showing appeared to be high voter confidence in his handling of the Vietnam war and foreign affairs. Another reason appeared to be a pronounced view among many voters that Mr. McGovern was radical and indecisive.

There were few findings in the survey favorable to the Democratic nominee, and even these were touched with ambiguity.

About 40 per cent of the 16-state sample was interviewed after Labor Day, and the findings for this subgroup suggested a slight narrowing of the Nixon lead. The pre-Labor Day segment gave Mr. Nixon a 41-point lead of 63 to 22. The later segment came out 61 to 24, a 37-point lead for the President.

Even this small upturn, however, could be accounted for by sampling error, which is plus or minus 4 percentage points for the 2,329-person sample.

In the total sample, the only category in

which Senator McGovern appeared to be gaining was among Jewish voters, who make up about 5 per cent of the electorate. They now prefer him to Mr. Nixon by a 20-point margin of 52 to 32, more than twice the spread found in the first survey.

#### THE YOUTH VOTE

Mr. McGovern continues to lead among college students, 53 to 40. Among noncollege youths aged 18 to 24, however, the Nixon lead has risen from 10 points to 15—49 to 34 per cent. Since the noncollege group is twice as large as the college group, Mr. Nixon now appears to hold a narrow lead among all young voters.

Mr. McGovern also retained a massive lead among black voters, but it appeared to be a little smaller than the earlier survey and, in any event, was lower than the proportion won by Democratic nominees in recent Presidential elections.

Analysis of the survey data shows that the Democratic voter who favors Mr. Nixon is somewhat more likely to be male, middle-aged, white and Protestant than other Democrats. He is apt to be a white-collar worker and earn more than the national median income of about \$10,000. And he is twice as likely to prefer Gov. George C. Wallace of Alabama for the Presidency than are other Democrats.

The new survey, like previous Times/Yankelovich polls, showed that a sizable share of the electorate would vote for Mr. Wallace if he were a third-party candidate again.

#### WALLACE STRENGTH CITED

Even though he is not campaigning now, Governor Wallace would pull 18 per cent of the vote in the 16 states sampled. Virtually all of this would come from the Nixon column, but it still would nearly equal the McGovern total. The three-way findings were: Nixon 47 per cent, McGovern 21, Wallace 18, and undecided 13.

The 16-state survey involved 250 registered voters from each of seven states—New York, California, Pennsylvania, Texas, Illinois, Michigan and Ohio. Smaller numbers were interviewed in nine other states—New Jersey, Massachusetts, Indiana, Wisconsin, Georgia, Florida, North Carolina, Missouri and Virginia.

The new survey was made between Aug. 25 and Sept. 12. It was conducted by the Yankelovich concern for the Times and Time magazine. A separate but simultaneous survey of the New York-New Jersey-Connecticut region, conducted for the Times, was of 670 registered voters, also interviewed by telephone.

Both survey samples are chosen by random digit dialing and random selection from telephone directories. While the sampling error is four points for the total 16-state survey, it is about eight points in the tri-state survey.

#### THE DEMISE OF UNION TERMINAL

### HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. KEATING. Mr. Speaker, David B. Bowes, a perceptive journalist from the Cincinnati Post and Times Star, recently has written a series of articles dealing with a problem that is facing many large metropolitan areas; namely, what should a community do with its huge train terminals that are now outmoded.

The Cincinnati Union Terminal, which

is owned by the railroad companies, is a landmark in my hometown. What will become of the huge terminal when it becomes obsolete is anybody's guess.

But Mr. Bowes has correctly put the question to each of his readers and the community. It is up to the citizens of the Queen City to determine the fate of the terminal.

I wish to share with my colleagues the two articles written by Mr. Bowes.

The articles follow:

#### UNION TERMINAL

(By David B. Bowes)

Union terminal: For weeks now they have been coming to view the corpse. Sometimes it is a young man with a camera. Other times it is a family—the children staring up into the soaring rotunda, the father explaining in almost reverent tones how a place like this ever came to be.

"There were a lot of people in here last Sunday," says Mrs. Helen Flanagan, who sells hotdogs at the one remaining lunch stand in the terminal building. "Every day now I see them stopping in because they've heard that the building is going."

William Faulkner, the postman who delivers mail to offices in the terminal, and who collects outgoing letters from a single mailbox, looks back on childhood experiences there. To him the terminal is a link with Cincinnati's past.

"I can't imagine all this being torn down," Faulkner muses. "I played in the penny arcade when I was little. There was a manger out front at Christmas and people sang carols. Isn't anyone going to collect money to save the terminal? I'd like to do something."

What is one to make of sentiments such as this? How does a community appraise what may fairly be called a groundswell of nostalgia and concern, not to mention letters to the editor?

For one thing, it demonstrates how a genuine interest in preserving the best of the past, and on occasion perhaps even a structure of marginal esthetic value, is not restricted to people who have traveled abroad or majored in art history.

In city after city across America, all sorts and conditions of men are saying, in so many words, that may not know who designed a familiar local landmark but they know what they like. This is particularly true when the endangered landmark is the gateway through which, in uniform, they went to give this nation some of the best years of their lives.

Communities have moved to save an old orchestra hall, auditorium or postoffice that has occupied a piece of the skyline since time out of mind. Often public interest is heightened by the earlier loss of other landmarks that somehow just seemed to slip away.

It's a fact of life that nothing prospers in our society, and much does not even survive, if it does not pull its own economic weight. So it is a measure of the public's growing sophistication that most of the appeals to save Union Terminal have been accompanied by suggestions for alternate uses.

People have recommended everything from a great, covered market place to a mausoleum, from an interfaith cathedral to a privately-owned tennis and jogging club with open membership policies.

The rotunda itself—an interior space of dimensions that money couldn't buy today—is an obvious possible site for rallies, meetings and concerts. It's been pointed out that the rotunda and concourse together could be something of an indoor Fountain Square.

One proposed alternate use is a Museum of Railroad and Transportation History. Attorney Louis Nippert has suggested a short-

take-off-and-landing (STOL) airport, presumably using the rotunda as a terminal facility. The consolidation of Amtrak railroad passenger and Greyhound and Trailways bus passenger facilities is another idea.

Carl Westmoreland, president of the Mt. Auburn Community Council, contends that there are several good reasons for converting at least part of Union Terminal to a bus terminal. Low-income citizens who ride intercity buses generally live closer to Union Terminal than to the downtown bus stations, he said.

In some other cities, efforts to preserve railroad terminals have been successful chiefly where buildings of moderate size have reached the end of the line.

The station in Lincoln, Neb., was converted into a bank with a distinctive clock tower. The B&O station in Baltimore got a new lease on life when the Maryland Institute College of Art moved in and converted baggage rooms to studios. The Indianapolis city government bought Union Station there until local citizens can raise money to save it and convert it to commercial uses.

St. Louis is studying proposals to convert its union station into a convention center, rapid transit terminal and helicopter port.

The new vitality at the imposing union station in Washington, D.C., must be counted a special case. Situated at the southern end of a busy transit corridor, it's the logical place for a visitors' center explaining the nation's capital to tourists from the populous Northeast.

But the visitors center concept does suggest a line of thinking. I'll share my own thoughts on it in this space tomorrow.

#### TIME FOR DECISION (By David B. Bowes)

Union Terminal: Suppose Cincinnati decided that this big, beloved railroad station ought to be saved as an important example of Art Deco architecture and a useful community landmark?

As I mentioned yesterday in this space, finding new and self-supporting purposes for railroad terminals hasn't been easy. Several cities have converted medium-size terminals into restaurants, art schools and the like. Of the big urban terminals, only the one in Washington, D.C. is certain to survive—as a visitor's center.

Granted that Washington, with its hordes of tourists, is a special case. The visitors' center concept does suggest a line of thinking. It may call for a closer look at how Cincinnati could capitalize on its location. It depends upon the mobilization of Cincinnati's unusually broad community resources.

The operators of the highly successful Auto-Train from Washington to Florida are considering Cincinnati as the northern terminus of their proposed second route to Florida. This is because Cincinnati is a logical "interface" between highways from the bigger cities of the upper Midwest and rail lines to the Sunbelt.

Keeping this fact in mind, and without getting discouraged at the outset by the economics of the problem, it's worth a moment to visualize a preserved Union Terminal that incorporates many of the alternate uses suggested to date, and a few that haven't been:

The Terminal Theater that recently started operating again would be showing a variety of films, perhaps including vintage news reels and "March of Time" documentaries.

A restaurant with a railroad theme, and well-lighted parking, would provide the west side of the basin with a distinctive eating place. People dine in old automobiles in the General Motors Building in New York. Why wouldn't they pay to dine in an opulent railroad car?

The old penny arcade would be started

again with a variety of nostalgic coin games and other mechanical diversions.

Local model railroading buffs could be invited to build and operate, in public view, a vast layout of the terminal and its network of tracks during the heyday of steam locomotives.

Small suites of offices in the terminal's administrative section could be rented, as happened in the old Rockwood pottery factory atop Mt. Adams.

STOL aircraft would take off and land from an adjacent airstrip, providing connector service to Greater Cincinnati Airport. Or should it be helicopters?

Choir concerts, rock concerts, dance presentations and ever-changing exhibits of community life would draw participants and spectators to the rotunda. So would mountain craftsmen and market carts.

A museum of railroad and transportation history. The National Museum of Transport in St. Louis (which is "national" by choice but no official designation) has a fine collection of donated locomotives, milk wagons and double-deck buses. At last report, however, it lacked a suitable all-weather display area. Baltimore displays trains in an old roundhouse.

A gallery of light and sound, recreating through enlarged photographs and authentic recordings the mood of the terminal and the nation during World War II. The city of Fall River, Mass., has a haunting gallery of the faces of war aboard the battleship Massachusetts, which is in permanent drydock there.

A museum of science and technology, with perhaps a better chance of success than the first time it was attempted at the terminal. The machine tool, broadcasting and other local industries might contribute working exhibits. See Chicago's Museum of Science and Industry and Philadelphia's Franklin Institute.

Could an Auto-Train to Florida, through special arrangements with the railroads, board its passengers and their cars at the terminal? Visitors from closer points in the three-state area, drawn to the center by distinctive signs and attractive lighting, could begin the Queen City Tour from that end of Lincoln Park Drive. A pamphlet like the Automobile Club's "Triptik," carrying local advertising, would explain historic points of interest.

Every city ought to have a major project underway at all times. It's good for team spirit. It harnesses diverse energies to constructive ends. It helps to sensitize all sorts and conditions of men to the community's future needs.

Many cities have not yet put this policy into practice and they look it. To its obvious benefit, Cincinnati has kept a series of projects foremost in the public mind in recent years. First the Riverfront Stadium. Then the Convention Center. Then the renovation of Music Hall. Should Union Terminal be next?

Back in May, on my first visit to Cincinnati, I happened into Union Terminal one evening, unaware that its destruction was any more imminent than the demise of great railroad stations everywhere.

I wrote in my notebook. "If Cincinnati could find new uses for this incredible building, and preserve it indefinitely, it would be an event of national and international significance."

If, on the other hand, the terminal is pulled down, it will fade from memory all too quickly. Except that someone will publish an album of photographs and put a price on our nostalgia. Or unless, and this would be the ultimate irony, a plaster replica was someday built at Kings Island.

Architecturally and artistically, it's clear what is at stake.

Roger Tory Peterson, the noted ornithologist, once observed that "there is a terrible finality about the extinction of a species." The death of Union Terminal would be no

less final. If Cincinnati wishes to weigh its choices, now is the time.

#### MEL SCHIEFELBEIN: ONE IN A MILLION POSTMAN

#### HON. WILLIAM E. MINSHALL OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. MINSHALL. Mr. Speaker, as the author of the following excellent article in the September 21 Berea, Ohio, News Sun, points out, it is a remarkable postman, indeed, who is loved by both the people and the dogs along his delivery route.

Such a man is Mel Schiefelbein of Berea, and I am pleased to join in a salute to this outstanding mail carrier, a gentleman who brings more than dedication to his job of serving the public. And, I also wish to join in the many hundreds of get well wishes that have been extended to him.

The article follows:

THE POSTMAN'S WHISTLE HAS BEEN MISSING  
TOO LONG

(By R. David Helleman)

A postman who is loved by people AND dogs must have something going for him.

A 10-foot long get-well letter containing the greetings of some 200 friends, both human and canine, attests to the fact that Mel Schiefelbein of Berea must be that one-in-a-million mailman.

Schiefelbein, who lives at 492 Prospect St. is up and around and as cheerful as ever but still not back to work as a result of back surgery at Southwest General Hospital in mid-July.

The letter he received recently, along with many cards and gifts, is testimony to the fact that he has been heartily missed by the people who live and work along his seven-mile route in the northeast section of Berea where he is affectionately known as "The Whistler."

Mrs. Betty Ono of 365 High St. walked the route which includes Berea, High, Run, Depot, Daisy, Adelbert and Wellington Streets as well as portions of Front Street, Bagley Road and North Rocky River Drive, in order to collect the signatures on the letter.

"I don't see how Mel can whistle and walk all that way!" Mrs. Ono said.

"Everybody will be happy when you're back," the letter says. Schiefelbein says he's eager to get back on the route, too, "probably around the first of October with the doctor's okay."

Mel started with the Post Office Department in Berea 12 years ago as a "swing" man and had five different routes before he got the run he has had for the past 10 years.

To Schiefelbein, being a postman is much more than just delivering the mail. "It includes helping someone rotate a set of tires, or put up storm windows," he says, "which most postmen will do along their routes."

"Everyone on Mel's route," Mrs. Ono said, "talks about Mel's whistle—he whistles winter and summer."

"He always leaves suckers and treats for the children at Easter, Christmas, and on Valentine's Day," said Mrs. Dorothy Motylewski of 362 Berea St. "When it's somebody's anniversary or birthday, he whistles them an appropriate song."

"When a young man joins the service," Mrs. Motylewski continued, "Mr. Schiefelbein whistles an army or navy song and when the children graduate from school he always remembers to send a greeting."



Schiefelbein said he enjoys stopping in at the Lux Beauty Salon, 340 Berea St. to warm himself on cold winter days, and get into a friendly chat with the ladies.

Lux owner, Mrs. Ann Solgos, says Mel is known to the customers at her shop as "the cheerful earful."

"We listen for his cheerful whistle and we know he's on his way."

Mrs. Solgos said that not only is Mel "a good recipe exchange," but, "he answers the phone for me when I'm busy with a 'Pierre speaking'."

"Of course," Mrs. Solgos said, "there is no Pierre here, but the customers always know who he is after a minute. Everybody here misses Mel and we look forward to his return . . . he's so dependable!"

Schiefelbein is no stranger to News-Sun staffers either. According to receptionist Mrs. Ruth Amato, "he checks here every afternoon at the end of his route to see if we have any mail that he can pick up and take back to the post office."

"He doesn't have to do this," Mrs. Amato said. "It isn't even part of his route, but he's here every day to see if he can help us out so that one of the girls doesn't have to run the mail over to the post office."

Mrs. Ono said she recently talked to a lady—a newcomer to Berea, who had the good fortune to move into a house on Schiefelbein's route.

"She said she was so lost until Melvin came along and told her what people to contact about getting utilities and services and things like that . . . she said he was just like a Welcome Wagon!"

And if the dogs could speak, they'd no doubt add their approval of Mel Schiefelbein, who says the dogs all like him and that he "enjoys playing with them along the way."

"All the dogs adore Melvin," said Mrs. Ono, "which is why," she states, "we had to speak for them in the letter by writing in 'Cortky says arf, arf, and all the dogs, including Chico and Gretchen, miss you.'"

The ladies who gather at the Lux Beauty Salon say they'll get up a petition at a moment's notice if they ever hear that Schiefelbein is leaving his route.

"There's not much chance of that," he says with eyes twinkling and a great smile. "I've had chances to get an easier walking route, but these people are just too good to want to leave."

#### REVIEW OF THE TWO BOOKS ON THE RULING REGIME IN GREECE

#### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. EDWARDS of California. Mr. Speaker, I would like to call to your attention an article that appeared in a somewhat abbreviated form in the Saturday Review, February 12, 1972. A review of two recently published books on the ruling regime in Greece, this article pointedly reminds us of the highly criticized and deservedly questionable role of the United States, both past and present, in Greek affairs. The American Government has actively supported and publicly assisted the military junta now in power with both statements of approval and shipments of arms. Such actions blatantly contradict the ideals of democracy and freedom that the United States claims to represent.

George Anastaplo, the reviewer, a lecturer in liberal arts at the University of Chicago and a professor of political science at Rosary College, has been declared persona non grata by the Greek Government because of his articles about American policy in Greece. His knowledge of the country, his political astuteness and his feeling for the Greek people permit him to offer insights that enable one to evaluate more clearly the present political situation in Greece and to judge more accurately U.S. policy toward Greece.

The article follows:

#### GREECE OF THE JOURNALISTS: A REVIEW OF TWO BOOKS

(By George Anastaplo)

The two books reviewed on this occasion are John A. Katris's *Eyewitness in Greece: The Colonels Come to Power* (St. Louis: E. P. Dutton Co., 1971; 317 pages, \$9.95), and Bayard Stockton's *Phoenix With a Bayonet: A Journalist's Interim Report on the Greek Revolution* (Ann Arbor, Mich.: Georgetown Publications, 1971; 306 pages, \$7.95).

Both of these excessively partisan books can be useful for the discerning American reader. Bayard Stockton, an American freelance journalist living in Greece, attempts to make a case for the Greek colonels who seized power in Athens in April 1967. John A. Katris, a Greek journalist with a very good reputation (who now lives in Minneapolis), states the case against the United States which will probably be accepted some day by most Greeks, a case which sees the colonels as little more than American agents. Perhaps, indeed, that day has already come.

The Stockton book, despite its effort to say all that can be said for the colonels—and, even more significant, despite its willingness to ignore much of what can be said against them—has not been received altogether enthusiastically in Athens. Mr. Stockton remains enough of a journalist to reveal here and there (often almost inadvertently) marked deficiencies in the regime he defends. In addition, one can deduce the colonels' shortcomings by noticing the subjects skirted by their apologist. Most revealing may be the manner in which the longstanding torture charges are handled by Mr. Stockton. He will not say outright that there has not been widespread deliberate recourse to torture as official government policy. Rather, he argues that such charges cannot be "totally proved or disproved" and then proceeds to treat them as frivolous, if not even fraudulent. P. 144. The colonels themselves have been obliged to admit, both by the vituperative denials they issue and by the reprehensible deeds they conceal, that neither their program nor their country's plight has justified reliance on the torture which is alleged by their critics.

Had Mr. Stockton been willing, in assessing the torture charges, to apply the standards and accept the kind of evidence he relies upon to condemn the misdeeds of the colonels' predecessors, he would have been obliged to recognize the existence since 1967 of systematic torture unknown in any West European country today and unprecedented in peacetime Greece. Had he been willing to conduct the inquiries which foreign journalists can still make in Greece, he could easily have confirmed dozens (if not hundreds) of cases of savage torture, cases which have been documented in even greater number in James Becket's *Barbarism in Greece* (New York: Walker and Co., 1970) and in the thousand-page report (issued in 1970) of the Commission on Human Rights of the Council of Europe. For anyone to attempt by equivocation and sophistry to dismiss so much available evidence is to raise serious doubts

about his reliability. The reader should be reminded of the kind of perverse self-deception, if not even dishonesty, which permitted intelligent men to ignore for so many years Stalin's barbarities.

Recourse has been had to torture and to continued repression because the colonels have not been able, in their five years in acquiescence of the Greek people. The United States has been gulled into its unseemly support of the regime by repeated assurances of a speedy return to constitutional government and free elections. It should be evident that the colonels have neither the intention of ever giving up power voluntarily nor the ability to retain it constitutionally. Certainly, one does not need much personal exposure to these unfaithful army officers to realize they are crude opportunists who are ruthless, self-righteous and dangerous. "We have all learnt, we all know," George Seferis (the Nobel Laureate poet) observed in Athens in March 1969, "that in dictatorial regimes the beginning may seem easy, yet tragedy waits at the end, inescapably. . . . The longer this abnormal situation lasts, the greater the evil."

The colonels were able to seize power in 1967 because of the imprudent and irresponsible feuding among the recognized politicians in Greece during the preceding decade. This feuding, which was magnified with the aid of an excitable press into a prolonged constitutional crisis in 1965, is exhibited in the Katris book. Mr. Katris's disregard of the practical consequences of what he writes is an instructive sample of the public folly in which Greek politicians and journalists indulged before the colonels struck. His intemperate denunciations of the Greek monarchy can only impede the forging of an effective alliance among the many honorable men, royalists and republicans alike, who now find themselves in opposition to the colonels. How unrealistic his program is may be seen in the conditions he lays down for the replacement of the colonels by an acceptable regime: there is about such pronouncements considerable fantasy, as if the colonels' opponents are now able to decide who will govern Greece. It does not seem to be realized, that is, that the colonels are likely to remain in power for a generation, barring chance developments or a serious international crisis.

The only prospect for dislodging the colonels, once entrenched, depended upon judicious support by the United States of the Greek people in their desire to rid themselves of their tyrants. But the influence of the United States has been fading, and with this the colonels have dared become more open in their contempt for the free world, its institutions and its concerns. I have, since 1967, seen at close range all the principal Greek political figures who are alive today as well as all the principal members of the colonels' conspiracy. I myself would much prefer to have any one of the former (e.g., King Constantine, P. Kanellopoulos, C. Karamanlis, G. Mavros, C. Mitsotakis, A. Papandreu, G. Rallis, O. Vassiliadis, H. Vlachou) as my governor than any or all of the colonels. The best known opponents to the colonels seems to me, as an American, to have much more in common (such as a genuine respect for civilization) than any of them have in common with the colonels now in power.

Who is really responsible for the emergence of these colonels? Mr. Stockton virtually ignores the notorious role of the United States in the making and unmaking of Greek governments since the Second World War. He recognizes that virtually all the leading men in Greek political life between 1965 and 1967 (including the King) refused to do the sensible thing, which would have been to publicly compromise their constitutional differences. Mr. Katris's emphasis,

on the other hand, is upon the failings of the Right and upon the decisive interventions of the United States. He does not appreciate the extent to which frequent street demonstrations and public services strikes in 1965 and 1967 (for which the Center and the Left were largely responsible and of which he now writes with nostalgic approval) also helped prepare the way for the colonels. Many apprehensive Greeks, albeit mistakenly, saw these disturbances as harbingers of a breakdown of civil order and of a return to the civil war of a generation before. Mr. Katris virtually ignores that war and its traumatic effect upon contemporary Greece, an effect which may be seen both in the reluctance of the King to permit blood to be shed in resisting the colonels and in the concern of the colonels themselves that their regime not be identified publicly with executions. There would be much more violent resistance to the colonels among disaffected Greeks today but for the tacit agreement on all sides that the ferocious vendettas of the 1940s should not be revived.

Mr. Katris's insistence that the American C.I.A. is really behind the colonels does not recognize that such control need not be posited in order for one to understand what happened in Greece in April 1967. To insist upon the C.I.A. as decisive is to underestimate the shortcomings of Greeks of all parties. It is to be a prisoner of that taste for the conspiratorial and the dramatic (with its depreciation of the role of chance in human affairs) which can make Greeks both so engaging and so exasperating. It ignores, furthermore, the growing realization among Greeks of all persuasions (at least among those who have remained in Greece) that something was seriously wrong with the old way of doing things, that leaders of all parties contributed to the suicidal irresponsibility and posturing which permitted barbarians in khaki to install themselves as the saviours of their troubled country.

The most obvious feature of the Stockton book for Americans should be its display of how barbarians can be prettied up as patient, well-meaning and determined protectors of law and order. It is to the credit of Greek politicians and journalists that no one of stature among them can be recruited by the dictatorship to serve as its apologist. Thus, however, irresponsibly passionate they have been, they do retain the sense of honor often accompanied such passion. Would a similar regime among us remain unable for five years to attract any serious support from established leaders and writers?

The colonels and their associates, usually the most disreputable elements in the army and out, realize they face imprisonment or execution if they should surrender power. That is, they realize that propaganda barges have not secured for them genuine popular support. It is significant, for instance, that the newspapers which are described by Mr. Stockton as most closely identified with the colonels are found (elsewhere in his book) at the bottom of the list of circulation figures for Athens newspapers. P. 164. Even he recognizes (almost as an aside), "The danger to the future of Greece lies in the fostering of apathy and sterility in a citizenry no longer used to the flexibility of free thought. If the Revolution prevails, its drive for conformity could produce a generation too sheltered to be fully responsible." P. 223. (That which the colonels call a "revolution" is called by their opponents a "military takeover" or a "hijacking.")

The colonels do not, and indeed cannot, solve any of the serious problems of their country. Instead, chronic ailments are concealed; bombast and deception are substituted for much-needed reforms; and the future is casually mortgaged to the desperate efforts of opportunists to do what they can to perpetuate themselves in power. Shameless apologists for the colonels should be

reminded of the military regime in Pakistan which was long extolled as a competent government but which was eventually revealed as having merely postponed (and hence made even more difficult) responsible treatment of problems of longstanding seriousness.

One need not assume, in order to anticipate that Americans will be discredited for a long time to come in Greece, that the United States covertly engineered the colonels' coup. Our public conduct since April 1967, in supplying the colonels arms and other testimonials of legitimacy and even of approval, suffices to earn for us a legacy of potentially explosive bitterness of which Mr. Katris's book is but a warning. Greek conservatives and royalists will dispute Mr. Katris's explanation of what happened in Athens before 1967; but they will not want to challenge his denunciations of what the United States has and has not done since the colonels seized power. The most prudent course for the United States in the years ahead, in an area so important to the interests of the free world, may be to encourage Greece to insulate itself against further American bungling by moving into closer political and economic association with Western Europe. Perhaps such an association can help supply that constitutional moderation which a faction-ridden Greece has all too often lacked. *Federalist No. 10* comes to mind.

#### REPORTS OF ARMY'S "DEATH" ARE GREATLY EXAGGERATED

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

MR. BRAY. Mr. Speaker, some self-appointed undertakers, formerly military men, have garnered quite a bit of publicity lately with their remarks and writings on the "death" of the U.S. Army.

In fact, one book had that very title. The book—and, more importantly, the author—were reviewed recently and the review appeared in the September-October 1972 issue of *Armor* magazine.

Written by Brig. Gen. Donn A. Starry, Director of Manpower and Forces in the Office of the Assistant Chief of Staff for Force Development, it is a valuable and perceptive counterbalance to some of the current doom shouting that for some strange reason seems to be fashionable. It is a pleasure to include it in the *Record*. General Starry tells it like it is, which was not what the author of the book came even close to doing.

The review follows:

"THE DEATH OF THE ARMY": A PRE-MORTEM  
(Book by Lt. Col. Edward L. King, U.S. Army,  
(retired))

(Reviewed by Brig. Gen. Donn A. Starry,  
ACSFOR)

This book will make old soldiers cringe. It is the most comprehensive collection ever published of old wives tales, petty grievances, half truths, falsehoods, innuendoes and allegations—all about the Army, all taken as fact.

It appears that Edward King has been opposed to everything the Army has done the past 20 years: change to green uniforms, change to pentomic organization, efficiency report systems, the size and shape of the Army, chaplains, medics, the UCMJ, NATO strategy, promotion systems and a host of others.

It serves little purpose here to refute Ed-

ward King seriatim; so much of what he writes is ungrounded in fact that time and space do not permit tracing the origins of each allegation in order to commence the argument with fact. However, in his closing chapters, Edward King makes 22 recommendations which it might be instructive to examine in a general way. These fall into three distinct categories. Some are patently ridiculous.

"Greater effort should be made to guarantee soldiers their First Amendment rights," says Edward King. However, there is no evidence to show that instructions exist which in fact restrict a soldier's First Amendment rights. Military personnel are free to write; many do so in forums ranging from professional journals to paperback detective stories. Some of what military men write is critical, developing a need for change and postulating a better way to run the railroad. The first requirement, however, is always for a truthful statement of how things really are.

It is impossible to base reform on half truths about what is to be reformed, even though the contemporary media tends to encourage this. What Edward King apparently wants is carte blanche protection for persons with petty grievances to seek a wide audience in which to air their inadequacies, just as Edward King has done since his retirement from active duty.

In a second category, Edward King's recommendations demonstrate his apparent complete lack of knowledge about how the function he criticizes actually works. He is critical of the Army officer efficiency reporting system, claiming that these reports should rely less on numerical accounting and more on narrative description of actual performance. This is precisely the thrust of instructions now in force regarding officer efficiency reports. While numerical ratings play a role, most judgments about promotion and selection for schooling are based on an adjectival indication by the rater/instructor of the rated officer's performance of the duty being rated.

Edward King states that 60 per cent of the Army's manpower is performing noncombat functions, demonstrating his complete ignorance of how the Army is structured. One can prove almost anything about Army manpower by redefining functional categories into which manpower is aggregated for analysis. Using certain assumptions it is possible to prove that about 75 per cent of the Army is noncombat; while still another set of assumptions will prove that over 60 per cent of Army manpower is dedicated to combat functions.

In a third category is a set of recommendations for which Edward King would apparently like to take credit, but which either have been accomplished, are being done now, or are in the process of being done. One such suggestion relates to improved salary levels for junior officers and noncommissioned officers. One striking phenomenon of the last three or four years is the dramatic rise in salary levels in those two groups, to the end that they are now competitive with the civilian labor market, and attractive—for the first time in the nation's history.

In short, Edward King presumes a broad perspective on a range of issues apparently far beyond his competence, for every one of his 22 recommendations falls into one of the three categories set forth above. The question then is, Who is Edward King? What are his authoritative credentials for postulating the Death of the Army? And why does he strike out at an institution for which he claims to have "tremendous affection?"

It is instructive to review Edward King's career and to draw therefrom certain conclusions about the man and his qualifications for conducting this diatribe.

After 18 months of enlisted service, which included duty in Korea, Edward King left the



Army. During the two and one-half years as a civilian, he received a Reserve commission as a second lieutenant, and was recalled to active duty in that grade in September 1950 during the Reserve Component call-up for the Korean War. After serving as assistant public information officer of the Southwest Command in Japan, Edward King served two months and 22 days as a platoon leader in E Company, 34th Infantry, 24th Infantry Division in Korea. This was his only combat experience. For it he received neither an efficiency report, nor any personal award or decoration for valor or merit. He was awarded the Combat Infantry Badge. It was to be his last unaccompanied tour.

From early 1952 to mid-1957, Edward King served with units at Forts Riley and Carson, and in US Army, Europe. He had no assignment with troops after May 1957. After 1957, he attended the Advanced Course at the Infantry School, served as an advisor to a US Army Reserve unit, went to school at Omaha, and at Monterey where he studied Spanish. From early 1961 to mid-1962, Edward King, by this time a captain, served in G3 Division, Headquarters, Army Communications Zone, Europe.

Leaving Europe, Edward King spent three and one-half years in Spain, the last 18 months with the Military Assistance Advisory Group, before attending the Associate Course at Leavenworth in 1966. He was subsequently assigned to Fort Dix to give him some troop duty and command experience after ten years away from both of these duties, however, at his own request, he was instead assigned to the organization of the Joint Chiefs of Staff in Washington, where he served for 38 months until his retirement in the grade of Lieutenant Colonel in 1969. His principal duty with the OJCS was as military secretary, US Delegation to the Inter-American Defense Board; concurrently he served as military secretary to the Joint Brazil-US Military Commission, military secretary US Section of the Joint Mexican-US Defense Commission, and liaison officer to the Brazilian Military Commission. His duties were primarily administrative, did not require access to special intelligence, and there is no indication of his involvement in anything other than Western Hemisphere matters. Although Edward King claims to have been "privy to much of the basic planning behind our military policy during the period, the only specific additional duty he cited in his testimony before the House Armed Services Committee on 27 March 1972, was service as an interpreter during base negotiations with Spain.

In January 1969, orders were issued assigning Edward King to the US Military Assistance Command in Vietnam in February 1969, Edward King's application for retirement was disapproved; he wrote the Adjutant General in March 1969 requesting reconsideration. The Selective Retention Board approved his retirement, effective 31 July 1969.

The picture that emerges is one of a man with a series of unpretentious assignments which, except for Korea, saw him with his family, and many of which placed him in some of those plush overseas living areas he is so quick to criticize. Certainly nothing in his record of service qualifies Edward King as an authoritative spokesman on any of the issues about which he speaks with such apparent authority.

The picture one develops from his record is of a man who neither was assigned to nor sought the challenging hard jobs, and who at one point at least, on his own initiative, avoided an attempt to get him command and troop experience in favor of a job on a high level staff—one of the institutions he attacks so vehemently. One wonders why.

Edward King alleges "tremendous affection" for the Army, but speaks of the Army, back to the beginning of his career, with complete disaffection. Could it be that Edward King is a sunshine patriot—one who,

so long as things rolled along easily for him was willing to serve, but who, when asked to pay the piper at last, proved unwilling to serve.

Edward King speaks with authority of Vietnam; he never served a day there. Could it be that he was afraid to face the challenge of this new war. Having avoided command and troop duty once, was it that he now feared someone might ask him again to command—this time in battle?

Man's greatest challenge is fear—fear of the unknown, fear of inadequacy in the face of a challenge whose dimensions are unclear. It is in the conquering of this fear that men become men, or reject manhood forever. Could it just be that 18 years of nagging fear of his own inability to face the challenge of command in battle finally caught up with Edward King, and he at last had to be honest with himself? Could it be that had he leveled with himself after Korea, he would have resigned then, and spared himself and the rest of us the angry and anguished spectacle of his inability to live with himself now?

He reminds me of a young lieutenant who reported to my command in Vietnam for duty. Assigned as a platoon leader he refused to accept the command, stating that he was afraid and couldn't overcome his fear sufficiently to perform his duties. He admitted that all through his ROTC years, and during his initial schooling, he had realized that eventually he might find himself in this predicament, but that he had never been able to muster the moral courage to admit to himself that he was afraid, and try to conquer his own fear. While his contemporaries faced the same realization almost without exception, they were individually men enough to recognize their responsibility, get control of their fear, and acquit themselves in simply splendid fashion.

So Edward King in *The Death of the Army* exposes to public view the soul of a man unable to cope with the ultimate challenge of his profession, and small enough of mind to lash out blindly at the institution that sheltered him for so long, but which he refused to serve when asked to meet the ultimate demand of his officer's oath. It is an account of a personal tragedy, not about the Death of the Army, but about the demise of Edward King—a man ultimately unable to level with himself and conquer his fears.

It is well that Edward King admitted, albeit unknowingly, his own shortcoming as a soldier and a man, and that the Army acceded to his demand for release from active duty. For it would have been the ultimate tragedy had the Army forced him to fulfill the terms of his oath or office by placing him in command in an environment where his own self doubt surely would have led to the unnecessary death of men for whom he was ultimately responsible.

## THE NEW PANAMANIAN REVOLUTIONARY GOVERNMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. RARICK. Mr. Speaker, because the present administration is still negotiating the surrender of U.S. sovereignty over the Canal Zone to the country of Panama, I feel that recent events in Panama should be of interest to our colleagues.

A study of the new Panamanian Assembly of Community Representatives suggests that it serves as a constituent body

of revolutionaries rather than as a legislative body responsible to the people of Panama.

In fact the chairman of this same assembly in confirming General Torrijos as "the leader of the Panamanian revolution" reportedly said:

The assembly in "exercising its constituent power has vested on you special powers in order to give the Panamanian revolution of which you are the top leader, full dynamism.

General Torrijos as a chief executive of Panama now holds dictatorial powers over that country and its people. He runs the country; his wishes are the law; and the assembly is his rubber stamp. He is truly a Latin American banana country demagog and his power is truly the rule of the mob whose principal adversary is the United States and whose No. 1 objective is the takeover of the Panama Canal by either blackmail, biased propaganda, or military threats.

I insert several related newspaper clippings:

[From the Star & Herald, Panama (R.P.)  
Sept. 13, 1972]

### ASSEMBLY OK'S MEASURE AT FIRST WORKING SESSION

Brig. Gen. Omar Torrijos yesterday was vested with powers of a chief executive for the next six years by the Assembly of Community Representatives, meeting as a constituent body. He also will retain command of the National Guard, the country's sole armed force.

Torrijos accepted the special powers with a pledge to exercise them with fairness.

The Assembly's action came in its first working session. The 505-member body, elected Aug. 6, was installed Monday to adopt a new Constitution.

By acclamation, the Assembly approved a temporary constitutional provision investing on Gen. Torrijos the principal functions which the proposed new Constitution assigns to the President of the Republic. The 6-year term fixed in the provision coincides with the new presidential term provided in the draft of the new Constitution.

The Assembly's action was not unexpected. In July, Gen. Torrijos had stumped the country asking the then prospective members of the Assembly not to elect him President, but that they decide instead where the "real power" would be vested.

He said then that if he were elected President two thirds of his time would be taken up in ceremonial duties and in signing papers and that he would not be as free to keep up his personal contact with the people as he has been during the past four years.

Torrijos said the general staff of the 6,000-man National Guard had asked him to remain in command.

After the Aug. 6 election for the Assembly of Community Representatives, an overwhelming majority of the elected members committed themselves to give Torrijos powers of a chief executive.

### MAIN FUNCTIONS

The provision approved yesterday does not give the General any special title. It recognizes him as "the maximum leader of the Panamanian revolution" and assigns him the principal presidential functions contained in the proposed new Constitution. These functions include coordinating the entire public administration, appointing the key government officials—including ministers of state and the chiefs and officers of the National Guard—and conducting the nation's foreign affairs.

The provision also gives Gen. Torrijos voice and vote in the cabinet council and in the new Legislative Council, which will

have law-making functions, and voice in the Assembly of Community Representatives.

Immediately after approving the special provision, the Assembly named a commission to escort the General to the meeting hall. He arrived in field uniform, accompanied by his wife, Mrs. Raquel Torrijos, the deputy chief of the Guard, Col. Rodrigo Garcia, and the assistant chief of staff for intelligence, Lt. Col. Manuel A. Noriega.

#### BRIEF ACCEPTANCE SPEECH

The Assembly Chairman, Elias Castillo, told Torrijos amid applause that the Assembly, "exercising its constituent power has vested on you special powers in order to give the Panamanian revolution of which you are the top leader, full dynamism."

The General's reply was brief.

"This Panamanian citizen who has been so distinguished will not fail to be fair with you, to love this people deeply, to shed tears at the sight of misery, to love his Fatherland to do the last thing that must be done to raise our Nation and to decolonize our beloved Panama," he said.

"You can rest fully assured with the assurance resulting from our daily contact during four years, the assurance resulting from daily dialogue, the assurance of our own inspiration, the assurance from this geographic mosaic that you see, the assurance of my oath before the remains of my father, before my living mother, before my wife who is present, that I will be fair, that this power will be shared with you, that no important step will be taken without being consulted with you, the 505 men who are the real basis of support for this revolution.

"I accept this also as a tribute to the royal soldiers represented here by Colonel Garcia, by Colonel Noriega, and by those who while not here physically because they are at work are in spiritual frequency with you.

"I accept this also with the assurance that I will be fair with you and that never, never, never will I betray my people."

The Assembly session was adjourned immediately after Gen. Torrijos spoke.

The Assembly still has to elect a President who, after today's action, will have largely ceremonial duties during the 6-year term starting Oct. 11, the 4th anniversary of the revolution.

The text of the provision approved yesterday by the Assembly is as follows:

#### "Temporary Provision:

"Brigadier General Omar Torrijos Herrera, Commander of the National Guard, is recognized as the top leader of the Panamanian revolution. In consequence and in order to assure the fulfillment of the objectives of the revolutionary process, he is hereby vested for a term of six years with the following functions:

"To coordinate the entire public administration.

"To appoint and dismiss the ministers of state and the members of the Legislative Commission.

"To appoint the Comptroller General and the Deputy Comptroller General of the Republic, the directors of autonomous and semiautonomous agencies and one of the members of the Electoral Tribunal, as provided by the Constitution and the law.

"To appoint the chiefs and officers of the National Guard, as provided by the Constitution, the law and the military seniority system.

"To appoint, subject to the approval of the Cabinet Council, the Justices of the Supreme Court of Justice, the Attorney General and the Deputy Attorney General.

"To approve state contracts and loans.

"To conduct foreign affairs.

"Gen. Omar Torrijos Herrera also will be empowered to attend, with the right to voice and vote, the sessions of the Cabinet Council and the National Legislative Council and to participate, with the right to a voice, in the

sessions of the Assembly of Community Representatives, the Provincial Councils and the community boards."

#### U.S. SILENT ON ASSEMBLY'S CZ RESOLUTION

WASHINGTON.—The State Department said today it has no indication what, if any, action the government of Panama may take in response to the Electoral Assembly resolution on the Panama Canal Zone.

Department press officer Charles W. Bray said that the United States, for its part, "stands ready to honor our payment obligations" in accordance with the 1903 Canal Zone treaty.

Bray commented at a news conference in response to an Assembly resolution recommending that the Panamanian government demonstrate its opposition to U.S. control of the Canal Zone by rejecting the \$1.93 million annual rent.

Bray did not comment on the section of the Assembly resolution which condemned the "arbitrary occupation" of the Canal Zone by the United States.

[From Panama (R.P.) Sept. 12, 1972]

#### EXECUTIVE URGED TO TURN DOWN ANNUAL PAYMENT

The Assembly of Community Representatives convened yesterday and immediately approved a resolution calling for the rejection of the \$1,930,000 annuity paid by the United States for the Panama Canal.

The resolution, in the form of a request to the executive branch, said the rejection of the annuity would make "the entire world aware that the strip of Panamanian soil known as the Panama Canal Zone, has not been purchased, nor conquered, nor annexed, nor ceded, nor leased, nor its sovereignty transferred by the Republic of Panama to the United States of America, but has been arbitrarily occupied as a result of the unilateral interpretation and application of the 1903 treaty which is offensive to national dignity."

It was approved by a standing vote applause by the 505-member assembly in the presence of President Demetrio B. Lakas and National Guard Chief Brig. Gen. Omar Torrijos and other high government officials and invited dignitaries, including the Diplomatic Corps. U.S. Ambassador Robert M. Sayre was in the audience.

Panama and the United States are negotiating a new Panama Canal treaty. Gen. Torrijos, who is the top figure in the Revolutionary Government, has made recovery of Panamanian jurisdiction over the 647-square mile U.S. controlled Canal Zone the major Panamanian demand.

The resolution was introduced by Herminia Fuentes, one of two representatives elected from the Canal Zone. For the Aug. 6 balloting for the new Assembly, the Canal Zone was divided by Panama's Electoral Tribunal into two "corregimientos" or communities, one the Pacific Side and the other the Atlantic Side.

Panamanian residents in the Zone—all employees of the Panama Canal organization and their dependents—voted in special precincts in the cities of Panama and Colon.

The resolution noted that "the fundamental objective of the Republic of Panama in the negotiations with the United States of America for a new canal treaty is to secure the end of the colonial status of the Canal Zone, so that that portion of our territory reverts to full Panamanian jurisdiction clearly and convincingly."

The Assembly's installation session was held in the Nuevo Panama Gymnasium, which has a seating capacity of about 10,000 persons. There were student delegations, some of which shouted slogans—a number of them anti-U.S.—read by leaders holding

sheets of paper. The galleries for the public were nearly empty.

The first order of the business when the Assembly convened at 10 a.m. was the swearing in of the officers. At a preparatory meeting Sunday night, the Assemblymen elected Elias A. Castillo of Panama City's Chorrillo community, as Chairman. Castillo a law student in the University of Panama received 185 votes in secret balloting by the 470 members present. Five others were nominated for the chairmanship. Each provincial delegation elected a vice-chairman, as follows: Arsenio Trotman, Bocas del Toro, Cesar Pardo, Cocle; Anastasia Mitre Delgado, Colon; Juvencio Valdes, Chiriqui; Julio C. Quintana, Darien; Octavio Huertas, Herrera; Iturbide Gonzalez, Los Santos; Norberto Dominguez, Panama; Javier Herrera, Veraguas, and Arcadio Martinez, San Blas.

Castillo was sworn in by the Acting Chairman, Javier Herrera, and in turn took the oath from the vice-chairman.

Castillo then called a recess while an Assembly commission formally notified President Lakas that the Assembly was in session. The Chief Executive, accompanied by his deputy, Arturo Suro, Gen. Torrijos and his deputy, Col. Rodrigo Garcia, cabinet members and officers of the General Staff of the National Guard.

In a brief address, Chairman Castillo said the installation of the new Assembly meant the "definitive death of the enemies of the revolutionary process." He added:

"This National Assembly of Community Representatives recognizes, as all the people have done already, Gen. Omar Torrijos as its top leader. This post the General has earned for his continuous striving with the people, because he knows how to interpret their aspirations, for his patriotic position in the face of the existence of the colonial enclave known as the Canal Zone . . ."

President Lakas responded, stressing Gen. Torrijos' leadership and the unity that has developed between the National Guard and the people.

Noting that the Assembly's immediate task is to consider a proposed new Constitution for the nation, the President urged the members to discharge their duty "with a high sense of responsibility and patriotism."

The Assembly has 30 days in which to consider the new Constitution and on the final day it will elect the new President and Vice-President of the Republic.

President Lakas concluded saying: "I am not well known by you, because my oath of loyalty, work and honesty have limited my field of action to the capital and most of the time inside the Presidential Palace. I have God as witness that I have served my country in its internal and external interests. You will determine my legal destiny, but I decided my personal destiny four years ago when I made up my mind to take up arms with my brothers, these young military officers, for the good of our people."

Immediately after the Chief Executive spoke, Miss Fuentes asked for the floor, announcing she was introducing a resolution—the one urging the rejection of the Panama Canal annuity.

She called for a standing vote of approval, saying no Panamanian would remain seated once the text of the resolution was read.

As soon as the text was read, all the members of the Assembly stood up, applauding.

The session was then adjourned until 8 a.m. today.

The 505 desks for the members of the Assembly were arranged in the court of the gymnasium. Most of the Assemblymen were in shirt-sleeves. Each represents a "corregimiento," the country's smallest political unit. The membership is made up principally of residents of rural areas, including representatives of Indian reservations. Some members are university students. There are 32 women in the Assembly.



TWENTIETH ANNIVERSARY OF LAW-  
RENCE LIVERMORE LABORATORY

**HON. ORVAL HANSEN**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. HANSEN of Idaho. Mr. Speaker, last Thursday, September 21, 1972, it was my privilege to participate in a program marking the 20th anniversary of Lawrence Livermore Laboratory at Livermore, Calif. Principal speaker for the occasion was Dr. James R. Schlesinger, the distinguished Chairman of the U.S. Atomic Energy Commission.

During the past 2 decades, the Lawrence Livermore Laboratory can point to an impressive record of achievement. This story of progress is a continuing one under the leadership of its present able director, Dr. Roger E. Batzel, who I am proud to say is a native of my own State of Idaho.

We live in an era of rapidly advancing technology, an era of great complexity in international affairs. The people of the United States must look to centers where there is considerable talent, such as Livermore, to provide the technology for national defense as well as to advance knowledge for the benefit of man.

The Livermore Laboratory has been outstanding in both areas. We are proud of the contributions it has made to the deterrent strength of the Free World. More specifically, the work on the Polaris and Poseidon submarine systems, on Minuteman, and on the Spartan program has earned for Livermore the gratitude and respect of the people of the United States.

I am confident that the strength represented by these missile systems has been a powerful deterrent to a world war, and has enabled the President to move toward agreements for the control of strategic arms.

With respect to the nonweapons activities, I particularly commend the work in controlled fusion because this clearly is an area of technology which will be beneficial to future generations. It may very well be the best answer to our long-range requirements for electric energy, so vital to our way of life. And the achievements in the field of laser-fusion are well known. Work in the Plowshare programs has shown imagination and creative leadership. We are all intrigued by the possibility of such Plowshare application as a stimulation of natural gas production.

Clearly, the Lawrence Livermore Laboratory is a major national asset, and that fact reflects in large part the tremendous wealth and diversity of human talent which has been assembled there. It reflects strong, innovative leadership, the finest equipment in the world and a real sense of mission, a vigorous *esprit de corps*.

While feeling a sense of pride in the past, we can look forward, with enthusiasm, to a vigorous and productive future.

Mr. Speaker, I include as part of my remarks the text of Dr. Schlesinger's

address and a letter from President Nixon addressed to Dr. Roger E. Batzel.

REMARKS BY DR. JAMES R. SCHLESINGER

It is a particular pleasure for me to be here with you today, as you and the entire AEC family celebrate the 20th anniversary of the establishment of the University of California Radiation Laboratory at Livermore. It provides an opportunity to review the accomplishments of those earlier years and to examine the varied possibilities for the future.

In terms of institutional history, a score of years is not a long period, but in this relatively brief span the accomplishments of Livermore have been substantial. Among the most notable have been the development and testing by Livermore personnel of the new warhead concepts that were exploited in the deployment of the Polaris, Poseidon, and Minuteman weapon systems. It has been technical accomplishments of this order, providing the United States with a considerable measure of qualitative superiority, which have permitted the United States to conclude the strategic arms limitation agreements with the Soviet Union. I might also add that it was the same technical achievements that have permitted major overall economies in the deployment of U.S. strategic forces as compared with the Soviet Union. I believe that the moral is clear: a vigorous and effective U.S. R&D establishment will be needed as long as the external threat continues to exist to the security of the United States and its allies. I shall return to this point presently.

A major byproduct of its efforts, as well as a source of its successes, has been Livermore's role in furthering the scientific applications of large computers. Today Livermore has the most advanced computer facilities in this country. The total benefits of computer advances—in terms of national security and technological and economic progress—are indeed impossible to estimate. Moreover, there are such other programs at Livermore as controlled thermonuclear research, biology and environment, and more recently the promising effort on laser-fusion. These are expanding activities, reflecting the diversification and national exploitation of the impressive technological capability represented by the Livermore Laboratory.

Many of you will recall that the historic impulses culminating in the decision to start "a second laboratory," were complex. As an earlier Number 2, Livermore, like some well-advertised recent commercial analogues, was obliged to—try harder. No one can dispute that it has been successful in this effort. There will not be universal agreement in these Western states that Livermore is now Number 1 in nuclear weapon development. I suspect how you may feel in this particular neighborhood, but you will be charitable enough to understand that others in the competition just might feel differently. I would hesitate to offer any judgment on this matter, save to observe that such rivalry is healthy and to urge both you at Livermore and those at your sister laboratory at Los Alamos to continue to—try harder.

Mention of the origins of "the second laboratory" recalls the extended debate over the H-bomb decision and the richness of the advice offered during that period. It was then argued that, if only the United States would refrain from the development of the H-bomb, others would similarly refrain. By setting a noble example, the United States would at some risk encourage others to emulate it. The wellspring for such advice was a deep optimism regarding the degree of benevolence that would be expected from others in matters concerning the military balance. Subsequent developments rather quickly demonstrated that such advice and such expectations were erroneous.

The reason that I allude to these historic events, aside from their critical role in sponsoring the institution whose anniversary we celebrate today, is that precisely the same pattern of advice has—despite the contrariness of facts—persistently and consistently been offered to the government of the United States. Most recently this has occurred in the activities leading up to the SALT negotiations and already it is being heard in anticipation of SALT II.

Such advice also appears to be a perennial element in public discussion of every major military development or deployment decision.

The notion, however illusory, that unilateral, self-imposed restraint will elicit symmetrical restraint in others—rather than providing an invitation to others, seems to have eternal life. Today such a notion tends to be cast in terms of a rather simplistic action-reaction model, and less, than 20 years ago, in terms of fundamental ethical principles. But such advice continues in my judgment to be at best, insufficiently realistic, at worst, downright naive.

Let me return to the indispensable role played by an effective R&D establishment in providing the United States with those force deployment options necessary for the maintenance of the military balance.

In an era of bargaining and negotiations, these activities necessarily have a bargaining chip aspect. That element played a crucial role in the recent negotiations—and also must provide an essential ingredient in future negotiations.

But the bargaining chip aspect may have been overstressed. Our rivals on the international scene vigorously pursue their own weapons development programs. Bargaining away advances in technology and military capability is possible only when there is parallel restraint and reciprocity. Vigorous development and production-base activity on the part of the United States will remain essential to counter external developments over which we have no control.

The furtherance of an enduring era of negotiations—for which the President has called—requires a delicate balance which avoids both actions so sweeping that they understandably provoke Soviet concern and action or inaction that would tempt the Soviets by creating an impression of weakness or stagnation on our part.

The Soviet Union extracted no significant advantages in the Moscow agreements. They could, however, extract significant advantages if those successful efforts were to lead to stagnation of our own defense activities—while the Soviets move steadily ahead with qualitative improvements. The recent agreements were made possible only through U.S. strength; they will continue to be viable only through maintaining U.S. strength.

It is essential to avoid complacency as it is to avoid undue alarm. A false sense of security could cripple the historic promise of the SALT agreements. None of us can tell what the future portends. A most significant aspect of the SALT agreement, for example, is the clear acknowledgement by the Soviets that the Soviet Union cannot be defended against military retaliation. Inevitably for Soviet traditionalists this must have a wrenching effect—and could well have in the years ahead a dramatic and productive impact on Soviet military doctrine.

But whether the future portends—be it diminishing rivalries and an era of international stability or something else—the Livermore Laboratory, we may all be sure, will continue to have a productive role to play. On behalf of the Commission and the entire AEC family, may I express the hope that the next 20 years of the Lawrence Livermore Laboratory will be even more productive and even more useful to the nation than were the first 20 years.

THE WHITE HOUSE,

Washington, D.C., September 16, 1972.

Dr. ROGER E. BATZEL,  
Director, University of California, Lawrence  
Livermore Laboratory, Livermore, Calif.

DEAR DR. BATZEL: The Lawrence Livermore Laboratory, born in a time of peril to our national security, has been a powerful instrument of peace during the last two decades.

With great skill and dedication, the Livermore staff has met successfully the difficult challenges of rapidly advancing defense technology. In particular, the Laboratory has made unique contributions to our strategic deterrent, contributions which have helped to secure our common safety and to achieve a significant measure of world stability.

Livermore has been an instrument of peace and hope in other ways as well. Those who work at Livermore have been in the forefront of our efforts to explore the potential generation of abundant, clean electrical energy through controlled thermonuclear fusion. The skills and resources of this great Laboratory have been broadly applied to biomedical, environmental, and other technological problems of our time.

You and your staff have served the nation with distinction and honor. I am pleased to extend the nation's deep appreciation to you and all of your associates as you mark the 20th Anniversary of the Lawrence Livermore Laboratory.

Sincerely,

RICHARD NIXON.

## SALMON FISHING THREAT

## HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. CONTE. Mr. Speaker, I have taken the floor of the House many times in the past to discuss the very serious situation that exists with respect to the Atlantic salmon. This valuable species is in grave danger of becoming extinct unless, through international agreement, commercial fishing is drastically reduced.

A 3-day International Atlantic Salmon symposium was held last week in St. Andrews, New Brunswick, in which scientists, educators, and officials from 12 countries participated. I applaud this manifestation of concern and I once again pledge my support for all meaningful efforts to conserve the Atlantic salmon for present and future generations.

I now include in the RECORD a copy of an article which appeared in yesterday's edition of the Washington Post describing Canada's commitment to this vitally important project:

CANADA WARNS EUROPEANS OF SALMON FISHING THREAT

(By Maxwell Wiesenthal)

ST. ANDREWS, NEW BRUNSWICK.—Jack Davis, Canada's minister of environment and fisheries, has warned that the Atlantic salmon is doomed to extinction if Denmark and other European countries continue their fishing forays off Greenland in the North Atlantic.

He said that Canada is "determined to put an end to the high seas fishery" and expressed hope that "we will be able to do this at the next U.N.-sponsored law-of-the-sea conference."

Davis spoke at a three-day International Atlantic Salmon symposium here that ended Friday. About 500 scientists, educators and officials from 12 countries took part.

Canada has banned commercial fishing on such rivers as the Saint John, the Miramichi and the Respiquouche to preserve the major salmon runs, Davis said. The ban will continue until the upriver migration of large salmon returns to normal.

"This may take years," he added. "It will certainly take a long time if the Danes and other European fishermen continue to intercept these fish on high seas."

Canada, which has placed a ban on salmon fishing, has been highly critical of Denmark's fishing in salmon-rich waters off Greenland, which is a part of Denmark. Canadian officials have urged the Danes to reduce their salmon fishing.

"We must stop other countries like Denmark from taking salmon off Greenland," Davis said. "We must convince governments at all levels that an accelerated program of hatchery construction makes good sense in economic as well as environmental terms."

The dearth of the Atlantic salmon has caused Canadian smoke houses, which process the fish into lox and Nova Scotia salmon, to turn to Alaska for their salmon supplies. The scarcity has boosted the price of the popular Sunday breakfast food by 25 per cent this year.

## NATIONAL STUDENT GOVERNMENT DAY

## HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, the President of the United States has proclaimed today, September 26, 1972, as National Student Government Day. I join him in saluting the student governments of our many fine educational institutions.

While serving as president of the Student Government Association at the University of Alabama a few years ago, I learned that student government offers young people an opportunity at an early age to exercise a voice in a representative form of government. Student government teaches the hard lessons of reconciliation of opposing points of view. It instructs participants in the principle that for every right there is a corresponding responsibility. Student government presents students with the choice between involvement and apathy, a choice which will not end with their educational endeavors.

On this National Student Government Day, I urge all educational institutions to maximize their recognition of the fact that students want and deserve an appropriate voice in the decision-making process and that education is improved when there is a contribution by an effective Student Government Association.

I call on all student leaders to exercise their leadership with responsibility and imagination. I urge each of the more than 60 million Americans now enrolled as students at all levels of education to acquaint themselves with every available opportunity for student participation and to get involved in an active way in all student governmental activities.

It is fitting that the Government of the United States is using this day, September 26, 1972, to recognize the student governments throughout our Nation.

## PHYSICIAN SHORTAGE IN AMERICA

## HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. MURPHY of New York. Mr. Speaker, the shortage of physicians in America, both in the inner city and rural areas, is an overriding problem in contemporary society.

At the Federal level, we are most cognizant of the shortage, and are doing our best to correct it. Last November, Congress passed health manpower legislation, awarding American medical schools nearly \$375 million.

The bill is designed to increase the number of practicing physicians to about 436,000 by 1977-78. At present, there are 332,000 physicians.

Does it make sense in our country to have 500 American communities without a physician? Or maldistribution patterns such as 160 physicians per 100,000 in California and 63 per 100,000 in Alaska, according to Federal Government statistics.

Of course, it does not.

One group in the private sector is attempting to arrest the maldistribution problem, offering to find physicians for areas where they're desperately needed.

It is the Corson Group of 655 Madison Avenue, New York City, a medical search firm. Its principals, Robert P. Corson, president, and Dr. Ralph Herz, Jr., medical coordinator, are making a concentrated effort to recruit physicians where they're needed.

Their main thrust is to match physicians with compatible positions—and match positions with physicians. To buttress their efforts, their organization is backed by a data bank of the Nation's more than 300,000 physicians.

Efforts by the Corson Group and Mr. Corson and Dr. Herz, both men with years of expertise in medical administration and search work, is certainly a step in the right direction by the private sector.

An added significant service provided by the Corson Group is that its field representatives make an on-site survey of a particular area needing physicians.

The Corson Group defines the social, political, and economic background of a community.

And the Corson Group, sensitive to a community's needs, working closely with hospital administrators, local officials, medical groups and physicians, have the expertise to place the right physician in the right place—and quickly.

In this field, as in many others, it has been proven that the private sector can operate faster than the public or bureaucratic sectors, if for no other reason than they can cut redtape.

Mr. Corson reports that his organization can complete a search in 1 to 3 months—while hospitals often take up to 3 years to fill an opening.

This interaction—and the ongoing dialog between the medical search personnel and person in the medical pro-



fession—is helping to arrest the maldistribution problem.

Although I represent an urban area, our needs for additional medical services are of great concern. Just as the rural area needs physicians, we need them, too, in the inner-city.

I commend the Corson Group for their efforts. Their ability to service the Nation in such a sensitive area certainly is in the public interest.

And it clearly demonstrates the need—and merits—of a working partnership between government and the private sector to make America a better country for everyone.

#### CONSUMER PROTECTIONS NEED STRENGTHENING

#### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. WALDIE. Mr. Speaker, the House has taken what could be a major step in protecting the consumer from hazardous products. The Consumer Product Safety Act, by creating an independent regulatory commission will help to put an end to the array of perilous products on the market today.

Created by this act is the Consumer Product Safety Commission which has the authority to conduct research and investigation into the safety of consumer products, test consumer products and devices, and offer training in product safety investigation and test methods. The Commission is also directed to maintain an injury information clearinghouse to collect, investigate, analyze, and disseminate information relating to the causes and prevention of product-related injuries, diseases, and economic losses resulting from accidents involving consumer products.

During the past few years, it has been left to consumer watchdog groups to consistently set the example in safeguarding the American public from hazardous products. By creating this independent agency, I am hopeful that the Federal Government has acted to prevent special interests from affecting studies to improve the safety of consumer products.

However, the House bill stops short of being a truly effective consumer protection agency and, as this bill goes to conference, I am hopeful that the conferees will work to accept some of the stronger Senate provisions. By creating a food, drug, and consumer product agency, the other body has included several areas of vital interest to all consumers. I feel that it is a glaring omission that the House bill fails to include protection against the misbranding and illegal distribution of food, drugs, and cosmetics—products that Americans consume by the millions each year. The House bill also does not provide specifically for a consumer information center which can respond to written inquiries from consumers, rather the clearinghouse disseminates information related to the causes and prevention of product-related injuries to consumers.

I feel that the addition of these two provisions would go a long way to insure that the American public has a consumer "watchdog" agency in which it can have confidence and I would, therefore, urge the House conferees to consider the different versions of the Consumer Product Safety Act very carefully.

#### HATCHING TROUBLE

#### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. NELSEN. Mr. Speaker, many of us are convinced that the effort underway to scrap the Hatch Act would be a grievous disservice to all Federal workers in the civil service merit system, and would throw them to the mercies of the political wolves.

Perhaps no one in Washington, D.C., is better qualified to write on the subject than Joseph Young, staff writer for the Washington Star and Daily News. For some years, Mr. Young's beat has been covering news of interest to Federal workers and his column, the Federal Spotlight, appears regularly. His long acquaintance with thousands of Federal workers, their work and salary conditions and their problems give to his observations a unique insight shared by few others here in the Nation's Capital.

In a column on August 20, Mr. Young laid it on the line insofar as what Federal employees might expect if all protections they have enjoyed under the Hatch Act were removed.

As he puts it:

Employees wouldn't have to be openly pressured to make cash contributions and do other political tasks for the administration in power. Employees would soon in not-too-subtle fashion be given to understand that if they wanted to advance in their careers and receive choice assignments, they would have to play ball with the administration holding office.

Mr. Young concludes:

The merit system as we know it today—with all its faults—will look like Utopia if the Hatch Act is ever scuttled.

Mr. Speaker, I once headed a Republican task force here in the House of Representatives dealing with the civil service merit system. Later, I served on the Hatch Act Commission established by Congress, which conducted hearings and made recommendations to Congress in late 1967. As a result of findings gained in the course of these activities, I fully share in Mr. Young's views and I believe it is imperative that they receive serious consideration by Congress.

I, therefore, insert Mr. Young's column on this subject in its entirety, followed by an editorial, "Hatching Trouble," which appeared in the Star on September 12:

END OF HATCH ACT SEEN PERIL TO WORKERS  
(By Joseph Young)

"Spineless political cowards have no place in the United States."

This ominous quote referring to government employees comes from Sen. Gale

McGee, D-Wyo., the chairman of the Senate Post Office and Civil Service Committee. It should send chills up the spines of federal and postal employees.

McGee's wrath was directed at postal and federal workers who don't want to get mixed up in any form of politics and want only to pursue their careers as civil servants.

Speaking before the convention of the American Postal Workers Union, McGee returned to a theme which has been a favorite of his over the past few years—that government workers aren't participating as fully in politics as they should, since the Hatch Act does permit political cash contributions, membership in political clubs, etc.

Federal and postal employees have used the Hatch Act "as a cave to hide from full participation in the life of government," McGee said. He then added his bit about "political cowards."

McGee has been a staunch friend of postal and federal workers on pay and other benefits.

But McGee is primarily a politician. And his remarks indicate the terrific pressure that government workers would be under to participate fully in political activities on behalf of their bosses should the Hatch Act be overturned.

Those advocating free political action for government workers argue that only 2 or 3 percent of the employees would opt for this sort of freedom.

But they miss the point entirely. The Hatch Act was originally enacted in 1939 because the government was a beehive of political activity. Federal employees belonged to political clubs—naturally many Democratic clubs at that time—and in many agencies promotions, assignments, hirings and firings were largely dependent on an employee's political affiliation and activities.

Thus, dumping the Hatch Act would bring a return to these conditions.

It would be naive to think that the 98 percent of federal and postal workers who chose to refrain from political activity could do so without danger to their careers.

Oh, it's true that any new law would "protect" employees from being coerced into political activities.

But look at the facts of life. Employees wouldn't have to be openly pressured to make cash contributions and do other political tasks for the administration in power.

Employees would soon in not-too-subtle fashion be given to understand that if they wanted to advance in their careers and receive choice assignments, they would have to play ball with the administration holding office.

If they didn't, promotions would be few and far between. They probably wouldn't be fired—politics have become a wee bit too sophisticated for that unless they make trouble—but they would either languish in their jobs until retirement day or have to look outside of government for a new career.

Of course, they probably would be fired, if they engaged in any form of political activity, when a new administration of a different political party came into power.

The merit system as we know it today—with all its faults—will look like Utopia if the Hatch Act is ever scuttled.

A federal three-judge panel has ruled that the Hatch Act is unconstitutional, but the final decision rests with the Supreme Court. McGee said that regardless of the judicial outcome, his committee will initiate legislation next year to give more freedom of political activities to government workers.

#### HATCHING TROUBLE

Senator Gale McGee of Wyoming, the chairman of the Senate Post Office and Civil Service Committee, has unwittingly offered the best argument we know for not repealing the Hatch Act limiting the political activities of government employees.

McGee is leading the drive in the Senate to overhaul the law in the event that the Supreme Court strikes down a lower federal court decision that the Hatch Act is unconstitutional.

In recent speeches to government employee union conventions, McGee denounced federal and postal workers who use the Hatch Act as "a cave to hide from full participation in government." He intoned that "spineless political cowards have no place in the life of government."

McGee followed this with the announcement that he hoped to write into law a requirement that government employees take an active interest in political campaigns in order to hold their jobs.

This would strike us as more than a little ridiculous if it weren't for the fact that many politicians in both the Democratic and Republican parties would like to see a federal civil service system subservient to the political dictates of its bosses.

Undoubtedly some revisions in the Hatch Act are needed to clarify and make more positive those political activities that are open to government workers. But as Joseph Young, The Star-News Federal Spotlight columnist, recently wrote: "The merit system as we know it today—with all its faults—will look like Utopia if the Hatch Act is ever scuttled."

## REFORMING THE HOUSE

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the Washington Post:

#### REFORMING THE HOUSE

Despite the inevitable focus on the presidential race, there's reason to think the important phase of the 1972 election may be the contests for the House of Representatives. The House has been changing more rapidly than any other part of the government in the past four years, and the changes in store this year seem likely to dwarf those of the past.

The House is the point-of-entry for the young men and women coming into national politics, and it reflects generational change more quickly than the Senate or the bureaucracy of the executive branch.

We tend to think of congressmen as pompous, portly middle-aged Babbits of complacency. But those that have been arriving in recent years tend to have that "lean and hungry look" that made Caesar so nervous about Cassius, and the House elders have had their fears amply confirmed.

The "new breed" congressmen share the restlessness of the post-Kennedy generation, the men who believed, whatever their party, that John Kennedy was right 10 years ago when he said "a new generation" was coming to power, and who ask now, a decade later, why it has not yet come to pass.

They've expressed their impatience in positive ways, bringing more reform to the House in the past four years than it had seen in half a century. Among other things, they have made the first serious dent in the automatic seniority system, distributed legislative power by limiting the number of committee and subcommittee leadership spots a single member could monopolize, and made House decision-making far more responsible by providing for recorded teller votes.

In recent weeks, it's become clear that the House is due for a membership change this

year that exceeds anything seen since 1964. Already, 56 members have announced their retirement, declared for other offices or been defeated in the primaries. At least three more will leave because redistricting has thrown three pairs of incumbents into the same districts in November.

In short, at least one-seventh of the membership of the next House will be brand-new—even if no other incumbents are defeated in November. With even a "normal" rate of election defeats, close to one-fourth of the membership could be new.

The departing members are the "old bulls," including six committee chairmen and nine ranking Republican members. Their combined service approaches 1,000 years and they have been the mainstays of the "old House."

With their departure, the younger reformers are moving to consolidate the gains they have begun to make in the past four years. Interestingly, in both parties, the thrust of the new proposals under discussion is to strengthen the role of the elected party leaders—the speaker and the majority and minority leaders.

In the past, those elected party leaders have been forced to share power—and often to subordinate themselves—to the powerful committee chairmen and ranking committee members, who exercised independent authority by virtue of the inexorable workings of seniority.

Now, with those committee elders leaving and their successors' power circumscribed by reforms already achieved inside many committees, the younger members see a chance to shift power to the party caucuses and to the leadership elected in those caucuses.

The changes they are discussing sound technical to outsiders: giving the Speaker and minority leader a larger voice in the selection of the Committee on Committees, which assigns other members' legislative duties; specifying that the minority leader, not the ranking minority member of the legislative committee, has the right to offer recommend motions; making Rules Committee members agents of each party's leadership. Those are some of them, and they are not headline grabbers.

But in the House, more than most bodies, procedure determines substance, and the reformers know what they are doing in focusing on these procedural changes.

Their purpose is to strengthen the party caucus, in each party, as a major decision-making body, in which all members are equal; and to strengthen the leadership as an agent of the caucus. To the extent they succeed, the prospects of responsible party government in Washington are greatly enhanced, and the turnover in House-membership this year gives them a splendid opportunity for success.

## SHIPMATE WITH CHARLES EVANS HUGHES

### HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. FLOOD. Mr. Speaker, in August of 1922, the Government of Brazil celebrated the centennial of its independence, one feature of which was an international exposition at Rio de Janeiro. The United States participated in this celebration by sending a mission headed by Secretary of State Charles Evans Hughes and a unit of two battleships, the U.S.S. *Maryland* and the U.S.S. *Nevada*, under the command of Vice Adm. Hilary P. Jones.

Among the newsmen accompanying Secretary Hughes on that special assignment was United Press correspondent Harry W. Frantz, who later became one of our country's leading journalists on Latin America.

Recently, I received from Mr. Frantz a copy of an intensely interesting story that he wrote in 1948 for the Mulberry Reporter, a middle western newspaper. Because Brazil is now celebrating the sesquicentennial of its independence and the indicated story supplies information on a little known chapter in American history of 50 years ago, I quote it as part of my remarks:

[From the Mulberry Reporter, Sept. 3, 1948]

SHIPMATE WITH CHARLES EVANS HUGHES

(By Harry W. Frantz)

WASHINGTON, August 30, 1948.

Upon the passing of that great and good public servant, Charles Evans Hughes, I found my thoughts drifting back to two ocean cruises which I had made in his company more than a quarter century ago.

One day in August, 1922, I went to Hoboken Pier in North River to board the steamer Pan-America, which was to take the then Secretary of State and other members of a special mission to the Brazilian Centennial Celebration at Rio de Janeiro. The band was playing the hit of the day, "Three O'Clock in the Morning," and I hurried about to find some incident for use in a departure story from the pier. I learned that a small newsboy had importuned the Secretary of State to bring back some coins for him, and that Mr. Hughes had promised to do so. (Weeks later I checked the item and found that the Secretary had kept his promise.)

In those days the Secretary of State, despite his genial manner, was a somewhat awe-inspiring personality, enjoying tremendous prestige from his part in the recent Washington Armament Limitation Conference. As a reporter from Downtown New York, not very experienced in the protocol and formalities that attend such a mission I was quite perplexed as to how I might best gain his good will.

My problem was solved in a curious way. A few nights out of New York there was to be a masquerade ball, at which Mr. and Mrs. Hughes had been designated among the judges. At first I felt that I had no business in such a party, but at the last moment I decided to try my luck. I borrowed some old clothes from a sailor, smudged my face with carbon paper, stuck the luggage label of "United States Special Mission to Brazil" upon a champagne bottle, and joined the masqueraders. As we paraded the deck, I heard hearty laughter, and was tapped to stand out of the procession as one of the prizewinners, the other being a pirate.

I was amazed at my success, and learned later that Mr. Hughes had presumed my impersonation to represent "the Old Soak," character in a hit show by Don Marquis which he recently had attended in New York.

This little incident brought some prominence among the passengers and I was appointed member of the committee to prepare a skit for the King Neptune ceremony which customarily occurs upon crossing the Equator. Collaborating with Meredith Stiles, an Associated Press reporter, I wrote the series of "indictments" on which neophytes crossing the Line for the first time are hauled before His Majesty's Court for judgment.

Mr. Hughes had never crossed the Line. We were in a quandary as to how to proceed. Some members of the committee felt that he might consider the traditional "rough stuff" beneath his dignity, feel slighted if not included in the festivities.



Secretary Hughes evidently sensed our dilemma, for he issued copy of message addressed by him to Admiral P. Jones, who was aboard the nearby battleship Maryland. In this message the Secretary of State sent greetings to King Neptune in behalf of the United States mission, and pledged "their unqualified observance of His Majesty's laws, and bespoke while within his jurisdiction his benevolent consideration and protection."

With this indication of Mr. Hughes' friendly interest in the royal tomfoolery of the sea, everyone aboard the Pan-America waited breathlessly until the night of August 31 when a "royal messenger" clambered out of the spray at the bow and announced that King Neptune would hold court on the quarter deck next day.

At three on the fateful afternoon, King and Queen Neptune, the Prime Minister, the Royal Physician, the Royal Barber and a royal retinue of policemen, minions and musicians paraded the deck singing "Hail, hail, the Gang's All Here."

The King's Chief of Police summoned the neophytes to court, and the Prime Minister read the calendar to the excited passengers and crew. The first indictment charged Charles Evans Hughes, Secretary of State, with boisterous conduct at motion picture shows, with breaking speed laws on the promenade deck, with telling old and pointless jokes, and, finally, with not having invited the Kingdom of Neptune to participate in the Washington Conference for the Limitation of Armament.

Standing bare-headed before His Majesty, Secretary Hughes very gravely but with obvious good humor entered a plea of guilty. Then, humbly pleading the royal mercy, he defended himself in a humorous speech.

"If," he said, "my jokes have been familiar to Your Majesty during the ten billion years of your reign, it seems that they might pass by reason of the veneration of your court for their extreme age, and that you would indulge them without further comment."

Neophytes and spectators applauded as he defended his conduct of the Washington Conference, which had agreed to scrap certain battleships. "And I desire finally," he said, "so far as concerns the indictment that relates to the warships which are to seek a watery grave, that you will remember that Your Majesty is now forevermore to be King of Peace and no longer King of War."

Old King Neptune arose.

"You are sentenced," he said solemnly, "to serve your country forever."

Secretary Hughes evidently enjoyed this fun-making episode as he mentioned it in a note that he wrote to me 14 years later in response to a letter of greeting that I had written on a subsequent visit to Brazil.

On the morning of September 5, the Pan-America caught up with the battleship Maryland outside Rio harbor, where the official party was to transfer from civil to naval vessel for entrance into the harbor. A naval parade was impending, participated in by war-vessels of nine nations, including the great new battle cruiser Hood of Great Britain.

United States Ambassador to Brazil wireless from Rio de Janeiro the names of the party who were aboard the Maryland, and to consternation of the reporters our names were not included. We immediately appealed to Secretary Hughes, who said that all the formal arrangements were made ashore and that he did not feel that he should intervene. We explained the embarrassment which would result if we should not accompany the mission, and the Secretary agreed to think the matter over. In the next half hour we saw him walking about the deck, talking with Mrs. Hughes, a very kind and charming lady. A few minutes later he sent word that Mrs. Hughes had recommended that we accom-

pany the party, and that he would radio our names to the Embassy.

When the Maryland anchored in the Bay of Botafogo, inside Rio harbor, Stiles and I attempted to avoid any personal prominence during the progress of boarding and official greeting by standing behind a gun-turret. There was an unaccountable delay in the disembarkation proceedings, until finally an admiral found us and told us angrily that according to correct procedure we should have left the ship on the first barge, ahead of the high ranking officials.

In Rio de Janeiro, Secretary and Mrs. Hughes lived in the beautiful Guanabara Palace, originally residence of the Emperor of Brazil and later of Presidents. It was situated at the head of royal palm-lined Rua Payzandu, in a valley below the sky-piercing mountain Corcovado. The palace billiard salon was converted for us into a press-room.

After a week of wonderful banquets, state events and sightseeing excursions, Secretary Hughes and his party boarded the battleship Maryland for return cruise to New York. The Secretary considered that his mission had ended and was no longer newsworthy. He approved my return with the party, but as a passenger rather than as a correspondent. Not expecting news, I readily assented.

We were barely out of the harbor when word passed around that the Maryland, flagship of the fleet and equipped with the recently perfected electric-drive propulsion, would attempt to make new records for speed and fuel economy on the cruise to New York. This was a first-class news story, and the progress of the voyage merited twice-daily news bulletins. Also, the press room of the Navy Department asked coverage on daily events of the cruise, and the Captain gave me the assignment.

I made a mistake in not acquainting Secretary Hughes with the reasons for my enforced reportorial activity, and I think that he may have felt that I violated the tacit agreement that the return voyage would be just for the ride. The Maryland cruised at 18 knots to Ambrose Light outside New York harbor. Official time for the journey from Rio de Janeiro was 10 days, 16 hours and 10 minutes, exceeding previous record by nearly four hours.

The Secretary rebuked my excess of activity by declining to give me an exclusive statement upon arrival at New York. But a few weeks later when I moved to Washington and took up routine coverage at Department of State, he welcomed me with great cordiality and gave me much encouragement in my new work.

#### FOREIGN-FLAG VESSELS CARRYING OUR GRAIN SHIPMENTS TO RUSSIA

**HON. ROBERT O. TIERNAN**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. TIERNAN. Mr. Speaker, the grain deal with Russia and the controversy over whether inside tips resulted in extra profits is beginning to blossom into a major issue. But there is another issue that the grain deals have raised that will not win big headlines, but in the long run, may be infinitely more important to the American economy. The problem is that hundreds of thousands of tons of cargo capacity and many American seamen are sitting idly by while foreign-flag vessels are carrying the grain shipments to Russia. The National Maritime Union has complained that although the

Government has promised to divide the shipments into thirds—one-third for U.S. vessels, one-third Russian, and one-third for other foreign flag vessels—there has been over one-third booked for other foreign vessels already.

There is no doubt that U.S. grain dealers and the Government would prefer to ship with U.S. vessels, but the core issue is costs. U.S. merchant seamen earn much more in wages and receive extensive and costly benefits. The result is that it is virtually impossible for American shippers to compete with their foreign counterparts, and if the grain dealers were to absorb the extra costs it would practically wipe out their profits.

Obviously then a crucial decision must be made by the Congress. We must begin a program of requiring substantial percentages of our imports and exports to be shipped on U.S. vessels combined with cost subsidies that will make U.S. shippers competitive. The alternative is to sit idly by and watch our steadily declining merchant marine fleet completely disappear.

Industry subsidies are generally and properly frowned on, but, there are sound business reasons for greater governmental involvement in this case. For instance, the Seafarer's International Union is backing legislation to require one-half of oil imports and one-third of grain exports to be carried by U.S.-flag vessels. The union projects that the burgeoning grain business with Russia and China shipped by the United States will result in a shipbuilding and operating business boom worth as much as 100,000 new jobs.

By 1985, estimates are that U.S. oil imports will reach as high as 60 percent. It will thus be essential to the economy and to our national defense that we can guarantee a steady flow of petroleum into the country. The only way this can be effectively done is to take steps now to ensure a strong merchant fleet for the future.

Our balance-of-payments deficit has also been a major economic problem of recent years. We could go a long way toward righting this deficiency by investing our money in a domestic fleet rather than spending those billions in foreign shipping operations.

In summary, legislation to foster the development of the shipping industry will create jobs, promote our national defense, and aid the balance-of-payments deficit. Certainly these admirable goals deserve our careful attention.

#### HANOI JANE FONDA AND FRIENDS: LET'S TERMINATE THEIR TREASONOUS TRAVEL

**HON. ROBERT PRICE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. PRICE of Texas. Mr. Speaker, today, I am introducing legislation to close the legal loopholes which currently allow American citizens to visit countries whose military forces are engaged in armed

conflict with the United States, or to countries with Communist governments when it is in the national interest to restrict such travel.

The need for such a law is clear due to the doubt and lack of clarity that exists now concerning the right of American citizens to travel abroad to so-called restricted areas. This confusion has resulted from the contradictory rulings of the executive branch and the Federal courts. For example, in March 1972 Secretary of State Rogers announced the decision to continue to enforce restrictions against the use of American passports for travel to North Korea, North Vietnam, and Cuba for at least 1 more year. However, the Supreme Court has ruled that the State Department cannot prevent a U.S. citizen from actually traveling to those countries so long as he does not use his passport.

As in many other areas of public policy, we have a situation in which Congress has abrogated its responsibility to the executive and the courts to the detriment of the country. Once again, it is time for Congress to redress the balance and set forth into a law a specific national policy on the travel question, which the executive and the courts will have to follow. We in the Congress, who most directly represent the people, can no longer allow this problem to drift into further confusion. Action is required now.

The need for prompt action has been exemplified by the recent visits of Jane Fonda and Ramsey Clark to North Vietnam. Both of these visits were, in my opinion, detrimental to the interests of the United States and to the chances for a just and honorable peace in Indochina. Fonda and Clark both willingly accepted the role as spokesmen for North Vietnam's position in the war. By openly advocating the Communists' negotiating proposals, they sought to increase public pressure on President Nixon to capitulate to Hanoi's demands and abandon South Vietnam to the Communists. They undoubtedly gave North Vietnam further incentive to interfere in and play upon U.S. domestic politics in the hope that through such means they can achieve their political goals in Indochina without compromise.

I find it difficult to believe that Fonda and Clark failed to realize the effects of their activities. Both willingly went to North Vietnam and issued many statements while there. Their acts were conscious ones and can hardly be attributed to "brainwashing." Both said, in effect, that the United States bore the total guilt and immorality not only for the way the war was conducted, but also for the political goals and objectives of the war.

Take Jane Fonda for example. She long thought of herself as the Joan of Arc of the radical left. While in Hanoi, she became the Tokyo Rose of the Vietnam war. Besides glorifying the Communist government and society of North Vietnam as containing all of the pure virtues mankind seeks, including "freedom" and "democracy," her not too subtle appeals over Radio Hanoi to American servicemen in Southeast Asia

to refuse to carry out their assignment constitutes the same kind of activity engaged in by Mrs. Iva Toguri D'Aquino, Japan's Tokyo Rose of World War II. Mrs. D'Aquino, who was an American citizen at the time of her famous broadcasts to American troops in the Pacific theater, was sentenced to 10 years in prison. Jane Fonda remains free to continue her Hollywood career and political activities.

Listen to several of Jane Fonda's more notable pronouncements to U.S. servicemen in Southeast Asia over Radio Hanoi:

Radio Hanoi, July 17:

The men who are ordering you to use these weapons are war criminals according to international law, and, in the past, in Germany and in Japan, men who were guilty of these kinds of crime were tried and executed.

Radio Hanoi, July 21:

Tonight when you are alone, ask yourselves: What are you doing? Accept no ready answers fed to you by rote from basic training on up, but as men, as human beings, can you justify what you are doing?

I know that if you saw and if you knew the Vietnamese under peaceful conditions, you would hate the men who are sending you on bombing missions.

Knowing who was doing the lying, should you then allow these same people and same liars to define for you who your enemy is. Shouldn't we then, shouldn't we all examine the reasons that have been given to us to justify the murder that you are being paid to commit?

Radio Hanoi, July 27:

All American people who consider themselves patriotic must begin to ask themselves some serious questions about what we are doing in Vietnam. We must stop thinking that we have to follow orders like robots. Let us stop being robots.

And finally, Radio Hanoi, August 10:

Richard Nixon, history will one day report you as the new Hitler, and patriotic Americans will one day have to work long and hard to erase—erase the blight of your years in office.

I do not ask you, my colleagues, to accept on faith my view that Jane Fonda's purpose in making these broadcasts was to aid North Vietnam in its attempts to take over the rest of Indochina, and to help destroy the discipline of the U.S. Armed Forces. Read her broadcasts for yourself. I am confident that the overwhelming majority of you will reach the same conclusion that I have.

Ramsey Clark, it must be said, exercised somewhat more discretion or caution while in North Vietnam, but only a degree more. He did not broadcast the Fonda-type appeals to American servicemen. He did, however, parrot Fonda in glorifying North Vietnam as a model, utopian state and society and did advocate Hanoi's political demands, especially an end to the U.S. bombing of North Vietnam.

Clark's admiration of North Vietnam's government and society showed through his Radio Hanoi broadcasts like the hot sun on an August day in Texas. Consider these statements:

Radio Hanoi, August 16:

As . . . throughout the country people at all levels, women, children, mayors, high government officials have said: Never doubt that

our people can distinguish between the American people and the leadership that wreaks the violence, that causes death here. Our people love the American people, I've been told. We believe the American people love freedom, independence and peace, and that's what we love. I think they tell the truth.

Radio Hanoi, August 16:

I have to believe that the determination of the people strengthens the people and comes from their conviction that this land and these people are served by their government: that there is justice and equality here.

Radio Hanoi, August 21:

My experience tells me that, as has been told by Aristotle, that the chief and universal cause of the revolutionary impulse is the desire for equality. You see no internal conflict in this country—I've seen none. You feel a unity in spirit. I doubt very seriously that I could walk in safety in Saigon or the cities or villages in South Vietnam, as I have here, because of the division and the confusion and the lack of a faith and belief there.

Mr. Clark was vocal in his glorification of North Vietnam as the embodiment of Jeffersonian principles while at the same time he refused to see the inner workings of the totalitarian state that has openly stated that it will allow no opposition or criticism of the Government, and that has conscripted and sacrificed an entire generation of its young men—nearly a million perhaps—in this war. Mr. Clark, as his own statements demonstrate, accepted verbatim practically everything he was told by North Vietnamese officials. Yet, he displayed a subtlety that Jane Fonda lacked. He only implied the obvious conclusion to be drawn from his admiration of the North Vietnamese state: that the government and society of North Vietnam is morally superior to that of South Vietnam and perhaps the rest of non-Communist Asia and that, therefore, the United States is morally wrong in attempting to prevent North Vietnam from imposing its system on South Vietnam. His statement over Radio Hanoi of August 6 that "there is absolutely no excuse for bombing of North Vietnam" places a halo over Hanoi's massive Easter offensive and total guilt on the United States for the continuation of the war. In short, the issue of bombing the dikes is really irrelevant to Clark; to him the American immorality lies in the entire bombing and, in effect, the whole U.S. effort to aid South Vietnam.

Mr. Speaker, this legislation would also enable the Secretary to prevent self-proclaimed revolutionaries in the United States from visiting Communist countries where they become propaganda mouthpieces for these countries or obtain training and other forms of assistance to aid them in carrying out their program of violence and anarchy in the United States.

In recent times, such extremist groups as the Black Panthers, Weathermen, and the Venceremos Organization have sent members to Cuba, Communist China, and North Korea. It would be naive for us to assume that these domestic radicals and Maoists would not receive more than moral support from Peking, Havana, and Pyongyang or that Chinese Communist,



North Korean, and Cuban intelligence would not make use of such excellent friends.

The same can be said of other groups and individuals of the extremist left who visit Communist countries with the obvious aim of collaboration with the propaganda organizations of those countries. Names such as Rennie Davis and David Dellinger come to mind in this respect. And of course, we now have Angela Davis in the Soviet Union where she has been having a field day vilifying the United States over Soviet radio and in the Soviet press.

Mr. Speaker, the beliefs of Ramsey Clark, Jane Fonda, Angela Davis, and the like are their own to hold, and they must live with their consciences. While I believe in free speech, I do not believe in unlimited free speech, and would draw the line when these people willingly become dupes for or an integral part of the propaganda apparatus of a country in a state of armed conflict with the United States or a Communist country which is dedicated to the destruction of our free and open society. The legislation I am introducing today would prevent such activities or punish those responsible when they occur. It would deny no forum in the United States to those who wish to bad-mouth their own country—only aroused public opinion can do that. This bill is certainly not out of line with national policy in earlier times of war. In fact, it is much less severe than any objective reading of history would show. I urge the Congress to consider and act upon this sorely needed legislation in order to meet this urgent need for a national policy on this question.

#### AN EXERCISE OF A RIGHT

#### HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES  
Tuesday, September 26, 1972

Mr. SCHWENGEL. Mr. Speaker, I have long and often contended that we should more often speak up for America. For that reason I read with avid interest a speech by George T. Nickolas entitled "An Exercise of a Right." Mr. Nickolas is a distinguished citizen, an excellent lawyer, and a great leader for disabled veterans. He speaks effectively and eloquently but in my opinion he was never better than when he spoke recently on "An Exercise of a Right."

Mr. Speaker, so that every Member may have the opportunity to read this speech I include it in the RECORD.

#### AN EXERCISE OF A RIGHT

(By George T. Nickolas)

People keep trying to find what is wrong with the United States of America. It is easy to find fault with anything, if you look hard enough. There are few things in this world which are perfect in all respects. What is needed is more people thinking and talking about what is RIGHT with America.

September 17th is the day on which we, as Americans, celebrate Constitution Day. This day commemorates the Constitution which extends to us, as citizens, many rights and

privileges. It is a day for American citizens to consider that no other country in the world allows their citizens the rights, privileges, and, yes, the freedoms that exist in the United States of America.

Just think for a moment—you have the right to think as your conscience permits. You can speak or even write as you want as long as you do not interfere with the rights of another individual. You have the right to vote in free public elections and thereby, select public officials who will represent you and your interests in city, county, state, and national affairs. You have the right to select the type of work or profession to which your education, talents, experience and physical ability will permit you to successfully pursue. You have the right to improve your station-in-life by education, type of work and social activities. If you should be accused of a crime, you have the right to legal counsel and a prompt trial by jury. You have the right to seek justice in a court of law, where you have equal rights with other citizens, to recover your property or seek equity when you have been wronged. You have the privilege of sharing in the benefits of the many natural resources of your country. You have the right to educate yourself and your children in free schools. You have the right to worship in any church of your choice or not to worship at all. And, to sum it all up, you have the right to "Life, Liberty, and the Pursuit of your Happiness."

These are a few of the things which are RIGHT with America. I challenge anyone to find another country which permits every citizen equal rights. For the right and privilege of being an American citizen it is the duty of every citizen to LOVE the United States of America; to support and adhere to its Constitution and laws; to respect and honor its flag; and if necessary, to defend it against all of its enemies from without and within in order to preserve the benefits of our United States of America for future generations.

#### AIR FORCE HOPES FOR MORE F-111'S

#### HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES  
Tuesday, September 26, 1972

Mr. WRIGHT. Mr. Speaker, I insert in the RECORD a newsstory from the September 20, 1972, Chicago Tribune.

The story was written by Mr. Wayne Thomis, aviation editor of that newspaper, and the essence of this important item is contained in the first paragraph, which reads as follows:

The Air Force is worried over the possibility that the production line which has been delivering the world's outstanding all-weather attack airplane to its squadrons since 1968 may be closed down.

This great aircraft is built in my district by the General Dynamics Corp. The concern of the Air Force is a real one, and one that we see reflected in the committee reports of both the House Armed Services Committee and the House Appropriations Committee this year.

Both of these committees have high praise for the F-111, which Air Force Secretary Robert C. Seamans, Jr., has said is the only aircraft in our country's arsenal that can attack the enemy under cover of darkness and in poor weather

and have a bombing accuracy comparable to the daylight accuracy of other bombers.

The Appropriations Committee has done its part in granting \$30 million for long lead items for next year's production of this aircraft, a clear indication that the concern felt by the Air Force can be satisfied only by providing it with more of this much-needed fighter-bomber in the fiscal year 1974 defense budget. The newsstory follows:

#### TOP FIGHTER'S SHUTDOWN IS FEARED BY AIR FORCE

(By Wayne Thomis)

NELLIS AIR BASE, NEV., Sept. 19.—The Air Force is worried over the possibility that the production line which has been delivering the world's outstanding all-weather attack airplane to its squadrons since 1968 may be closed down.

This is the swing-wing F-111, of which 470 now have been formally accepted from the contractor, General Dynamics Corp., at its Fort Worth facility. These include 23 test planes which have been subjected to wider performance, stress loading, flight checking, and even combat conditions than any previous new combat plane.

Because of the complexity of the plane, its electronic and mechanical weapons delivery systems, and its remarkable power plants have only this summer reached the formal combat-ready status. Four tactical wings, one here, are at, or closely, approaching this status.

#### DAMNED FROM INCEPTION

The F-111 was damned from its inception by political squabbling in Senate committees, and simultaneously by an open war between then Defense Secretary Robert McNamara and his military leaders who, hitherto, had controlled Air Force purchases. Nevertheless, it now has been developed into an absolutely outstanding weapon.

It is the only plane in the country's arsenal of which the following could be truthfully said: "To be effective, interdiction must be continuous. The enemy must never be able to find relief from aerial pressure under cover of darkness or poor weather. The F-111 can attack targets with exceptional precision in spite of such weather or darkness; under these conditions its bombing accuracy is comparable to the daylight accuracy of other bombers."

This assertion was made by Robert C. Seamans Jr., then secretary of the Air Force, before the Senate Armed Services Committee, in March, 1969. It is truer today than it was then because much improved electronics in navigation, target identification, and weapons targeting have become available and are operational in two of the three wings now in the United States.

"You can look at the situation in the Viet Nam theater right now," said Col. David D. Young, commanding the 57th Fighter Weapons Wing, here at Nellis. His pilots and engineers study and fly all new and current Air Force fighter and fighter-bombers, including the F-4, the F-105, the A-7 and F-111s, to determine capabilities, establish tactics, and make improvements.

#### NIGHT BRINGS SANCTUARY

"Nightfall brings sanctuary—or virtually sanctuary—to the north. So does bad weather. The newspapers continuously report that bombing operations are suspended for days at a time by the monsoon weather, and the nights give the North Vietnamese their time for repairing bridges and roads, moving supplies, rebuilding their oil lines, and doing the job that is disrupted by our daylight assaults."

"Good as they are—and our F-4s and A-7s

are great fighters and attack planes—they cannot begin to do the job the F-111s would do routinely. This airplane goes into the combat zone at tree-top levels, below radar, navigates a multiple track to its target, and bombs from a horizontal run without eyeballing the target at all. Its radar, its precision inertial navigational system, make it deadly.

"With the swing wing it can be 'redesigned' to fit its weight at a number of points in any mission, and it can make its final bombing run at supersonic speeds, still right on the deck. Nothing else can do these things."

#### ACCIDENTS MAGNIFIED

"This is the Cadillac of military planes," he continued. "It's faster, smoother, safer longer-range, and carries more military load than any supersonic vehicle in service."

On safety, he said, "Every F-111 accident was magnified on Capitol Hill in Washington by the airplane's opponents." All new combat planes do have crashes, but those of the F-111 have been "surprisingly few." And the records bear him out.

In its first 15,000 flight hours [where most high performance aircraft have their troubles] the F-111 had nine plane losses, and eight fatalities. By comparison, at the same operational-time stage, 10 of the F-106s had been lost; 14 of the 105 "Thuds"; 18 F-101s; 21 F-104s, and 28 F-100s.

At the 200,000-hour level [reached Sept. 1972 for the F-111s] the official records show 28 accidents, 21 planes destroyed. For the others the marks are: F-106s, 47 accidents, 25 destroyed; F-105s, 85 accidents, 50 destroyed; F-102s, 77 accidents, 37 destroyed; F-101s, 152 accidents, 75 destroyed; A-7s, 55 accidents, 53 destroyed, and F-4s, 72 accidents, 34 destroyed.

What is worrying Air Force commanders is a December, 1974, deadline for the Fort Worth shutdown. Of 550 airplanes ordered by the Air Force [after a dozen deletions and cancellations from the original 1,700 plane purchase] nearly 530 have been delivered or are in final assembly and contractor test. Production rate now is only one and a half F-111s a month, cutting to one a month [12] for fiscal '74-75. These orders "barely keep the line alive."

#### THE XX OLYMPIC GAMES

### HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. MATHIAS of California. Mr. Speaker, from August 26 to September 11 of this year, I had the great pleasure to witness the greatest athletic contest in the world. I am referring to the XX Olympic games held in Munich, Germany.

Since the Munich Olympic games, there have been a lot of hindsight comments on various events that happened there—comments on the questionable officiating against the U.S. basketball team; blame put on a coach for not getting two runners to the stadium on time for their race; and bad judgments against our boxers and divers.

While these things do put a negative feeling on the part of the American participation in the games, the positive things far outnumber the bad ones. Many of our American athletes performed to perfection. Others who were given no chance at all came through with flying colors. The Olympic spectacular is the only one of its kind in the

entire world where over 10,000 young people from over 120 nations can get together to meet each other, know each other, swap stories, become friends, and compete with the world's best amateur athletes. And, then the athletes return home knowing a great deal more of their fellow citizens in this world. They know that their new friends from halfway around the world are pretty good guys. They now have a deep-seated spirit of world peace that will never leave them. They now have pride in themselves that they did the best they could for themselves and for their countries.

The murder of the Israeli athletes in Munich was a great tragedy. This must not stop the games from going on. In spite of this tragedy and the bad officiating and the minor squabbles, overall, in my opinion, the Munich games were the best ever. The good things far outweigh the questionable things. I hope the Olympic games continue for a long time to come.

#### THREE LONG YEARS IN PURSUIT OF DUE PROCESS AT STATE DEPARTMENT

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. ASHBROOK. Mr. Speaker, because of long interest in the affairs of the Department of State I have called attention over the years to various personnel cases and operational aspects of that Department that cry out for corrective action. I was understandably interested in the testimony of Mr. John D. Hemenway, a former State employee, who appeared before the House Subcommittee on State Department Organization and Foreign Operations on September 6. The subcommittee has been holding extensive hearings on legislation designed to provide Foreign Service employees a fair grievance procedure, statutorily based, which would grant some semblance of due process to Foreign Service people, some of whom have been almost arbitrarily kicked out of State after long years of service without immediate recourse to appeal or pension. For example, today marks the beginning of the fourth year of Mr. Hemenway's grievance case as he awaits a decision on his appeal. Legislation before the subcommittee would eliminate such long and costly delays and hopefully will take the final adjudication of a case out of the hands of the State Department entirely.

I insert at this point excerpts from the Hemenway testimony of September 6:

FORMAL GRIEVANCE LEGISLATION ESSENTIAL TO PERSONAL ACCOUNTABILITY IN THE FOREIGN SERVICE AND U.S. DEPARTMENT OF STATE

Mr. Chairman, I want to thank you for inviting me to come here this morning to testify to you and members of your Committee on the subject of grievance legislation for the Foreign Service and other employees of the Department of State. I would be prepared to be examined under oath during the entire testimony or during any part of it, should you wish.

You have my biography before you. For

nine years I served in the army, navy and air force. During WW II I was commissioned as an infantry lieutenant at age 18. Following that service, I entered the Naval Academy where I was graduated with distinction from Annapolis and then studied at Oxford as a Rhodes Scholar. I entered the diplomatic service of the United States (the Foreign Service) in 1954 via the competitive four-day exam (now abolished) and served there for 15 years in Germany, the Soviet Union and the Department of State. I was commended and fired after a total of 24 years of government service, without a blemish on my record of any kind, without a pension.

My real qualifications for appearing before you today involve a certain expertise in certain aspects of Hearing procedures at the Department of State—abuses of position and violation of regulations. I know a lot about such matters, perhaps as much as any other person. I am not a personnel expert and I have never sought out this knowledge. It was thrust upon me, so to speak. As I told you, I was fired by the Foreign Service after 24 years of honorable government service—without a pension. Two months before I was fired, John Steeves, Director General of the Foreign Service wrote to Secretary Rusk (on October 25, 1968):

"We have reviewed the file of John D. Hemenway. The record is a very favorable one. . . ."

Yet, with an excellent record I was thrown out. I determined to resist this injustice. I thus became the first career diplomat in the US career service to institute a formal grievance hearing. It is still in progress. On 26 September the proceedings will enter their fourth year.

It is my firm conviction that had the administration of the Department of State been honestly and competently managed, this hearing never would have taken place. Had the grievance procedures been a matter of law—rather than regulation—the arbitrary and capricious actions that have delayed this matter so long might not even have been attempted. Personal accountability is almost totally lacking in our bureaucracy. It should be instituted wherever possible. Faceless bureaucrats hiding behind expressions like "The Department views. . . ." or "The policy of the Department is. . . ." should be replaced by specific officers who can be held accountable for their actions. It has been my experience in my grievance hearing that bureaucrats act as if they were above the law. They must be controlled and regulated. An experienced bureaucrat knows he is beyond the reach of regulation, for he himself writes the regulations—which he changes if it displeases his pleasure. Legislation is something else. There is a danger in violating a clear statute.

This leads to an important question raised at these Hearings on grievance legislation, Mr. Chairman: is specific legislation really necessary? Why can't regulations under a general enabling act satisfy the need? Why is specific legislation necessary?

Frankly, legislation is needed because men are dishonest; men are cowards; some men feel a duty that has a higher priority (to them) than providing justice to another citizen. I do not have to describe for this Committee what human nature is like. There is yet another reason; frankly, there has been an almost total lack of personal responsibility in the Department of State for the past decade which has gnawed away the personal integrity of officers. It is inherent in bureaucracies, I think. Nowhere does the United States come closer to the Soviet system of government than in its bureaucracy. As a people we must invent checks on our bureaucracy or it will control us—as an undemocratic bureaucracy already controls the several totalitarian states of the world, including, of course, the USSR.

I will not involve this Committee unneces-



sarily in my own affairs. I will draw upon my personal experience in an attempt to give you some idea of the line that separates myth from reality in the Foreign Service. At least one of your witnesses so far—I have in mind the Civil Service Commission Representative—has spelled out fanciful theories nearly devoid of practical value if an attempt is made to apply them to the Department of State. It is curious that my own hearing was initiated under Civil Service regulations (adopted by the Department of State). When they were violated, and they were frequently violated, I notified the Civil Service Commission—which did nothing to enforce its own regulations. (3FAM1820 is based on authority provided by Chapter 771 of the Federal Personnel Manual; 771-3 promulgated the model grievance structure on July 21, 1967.)

There is nothing complicated about these matters. Had there been a specific statute, one could turn to the courts and get action. In all probability my case never would have come to a hearing, for officers entrusted with the duty of supervising the administration of the Foreign Service would have seen the risks of not performing their duty. In the absence of legislation, the bureaucrat can get away with twisting, distorting, delaying, ignoring, lying—in short he can get away with murder.

As long as there is no legislation this Committee will continue to hear of abuses; it may share in the responsibility for those abuses if intelligent legislation is not passed. Either Rep. Biester's bill (H.R. 15457) or Rep. Ashbrook's bill (H.R. 8523) will clear away the present chaos. In Mr. Ashbrook's bill (H.R. 8523) the selection of a Board of Appeals and Review is taken out of the hands of anyone directly responsible to the Department of State and given to the designees of the Senate Foreign Relations Committee, the House Foreign Affairs Committee and the Civil Service Commission. I prefer this method of designating the critical element of any grievance system: the Committee or Hearing Board. I think that it is appropriate for the "watchdog" committees of the Congress to become directly involved—if there are Constitutional problems in this (I am not a lawyer) a way should be found to resolve them.

It is appropriate for the "watchdog" committees of the Department of State to remain involved in these matters because, in my opinion, grievances are the fever thermometers of trouble. It makes little difference whether the difficulty originates with the employee (who might be a trouble maker) or the supervisor (who could well be incompetent or misassigned) or due to some other problem that needs rectification. The Ashbrook formula guarantees early Congressional concern in any real problem. Your Committee should be cut in on this kind of information, Mr. Chairman.

Some concern has been expressed that legislation would precipitate a rash of litigation. I doubt this. This is scare talk to defeat the legislation you are considering, Mr. Chairman. There are no facts to support this view. No one undertakes a formal grievance without fully understanding that his career is at an end. No employee really "wins" a grievance hearing, even if he is awarded the decision, in the main. However, the colleagues of a man who fights a grievance may well come out of the matter real winners. There is truth in the "You can't fight City Hall" slogan. I have seen many men leave the Foreign Service trying to pretend they were not thrown out. Their colleagues who looked on, who witnessed the abuses to which all are subjected—but remained silent, when they too should have protested—are ashamed and turned to moral cowards. But they survive, if they can, and reap the benefits of any reform, if it comes. Again, it is a bureaucratic manifestation not unlike the psychology of the communist system of purges. Specific legislation would help greatly to remove the in-

herent cowardice of bureaucrats clinging to their jobs—attempting merely to survive.

In my case, thanks to the support of several dedicated Foreign Service Officers, both active and retired, it was possible to secure a hearing under regulations based on the Civil Service model. For more than one year, thereafter, officials of the Department of State delayed by:

(a) withholding security clearances for my lawyer; and,

(b) refusing to release documents necessary for the Hearing, which I had specifically identified by title, date, content and which contained no national security information—although they bore a false indication that the material was, in fact, classified.

Had there been legislation of the sort before you today in the form of the Biester bill (H.R. 15457) or the Ashbrook bill (H.R. 8523) bureaucratic stalling of this kind would have been far more difficult.

Since Civil Service regulations were involved, I appealed to the CSC for assistance. The response of the Department of State (taken by Mr. Howard Mace, director of personnel) was to sign a letter dismissing the Hearing Chairman from State Department employment, thus endangering his future to continue on as Hearing Committee Chairman. This direct violation of the regulations appeared to be intended to break up the hearing. My direct written appeal to the CSC met with no success; in fact, a CSC letter to me dated December 21, 1970 signed by General Counsel Anthony Mondello informed me of a decision to abolish the very regulations that provided the basis for my hearing. Thus after one and one-half years of delay, the onus for which is borne by the Department of State, my Hearing Chairman was to be fired and the regulations (3FAM 1820) abolished which permitted me to initiate the first hearing in the history of the diplomatic service.

This was to happen on April Fools Day, to boot! Specific grievance legislation would have inhibited all such moves, of course. Thanks to intervention by Senator Buckley and several others, this crassly illegal action was prevented. The regulations specifically forbid any effort to interfere with, or intimidate, or even to appear to intimidate anyone connected with a Hearing—these were ignored.

You have heard my view that grievances (and the procedures connected with them) may be likened to fever thermometers. Everyone knows that a lot is wrong with personnel policies of the Department of State. Even Mr. Macomber is proud of more than 500 self-proclaimed reforms programmed or accomplished under his "Diplomacy for the 70s". (Something really must be wrong with a system that needed 500 reforms!) Frankly, just my own hearing and a few that have followed it have revealed the need for yet another 200 reforms, fully overhauling the promotion, efficiency rating, and selection out machinery. All of these matters are within Mr. Macomber's own area, Administration, which may explain why so few of these reforms have been suggested, much less attempted.

In the course of my own hearing, a number of serious problems have been revealed which have—to my knowledge—been totally ignored by Department authorities. This inaction is, of course, a violation by US Statute, which requires the Secretary of State to report serious violations to the Attorney General. (I refer to 68 Stat. 998; P.L. 725, 83rd Congress.) These problems include:

(1) At least two instances of Department of State Employees under oath not telling the truth;

(2) Violation of the Criminal Code of the United States (this felony requires dismissal from office, if convicted); the official was promoted to a desirable post after the facts were known and the witnesses identified (they were never contacted);

(3) Several senior officials who have filled

the record with signed statements including untruths and falsities;

(4) Several serious security problems not yet acted upon.

Mr. Chairman, you have indicated that you approve of selection out because it gives the Department of State a chance to get rid of marginal officers. Personally I agree and I have been selected out. The procedures must, however, be fair. I doubt that either of us would endorse a selection out mechanism that was arbitrary, unfair, or used as a purging mechanism. In other words, you have to have a woodsman skillful enough to determine the difference between green wood and dead wood, if you wish to prune the trees in a healthy forest. Further, I do not believe that anyone can justify limiting selection out to FSOs alone while, at the same time, job opportunities inside the Department of State are denied to FSOs and reserved for outsiders or lateral entrants. That is, in fact, the state of affairs today. It clearly is in the interests of the nation to have a "tough competitive service"—the theoretical model Mr. Macomber always is talking about. The problem is, we do not have a competitive system, fairly administered. It is arbitrary and only certain areas have selection out applied to them; other areas are insulated from selection out or competition of any kind. That is the origin of most grievances today, in one form or another. If this Committee or its Chairman has been told by Mr. Macomber that selection out has been fairly administered, then it has been misled.

There are other areas in which I know that this Committee and its Chairman have been misled—and these too lead to grievances which, if only provided for in regulation, can be covered up. One of these concerns the quality of the officers being admitted into the Foreign Service.

On 24 July, 1972 I testified against confirmation by the Senate of a list containing at least 63 unqualified persons. One group included officers being reappointed to the foreign service, released initially, evidently, because they feared selection out. After winning a few promotions, they are readmitted at the FSO-3 level (i.e., full colonel). Yet they were, as a group 100% unqualified since:

(1) not a single one was indicated as having a college degree or the equivalent; and  
(2) not a single one is indicated as ever having passed a test in a foreign language at a useable level.

It is not by coincidence, I think, that 82% of these persons were in the administrative cone, protected from "tough competition" from the rest of the service. You are seeing the creation of the grievance cases of the future. If you do not now provide legislation, rank injustices will continue to occupy your attention as Congressmen and members of this Committee. If you have been told in correspondence—and I know that you have been told this—that Mr. X is very good, and highly qualified, but just couldn't meet the high standards in a "tough and competitive" Service, ask yourself about the nature of the competition. If you are admitting officers without qualifications—and violating the law and regulations in so doing—at the same time you are expelling officers with admittedly high standards, the question of fairness and legality inevitably crops up.

Mr. Chairman, I attach a copy of my testimony to the Senate of July 24. No one knows better than you the millions the taxpayers have spent on languages and other training at the FSI. Has that money been squandered by the Department of State? The record suggests that it has. Furthermore, not having met the Department's own language testing standards the Department now claims by official Department Notice of August 14, 1972 and Airgram (A-7758 of August 1, 1972) that they will not enforce language standards because you, Mr. Chairman, and your colleagues in Congress did not give them enough money! In other words, if standards are low, we can't

check up on how low they really are, because the Congress did not vote enough money. This provides the Department with the opportunity to claim that the picture is not as bad as a critic like the opportunity to claim that the picture is not as bad as a critic like Hemenway claims.

Now this information is pertinent to the legislation you are considering for two reasons. *It is wrong and it is an injustice* to retain unqualified persons who are not competing with or compared to much better qualified persons who are being discharged from the service. This will lead directly to legitimate grievances. Further, the officer of the US government who can abuse the law and regulations in one area will find it easy to abuse grievance regulations. For these reasons and others, specific grievance legislation is the only solution.

The point is that, if all officers of the government honestly and fairly administered the Foreign Service Act, there would be no need for grievance legislation. In fact they do not and have not, and the personnel system is sick and corrupt.

Mr. Macomber literally created a need for the "interim" grievance procedures, of which we hear so much, by abolishing 3 FAM 1820, the earlier regulations. One has to take the word of the State Department concerning the superiority and success of the "interim" procedures, for transcripts are not available for examination even after conclusion of a hearing. In every case of which I am aware, if an employee had a choice between the two procedures, he chose the earlier, allegedly "inadequate" 3 FAM 1820 procedures. The legislation before you, in effect, protects against the abuses I experienced and therefore codifies the best working procedures developed under 3 FAM 1820. Open hearings are highly desirable when they do not specifically injure any parties to a dispute. Frankly, in the Department of State environment, when hearings must be conducted in secret, personal pressures that can be brought to bear on individuals involved far exceed the capacity of all but the most resolute to withstand them. Visions of the star chamber of the 16th Century are called to mind.

Specific legislation on grievances will obviate most problems, since all parties in the foreign service community will know where they stand. All will know that violation of the norms of conduct by any supervisor (or subordinate, for that matter), will not be tolerated and that due process is available to all employees.

The need for candor and openness in discussing grievances is obvious, I think. Your Committee, Mr. Chairman, has the right to expect full and complete and accurate responses of its witnesses. Such testimony is not known to be a propensity of Department of State witnesses when asked to discuss the Department of State. Let me give you an example of this from recent Senate experience:

Senator HOLLINGS. The Foreign Service Grievance Board, you have eight positions requested there. Who is on the Board and can you give us the current status of the Board?

Mr. MACOMBER. I will be very pleased to. There was, in addition to the management gap I have spoken of, a human relations gap as well. The Department of State was pretty paternalistic on the personnel side. I don't think it has been run as unfairly as some of the critics say, because the people running it tried to be fair, but there were certainly not, in this day and age, acceptable due process forms available to career people. In my opinion, the standing of the foreign service officer from the career point of view was about the same as a student at a university campus. He really had very little in the way of rights. This was going on in a career where people are selected out. It is like the military rule. If you don't get promoted in a certain length of time you have to leave the service. So it was a very competitive sys-

tem with an informal grievance procedure in the Service, which is still a very small Service—only 3,000 foreign service officers. If somebody thought he was getting a rooking, usually he knew somebody who knew somebody to get the situation looked at, and rectified fairly. But I won't say mistakes weren't made. There was an informal system. . . .

We did not have an effective grievance procedure before. We now have a grievance procedure. . . .

(Source: p. 757 of the Senate Appropriations Subcommittee hearings on the Department of State, March 20, 1972.)

At least two misleading statements are contained in Mr. Macomber's statement cited above, although much of it parallels what I have told the Committee. First: the analogy with the military is not valid. In the military, after twenty years service, a pension is automatic—in fact, it is guaranteed after 18 years. John Hemenway was never low-rated and, after twenty-four years of service without a blemish was dismissed without a pension. Similarly, Charles Thomas was thrown out in the same year after twenty plus years of service, never having been low rated, because of unconstitutional *ex post facto* changes in the regulations. Second: It simply is not true that no effective grievance procedures existed prior to the "interim" procedures. There was 3FAM1820, based on the CSC model in chapter 771 of the Federal Personnel Manual. Mr. Macomber abolished 3FAM1820, then restored it, and then abolished it finally to create a need.

The claim is advanced that regulations provide the administrator with "flexibility" (always assumed to be desirable, evidently). Had the grievance procedures been in statute form, Mr. Macomber and his administrators would have been deprived of the "flexibility" necessary to abolish regulations they found inconvenient. Obviously legislation is the only way a government can enforce personal responsibility on bureaucrats whose "track record" indicates that their primary skill lies in dodging personal responsibility. (I note in passing that Mr. Macomber declined to appear as a witness at my Hearing in December 1971 on the grounds that he was not familiar with the details of my complaint and had avoided learning anything about them. Several letters bearing Mr. Macomber's signature were submitted to establish that just the contrary was true.)

I believe the need is simple and clear: a statutory requirement can not be abused without a clear risk on the part of an errant official. Let me demonstrate this once again in the context of two Executive Orders (EO 11636 and EO 11491) which your Committee staff consultant has incorporated into the July 25, 1972 Committee print entitled: "Background Material on Foreign Service Grievance Procedures." (See: p. 29 and p. 59)

Mr. Macomber claims to tie much of his hopes for effective grievance machinery on the outcome of effective employee-management relations machinery. He must know that this is a slender reed upon which to rest his expectation. I think that you and most of the members of this Committee already have perceived that Mr. Macomber prefers to have regulatory grievance machinery, because it is "flexible". Again I shall cite Senate testimony because Mr. Macomber seems to speak more candidly to the Senate Committee than to your Committee, Mr. Chairman. On March 20, 1972, Mr. Macomber told Sen. Hollings:

Mr. MACOMBER. The Secretary in talking to this [interim grievance] Board, when they began, charged them with this: He said, I want you to protect the boat rockers.

Now, we call it our 'interim grievance procedure' because it has been put in unilaterally by management because a much better grievance procedure than we had before was urgently needed. It was unilaterally put in, however, and the definite grievance procedure should clearly be hammered out in the em-

ployee management relations system. That is where grievance procedures of this kind are generally worked out.

I have . . . suspended all selections out pending the election of an employee representative so we can sit down and review the whole selection out system. I myself am persuaded they will agree to continue the selection out system. . . .

Well, as you know, Mr. Chairman, there are only two possible employee-management groups in contention, i.e., AFSA and AFGE. This Committee has heard testimony from both. AFSA and AFGE might both have their differences, but both support formal grievance legislation as codified by the Blester or Ashbrook bill. It is that simple—what then are we waiting for? I think some correspondence I have had recently may reveal the answer: (TAB III a, b, c)

We are waiting for Mr. Macomber to stack the deck. He anticipates that the American Foreign Service Association (AFSA) will become the exclusive representative of the employees of the Department of State and that through their Board, he will be able to manipulate grievance regulations as in the past.

I am a member of AFSA; I first joined in 1955. I am not a member of AFGE or of any other union. However, I think that all Americans recognize the great and important role played by unions and the necessity of a free and democratic trade-union movement in the development and survival of the American way of life. However, AFSA is not a union; it is a professional organization and always has been. Unfortunately, under the present management it has displayed certain undemocratic tendencies which, I believe, disqualify it under EO 11636 as an employee group. The present AFSA Board, I believe, is attempting to qualify as a "union" which will, in effect do the bidding of management at the Department of State. It will be, in short, a "company union." On five or six occasions during 1972, I have formally protested the undemocratic practices of the present AFSA Board of Directors to the appropriate authorities at the Department of State and the Department of Labor. The result, to date, has been a further lesson—and a remarkable one, at that—in how a bureaucrat evades assigned responsibility. To turn any part of grievance mechanisms offering the promise of due process over to such a "union" as AFSA would be to condemn the grievance machinery to ineffectiveness. I submit for the record the correspondence cited. Again, it suggests that the only answer is specific legislation before the matter gets caught up in other more parochial struggles.

No doubt you, Mr. Chairman, and other members of this Committee have set a few things straight too. You know that there is a great deal of tragedy here in addition to that of Charles Thomas. Thomas was selected out with me. He was, by the way, the only other officer I ever knew about who was not low rated, but nevertheless, thrown out after more than twenty years service without a pension. Thomas was a lawyer and took an interest in the conduct of my Hearing; he had intended to attend the 5th session.

Possibly a limited amount of tragedy in life is unavoidable. Imagine the effect on the foreign service-at-large, when misbehavior not only is not punished, but rewarded. What lessons should a junior foreign service officer draw when he sees ethical norms turned upside down with evident approval from all sides?

The need is clear, it seems to me. The legislation before you is the only possible way to protect due process and individual rights in the Foreign Service. You will not be flooded with actions; you will be spared complaints that individual officers were injured by various chicanery and legerdemain of administrators above and around them.

Thank-you for considering my views today.



CONGRESSMAN ICHORD'S  
VOTING RECORD

## HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ICHORD. Mr. Speaker, when I first came to Congress I adopted the practice of compiling my voting record and sending the same to every household in the Eighth Congressional District of Missouri, which I have the privilege of representing in the Congress. By means of such compilation, numerous press, radio, and TV releases, speeches and newsletters, I have endeavored to keep the people I represent informed of my activities and voting record on the legislative issues considered by Congress.

During the 1971 session of the Congress there were 211 yea-and-nay votes,

151 quorum calls and 108 recorded teller votes, a grand total of 470 rollcalls to which I answered 84.4 percent of the time. During the 1972 session up until August 14—the last day of the 1972 session covered by this compilation—there were 168 yea and nay votes, 93 quorum calls, and 59 recorded teller votes, a grand total of 320 rollcalls to which I answered 86.5 percent of the time. Many of the votes or quorum calls I missed were due to my presence in meetings of the House Committee on Internal Security which I chair and which has authority to meet while the House is in session.

The Eighth Congressional District now consists of 18 counties and part of the county of St. Louis. The diversity of the district and the complexity of interests and pursuits of the people of the district make it impossible for everyone to agree with every vote I have cast, but

whether or not one may consider my vote right or wrong the record does show, I believe, that my work and votes have been the product of my own independent thinking as to what is best for my district, State, and Nation.

I have directed my staff to compile my record on all the major and controversial votes in Congress with a brief description of the subject matter and issues involved. Due to the fact that the number of votes have been substantially increased by reason of the new practice of recorded teller votes, the costs of printing and distribution make it prohibitive for me to distribute the compilation this year to every household. Therefore, I am placing the same in the CONGRESSIONAL RECORD with notice to my constituents that the same will be provided upon request. The compilation of my voting record on 140 recorded votes during both sessions of the 92d Congress up to and including August 14, 1972, is as follows:

Bill No.	Description	My vote	Bill No.	Description	My vote
H.R. 4690	A bill to increase the national debt ceiling from \$395,000,000,000 to \$430,000,000,000. (Passed 228 to 162.)	No.	H.R. 8805	Bill to strengthen the laws restricting the sending of obscene matter through the mails. (Passed 356 to 25.)	Yes.
H.J. Res. 465	Resolution appropriating \$50,700,000 to cover unemployment compensation payments to ex-GI's. (Passed 355 to 0.)	Yes.	H.R. 9844	Bill to authorize \$2,400,000,000 for military construction for fiscal year 1972. (Passed 359 to 31.)	Yes.
H.J. Res. 468	An amendment to stop further funding of the SST. (Passed 214 to 204.)	No.	H.R. 9270	Final passage of the \$13,300,000,000 appropriations bill for the Agriculture Department and for environmental and consumer protection programs for fiscal year 1972. (Passed 230 to 162.)	Yes.
S.J. Res. 7	Resolution proposing an amendment to U.S. Constitution to lower the voting age to 18 for all elections, State and local as well as Federal. (Passed 401 to 19.)	Yes.	H.R. 10061	An amendment to add \$82,400,000 for vocational rehabilitation programs, in addition to other money already in the bill for this purpose. (Passed 236 to 153.)	Yes.
H.R. 7	Bill to provide additional financing for rural telephone service by setting up a Rural Telephone Bank with initial Government financing, but with the object that it would eventually be privately controlled. (Passed 269 to 127.)	Yes.	H.R. 10061	Bill to appropriate \$20,500,000,000 for the Labor and Health, Education, and Welfare Departments and related agencies for fiscal year 1972. (Passed 273 to 25.)	Yes.
H.R. 6531	An amendment to prohibit the use of draftees in any war except for declared wars or in case a declared war is imminent. (Defeated 96 to 278.)	No.	H.R. 9922	Bill to extend the Public Works and Economic Development Act of 1965 containing an authorization of \$4,000,000,000 over several years for public works, economic development and Appalachian regional development. (Passed 276 to 27.)	Yes.
H.R. 6531	Final passage of bill to extend draft for 2 years, and provide for increases in military pay. (Passed 293 to 99.)	Yes.	H.R. 9382	Final passage of \$18,300,000,000 fiscal 1972 appropriations for Department of Housing and Urban Development, NASA, Veterans Administration and various independent offices. (Passed 363 to 30.)	Yes.
H.R. 7016	An amendment to add \$728,600,000 to the Education appropriations bill. (Defeated 187 to 191.)	Yes.	H.R. 9667	Final passage of \$8,156,000,000 appropriations bill for fiscal year 1972 for the Transportation Department and related agencies. (Passed 393 to 15.)	Yes.
H.R. 7016	Final passage of bill making appropriations for the Office of Education and related agencies for fiscal year ending June 30, 1972. (Passed 355 to 7.)	Yes.	H.R. 10090	Bill to appropriate \$4,576,000,000 for fiscal year 1972 for public works, the Atomic Energy Commission and related agencies. (Passed 386 to 4.)	Yes.
H.R. 5376	Bill authorizing \$5,500,000,000 for public works projects and regional economic development. (Passed 319 to 68.)	Yes.	H.R. 8432	Bill guaranteeing a \$250,000,000 loan to Lockheed Aircraft Co. (Passed 192 to 189.)	No.
H.R. 6444	Bill to increase railroad retirement by 10 percent. (Passed 379 to 0.)	Yes.	H.R. 9272	Final passage of the \$4,067,000,000 fiscal 1972 appropriations bill for the Department of State, Justice and Commerce. (Passed 337 to 35.)	Yes.
H. Res. 274	Resolution to appropriate \$570,000 for the operation of the House Internal Security Committee. (Passed 300 to 75.)	Yes.	H. Res. 539	A resolution calling for the HEW Secretary to furnish a list of public school systems which will be receiving Federal funds and will be busing schoolchildren to achieve racial balance. (Passed 351 to 36.)	Yes.
H.R. 4604	Bill authorizing the continuance of various small business programs through 1972 and increase the ceiling on SBA loans from \$2,200,000,000 to \$3,100,000,000. (Passed 383 to 0.)	Yes.	H.R. 3628	Bill to further provide equality of treatment for married women Federal employees. (Passed 377 to 11.)	Yes.
H. Res. 412	Bill to authorize additional foreign travel for Education and Labor Committee. (Defeated 156 to 172.)	No.	H.R. 9910	Bill authorizing \$3,444,000,000 in foreign aid for fiscal year 1972 and \$4,494,000,000 for fiscal year 1973. (Passed 202 to 192.)	No.
H.R. 7271	Bill to authorize a \$600,000 increase to \$4,000,000 in the appropriations for the U.S. Commission on Civil Rights. (Passed 262 to 67.)	Yes.	H.J. Res. 833	Emergency Employment Appropriations bill allotting \$1,000,000,000 for the Labor Department to put into effect a plan for federally subsidized public service jobs at the State and local level. (Passed 321 to 76.)	Yes.
H.R. 5257	Bill to authorize transfer of \$150,000,000 to provide more money for free and reduced cost lunch programs for poor children. (Passed 332 to 0.)	Yes.	H.R. 234	Bill to remove the provisions of title II of the Internal Security Act with regulated the establishment of detention camps in time of national emergency. (Passed 356 to 49.)	No.
H.R. 5060	Bill providing criminal penalties for most hunting or harassment of wildlife from or by aircraft. (Passed 307 to 8.)	Yes.	H.R. 1746	Equal Employment Enforcement Act which allows the Equal Employment Opportunity Commission to bring suit in Federal courts for enforcement of Federal anti-job discrimination laws, instead of allowing EEOC to issue cease and desist orders. (Passed 285 to 106.)	Yes.
H.J. Res. 642	Resolution agreeing to temporarily end the railway signalmen's strike with temporary prohibition of strikes and lockouts in regard to this dispute and providing for an interim 13.5 percent pay increase for the signalmen. (Passed 265 to 93.)	Yes.	H.R. 9166	An amendment to cut the appropriations for the Peace Corps for fiscal year 1972 from \$77,200,000 to \$50,200,000. (Defeated 113 to 232.)	Yes.
H. Res. 415	A resolution authorizing the committee on Post Office and Civil Service to conduct studies and investigations within its jurisdiction. (Passed 201 to 88.)	Absent.	H.R. 10351	An amendment to reduce from 100,000 to 10,000 the population for a community to qualify as a prime sponsor for benefits under the proposed comprehensive child development provisions of the economic opportunities program. (Passed 226 to 158.)	Yes.
H.R. 8011	Bill to extend provisions relating to Government procurement of commodities produced by the blind to include commodities produced by other severely handicapped individuals. (Passed 309 to 0.)	Yes.	H.R. 9961	A bill to provide temporary insurance for the members' accounts of certain Federal credit unions, and for other purposes, as amended (\$4 required). (Failed 197 to 122.)	Absent.
H.R. 7960	Bill authorizing \$622,000,000 for National Science Foundation for fiscal year 1972. (Passed 319 to 8.)	Yes.	H.J. Res. 208	Resolution proposing an amendment to the U.S. Constitution guaranteeing equal rights to both women and men. (Passed 354 to 24.)	Yes.
H.R. 8694	Bill to provide for payment of cost of certain medical services for District of Columbia policemen, firemen, and other law enforcement officials retired for total disability incurred in line of duty. (Passed 311 to 1.)	Yes.	H.R. 10835	B II proposing the establishment of a Consumer Protection Agency as an independent agency, plus an Office of Consumer Affairs in the White House, plus a Consumer Advisory Council. (Passed 345 to 44.)	Yes.
H.R. 8687	An amendment to strike out \$370,200,000 for development of the B-1 manned bomber. (Defeated 97 to 307.)	Yes.	H.R. 9844	Final passage of conference report on the \$1,986,000,000 military construction authorization bill for fiscal year 1972. (Passed 371 to 26.)	Yes.
H.R. 8687	Final passage of bill authorizing \$21,000,000,000 for weapons research and procurement for fiscal year 1972. (Passed 331 to 58.)	Yes.			
H.R. 1	A bill to reform the welfare laws and make changes in social security laws, such as automatic cost of living increases in social security benefits effective June 1, 1972; an increase from \$1,680 to \$2,000 of the amount a social security beneficiary under age 72 can earn without losing part of his benefits; extension of coverage of medicare protection; a new program of aid to needy aged, blind, and disabled persons; and the family assistance plan intended to keep families together with dependent children and create incentives to get them off the welfare rolls and on payrolls. (Passed 288 to 132.)	Yes.			

Bill No.	Description	My vote	Bill No.	Description	My vote
H.R. 10670	Bill to establish a survivor benefit plan so that career military personnel could leave part of their retired pay to their survivors. (Passed 372 to 0.)	Yes.	S. 2097	Adoption of conference report to establish a Special Action Office of Drug Abuse for the purpose of coordinating drug abuse prevention programs of the various Federal agencies (excluding the law enforcement agencies) with an authorization of \$1,000,000,000. (Passed 366 to 0.)	Yes.
H.R. 2266	Bill proposing an authorization of \$1,500,000,000 in Federal aid to school districts which are desegregating, a portion of which would be used to pay for busing to achieve racial balance. (Defeated 135 to 222.)	No.	H.R. 8395	Bill to provide for a 3-year extension and expansion of programs to rehabilitate the physically, mentally, or socially disabled. (Passed 327 to 0.)	Yes.
H.R. 8389	Bill to provide for treatment programs for drug abusers confined to or released from correctional institutions and facilities. (Passed 350 to 0.)	Yes.	H.R. 4174	Bill to amend Uniform Time Act to give the States the liberty to have daylight savings time within parts of the State without the requirement to have it throughout the State. (Passed 333 to 7.)	Yes.
H.R. 9180	Bill to provide for temporary assignment of U.S. magistrates from one judicial district to another. (Passed 344 to 10.)	Yes.	H.R. 13120	Bill to reduce the par value of the dollar to a theoretical 1/38th of an ounce of gold from the previous theoretical 1/35th of an ounce of gold. (Passed 343 to 43.)	No.
H.R. 11232	Bill to expand lending authority of the farmer-owned cooperative lending system. (Passed 331 to 19.)	Yes.	H.R. 13592	Bill to establish a national program to fight sickle cell anemia. (Passed 329 to 0.)	Yes.
H.R. 2	Bill proposing the establishment of a Uniformed Services University of the Health Sciences to help alleviate a shortage of military personnel in the health services. (Passed 352 to 31.)	Yes.	H.R. 11896	Amendment to Water Pollution Control bill to require industry in all cases to have the best available waste treatment technology in by 1981 regardless of cost involved or unemployment that might be created. (Defeated 140 to 249.)	No.
H.R. 7248	Amendment to prohibit the use of Federal funds for busing of students or teachers to overcome racial imbalance, or for the purchase of equipment for such transportation and forbade the forcing of States or local governments to spend funds for such busing.	Yes.	H.R. 13324	Bill to authorize \$555,800,000 for the fiscal year 1973 Maritime Administration programs. (Passed 365 to 13.)	Yes.
H.R. 7248	Passage of the higher education bill to extend Federal programs to aid colleges and general aid to higher education program and authorized \$1,500,000,000 in Federal aid to school districts which are desegregating, with specific provisions prohibiting Federal aid for busing. (Passed 332 to 38.)	Yes.	H.R. 13188	Bill to authorize \$141,800,000 for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard. (Passed 373 to 1.)	Yes.
H.J. Res. 191	Resolution submitting to the States a constitutional amendment to allow voluntary prayer in the public schools. (Resolution passed 240 to 163 but failed to receive necessary 2/3 majority.)	Yes.	H.R. 13336	Bill to provide a 2-year authorization of \$22,000,000 for U.S. Arms Control and Disarmament Agency functions. (Passed 349 to 20.)	Yes.
H.R. 10729	Bill to revise Federal laws regarding pesticide controls. (Passed 288 to 91.)	Yes.	H.R. 14070	Bill to authorize \$3,400,000,000 for funds for the national Aeronautics and Space Administration for fiscal year 1973. (Passed 277 to 60.)	No.
H.R. 9212	Bill to extend benefits to orphans whose fathers died of black lung disease and expand black lung benefit program. (Passed 311 to 79.)	Yes.	H.R. 14108	Bill to authorize \$681,000,000 for fiscal year 1973 for funds for the National Science Foundation. (Passed 329 to 16.)	Yes.
H.R. 8687	Bill to require the President to remove embargo on the importation of chrome ore from Rhodesia if chrome ore was being imported from any Communist country. (Passed 251 to 100.)	Yes.	H. Res. 918	Motion to table, and thereby kill, a resolution to require the President and Secretary of Defense to provide very detailed information on U.S. military activities in Southeast Asia which might have adversely affected our troops in Southeast Asia. (Passed 270 to 113.)	Yes.
H.R. 11302	Passage of the National Cancer Attack Act of 1971 which is intended to strengthen the National Cancer Institute and the National Institutes of Health. (Passed 350 to 5.)	Yes.	S. 2713	Bill to authorize Attorney General to provide care for narcotic addicts who are released, paroled or placed on probation. (Passed 325 to 0.)	Yes.
H.R. 11652	Bill to liberalize provisions regarding payment of armed services dependency and indemnity compensation. (Passed 350 to 0.)	Yes.	H.R. 12652	Bill to extend for 5 years the life of the Commission on Civil Rights and expand its jurisdiction to include discrimination because of sex. (Passed 265 to 66.)	Yes.
H.R. 11731	Amendment to cut out \$802,000,000 for purchase of F-14 aircraft. (Defeated 76 to 311.)	No.	H.R. 13591	Bill to change the name of the National Institute of Arthritis and Metabolic Diseases to the National Institute of Arthritis, Metabolism and Digestive Diseases in order to emphasize research in field of digestive diseases. (Passed 358 to 10.)	Yes.
S. 18	Bill authorizing \$74,500,000 for Radio Free Europe and Radio Liberty over a 2-year period for fiscal years 1972 and 1973. (Passed 271 to 12.)	Yes.	H.R. 13089	Bill to provide for acceleration of tree planting programs on national forest lands in need of reforestation. (Passed 371 to 5.)	Yes.
H.R. 9526	Bill authorizing the loan of U.S. naval vessels to Greece, South Korea, Spain, Italy, and Turkey. (Passed 260 to 116.)	Yes.	H.J. Res. 55	Bill to provide for erection of a monument in or near District of Columbia to honor the Seabees of the U.S. Navy. (Passed 366 to 4.)	Yes.
S.J. Res. 176	Bill extending authority of HUD Secretary to establish maximum interest rates on FHA mortgage insurance program and revising National Flood Insurance Act provisions. (Passed 357 to 4.)	Yes.	H.R. 7130	Bill to increase the minimum wage to \$2 per hour by 1973. (Passed 330 to 78.)	Yes.
H.R. 11163	Passage of strategic grain reserves bill proposing a national grain reserve of 300,000,000 bushels of wheat and 25,000,000 bushels of feed grains with the Government purchasing this grain. (Passed 181 to 170.)	Yes.	H.J. Res. 812	Bill to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt. (Passed 332 to 8.)	Yes.
H.R. 10947	Tax bill to include such things as repeal of excise tax on automobiles and pickup trucks, reinstatement of 7-percent investment credit for businesses, increase minimum standard deductions on individual income taxes and to liberalize child care deductions and other deductible items. (Passed 321 to 75.)	Yes.	H.R. 14989	Amendment to restore \$25,100,000 for the U.N. and related agencies and to delete a provision to limit the U.S. payment to the U.N. as not to exceed 25 percent of the total annual assessment. (Defeated 156 to 202.)	No.
H.R. 11309	Bill to extend Economic Stabilization Act until Apr. 30, 1973, to allow Presidential authority to freeze wages, prices, etc., to control inflation. (Passed 326 to 33.)	Yes.	H.R. 14989	Amendment which proposed cutting out the entire \$450,000 appropriation for the Subversive Activities Control Board. (Defeated 106 to 206.)	No.
H.R. 10367	Final passage of bill to award Alaskan Natives \$962,500,000 and 40 acres of land to settle land claims. (Passed 307 to 60.)	Yes.	H.R. 14989	An amendment to prohibit the payment of salaries of Government employees who refused to testify before congressional committees. (Defeated 132 to 180.)	No.
H.R. 11371	Final passage of conference report on Defense Appropriation Bill allotting \$70,500,000,000 for national defense for fiscal year 1972. (Passed 293 to 39.)	Yes.	H.R. 14989	An amendment to prohibit the use of funds appropriated in this bill for wiretaps on conversations of Members of Congress or the Federal Judiciary. (Defeated 71 to 231.)	No.
S. 382	Election Reform bill to place specific limits on most media expenditures in campaigns for Federal office, with not more than 60 percent of money to be spent on media to go for TV and radio. The bill also strengthened regulations for collecting, spending and reporting campaign contributions. (Passed 334 to 20.)	Yes.	H.R. 6788	Bill to establish mining and mineral research centers and to promote a more adequate national program of mining and mineral research. (Passed 273 to 33.)	Yes.
S. 2819	Adoption of conference report of \$2,752,000,000 for foreign aid authorization for fiscal year 1972 and \$984,000,000 for foreign economic aid for fiscal year 1973. (Passed 204 to 179.)	No.	H.R. 11627	Bill to require Federal standards for auto bumpers and set up a consumer information program on auto repair costs. (Passed 254 to 38.)	Yes.
S. 1163	Bill authorizing grants to States for the purpose of providing low cost nutritious meals for elderly people. (Passed 350 to 23.)	Yes.	H.R. 15093	Bill to appropriate \$19,700,000,000 for HUD, Veterans' Administration, NASA, and various independent agencies for fiscal year 1973. (Passed 367 to 10.)	Yes.
H.R. 12186	Bill to strengthen penalties for violations of the Bald Eagle Protection Act. (Passed 352 to 7.)	Yes.	H.R. 9669	Bill to grant specific duties to the Subversive Activities Control Board to investigate and compile a list of subversive type organizations whose members would be carefully investigated before receiving any type of Federal employment. (Passed 226 to 105.)	Yes.
H.R. 12741	Bill to extend the Water Pollution Control Act through June 30, 1972 with additional funds. (Passed 339 to 7.)	Yes.	H.R. 13918	Bill to authorize \$165,000,000 for the Public Broadcasting Corporation for fiscal year 1973 and 1974. (Passed 256 to 69.)	Yes.
H. Res. 164	Bill to establish a Select Committee on Privacy, Human Values and Democratic Institutions. (Defeated 168 to 216.)	Yes.	H.R. 12674	Bill to set up a National Cemetery System within the Veterans' Administration and authorized a \$150 cemetery plot allowance for the burial of veterans not buried in Federal cemeteries. (Passed 312 to 4.)	Yes.
H.J. Res. 1025	Resolution providing that the west coast dock strike be ended immediately and settled by compulsory arbitration. (Passed 214 to 139.)	Yes.	H.R. 10792	Bill to increase the ceiling on various Small Business Administration loans. (Passed 320 to 0.)	Yes.
H. Res. 849	Resolution to appropriate \$525,000 for the operation of the House Committee on Internal Security for 1972. (Passed 303 to 102.)	Yes.	H.R. 12846	Bill to facilitate treatment and rehabilitation of Armed Service drug addicts and to authorize keeping persons in the Armed Services for an extra 30 days for drug treatment programs. (Passed 322 to 1.)	Yes.
H.R. 11384	Bill to authorize \$315,500,000 for high speed ground transportation research and development. (Passed 361 to 14.)	Yes.	H.R. 15418	A bill making appropriations for Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes. (Passed 378 to 9.)	Absent.
H.R. 2589	Bill to require questions on race and occupation to be answered on qualification forms for prospective Federal jurors for aid in enforcement of nondiscrimination in selection of Federal juries. (Passed 317 to 27.)	Yes.	S. 3342	Bill to increase the maximum amount of grant payable for specially adapted housing for disabled veterans. (Passed 341 to 0.)	Yes.
H.R. 12828	Bill to increase rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans. (Passed 358 to 0.)	Yes.	H.R. 14370	Bill to authorize Federal revenue sharing payments to State and local governments totaling \$29,600,000,000 over a 5-year period. (Passed 275 to 122.)	Yes.
S. 659	Motion to instruct House conferees to insist on House-passed anti-Federal aid to busing provisions in the Higher Education bill. (Passed 272 to 140.)	Yes.	H.R. 15507	Bill to provide a Federal guarantee of up to \$1,200,000,000 in bonds to be issued for the Washington Metropolitan Area Transit Authority for District of Columbia subway construction. (Passed 282 to 75.)	No.
H.R. 10420	Bill to establish a Marine Mammal Commission and place a 5-year moratorium on the killing of most marine mammals such as whales, seals, sea otters, and polar bears. (Passed 361 to 10.)	Yes.	H.R. 15586	Bill to appropriate \$5,400,000,000 for public works for water and power development for such agencies as Federal Power Commission and the Atomic Energy Commission. (Passed 347 to 17.)	Yes.
H.J. Res. 1097	Resolution to provide a supplemental appropriation of \$957,000,000 for such things as unemployment benefits and student loan insurance funds. (Passed 365 to 16.)	Yes.	H.R. 15495	Amendment to cut \$300,000,000 from the authorization for SAFE-GUARD anti-ballistic missile procurement. (Defeated 116 to 258.)	No.
H.R. 12910	Bill to authorize a temporary \$20,000,000 increase in the national debt limit to \$450,000,000,000. (Passed 238 to 150.)	No.			



Bill No.	Description	My vote	Bill No.	Description	My vote
H.R. 15495.....	Amendment to cut out the entire \$445,000,000 proposed for future development of the B-1 bomber. (Defeated 94-279.)	No.	H.R. 15692.....	Bill to reduce the interest rate on Small Business Administration disaster loans. (Passed 325 to 9.)	Yes.
H.R. 15495.....	Amendment to prohibit the building of an ABM site in the Washington, D.C. area. (Defeated 128 to 261.)	No.	H.J. Res. 1238.....	Bill to provide a supplemental appropriation of \$200,000,000 for emergency flood relief for damage resulting from Hurricane Agnes. (Passed 356 to 1.)	Yes.
H.R. 15495.....	Amendment to cut off all funds authorized in the bill as of Sept. 1, 1972, for military activity in Indochina, subject to the release of U.S. prisoners and an accounting for U.S. men missing in action. (Defeated 152-244.)	No.	H.R. 15390.....	Bill to extend the temporary national debt limit with amendments adopted by the Senate providing for a 20 percent increase in Social Security benefits. (Passed 302 to 35.)	Yes.
H.R. 15495.....	Passage of military procurement authorization bill calling for \$21,300,000,000 for procurement, research and development of weapons systems, aircraft, naval vessels and missiles. (Passed 334 to 59.)	Yes.	H.R. 14424.....	Bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging. (Passed 380 to 10.)	Yes.
H.R. 15587.....	Bill to provide for a 6-month extension of the emergency unemployment compensation program with unemployment benefits extended beyond the usual number of weeks in States with high unemployment rates. (Passed 275 to 108.)	Yes.	H.R. 13366.....	A bill to provide for payment of losses incurred by domestic growers, manufacturers, packers, and distributors resulting from barring the use of cyclamates in foods. (Passed 177 to 170.)	No.
H.R. 15690.....	Amendment which sought to prohibit the issuance of food stamps to households which need assistance solely because a member of the household was on strike. (Defeated 180 to 199.)	Yes.	H.R. 12931.....	A bill to provide for improving the economy and living conditions in rural America. (Passed 340 to 36.)	Yes.
H.R. 15691.....	Passage of bill to appropriate \$12,900,000,000 for the Agriculture Department, the Environmental Protection Agency, consumer protection programs and rural development for fiscal year 1973. (Passed 346 to 33.)	Yes.	H.R. 15474.....	A bill to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia. (Passed 377 to 11.)	Yes.
			H.R. 15989.....	An amendment to the Export Administration Act of 1968 rescinding export quotas on cattle hides.	Yes.
			H.R. 15927.....	A bill to amend the Railroad Retirement Act to provide a 20-percent increase in annuities. (Passed 399 to 4.)	Yes.
			H.R. 16029.....	Foreign Assistance Act of 1972.....	No.

## THE EMERGENCY EMPLOYMENT ACT: A PROGRESS REPORT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, in the September 1972 issue of the Conference Board Record, Dr. Sar A. Levitan published an article evaluating the Emergency Employment Act of 1971. Dr. Levitan is the director of George Washington University's Center for Manpower Policy Studies and also vice chairman of the National Manpower Policy Task Force. His evaluation is indeed constructive and I would like to again share with my fellow Members of Congress the remarks of an esteemed friend.

The article follows:

### THE EMERGENCY EMPLOYMENT ACT: A PROGRESS REPORT (By Sar A. Levitan)

As committed conservatives and fickle liberals join in concerted attacks on government efforts to help the unemployed and disadvantaged, the Emergency Employment Act must be a source of comfort to the remaining believers in the welfare state because it is a case study in efficient government activity. It illustrates the ability of the Federal Government to commit massive resources for needed social goals, and its rapid implementation belies the presumed slow pace of governmental activity.

Cynics may suggest that there are always enough recipients for handouts and that Federal officials hardly deserve credit for giving away a billion dollars. But recent history is filled with instances where Federal funds were not allocated or were improperly diverted. For instance, a few months after the Emergency Employment Act was passed, Congress also enacted legislation to create jobs for welfare recipients. It took the Federal bureaucracy more than six months even to submit a request for the funds needed to carry out the Congressional mandate, and earlier appropriations have gone unspent. Eight months have elapsed since the legislation was enacted; thus far it has not generated a single job, if the paper-pushing that must have occurred in the meantime is discounted. It is not always easy to give away money for useful social purposes.

In contrast, the facts about the Emergency Employment Act are refreshing. Congress passed the enabling legislation in July 1971

and within four weeks had appropriated the necessary funds. Federal officials had checks ready for state and local governments to start hiring within a matter of days, and unemployed workers were on the payroll within a month after the appropriation was made. Within six months, all funds were committed, and more than 140,000 workers were on the payrolls of state and local governments. The EEA guidelines were issued within three days after the funds became available. Spurred by high unemployment and the eagerness of the unemployed to find jobs, "normal" hiring procedures were bent to fill the EEA-funded jobs. According to a General Accounting Office study, some communities had 16 applicants for each vacancy.

There was also concern that special interest groups slighted by the allocation of jobs would block implementation. In a few cases unions or other groups did secure injunctions that prevented the state and local authorities from filling EEA slots. Hassles among conflicting interests also delayed action in a number of instances. For example, six months after funds became available, the University of Illinois, which was the beneficiary of more than \$1 million, had not hired a single person, and the funds went begging. But such roadblocks were rare, and the unemployed were hired to perform needed public functions.

Initially, at least, EEA was stymied little by either special interest groups or the frequent propensity to inaction of state and local officials. And where delays did occur, the feds promptly stepped in to stimulate necessary action. Even President Nixon got into the act when a number of jurisdictions were initially slow to fill EEA slots. Though the Administration attempted to portray the EEA as an exercise in revenue sharing, in fact the Federal presence was noted at every step—from the allocation of funds to ascertaining that Federal objectives were being followed in the hiring of unemployed workers.

Federal guidelines and monitoring did not, however, force state and local officials to act in unison or mold their programs into a single pattern. Great diversity and considerable initiative was shown by state and local officials in implementing the legislation within Federal guidelines. Some communities with high unemployment among the unskilled and the disadvantaged used the Emergency Employment Act funds to expand entry jobs requiring little education or training, while other communities placed top priority on pressing public needs and hired unemployed skilled and professional workers.

### THE CHOSEN PEOPLE

No claim is made that the Emergency Employment Act is a model piece of legislation. On the contrary, the administrators of the

act at the Federal, state and local level achieved efficient implementation only by ignoring the inherent contradictions of the legislation.

The law authorized the expenditure of \$1 billion during the first year and \$1.25 billion during the second year. At an average annual Federal contribution of \$7,000 per job, it was estimated that the legislation would generate 140,000 jobs during the first year and an additional 35,000 jobs during the second year.

Funds were sufficient to hire only a small proportion of the millions throughout the nation who were seeking work. Nonetheless, Congress was not to be denied an opportunity to make political hay and stipulated that preference for the limited number of jobs be given to Vietnam veterans, former participants of manpower programs, young persons entering the labor force, older workers, migrant workers, persons whose native tongue is not English, welfare recipients, and workers displaced by technological change. Obviously, there was not enough money to hire all those who were assigned priority.

Each of the 650 program agents—state, county, city, and Indian reservation officials—had to determine what priorities suited each jurisdiction best, but at the same time could not ignore other legitimate applicants for jobs. As of mid-1972 all these groups were represented among the 145,000 persons on the EEA rolls (Table 1). Inevitably, any group could claim to be represented inadequately. But given the vague criteria spelled out in the legislation, any distribution of the limited number of jobs would be necessarily arbitrary and obviously could not satisfy all claimants.

A billion dollars may be a lot of money, but it was far from enough to establish a tight labor market in an economy where 5 million workers were idle. State and local officials acted as employers naturally do and tried to get the most promising applicants from among the several categories that they were legally required to favor. Two of every three persons hired had been unemployed less than 15 weeks. Some argued that the legislation should have favored the long-term unemployed who average about 1.2 million, or about a quarter of all the unemployed in the country during the first year of EEA. But hiring only the long-term unemployed would have greatly circumscribed the eligible population and might even have been contrary to the law.

Another issue centered about the proportion of disadvantaged persons hired. Federal guidelines define as disadvantaged any job-seeker who is poor and is a member of a minority group, below 22 years or above 44 years of age, or has less than a high school education. According to the official statistics, 37% of all hired by mid-1972 were in this

category. But there is considerable room to question these data, and the National Manpower Policy Task Force case studies, as well as General Accounting Office investigations, indicate that some program agents applied the disadvantaged definition loosely in order to meet Federal criteria.

Other characteristics of the EEA hires also suggest that the data about the disadvantaged persons may not have been precise. Less than a quarter of all the hires had less than a high school education. While many people even with a high school diploma may be poor, the majority in this group would not meet the disadvantaged criteria. Very few persons hired with EEA funds had earned less than \$1.60 an hour on their prior job, though there was a pool of 3 million people in the United States in this category.

#### THE NET GAIN

There is no need to belabor the point: the EEA is not antipoverty legislation, but rather an effort to create jobs for those who are forced into idleness during a period of high unemployment. A more crucial question, therefore, may be the number of jobs that the EEA actually created. On this most significant issue, the official statistics are of even less help. We know the number of people that program agents placed on EEA payrolls, but this does not mean that all these jobs would not have been filled in the absence of EEA.

Despite the alleged manpower shortages in local and state governments, their payrolls have been rising year after year, during good times and during recessions. In the decade preceding the passage of EEA, employment of state and local government rose by about two-thirds, and it continued to rise during the recent recession when private employment remained stagnant and even declined for a while (Table 2).

It may therefore be surmised that some growth of state and local employment would have continued after August 1971 when EEA funds became available. But the aggregate growth in state and local employment does not mean, of course, that expansion was shared by all state and local governments. Indeed, during the year preceding the passage of EEA, city employment in urban areas with a population of 300,000 and more actually declined and these areas received a relatively large share of EEA funds.

Based on aggregate changes in state and local employment since September 1971 when EEA hires started, estimates of the number of jobs created by EEA are clearly far from reliable. But data on employment in the individual areas are not available. Given these caveats, data on total state and local employment suggest that EEA did expand public employment, but information is lacking to estimate the precise contribution. During the six months following the first EEA hires, state and local employment increased by 374,000 persons on a seasonally adjusted basis, compared with 291,000 during the preceding year. It might therefore be argued that the additional 83,000 employees are the result of EEA, but the 1971-1972 growth in state and local employment exceeded the growth in 1969-1970 by only 40,000. Given the tight budgets of state and local governments, it might be reasoned that the slower expansion of state and local government employment would have continued during 1971-1972 and that EEA generated more jobs than the 83,000 suggested earlier. Whatever the actual number may have been, it may be safely assumed that some state and local governments would have expanded in the absence of EEA and that part of the planned expansion was charged to EEA payrolls.

This displacement effect of EEA is likely to be accelerated in the future. By the time the EEA was enacted, most state and local governments had already planned their budget for fiscal 1972 and the funds for any

planned growth had been already appropriated in most cases. This situation will not prevail during the second year of EEA, when state and local planners may count on not only the continuation of the preceding year's EEA funds, but also some sweeteners due to the anticipated 25% boost in the EEA budget during fiscal 1973. Thus, EEA is likely to become a revenue sharing device rather than a means to generate new jobs for unemployed workers.

#### JOBS WITH A FUTURE?

Closely related to the number of jobs generated by EEA is the issue of their permanency. The record of program agents is not promising. By the end of April 1972, 31,000 of the original people hired under EEA had terminated their employment, but only 9,000 had been placed in permanent jobs, including probably no more than 5,500 on regular state and local government payrolls. These data create serious doubt whether state and local officials will live up to the promise they made when they applied for funds—to move 50% of EEA hires into permanent jobs. Whether this was a realistic goal is open to question, but it is becoming quite apparent that for too many of the EEA participants the program is going to remain, indeed, a transitory experience.

Little is apparently being done to help EEA hires in qualifying for permanent jobs. If the statistic that 37% of the hires were disadvantaged is correct, then a strong case can be made for providing training and other supportive services to help them secure permanent jobs. Goaded by Congress, however, Federal officials decided to maximize hiring with EEA funds and left little for training or other "frills." As of June 1972 Labor Department officials estimated that fully 96% of Federal funds were allocated for the payment of wages and fringe benefits, leaving less than 4% for training, supportive services, and administration.

#### WHAT'S AHEAD?

It can be safely predicted that Congress will vote the authorized \$1.25 billion for the second year of EEA. The majority may even favor a higher amount since public employment is the "in" manpower program in 1972 and, considering the initial EEA success, some have reached the facile conclusion that it can effectively be expanded severalfold.

Given the general euphoria with EEA, the Federal officialdom has apparently decided to rest on its laurels. Thus far there is little evidence that the vigor of the initial implementation of EEA will be equalled in administering the second year of the program. Federal functionaries are obviously concerned about the substitution effect in communities where EEA funds may be used for payment of salaries to employees who have been or would have been hired in the absence of EEA. Designing criteria to guarantee maintenance of effort by program agents and to assure that the EEA funds are used only for additional hiring is a formidable challenge. Federal officials are hardly in a position to require states and communities to spend predetermined amounts on their employees' salaries and, aside from its questionable legality, such an effort would be difficult to police.

Federal officials could juggle some funds, offering carrots for good performance and cutting allocations to poor performers, but they apparently do not intend to take such strong action. According to advance information, the formula for allocation of funds provided during the initial year of EEA will be continued during the second year and there is no evidence that the Federal officialdom is going to rock the boat in the election year, or for that matter in any other year. Still, a good case might be made for the discontinuation of the \$50 million allocated for the demonstration projects to employ welfare recipients. Thirteen communities were allocated these funds, but none has spent a

significant portion of the money allotted. The unutilized funds could be recalled to reward good performance elsewhere, but this is not likely to happen.

#### THE PITFALL OF TOO MANY GOALS

If judged primarily as a countercyclical program providing manpower to fill local public service needs during a short period of high unemployment, EEA's modest performance in achieving other goals is acceptable. In the long-run the public employment strategy must be judged by how well it serves specified target groups, deals with depressed-area problems, provides transition into permanent jobs, restructures jobs, effects civil service reforms, and links in with other manpower efforts.

These diverse aims cannot be achieved with the current resources allocated to the program. One approach would be to concentrate EEA funds in low-paying jobs offering entry opportunities to disadvantaged persons which would still constitute an advancement to the poor and the unskilled. But to offer them opportunities for upward mobility, it will be necessary to provide larger doses of training and other supportive services. This would require greater coordination of EEA with other manpower programs than has existed during the first year of EEA.

Limiting EEA to only the disadvantaged assumes, however, that jobs would be available to the rest of the population. Unless the necessary fiscal and monetary steps are taken to generate an adequate number of jobs for all those who can freely compete in the labor market, we will need an expanded EEA not only for disadvantaged persons but for millions of others who are forced into idleness.

TABLE 1.—Characteristics of persons hired under the Emergency Employment Act through June 23, 1972

[In percent]	
Age:	
18 or less	1
19 to 21	12
22 to 44	70
45 to 54	11
55 to 64	5
65 and over	1
Sex:	
Male	72
Female	28
Group:	
White	65
Black	21
American Indian	2
Oriental	1
Spanish-American	7
Other	5
Disadvantaged	37
Public Assistance Recipient	11
Military Service Status:	
Special Veteran	12
Vietnam-Era Veteran	15
Veteran	16
Non-Veteran	56
Education:	
8th or less	9
9th to 11th	15
12th	44
13th to 15th	17
16th or more	14
Previously Employed by Agent	10
Weeks Unemployed:	
4 or less	32
5 to 14	27
15 or more	41
Occupational Group:	
Professional	6
Teacher	4
Other	90
Governmental Unit:	
State	15
County	27
City	42
Tribal Council	1
Federal	15
Other	15



## Hourly Wage in Program:

Under \$1.60	3
\$1.60 to \$1.99	13
\$2.00 to \$2.99	45
\$3.00 to \$3.99	26
\$4.00 to \$4.99	8
\$5.00 or more	4

## Labor Force Status:

Unemployed	90
Underemployed	10

TABLE 2.—PUBLIC EMPLOYMENT, 1960-71

(In thousands)

Year	Total	City	Other local	State
1960	6,083	1,692	2,855	1,536
1961	6,315	1,734	2,975	1,606
1962	6,550	1,696	3,185	1,669
1963	6,868	1,782	2,339	1,747
1964	7,248	1,817	3,575	1,856
1965	7,696	1,884	3,816	1,996
1966	8,227	1,971	4,109	2,147
1967	8,679	1,993	4,478	2,208
1968	9,109	2,112	4,548	2,449
1969	9,446	2,165	4,742	2,539
1970	10,147	2,244	5,142	2,761
1971	10,444	2,273	5,339	2,832
Increase (percent)	72	34	87	84

Sources: U.S. Department of Labor; Bureau of the Census.

## LAKE TAHOE AND FRAGILE ENVIRONMENT

## HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. JOHNSON of California. Mr. Speaker, in recent years we have heard a great deal about the fragile environment of the Lake Tahoe area basin and there is no question but what the ecosystem of the Tahoe basin is quite fragile and any disturbance of the land can have immediate effects upon the quality of the Lake water.

From some of the discussions about the problems at Lake Tahoe one would gather that little has been done about it. This is not the case. Federal, State, and local agencies with heavy Federal financial involvement have been working on the problem for some years. A summary of the accomplishments is contained in the testimony given recently by Mr. Paul De Falco, Jr., Regional Administrator of the Environmental Protection Agency before a Senate Public Works Subcommittee.

In addition to this fine summary of what has been done Mr. De Falco recognizes as I think we all must, that the task has just begun. This is especially true at Tahoe because of the pressures of development and the fact that any steps in this direction disturbs the land and causes nutrients to flow into the lake which is extremely nutrient sensitive.

In his testimony Mr. De Falco states that the Environmental Protection Agency "believes that the most promising vehicle to control land development is the Tahoe Regional Planning Agency, which was established by an Interstate Compact to prepare, administer, and enforce a regional plan of 'resources conservation and orderly development'."

As author of the legislation through which Congress ratified this compact I am pleased to see this recognition of the excellence of the agency which was created by it.

As we approach some of the general problems of the water, solid waste and air pollution, I thought it appropriate to share with my colleagues in the Congress this summary of what is being accomplished in one specific area.

Accordingly, I insert in the CONGRESSIONAL RECORD at this point the statement of Mr. De Falco given recently at Lake Tahoe before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works:

## STATEMENT OF DE FALCO

Mr. Chairman, I am Paul De Falco, Jr., Regional Administrator of Region IX, Environmental Protection Agency, located in San Francisco, California. I am pleased to appear on behalf of EPA to present a brief summary of our activities in the Lake Tahoe Basin.

I shall first discuss the efforts to protect the quality of the waters of Lake Tahoe by implementation of a system of sewage and solid waste export. I shall discuss the possible effects on water quality due to the cycle of land alteration, erosion, sedimentation, transport of nutrients, and eutrophication. I shall discuss the air pollution control program. And I shall discuss the activities of EPA, other Federal agencies, and the Tahoe Regional Planning Agency in protecting the environmental quality of the Lake Tahoe Basin.

During the late 1950's and throughout the 1960's urban growth accelerated at Lake Tahoe with the opening of year-round gaming casinos, winter sports, and improved transportation access. The fragile environment of the Tahoe Basin was stressed by this development almost immediately. An engineering study in 1959 concluded that nutrients would exceed levels which could cause nuisance algal blooms if projected sewage volumes were permitted to enter the lake.

At the call of the Secretary of the Interior, pursuant to Section 10(c) of the Federal Water Pollution Control Act, the States of California and Nevada and the Federal Water Pollution Control Administration met July 18-20, 1966, in a "Conference in the Matter of Pollution Control of the Interstate Waters of Lake Tahoe." At the conclusion of the conference, the conferees found that, at that time (1966), Lake Tahoe was not polluted or contaminated.

However, there were recognizable threats of pollution to Lake Tahoe due to the nutrients in effluent from municipal sewage treatment plants, residential septic tanks, and in refuse and garbage being transported into the Lake by surface drainage and subsurface seepage. Nutrients in sediment were also being carried to the Lake as a result of increased runoff and erosion due to alterations of the land.

To protect the quality of the waters of Lake Tahoe, the conferees recommended that all wastewater receive at least secondary treatment, followed by export out of the basin. In addition, all garbage was to be exported. These recommendations were to be carried out by 1970. Finally, the conferees recommended the establishment of a basin-wide agency with adequate powers to control land development.

Water quality standards for the interstate waters of Lake Tahoe, developed in 1967 by the States of California and Nevada and approved by the Secretary of the Interior, were formulated to ensure maintenance of the high quality of Lake Tahoe waters, and to implement the recommendations for export of wastewater made at the 1966 Enforcement Conference. The standards for

each State required the export of liquid wastewaters by 1970.

To implement the recommendations of the 1966 Enforcement Conference and the water quality standards implementation schedules, each State passed laws or promulgated regulations to effect the export of wastewater. The California State Legislature, in 1968, adopted a 1970 deadline for export, and subsequently in 1969, it extended the deadline to January 1, 1972. On January 27, 1971, Nevada Governor O'Callaghan issued an executive order which required that all liquid wastewaters be exported by December 31, 1972.

The commitment on the part of the State and local governments to protect the pristine clarity of Lake Tahoe is unique. This commitment has involved a very heavy investment in collection, treatment, and export systems. Financial assistance to help underwrite the cost has been provided through loans and grants from the State of California; construction grants and advanced waste treatment demonstration grants from EPA; and supplemental grants from the Department of Commerce, Economic Development Administration. Major interceptors, treatment plants, and export lines are being constructed with grant assistance from EPA; the collection lines are financed by local resources.

The estimated total cost of sewerage facilities to accomplish export of liquid wastewaters is \$82 million. The estimated total cost of interceptors, treatment plants, and export outfalls is \$32.4 million of which a total of \$14.7 million in Federal grant funds have been provided. The estimated total cost of the collection systems is \$49.6 million. These cost figures do not include the Tahoe-Truckee Sanitation Agency's proposed regional facility. The configuration and capacity of this project are rather uncertain at this time. A portion of the estimated \$40 million project cost will apply towards export of wastewater from the north shore and west side of the Basin.

Appendix A tabulates the Federal grants made under existing authorities to each sanitary district in the Basin. As the table indicates, the advanced waste treatment facilities at South Lake Tahoe have been financed mainly by demonstration grants from EPA and EDA. The present status of the sewerage and export program is as follows:

1. South Tahoe Public Utilities District provides tertiary treatment and export to Indian Creek Reservoir in the Carson River Basin, where the treated water is used for recreation. The collection system is complete except for connection of Forest Service campgrounds and Fallen Leaf Lake.

2. Tahoe City Public Utilities District and North Tahoe Public Utilities District provide primary treatment with export to an interim land disposal site situated on an old volcano, Cinder Cone. These districts will participate in the proposed Tahoe-Truckee Regional System which is currently scheduled for completion by 1975. The collection system is complete except for connections from certain areas on the west shore of the Lake.

3. Incline Village General Improvement District provides secondary treatment and export to the Carson River Basin. The collection system is complete. However, several small areas immediately outside the District boundaries remain to be sewered.

4. Douglas County Sanitary District No. 1 provides secondary treatment and export to the Carson River Basin. Round Hill and Elk Point Districts are served by this facility. The collection system is complete.

5. Kingsbury General Improvement District and Tahoe-Douglas District are both presently unsewered. On November 9, 1971, EPA issued a 180-Day Notice of water quality standards violations to these two Districts for continued discharge of liquid waste to subsurface disposal systems and failure to pro-

vide for collection of these wastes for centralized treatment and export.

The 180-day period expired on March 7, 1972. Since a firm schedule for correction had not been established, EPA, on June 21, 1972, forwarded these matters to the U.S. Attorney for appropriate litigation.

The present status of the export of solid waste is as follows:

1. Refuse is collected from the south shore and Douglas County and exported to a sanitary landfill near Gardnerville in the Carson Valley.

2. Refuse is collected from the Incline Village area and exported to a sanitary landfill east of Reno.

3. Refuse is collected from the north shore and west side and exported to a sanitary landfill near Truckee in the Truckee River Basin.

Such an investment in export facilities had to be supported by scientific evidence that the water quality of the Lake would in fact be maintained by the exportation of wastewater and solid wastes. Accordingly, EPA in 1966 granted \$296,500 to the Lake Tahoe Area Council to study the "Eutrophication of Surface Waters of Lake Tahoe." This study, recently completed, indicated that the Lake is nitrogen sensitive, and that nutrients from all sources, including septic tank seepage, must be controlled in order to prevent accelerated eutrophication. In addition, EPA in 1967 granted \$427,000 to the University of California at Davis to study the basic limnology of the Lake, and to measure primary productivity of the aquatic biota.

EPA and the States of California and Nevada have carried out a joint monitoring program of the Lake since 1966. Data collected indicate that the main body of the Lake is still of excellent physical, chemical, bacterial, and biological quality. Visual observations, however, have shown that some near-shore waters have been affected, and there is considerable evidence of quality impairment in tributary streams. The monitoring program and the research studies both reveal that, despite the fact that sewage is being exported, a considerable loading of nutrients is still reaching the Lake through the tributary streams.

The source of nutrients is obvious to anyone who has viewed the rate and type of land development in the Basin over the last decade. The ecosystem of the Tahoe Basin is very fragile; alterations and disturbances of the land can have immediate effects upon the water quality of the Lake. The construction of roads, houses, and ski areas; the alteration of drainage patterns, and the imposition of impervious surface; all could lead to increased erosion and transport of nutrient-laden sediment into the Lake.

EPA recognizes that even the construction of water and sewer lines can cause environmental damage by increasing erosion potential. In addition, construction of piers, breakwaters, and marinas along the shoreline interfere with the littoral currents causing local water quality problems in the near-shore zone.

The control of land development has traditionally been in the domain of local government. However, the fragmented nature of local government and the resulting difficulty in administering and enforcing erosion control requirements throughout a region, have complicated effective control of sedimentation. The State of California has promulgated, and EPA has approved, an addendum to water quality standards which would act to reduce the discharge of sediment into the waters of the Basin. This control method is proving difficult to enforce, however.

The EPA believes that the most promising vehicle to control land development is the Tahoe Regional Planning Agency, which was established by an Interstate Compact to pre-

pare, administer, and enforce a regional plan of "resources conservation and orderly development." A most important action taken by TRPA was the adoption of a Land Use Plan on December 22, 1971. The EPA believes that the Land Use Plan is a milestone in environmental planning. It specifies allowable development in terms of land capabilities and establishes strict performance standards for construction. Through these measures, control of the sedimentation problem may begin to be realized. In addition, the Transportation, Recreation, Conservation, and Public Services elements of the Regional Plan, to be finalized in the near future, will provide additional constraints to development and allow growth to be contained within the environmental carrying capacity of the Basin.

With the adoption of the Regional Plan, the TRPA has shown its commitment to control development. The Agency cannot, however, by itself achieve a full measure of environmental control. The actions of the various agencies of the State and Federal government must be coordinated with the TRPA.

Federal activities in the Tahoe Basin are being coordinated by a Federal Agency Coordinators Committee. This Committee, under the general direction of the Presidential appointee to the TRPA Governing Body, Mr. Jack Deinema of the U.S. Forest Service, has been successful in coordinating data inputs and assistance in preparation of the Land Use Plan. The EPA has fully and actively participated on this Committee. Continuing coordination of Federal programs will be necessary to complete all the elements of the Regional Plan.

Whereas most of the coordination has been at staff level, policy level coordination has also been achieved as indicated by the HUD decision to impose a moratorium of FHA insurance, and the Corps of Engineers moratorium on the issuance of permits for shoreline construction.

The Tahoe Basin air quality is presently better than the level required by the national ambient air quality standards. However, air quality may be significantly degraded if past growth trends in vehicle-miles and population are allowed to continue, particularly since Tahoe is an inversion Basin. On May 31, 1972, the EPA approved Air Implementation Plans for the area including the Tahoe Basin. Although the air knows no political boundaries, the air in the Lake Tahoe basin is affected by two State Air Implementation Plans and four Air Pollution Control Districts. EPA approved local regulations which specify strict controls on particulate pollution, including a limitation of Ringelmann I for visible emissions, banning of open burning, banning of single chamber incinerators, and a requirement for control of fugitive dust during construction. The control of particulates will be significant in preserving Tahoe's air quality. However, the automobile may pose the greatest threat to air quality the TRPA Land Use Plan and Transportation Plan should specifically consider the impact on air quality due to any increased use of the automobile in the Basin.

The fact that "everything is connected to everything else" is nowhere more evident than in the Tahoe Basin. I have discussed, for example, the efforts to control nutrient additions to the Lake by means of a sewage export system and controls on land development. And yet research indicates that significant amounts of nutrients in the form of nitrogen oxides from air pollution are contained in the rain water which falls on Lake Tahoe. The fragile ecological system which is Tahoe demands not just water pollution control or air pollution control, but a true environmental review, and coordinated efforts by State and local jurisdictions, with the cooperation of the Federal government.

## SPEAKING OF SERVICE

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. DULSKI. Mr. Speaker, there is much being written and voiced about the U.S. Postal Service.

An article with a little different twist was the column by Bill Gold in the Washington Post on Monday, September 25. As part of my remarks, I include the text:

SCORE THIS FOR THE SWIFT COURIERS

(By Bill Gold)

Up to a point, the day's mail on postal service was routine.

First, Lewis W. Shollenberger, vice president of the Advertising Council, said he was pleased to receive a parcel post package from his Los Angeles office in less than 24 hours. Then Jerry D. Ennis, 9634 Harrison Ave., Oxon Hill, said he was displeased to find that his check to Pepco took 14 days to make the journey.

George W. Gates of 701 S. Dogwood St., Sterling, Va., put a letter into a mail box in Sterling at 10 a.m. At 4:30 the same afternoon, the addressee phoned to say he had gotten the letter. Mrs. Lester Brown of 1701 N. Troy St., Arlington, waited six days for a letter mailed to her from the District of Columbia.

Sen. Charles McC. Mathias (R-Md.) was distressed when he noted that a letter delivered to him had been postmarked 13 days earlier, but he was not surprised. His constituents had been complaining to him for some time.

One resident of Baltimore told Sen. Mathias that it takes four or five days for mail to move between Baltimore and New York. Two businessmen, one in Baltimore and one in Cecil County, reported delays of up to 10 days in mail passing between them. Mathias now says the United States Postal Service has failed to meet its mandate to modernize and improve service, and he wants to know why.

To tell you the truth, the bouquets and brickbats were so balanced and routine that I was about to pick another topic for this column when a letter from Murray Comarow turned up. Murray is Senior Assistant Postmaster General. As a Washington Post subscriber since 1939, he feels he has as much right to comment about our service as we have to comment about his. He writes:

"As a general proposition, at least two or three papers a month are either not delivered at all or require special efforts to secure delivery. This is especially true on Sundays.

"On the Sunday before last, we had no Post at 8:40 a.m. I called The Post's number but found it continually busy.

"After eight tries, spaced two or three minutes apart, I reached a recording. The record said that if I hung on, someone would ultimately answer me. It also suggested that I could call another number where my message would be taken electronically.

"In other words, a machine that only talked told me to call a machine that only listened.

"I called the listening machine. The line was busy.

"Back to the main number. After more efforts and more waiting, I finally reached a young lady who took my name and address and assured me that a paper would be delivered to my house.

"No paper was ever delivered.

"I don't know how often this happens, Bill, and it would not make me feel particularly



happy to learn that I was a rare exception. We care about what happens to us, not about statistics. Yet, in a larger sense, given the fallibility of human beings, mistakes are bound to occur and The Post must be judged on its overall record, not on a few isolated incidents."

Your points are well taken and reasonably stated, Murray. Your letter is being forwarded to an appropriate executive who will make an earnest effort to correct the deficiencies to which you have called attention.

Meanwhile, permit me to provide a little background.

In a sense, our business is like USPS's, in that just about everybody in town uses our service. But the demands on us may be even greater than those on USPS.

First, we must gather, evaluate, write and edit a worldwide news report every day. That's a big order all by itself.

But then we must become a factory, so to speak, and a delivery service. Magazine and book publishers need weeks and months of lead time. We "manufacture" up to 300 million pages in a single night, organize the pages into newspapers, and deliver those newspapers to almost three-quarters of a million homes.

USPS delivers most of its letters promptly and The Washington Post delivers most of its newspapers on time. But there are vast differences.

The postal customer whose letter is being mishandled doesn't know about it yet and can't register a complaint. The newspaper subscriber who didn't get his paper on time knows about it at once, and is irate.

As Murray Comarow pointed out, the customer who has received poor service isn't impressed with statistics that show 99 per cent perfection. He wants somebody to do something about the 1 per cent imperfection that caused him inconvenience.

Heaven knows we have done something. Over the years we have worked endless hours and put millions of dollars into the most sophisticated equipment we could find—even machines that talk to you and tell you to call other machines that merely listen.

But equipment breaks down, human beings goof, and sophisticated machines turn out to be no smarter than the people who program them. And each time a carrier boy oversleeps or is laid low by illness, everybody on his route tries to telephone us simultaneously. Even talking machines and listening machines can't cope with that kind of sudden upsurge of calls.

Nevertheless, USPS's Comarow makes a valid point: The customer who doesn't get good service has a right to complain, and he has a right to have his complaint taken seriously. Score this round for USPS. We, too, must do better.

DR. JESS HARRISON DAVIS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, I rise today in tribute to Dr. Jess Harrison Davis, an old friend who died last week after years of service to his community and country as an educator, engineer, and business executive.

Dr. Davis, president emeritus of Stevens Institute of Technology in Hoboken, N.J., began his career as an educator in 1929 when he joined the faculty of Clarkson College of Technology as an

instructor in mechanical engineering. In 1948 he became president of Clarkson and in 1951 he was inaugurated as president of Stevens where he served for 21 years until his retirement last June.

During his years at Stevens the undergraduate college doubled in size and changed from a primarily commuting student body to a resident study body. New curricular programs leading to the bachelor of science and doctor of philosophy degrees were also introduced.

Jess Davis has also spent many years as a practical engineer employed with Ohio Bell Telephone Co., the Alabama Power Co., and American Locomotive Co. and the Foster Wheeler Corp. as well as serving as a consulting engineer for numerous firms.

Along with his broad technical experience in industry, he had also been active as a business executive serving as a member of the boards of directors and executive committees of Philip Morris, Inc., the First Jersey National Bank, and the National Biscuit Co. In addition to numerous other business corporations. When this highly qualified and often honored man received one of his honorary doctor of engineering degrees—this one from Stevens Institute of Technology—the citation accompanying the degree stated:

During the most demanding period in the history of higher education in America, President Davis has provided a generation of Stevens engineers and scientists with an education of unrivaled quality in an atmosphere of enlightenment and self determination.

He has accomplished this formidable task always with a personal manner of dignity and ease, displaying grace under pressure, a natural modesty and a deep concern for the rights and opinions of others. The door to his office has always been open for frequent and welcome discussion with students, parents, faculty and alumni.

And, I might add, friends.

Mr. Speaker, I, along with the other members of our community, will miss the magnetism and dynamic personality of this man. One can truly say that the world has been a better place for having had him for these many years. Mrs. Daniels and I offer our deepest sympathy to Jess Davis' family in this hour of bereavement.

REMARKS OF REPRESENTATIVE  
RICHARDSON PREYER, NATIONAL  
AMERICANISM COMMISSION,  
AMERICAN LEGION FEDERAL EMPLOYEE LOYALTY-SECURITY

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ICHORD. Mr. Speaker, my esteemed colleague RICHARDSON PREYER of North Carolina has ably chaired a Committee on Internal Security Subcommittee which has conducted a searching inquiry into the establishment and maintenance of the Federal employee loyalty-security program within the executive

branch. Four volumes of hearings have been published and a report is in preparation. I consider Judge PREYER to be one of the most knowledgeable authorities concerning the weaknesses and problems in the enforcement of the program and concerning the need for the development of reasonable but effective solutions.

In view of his expertise in this field Judge PREYER was asked to address the American Legion Americanism Commission which met in Chicago on August 19, 1972, at the time of the Legion's national convention. I have had an opportunity to read his remarks and I feel that they are so thoughtfully formulated that they should be given a much wider dissemination. I am, therefore, inserting the full text in the CONGRESSIONAL RECORD:

REMARKS OF REPRESENTATIVE RICHARDSON PREYER (D-N.C.), NATIONAL AMERICANISM COMMISSION, AMERICAN LEGION

My Fellow Veterans: Needless to say I am happy to be among you. Many of you, as I, have served in World War II. That recollection evokes many stirring memories. We had all the enthusiasm of youth. As I look back, I do not think that any of us doubted for a moment that victory would be ours in the end. They were days of faith and of confidence. But what of the future? That is a question which must now concern us, and it is a question which concerns this Commission of the American Legion.

Of the factors that contribute to victory, not the least of these is a loyal, dedicated Federal Civil Service. That of course is the subject about which you have asked me to speak. In this context, it is inevitable that I should make some preliminary observations.

Marxist ideologists have created artificial doctrines of "class struggle" and "class" loyalty. Those who adhere to them no longer conceive of the struggle as between Nations-states. We must face the fact that the enemy today is a Movement which knows no national bounds, although its bases of power are in states whose administrative mechanism has been captured by its adherents. This movement is socialist and Marxist and hence non-nationalist. It has exerted a profound influence on the developments and arrangements of the modern world. It exerts an increasingly pervasive influence on the domestic and international affairs of the United States.

When we speak of the Communist movement, we are speaking of an exceedingly complicated phenomenon. Like the Christian movement, there is within it a variety of beliefs and a variety of "churches." Moreover, while most adherents of the faith are "church" members, many are not. This is to say, many Communists hold membership in a communist party, and some do not. In any discussion of employee screening programs, it is important to know that there are Communists who cannot be identified as party members. You will observe that I have said "membership in a communist party." It is also important to note that there is not one communist party but that there are several. In the Communist movement you have the conception of an orthodox leadership on the one hand, and divergent sects on the other. The former is headed by the Communist Party of the Soviet Union. It has established satellite parties in 80-odd states of the world. An organization which styles itself the "Communist Party, USA," is a member of this group.

Among the divergent sects is the Communist Party of China with its satellites as well as a number of independent communist parties within non-communist states. With-

in the United States the Social Workers Party and the Progressive Labor Party are illustrative of parties of this type. Although they do not bear names identifying themselves as such, they are nonetheless communist parties. While they recognize neither the discipline of Moscow nor Peking, they nevertheless adhere to the basic tenets of the faith to which all Communists subscribe and to which they unanimously refer as the principles of Marxism-Leninism, or of "scientific" socialism.

I think that all of you will agree, that to maintain the integrity of the Civil Service and public confidence all communist party members, and all committed Marxists, irrespective of organizational membership, should be excluded from Federal Employment. The struggle then is ideological, but beliefs are the springs of action.

As a starting point, there is the basic question of whether we should even have a loyalty-security program for government employees. I am sure many of you would have no trouble answering this question, but it is nevertheless one that should be asked. In February of this year, we invited several scholars to appear before the subcommittee to discuss some of the philosophical issues which had arisen during our hearings. One of the gentlemen who attended was Professor Thomas Emerson of Yale Law School, a brilliant and respected civil libertarian. Professor Emerson did grudgingly admit the need for an employee screening program where sensitive job positions were involved. However, he argued very strongly that we should have no such program for employees working in nonsensitive, routine jobs. In Professor Emerson's words "All our experience with loyalty-security programs demonstrates the crippling effect they have upon the free and open interchange of ideas that is essential to a democratic society."

Others, however, do not share Mr. Emerson's opinion. Professor Charles Rice of Notre Dame Law School appeared before the subcommittee along with Professor Emerson. Let me paraphrase for you a statement that Professor Rice made. He stated that, instead of trying to salvage the unworkable sensitive-nonsensitive distinction, we simply should recognize that it would be criminal folly to employ in any government position any person who seeks to overthrow the government by illegal means or any person who is a member of an organization that advocates the violent overthrow of the government and who shares the aim of the organization.

Obviously, there is a considerable difference of opinion on what should be the nature of a security program. There is quite a bit of merit in the arguments of both Professor Emerson and Professor Rice. Certainly, we don't want to stifle legitimate dissent in this country, nor do we want our civil servants to be a homogeneous corps of unthinking robots. I think this is what worried Professor Emerson, and it is something we want to guard against. On the other hand, Professor Rice would maintain that even a janitor working for the federal government should at least be loyal to our form of government and that some type of check should be made of his background when he applies for a job. After all, who would know better than a janitor where, for example, to place a bomb in an air conditioning duct? So security is one reason why everyone working for the government should receive at least a minimum of security clearance.

Apart from security, however, there is another, and perhaps even stronger reason why we should expect loyalty from all civil servants. That is, we don't want people in the government who are not on our team. And even if a person who would overthrow our government never commits an act of subversion, can we really expect him to be as efficient in his job—whatever that job may

be—as the person who believes in our constitution? It is all right for someone to play checkers a different way as long as he doesn't kick over the checkerboard.

There may be a right to not be arbitrarily denied a job or arbitrarily dismissed from a job, but there is no absolute right to hold a government job. Between two equally qualified applicants for employment, shouldn't we hire the man who believes in our form of government rather than the man who believes in the overthrow of our government by force? The interests of the efficiency of the civil service and the interests of the taxpayers can be balanced against individual freedom in this respect. While a person's membership in a subversive organization may not be sufficient reason, in itself, to deny him a government job, it certainly should be one factor to consider in processing his application. And, if it should turn out upon further inquiry that his membership in such an organization is knowing and that he shares the aims of the organization, then it seems clear that the government has a very legitimate interest in refusing to hire him.

On the question of whether we should have a security program, then, I would answer in the affirmative, both for non sensitive as well as sensitive positions. Devising a program that is effective, economical to administer, and constitutional, however, is another problem entirely. This is the problem my subcommittee has been struggling with for so many months.

Let me review a little of the history of the security program. When the Civil Service Act of 1883 initiated the merit system in the Federal Civil Service, the first rule promulgated by the Civil Service Commission—its Rule I—provided that no question in any form of application or any examination was to be so framed as to elicit information concerning the political opinions or affiliations of any applicant, and prohibited inquiry concerning such opinions or affiliations. In 1939 on the enactment of section 9A of the Hatch Act, the Civil Service Commission was impelled for the first time to depart from that policy. Recognizing threats posed by the Fascist, Nazi and Communist movements, Congress by the provisions of the Act prohibited the employment of persons having membership in any "political party or organization" advocating the overthrow of our constitutional form of government. In February, 1940, an application for government employment for the first time embodied the language of the prohibition.

It is generally agreed that the Federal civilian employee loyalty-security program commenced with the enactment of section 9A of the Hatch Act in 1939. However, it was one thing to prohibit Federal employment to members of organizations having a purpose to overthrow the Government and another thing to enforce it. Moreover, the Act was obviously very limited in its coverage of subversive groups and individuals. A number of years were to elapse before the loyalty program was placed upon a workable basis, and it was never wholly free from controversy.

Following the enactment of the Hatch Act, the Civil Service Commission advised the agencies that it would not certify for employment in any agency any person who was a member of the Communist Party, the German Bund, or any other Communist, Nazi, or Fascist organization. In 1942 it issued War Service Regulation No. 2 disqualifying for appointment in the Civil Service any person as to whom there was a reasonable doubt of his loyalty. However, no screening system had been set up to give effect to this objective. True, there was some screening with respect to applicants for what may be regarded as sensitive positions and top echelon employees, but the vast majority of applicants and employees were not investigated. For exam-

ple, in 1943 hearings before a Subcommittee on Appropriations, Arthur S. Flemming, then Civil Service Commissioner, testified that for the period from July 1, 1940, to November 23, 1943, well over five million placements were made in the Civil Service, but of this number, only 185,909 investigations were made. In contrast, in a recent three-year period, the Civil Service Commission conducted over one million national agency checks and over 80,000 full-field investigations.

With the destruction of the power bases of the Nazi and Fascist movements, an effort which we veterans of that period must proudly recall, their affiliated organizations within the United States quickly died on the vine and disappeared. The Communist threat remains. Indeed, it promises to increase within the United States in proportion to the expansion of its power abroad. The effort to cope with it is the history of the Federal loyalty program since World War II.

In 1947 President Truman promulgated Executive Order 9835. This was in fact the first comprehensive peace-time loyalty program ever initiated by the Federal Government. The history of the period suggests that it was prompted by the disclosures of the Dies Committee and other committees of Congress. The order required loyalty investigations of all persons entering civilian employment in the executive branch. The Civil Service Commission was required to conduct them as to persons entering the competitive service. The employing department or agency was given responsibility as to others. The minimum degree of investigation required of all applicants was a national agency check with inquiries. If this check disclosed derogatory information, then a full-field investigation was required. Full-field investigations were also required for access to positions specially designated by the head of the employing agency when they were thus designated in the "best interests of national security." In addition, the FBI was given the job of conducting a name check of all persons then in Federal employment who had not been previously investigated.

Undoubtedly this was a sincere and genuine effort to set the loyalty program on a firm basis. Such a vastly expanded program obviously required a corresponding expansion and funding of the investigative apparatus. The President asked for a little over \$24-million for the purpose, but was allowed less than one-half of that amount. During the time this order was in effect, 1947 to 1953, the investigations resulted in not less than 26,000 persons being referred to appropriate loyalty boards for review of adverse information. About 18,000 persons were cleared by favorable decisions. The balance either resigned or withdrew their applications for employment, and others were removed from or denied Federal employment.

In view of the explosiveness of the subject matter, it was inevitable that the administration of the program should become a political issue. The Bentley-Remington and Chambers-Hiss controversies, you will recall, broke during the campaign of 1948. In the ensuing period, public confidence in the administration's effort was ultimately shaken. Doubtless the administration's ineptness toward allaying public anxiety (the "red herding" response), together with Senator McCarthy's attacks, contributed to that result.

Upon the change of administration E. O. 9835 was revoked April 27, 1953, on the promulgation of E. O. 10450. This order is still in force and is the cornerstone of our present loyalty-security program. In it President Eisenhower abandoned the loyalty standard and established a standard that the employment and retention in employment of an individual must be "clearly consistent with the interests of the national security." By this order President Eisenhower en-



deavored to combine existing loyalty, security, and suitability programs into one package. To this there could be no serious objection. However, as matters turned out, it was a mistake to combine these diverse programs under a "security standard." It became the source of much of our present trouble. As a result of a construction of the term "national security" in *Cole v. Young*, decided in 1956, the program established by the order was limited to sensitive positions only.

Indeed, it should then have been apparent that the concepts of loyalty, security, and suitability, although overlapping in varying degrees, were not synonymous. A disloyal person was undoubtedly a security risk, yet all security risks were not disloyal persons. However, all persons unsuitable for Federal employment were not necessarily security risks or disloyal persons. For example, an individual committed to the destruction of our system of government must be regarded as a disloyal person, and he is also obviously a security risk. He is a security risk because it would be unwise and unsafe to entrust him with the secrets of the Nation. On the other hand, an individual who is patriotic but has some bad habits, such as addiction to alcohol or to loose talk for example, cannot be classified as disloyal, but may fall within the category of a security risk. Disloyalty, of course, is both a question of security and of efficiency, and should disqualify an individual from employment in all positions. On the other hand, a security risk—in the example I have just given—may be employed or transferred to a "non-sensitive" position, that is, a position in which he has no access to classified information.

In *Cole v. Young* the Supreme Court expressly found the new order to be both ambiguous and awkward in form. Despite this clear pronouncement and the decision's unfortunate impact on the loyalty program, no action to clarify it has been taken by any administration in the 16 years since it was rendered. This decision and others adversely affecting the administration on the program, have become a matter of concern to the Committee on Internal Security. I have the honor to chair a subcommittee appointed to conduct an inquiry into the operation of laws and procedures underlying the program.

It is not my purpose today to attempt to set forth and elucidate our findings in full. We are in process of preparing a subcommittee report on the subject. I have, of course, personally reached some conclusions. I shall be frank in saying that I have certain apprehensions regarding the operation of the loyalty program. It is evident that there are some procedural deficiencies under which the program has been administered during the past several years. I cannot charge these failures to any particular administration or to any particular person. Moreover, at the outset I want to make clear that it is not my opinion, or my conclusion, that the existing procedures are so defective that the Civil Service has become riddled with subversives. It has not. It is my view that the recruitment program for the Civil Service has operated generally to provide the Federal Government with a body of loyal and effective public servants.

Nevertheless, there are weaknesses in the procedures, and as a consequence, it is apparent that some subversives have passed through the investigative screen, however small their number. We are not able to say precisely how many succeeded in slipping through. It must be understood that our point of focus in the initial aspects of this investigation was directed principally at procedures and regulations. This was a necessary starting point, and the record is embraced in four published volumes. Figures brought to our attention indicate that the efforts of subversives to penetrate our Government has continued and has not abated. Some indication of the magnitude of the

effort may be derived from the fact that full-field investigations, prompted by subversive associations of applicants for Federal employment, have numbered about 500 each year. Several agencies have informed us of a very small number of persons now employed who have present or past subversive affiliations. We cannot verify this information. It is an extraordinary fact that neither the Civil Service Commission nor the several departments of the Government maintain any separate indices with respect to persons presently employed as to whom investigation has revealed past or present affiliation with subversive organizations.

Candid disclosures by experienced security officers in the major departments and agencies of Government compel the conclusion that once applicants for employment have passed through the screen of the Civil Service Commission, most of the employing departments and agencies have no program for the dismissal of persons on loyalty grounds from non-sensitive positions. Curiously, this applies even to the Civil Service Commission itself. Its regulations make no provision for removal from non-sensitive positions in that highly sensitive agency on loyalty grounds. It has been a matter of significance, as well as a matter of surprise, that most agencies have told us they have ceased dismissing persons on loyalty and security grounds.

It is also a fact that although most agencies do have regulations implementing dismissals from sensitive positions on national security grounds, yet no agency within the past 5 years has dismissed any employee from any such position on loyalty or security grounds. The agencies tell us that they have been advised to take that course by the Civil Service Commission and the Department of Justice. They say they have been instructed to utilize "suitability" grounds—that is suitability grounds other than loyalty or security. But what happens when other grounds do not exist? In such cases we must presume that the disloyal and the security risks are permitted to retain their employment.

Gentlemen, these conclusions may come somewhat as a surprise to you, and I may have painted a picture unduly grim. I want to say, however, that with some repairs and adjustments I think we can restore a good and workable program. I think that major repairs will require only executive action. It will, however, require determined and informed leadership by the Department of Justice. We expect to point the way in the report of the subcommittee which is now in preparation. It also appears that some legislative action will be helpful. As you know, I have, together with Mr. Ichord, chairman of the full Committee, been particularly concerned about the question of pre-appointment investigations and providing a system for the designation of subversive organizations in aid of the loyalty program. We have introduced legislation for that purpose. I direct your attention to H.R. 11120.

When we talk of legislative action, however, we are in a difficult area. It appears to me that while the House today may be receptive to reasonable proposals and will act upon them, I am not certain that proposals on this subject will receive a friendly reception from all quarters in the other body. Here, and with respect to executive action as well, we must rely upon public sentiment, and this is a matter with which you can deal. I certainly agree with a certain gentleman who had some difficulty on that score not too many years ago. It was Abraham Lincoln who said, "public sentiment is everything. With public sentiment nothing can fail; without it nothing can succeed. Consequently he who moulds public sentiment goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed."

# CHAIRMAN WAGNER OF TVA PLEADS FOR COMMONSENSE APPROACH IN COMBATING POLLUTION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. EVINS of Tennessee. Mr. Speaker, Chairman Aubrey J. Wagner of the Tennessee Valley Authority, in a recent speech before the National Rural Electric Cooperative Association at Savannah, Ga., called for a commonsense approach to the solution of problems of the environment. Chairman Wagner said in his speech:

Common sense should tell us that we can't completely correct in a year or two a total situation that has been building for generations.

Because of the interest of my colleagues and the American people in this most important subject, I place in the RECORD herewith Chairman Wagner's address:

## GIVE US COMMONSENSE

(Address by Aubrey J. Wagner)

Riding into Knoxville from the airport one night last week I saw a lighted sign with this message: "Oh, Lord, give us commonsense."

Now if we are truly a praying Nation, this is truly an appropriate prayer for today. For while we always need common sense, it seems to me we need it now, in larger doses, more widely applied, than ever before as we try to solve the problems of clean air and clean water—of a livable environment—and at the same time keep the Nation's economy healthy and its people at work.

The words ecology and environment are on the lips of almost every American these days as the Nation and its citizens attempt to come to grips with the problems of pollution. The public has made it very clear that it simply will not tolerate the continuing environmental degradation that has come to mark our urban-industrial society.

Certainly this is an important and praiseworthy public decision. Unfortunately the public has, I believe, made it equally clear that it has no conception of what the cost of a clean environment will be, how it will be achieved or how it will be paid for.

A recent University of Tennessee marketing survey, for example, explored the extent to which Tennesseans are willing to pay the cost of cleaning up the environment. Eighty-five percent of those questioned recognized environmental deterioration as a major problem confronting our Nation. But 34 percent were unwilling to pay anything at all to help correct it, and 60 percent were willing to pay only \$2.50 or less per family member per year—an amount of no real significance in relation to the magnitude of the problem.

Another survey, after asking a number of questions in which the respondents similarly expressed their concern about the environment, posed the question: "How would you prefer to pay your share of the cost of environmental clean-up? (a) Through taxes? or (b) In the added cost of goods and services?" The majority of the respondents crossed out both answers and wrote in "Neither."

So this is our dilemma: Everyone wants a clean environment but no one wants to pay for it. Our prayer for common sense will have to be liberally answered if we are going to solve the problem.

Common sense should tell us that we

can't continue to add pollution to our air and water at the accelerating rate of the past few decades.

Common sense should also tell us that our present population of over 200 million people will produce more wastes, more pollution, than the 75 million who lived here at the turn of the century. The 320 million people forecast for the year 2000 will produce even more.

Common sense should tell us that we can't completely correct in a year or two a total situation that has been building for generations. We must assess the problems, set up some priorities, do first things first.

Finally, common sense should tell us that, in the last analysis, all of us must pay for the cost of the clean-up. We will pay for it either through taxes or in the cost of the things we buy and use every day. There is no magic source of funds that can be painlessly tapped to do the job. This being true, I believe all of us need to be concerned about the cost of what we want before we ask for it. We need to know the price before we buy.

The production of electricity has come under specific attack as a polluter of the environment. And it is true that, particularly with the ever-increasing quantities of electricity the public consumes, it does present problems of air and water pollution that must be solved. Today I want to talk about some of those problems and the costs involved in solving them.

Let's look at America for a moment. The reason why this Nation's wealth is spread so widely among its people is, of course, in part political—a consequence of a democracy that works. The Nation has accepted equality as an ideal, even though it may still be far from an achieved practice. It has attempted to provide jobs, education, goods and services for all its people.

But this extension of wealth also comes from the benefits of technology, much of it from the enormous increase in supplies of energy. Energy has been and will continue to be at the root of the productivity that offers most citizens in a modern society an enlarged range of material choices. The use of energy and materials has reduced the crushing burden of physical work, lessened the concentration of human effort to produce food, freed man for other pursuits, and extended to millions of people a standard of living and opportunities that once were enjoyed only by the smallest elite.

If we are to continue to have a decent standard of living in this country, we must have the energy to power our factories, to light, heat, and cool our homes and schools, and to operate our hospitals and other institutions. The demand for energy will increase if only because our population will continue to grow. Even if zero population growth becomes a national policy, the parents of the children born in 1990 are already here and they and their children to come must have jobs, adequate housing, proper diet, education, meaningful employment and enjoyable leisure. A society without energy cannot provide these generations with the opportunity to achieve these goals.

Therefore, it seems obvious that a cut-back in consumption of electricity, as some are suggesting, will not solve our environmental problems but will increase them. We know that the Nation's electric systems provide energy and heat that otherwise would have to be produced by each industry individually or by thousands of commercial establishments and households burning coal or oil. But a return to coal furnaces and oil stoves will only aggravate the pollution problem. On the other hand, the generation of power at large central stations concentrates the sources of pollution, localizes the problems of pollution control, and offers op-

portunities for solutions not possible among a multitude of separate and widespread producers and users of energy.

We also know that a sufficient and reliable supply of electricity is essential to remedy other environmental problems—to operate sewage treatment plants, to power new electrified systems of transportation, to reduce old auto bodies into scrap metal, and to power electric furnaces to turn the scrap back into steel and to run many other recycling and waste treatment operations.

While we recognize the advantages of electricity, we must at the same time increase our awareness that power generation does have an impact on the environment through the emission of stack gases, discharge of heated water into our waterways, and depletion of resources. Therefore, our collective goal should be to assure an adequate and reliable electric power supply at the lowest possible cost consistent with environmental standards established in the public interest. This is TVA's definition of low-cost power and I feel that it will best serve the economic and environmental requirements of the Tennessee Valley and the Nation.

Implementing this goal poses difficult questions: How do we solve our pollution problems and still provide enough reasonably-priced electricity to maintain and improve living standards? How much money will be required for the preventive measures necessary to protect our human habitat? I do not know of any person or agency who has easy or exact answers to these and other questions. TVA, however, has made some projections on how much it will cost our own power system to protect the environment. These estimates range from a minimum of \$75 million a year to \$830 million a year.

There is no way to settle on precise figures because there are many unknowns and Federal and state environmental laws are still in the process of development. Let me illustrate. In 1966, standards adopted for Federal installations called for the removal of all except 0.2 to 0.3 of a pound of fly ash per million Btu at coal-fired steam plants. Somewhat before that, TVA had begun a program of upgrading fly ash collection equipment at the 63 units of our coal-burning plants geared to these standards of cleanliness. It has been a lengthy program, spanning eight years by the time it is completed in 1975.

Now, six years later, after these standards were set for Federal installations, the individual states acting under the Federal Clean Air Act are establishing their own criteria. In Kentucky, Tennessee, and Alabama where TVA steam plants are located, these criteria are more strict than the Federal standards of 1966. They require removal of all but 0.1 to 0.15 of a pound of fly ash per million Btu. These state standards can be met by TVA, but at some plants it will require more efficient removal systems than those now being installed which take out 99 percent of the fly ash. For installations not yet manufactured, we can redesign but, of course, at higher cost. But for units already installed, the problem is more complex. In some cases we may be able to meet the higher standards by improving the efficiency of the existing equipment. In other cases, it could be done only by tearing out what is there now—some of it installed only recently—and putting in new redesigned equipment. Thus by moving quickly to meet Federal standard six years ago, TVA has been, in effect, penalized as the result of changing standards.

The cost aspects in this situation are rather surprising. The upgrading program I described a moment ago to give us equipment designed to remove 99 percent of the fly ash at all plants will cost about \$120 million. When you try to step up the efficiency of

precipitators beyond 99 percent, your costs skyrocket. To design and build equipment of 99.5 percent efficiency would cost an additional 50 percent. To go to 99.8 percent efficiency would double the cost. These figures relate to new equipment for a new plant. To go back and remodel old equipment at existing plants to achieve these only slightly greater efficiencies, the cost would not merely double but would triple and quadruple.

Another air quality problem presented by coal-burning plants in the sulfur dioxide ( $\text{SO}_2$ ) in stack gases, a pollutant which, in sufficient concentrations at ground level, can adversely affect plant life and human health. Here the problem is much more difficult than with fly ash removal because the technology is not yet available for removing  $\text{SO}_2$  from stack gases at large power plants. Research is advancing and TVA is deeply involved in it, but no one yet has successfully operated removal equipment in continuous performances on a large coal-fired generating unit.

In connection with  $\text{SO}_2$ , a word new to most laymen is now creeping into common use. It is the word *ambient*. Ambient air standards refer to the quality of the air at and near the ground where we live and breathe. TVA and others in the electric industry have thus far relied on the use of high stacks to disperse the gases of combustion high into the atmosphere. Concentrations of  $\text{SO}_2$  at the ground level can be kept safe by this method, supplemented by the use of low-sulfur coal and other operational controls during critical weather conditions.

In addition to these standards, there are now standards to control the amount of  $\text{SO}_2$  that comes out of the stacks, regardless of what happens to it or how it affects ground level concentrations. These are called emission standards as distinct from ambient standards. To meet some currently proposed emission standards at our existing plants would be tremendously expensive. One alternative would be to use low-sulfur coal—we are investigating this possibility—but adequate supplies of low-sulfur coal do not exist in our region. To shift to low-sulfur coal from the West, for example, would add an estimated \$300 million to our annual costs.

Another example of a change in standards that TVA has experienced relates to the elimination of waste heat. Our Browns Ferry Nuclear Plant was designed to comply with standards for permissible increases in river temperatures in effect at the time construction was begun. Construction of one generating unit was virtually complete when new, more restrictive standards were adopted. TVA is now installing cooling towers at Browns Ferry at a cost of approximately \$36 million, necessary to meet the new standards. It should be noted that these new standards specify maximum water temperatures that are actually lower than the natural temperatures that occur in the river during summer months.

I do not want to leave the impression that costs are TVA's only concern or that we are constant to wait for others to find solutions to environmental problems. We are presently designing and will install a \$35 million experimental  $\text{SO}_2$  removal device on a 550-mW unit at our Widows Creek Steam Plant in northeastern Alabama in an effort to advance this technology. If it, or research under way by others, is successful, this would appear to be one solution for our system, although a very expensive one.

Problems of fly ash,  $\text{SO}_2$ , and waste heat are only a few of the considerations TVA is facing in determining environmental costs. Others include strip mine regulation, improved mine safety, and delays for environmental reasons. Not only are we trying to reduce environmental problems relating to present methods of generation, we have com-



mitted funds and personnel to find new and better ways to generate electricity and protect the environment. This is why TVA, Commonwealth Edison Company of Chicago, the Nation's public and private utility systems, and the Atomic Energy Commission will build the Nation's first demonstration liquid metal fast breeder reactor near Oak Ridge, Tennessee. TVA's commitment is for \$22 million plus nonreimbursable services of approximately \$2 million. We will also provide the plant site and transmission facilities.

Up to this point I have placed emphasis on costs of environmental control. Our estimates are necessarily approximate—remember in some instances we are talking about technologies not yet even developed. But they do indicate the scope of cleanup costs that environmental requirements can add to electric bills. For the TVA power plants now in operation and under construction the costs, some of which I have already discussed, are summarized in the following table:

POSSIBLE ANNUAL COSTS

[In millions of dollars]

Environmental problem	Maximum cost	Minimum cost
Strip mine regulation	30-100	10
Improved mine safety	30-45	15
Fly ash removal	30	15
SO <sub>2</sub> control	200-300	30
Sulfur tax	40-235	
Waste heat control	50	5
Delays for environmental reasons	55-65	
Total	440-830	75
Underground transmission	1,000	

As the table indicates, the estimated costs vary in total from about \$75 million to a possible maximum of \$830 million per year, excluding the cost of transmission line undergrounding.

The \$75 million figure includes actions or arrangements that are, for the most part, already included in our operations and immediate plans. Here let me emphasize that this "minimum cost" should not be interpreted as the cost to accomplish a "minimum" job—that is, the cost of just scraping by with superficial environmental control. Rather, it represents our current thinking concerning the minimum cost of doing a responsible job of meeting environmental needs.

The larger total—averaging over \$600 million per year—reflects added control measures either already required by state or Federal regulations or those being actively proposed and considered.

To put these figures in perspective, TVA's power revenues last year were about \$650 million. In other words, if it should become necessary to meet all of these tests and requirements, TVA would be faced with an approximate doubling of our revenue requirements. The far-reaching consequences for all power users and the national economy are, I believe, self-evident.

I have not included the cost of underground transmission in the above totals but listed it separately. This is partly because I believe it is not yet feasible. But it is also because I do not believe that our consumers would insist on undergrounding at an added cost to them of a billion dollars a year.

The TVA power system is a nonprofit power system. Under the TVA Act, TVA sets electric rates as low as possible so that electricity can be used widely and effectively throughout the region. But we are also required to charge rates which will produce gross power revenues sufficient to cover operation and maintenance expenses, payments in lieu of taxes, payments to the U.S. Treasury, debt service on bonds, and to maintain a reasonable margin. We simply do not have a cushion of

funds to absorb higher costs of this magnitude.

I have given you some detail on the cost factors affecting TVA to provide a general indication of the costs you and other power distributors will face. Many of the cost factors affecting TVA also affect power systems elsewhere in the United States. Rate increases of major proportions have occurred throughout the country and undoubtedly will continue.

A recent report of the President's Council on Environmental Quality gives us another indication of the trend of costs we are likely to face in our total national environmental control efforts. They are nearly three times higher than their estimates of only a year ago. The Council raised its projection from \$105 billion for the current decade to \$287 billion. These updated estimates envision capital and operating costs for 1971-1980 at nearly \$107 billion for air pollution control, about \$87 billion for water pollution control, at \$86 billion for solid waste problems, plus another \$9 billion for other purposes.

The Federal Power Commission has predicted that electric rates in the Nation could double by 1990 as a result of mounting environmental costs, pressure on fossil fuels, and general inflationary costs. For the Nation's average consumer this would boost the cost per kilowatt-hour to 4½ cents. The average residential customer in the Nation in fiscal 1971 used about 7,500 kWh per year at 2.25 cents per kilowatt-hour, paying \$168.75 a year. At 4½ cents per kWh, the new bill would be \$337.50 per year for the same amount of electricity. These calculations, of course, do not include the increased costs of electricity for commercial and industrial use in 1990 that will also be added to the cost of virtually everything the home owner buys, from bread to automobiles, from shoes to refrigerators.

It is obvious that we are facing a time of tension in the electric utility industry as the Nation selects and defines its environmental priorities and determines the degree of cleanup and prevention needed in each instance. As I have said, it will take money, common sense, and patience to find the answers we can all live with. As we work for the cleaner physical environment that we all want, must have, and must pay for, we need to fully understand what these demands will cost. I think it is important that we see them in total—added up. Only in this way can we make common sense choices and establish a realistic set of priorities.

### THREE CAME HOME

## HON. JOE D. WAGGONER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. WAGGONER. Mr. Speaker, the Evening Star today editorialized on the return of three of our prisoners of war recently released by North Vietnam. I certainly believe that this is a timely and noteworthy editorial and I would like to read it into the Record for the consideration of all concerned Americans.

The article follows:

### THREE CAME HOME

No American can be anything but grateful that three U.S. prisoners of war have been released by North Vietnam. No American can be anything but hopeful that ultimately all the prisoners will be reunited with their families and the missing in action accounted for. No American can be anything but dis-

gusted at attempts to use the release of the prisoners for propaganda purposes.

Navy Lieutenants Markham Gartley and Norris Charles and Air Force major Edward Elias are neither heroes nor culprits. They did their duty and in the performance of that duty they had the misfortune to be captured. Why they rather than others among the 1,700 POWs and MIAs were selected for release we do not know. The fact is that they are free, and that is enough for now.

A great deal of nonsense has been written about the future "confiscation" of the trio by the American government. The fact is that the three are serving officers, on active duty and in the pay of the taxpayers; they are not civilians. They have been through an ordeal and, in their own interest, they need physical and psychological decompression. In addition, it is essential that they be debriefed as quickly as possible in order to shed any light that they may have on MIAs who may be POWs. This is necessary because the enemy, in contravention of the Geneva convention, has refused to give a full accounting of prisoners in its hands and to allow neutral observers to visit the POW camps.

The trio and the families of two of the men—Elias' family refused to fly to Hanoi for this reason—have been used by the North Vietnamese and the peace group which oversaw their release for propaganda purposes. We do not blame the men involved or their families for this, although we pay homage to the family of Elias for refusing to do so.

As soon as it is medically wise to do so, the three should be reunited with their families, and we have no doubt they will be. Whether the manner in which their release has taken place has been in the interest of those who remain in captivity remains to be seen. Meanwhile, pressure should be maintained on Hanoi to fulfill its obligations under the Geneva Convention to all the prisoners, not to just a selected few.

### NATIONAL HIGHWAY WEEK

## HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, the President of the United States has proclaimed this week as National Highway Week. I join the President in this salute and I urge all Americans to recognize the important part that highway transportation plays in our Nation and to take note of each individual's responsibility to insure the safety of our highways.

Our highways are the threads which hold together the economic and social fabrics of our country. These ribbons of concrete are the conveyor belts for goods, services, people, and ideas.

We have come a long way toward a comprehensive, balanced highway system which provides maximum mobility and convenience for the American people. Certainly one stain on our highway system, however, is the annual carnage resulting from traffic accidents. Last year the death toll was 55,000, the injury list ran to 2 million, and the cost in dollars climbed well into the millions. Perhaps the most tragic aspect of all is the fact that highway mishaps have replaced diseases such as polio and diphtheria, all but

eradicated by modern medicine, as the leading killer andcrippler of children.

The latest figures show that seven out of 10 accidents are driver caused. With this in mind, each American should dedicate himself to defensive, safety-conscious driving habits.

On the occasion of National Highway Week, 1972, it is good to reflect on our successes in providing Americans with an efficient highway system. It is also an appropriate time to give thought to renewed safety considerations and to dedicate ourselves to the goal of a balanced transportation system in our land.

#### CONFERENCE ON EUROPEAN SECURITY AND COOPERATION

##### HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. PRICE of Illinois. Mr. Speaker, the proposed Conference on European Security and Cooperation looks promising as far as bringing us a little bit closer to that elusive goal of world peace.

One of the major concerns of the United States has been the situation of the European satellite nations, who are restrained from exercising their independence by the Soviet Union.

The Czechoslovak National Council of America, devoted to the preservation of democratic freedom in all nations of the world, has written a letter to President Nixon, suggesting what the position of the American delegation to the Conference should be. If there is no objection, I would like to submit the letter for publication in the RECORD:

CZECHOSLOVAK NATIONAL COUNCIL  
OF AMERICA,  
Cicero, Ill., September 15, 1972.

The PRESIDENT,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: We all know and applaud your quest for a generation of peace. The proposed Conference on European Security and Cooperation seems to be a possible path leading in this direction. We consider it the duty of every citizen to assist you in your quest for peace. Thus, the Czechoslovak National Council of America, speaking on behalf of Americans of Czech and Slovak descent, submits the following for your consideration:

We believe that the position taken by the American delegation, and indeed all western delegations at the onset of the Conference, should be to insist on the:

- (1) Withdrawal of all Soviet military and police units and Soviet advisers from all occupied nations west of the Soviet Union proper.
- (2) Neutralization of the same area and the establishment of a nuclear free zone, both under international guarantees;
- (3) Free elections under international control.

The establishment of such a cordon sanitaire would tend to eliminate the danger of inadvertent confrontation between the armed forces of the two atomic super-powers;

Mitigate the fears of Western Europe concerning further military penetration of the Soviet Union into Western Europe;

Curtail alleged suspicion on the part of

the Soviet Union of Western aggressive intentions and German revanchism;

Increase the chances for an agreed balanced reduction of the armed forces of the East and West;

Make possible the organization of a viable, economic community comparable to EEC (Common Market);

Meet the requirement of self-determination, political independence and territorial integrity of the supposedly sovereign nations living between the Soviet Union and non-Communist Western Europe, stipulated by the United Nations Charter;

Satisfy the wish of the people concerned who have manifested on many occasions their desire for neutrality, such as enjoyed by Austria since 1955.

The achievement of these goals would increase the likelihood of lasting stability, peace and security in all of Europe.

The eagerness now manifested by the Soviet Union to conclude a European security pact leads one to believe that the pressure of circumstances, the unreliability of the satellite armies, the discontent of the satellite people, as well as the good will of the United States might produce an unprecedented degree of willingness on the part of the Soviet Union to agree to these demands.

Very respectfully yours,

Prof. VRATISLAV BUSEK,

President.

Prof. FRANCIS SCHWARZENBERG,

Vice-President.

Dr. MIKULAS FERJENCIK,

Acting Vice-President.

#### SHARING WHAT REVENUE?

##### HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ROGERS. Mr. Speaker, in the past few years there have been numerous discussions of the ballooning Federal debt. The annual price tag for interest on this debt is now running at over \$22 billion. In the wage of all this talk on deficit spending has come a proposal tacked onto the Revenue Sharing Act which was at least partially responsible for the veto of the Labor-HEW appropriations bill on the grounds that it was fiscally indefensible. I recently read an editorial in the Washington Evening Star entitled "Sharing What Revenue" which puts this whole issue into an interesting perspective. I would like to include that editorial in the RECORD at this point. The article referred to follows:

[From the Washington Star and News,  
Sept. 18, 1972]

#### SHARING WHAT REVENUE?

The federal budget is running so far in the red that, at present tax rates, it will be along about 1977 before the federal government has some disposable money to start new programs.

For all that, the Congress is well on its way to passing a revenue-sharing bill, one that will pass along more than \$30 billion to state and local governments over the next five years. The money obviously will represent deficit spending, and it will increase the pressure for new federal taxes.

We won't belabor the point too much, for it looks as if nothing at this point can stop the revenue-sharing bill. It has the inevitability of a glacier on the move. President Nixon long ago gave it his support, which

he is not about to change in the middle of an election year. The House passed the bill in June. The Senate, by a vote of 63-20, passed a similar measure last week. How could they dare not to? With great expectations, governors, mayors and county commissioners have been waiting for the money so long they had begun to count the cash as already theirs. Some of them even had budgeted it for the current fiscal year.

Since the two versions of the bill differed on several important points, the opportunity was there for the House-Senate conference committee to make the legislation more palatable. On balance, the conferees fumbled the opportunity.

The Senate, moving to halt a runaway program for welfare-related social services, had attached the program to revenue sharing and had stipulated a \$1 billion ceiling. Something like that was essential, for without it, the federal government would have been obligated to spend on social services alone nearly \$5 billion this year. It also promised to ease the task of redrafting the big HEW-Labor appropriations bill, which President Nixon recently vetoed as too expensive, largely because it included the unchecked social-services subsidies. Conferees from the House, which did not address the problem in its own revenue-sharing measure, did go along with the Senate, as they should have. But then the conferees casually raised the subsidy limit from \$1 billion to \$2.5 billion, more than twice the amount the administration considers fiscally defensible.

On a second point of major difference, the Senate had changed the House-approved formula for distributing revenue-sharing money to favor rural states over large, industrialized states and, within the states, to favor central cities over suburbs. It was a tricky combination but on the whole a backward step. The conferees should have adopted the House formula but instead took a middle course between the two bills.

Revenue sharing is certain to become a fixed part of government operations. But it remains a question as to where Uncle Sam will get the revenues to share with the states and cities.

#### THE SHRINE CENTENNIAL

##### HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ADDABBO. Mr. Speaker, this week Shriners from every section and corner of North America are participating in the 100th Anniversary of the Ancient Arabic Order of Nobles of the Mystic Shrine. The festivities in New York City this week mark the birthday of an organization which has always had a big heart and charitable purposes.

I am pleased to join with other Members of this body in extending my personal congratulations and best wishes to the millions of Shriners across America who have perpetuated the goals and purposes of the Order. The 19 orthopedic hospitals and three burn institutes supported by Shriners are examples of the good these men do and their tireless efforts on behalf of children everywhere. The Shriners participate in many other charitable activities, and they receive no Government funds.

It is appropriate that the Shriners meet this week in New York City where this fraternal Masonic Order was founded 100 years ago. The American people



have received many benefits from the Shriners during these past 100 years and the Shrine Centennial is an appropriate occasion for each of us to acknowledge those benefits and express our appreciation to these dedicated men.

#### SCHWENGEL—A SOIL CONSERVATION LEADER

### HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. HARSHA. Mr. Speaker, the Tuesday Letter of the National Association of Conservation Districts—NACD—on August 22, reports on the Schwengel-Kee nonpoint source water pollution bill.

The NACD strongly endorses the Kee bill. They know how important it is to conservation districts and agriculture as a whole.

Congressman FRED SCHWENGEL has devoted much of his public life fighting for adequate soil conservation programs. He is a leader in this area, one the Congress values greatly.

As one who serves on the Public Works Committee with Congressman SCHWENGEL, I can testify to the fact that he is effective in his work on behalf of soil conservation.

What follows is what the NACD newsletter said about the Schwengel-Kee bill:

#### TO CONTROL POLLUTION

*Sediment, as a major pollutant of the Nation's environment, gets an airing in Congress. New control programs may be in the offing. During three days of hearings last week before the Subcommittee on Conservation and Watershed Development of the House Public Works Committee, Congressional witnesses, spokesmen for the Administration, and representatives of private organizations emphasized the continuing damage of soil erosion and sediment-laden runoff to the quality of America's waters. Under consideration was H.R. 15596, by Rep. James Kee of West Virginia and Rep. Fred Schwengel of Iowa, dealing with "non-point source pollution from agricultural, rural, and developing areas."*

*The Kee-Schwengel bill would authorize anti-sediment programs long sought by conservation districts and the NACD. Using such familiar tools as technical assistance, cost-sharing, and 10-year agreements (as in the Great Plains Conservation Program), the legislation would provide for a head-on attack against roadside and streambank erosion, the restoration and rehabilitation of non-federal lands damaged by strip mining, and the protection of "rapidly developing rural and urban areas" as well as farms and ranches against excessive erosion and outpourings of sediment. Special attention is given to the sediment arising from poultry and livestock operations.*

*Leading the witnesses last week in support of the measure were Rep. Bob Pogue of Texas, Chairman of the House Committee on Agriculture; Rep. Jamie Whitten of Mississippi, Chairman of the Subcommittee on Agriculture, Environmental and Consumer Protection of the House Committee on Appropriations; Rep. Tom Abernathy of Mississippi, of the House Committee on Agriculture; and Rep. Charles Thone of Nebraska, of the House Committee on Public Works.*

*Testimony from the executive agencies buttressed the severity of the sediment prob-*

*lem but backed away from recommending enactment because of budgetary considerations, even though current federal outlays for municipal and industrial water quality are already sharply higher than those proposed in the bill for the extensive American countryside.*

*Speaking on behalf of the NACD, Director Richard Longmire of Oklahoma declared "The abatement of pollution from municipal and industrial sources is clearly important, but even complete success in these two areas would not solve the nation's pollution problem. If we are to have clean air and clean water, it will also be necessary to control the overland flow of water and sharply reduce erosion by wind and water—especially in situations that habitually produce large loads of sediment."*

*"The bill now being considered by the committee expands and improves upon all the points urged by the NACD," Longmire said. "Considering the enormous environmental values at stake, and their nationwide dimensions, we believe legislation to deal with non-point source pollution from agricultural, rural, and developing areas is both timely and urgent," he concluded.*

#### CONGRESSMAN WYMAN REPORTS RESULTS OF QUESTIONNAIRE

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. WYMAN. Mr. Speaker, ever since I have had the honor to serve the residents of New Hampshire's First Congressional District in the U.S. House of Representatives, I have tried to send out to each household an annual questionnaire relating to matters of concern to the Congress and the Nation. This year, I mailed 100,000 questionnaires to residents of my district and over 10,000 individuals took the time to answer them. The tabulation of these responses has been completed and I would like to share the results with other Members who have also polled their constituencies in an effort to determine public opinion on important issues.

In addition to the 15 questions on issues, I asked for identification of the respondents in terms of age and, the results showed but few differences of opinion in responses to questions between those over 30 years of age and those under 30. Of the 10,000 plus respondents, 20 percent were under 30, two-thirds are male and one-third female.

Indicated by the answers was an overwhelming sentiment against new taxes, a desire to close existing tax loopholes and to impose a minimum tax on high incomes. As the figures indicate, 67 percent said they want no new taxes on the part of the Federal Government, while 11 percent said they would go along with additional forms of revenue. When asked whether the Government should raise taxes, 22 percent were undecided but young and old alike agreed, with little variation in the percentages, that unless absolutely necessary, no additional taxes were desired.

The President's foreign policy, as it relates to the Soviet Union, China, the Middle East and Vietnam received a

strong favorable endorsement from all age groups with an overall average of 65 percent indicating approval of the administration's handling of America's role in the world today. Of the 18-30 year olds 59 percent expressed themselves as against cutting off funds for the winding down of the Vietnam war, while 57 percent of those over 30, or 2 percentage points less, opposed cutting off the funds. Fifty-eight percent of all respondents want to see the national primary approach used with a breakdown among age groups as follows: those over 30—65 percent; those 18-30, 71 percent.

Ninety-six percent favor changing the present welfare system, with 95 percent of those under 30 wanting to see some type of reform, preferably job training programs, and 97 percent of those over 30 agreeing with the younger voters. The President's family assistance program was felt to be the proper approach to reform by only 18 percent. Many indicated they would like to see the establishment of a means test for welfare and an overwhelming majority favor job training and work requirements for all physically qualified welfare recipients.

Sixty-four percent of the respondents want to see a health insurance program enacted that will either allow income tax credits for the purchase of a private health insurance policy or a program financed by employee and employer contributions. Much fewer want health insurance financed and operated by the Federal Government.

A wide division of opinion appeared regarding penalties for possession of marihuana. Sixty-six percent of those under 30 want to see penalties reduced, while sixty-one percent of those over 30 responded that no reduction of penalties should take place. Few in either age group want to see the penalties eliminated entirely.

Seventy-two percent desire to maintain military parity with the Soviet Union, but the percentage of the 18-30 year-old group drops to 56 percent level when asked whether military parity should be maintained even if it means increased defense spending.

Younger people appear more willing to accept higher taxes to clean up our environment—67 percent—than are those over 30—55 percent, but most respondents indicated they would do so if need be. Overall, 57 percent believe it to be a serious enough problem to warrant paying for with additional taxes.

Striking public service employees were looked on with disfavor by 59 percent of those over 30, while 52 percent of those under 30 were opposed. Most residents of the first district—54 percent—desire some type of protection from strikes in transportation services.

An average of 70 percent of all respondents, with a somewhat stronger showing among the young, would favor a national lottery to raise additional revenue.

Three-fourths of those polled want protection of some form against foreign imports, particularly female respondents with almost 85 percent in favor of a law limiting imports to a base period ceiling. A significant majority—63 percent—do

not favor a check-off on tax returns for contributions to political parties.

Young people responded in favor of gun control legislation—60 percent—while those over 30 opposed gun control by a bare majority—52 percent. The percentages for all respondents show 50 percent in support, 49 percent opposed, and 1 percent undecided.

National defense, crime and lawlessness, inflation and jobs, and welfare reform ranked highest among all voters as issues most important to the Nation today. Education ranked a little higher than revenue sharing and space exploration with the young, but overall, the respondents agreed that defense was the Nation's first priority with crime and lawlessness a close second.

The questionnaire sent to residents of the First Congressional District of New Hampshire and the overall responses thereto—rounded by total—was as follows:

CONGRESSMAN LOUIS C. WYMAN WANTS YOUR OPINION

(NOTE:—Where totals do not add to 100 percent, remainder indicated that they did not know or were undecided.)

1. To check inflation and unemployment, the Federal Government should:

(Answers in percent)

a. Enact wage and price controls—yes 56; no 26.

b. Stop spending beyond its revenues—yes 82; no 7.

c. Spend less on domestic programs—yes 31; no 48.

d. Spend less on national defense—yes 30; no 52.

e. Raise taxes—yes 11; no 67.

f. Plug tax loopholes—yes 79; no 4.

g. Pass a minimum tax on higher incomes—yes 66; no 17.

2. Please rank the following national issues in their order of importance to you (use numbers 1 through 10):

- 6 welfare reform
- 8 revenue sharing
- 2 crime and lawlessness
- 3 inflation and unemployment
- 5 education
- 10 space exploration
- 4 pollution control
- 7 housing
- 9 health insurance
- 1 national defense, Vietnam and the draft.

3. Do you favor cutting off all funds for U.S. military and economic assistance in Southeast Asia on a day certain without the prior return of Americans held prisoner by North Vietnam? Yes 18; no 58.

4. Do you favor a national primary for the selection of Presidential candidates? Yes 58; no 18.

5. Do you favor reform of the present welfare system? Yes 68; no 25.

If yes, which of the following do you favor?

- a. A family assistance program for all families with less than a so-called poverty level of income—18.

b. Job training and work requirements for all physically qualified welfare recipients—85.

c. A means test for welfare recipients—32.

d. Other (your suggestion):

6. Regarding national health insurance proposals, which do you favor?

a. A program financed and operated by the Federal Government? 23 percent.

b. A Federal program financed by employer and employee contributions? 31 percent.

c. Income tax credits for the cost of purchasing private health insurance? 33 percent.

d. Complete reliance on private health insurance coverage? 17 percent.

#### (Answers in percent)

7. Do you generally support President Nixon's foreign policy as it relates to:

a. The Soviet Union—Yes 72; No 18.

b. Mainland China—Yes 66; No 22.

c. The Middle East—Yes 67; No 23.

d. Vietnam—Yes 66; No 27.

8. Should the penalties for possession or use of marijuana be reduced? Yes 39; No 55. Eliminated entirely? Yes 17; No 67.

9. Should the possession and sale of hand guns be restricted by Federal and State law? Yes 50; No 49.

10. Do you believe the U.S. should try to retain military parity with the Soviet Union even though this may require increased defense spending? Yes 72; No 23.

11. Would you be willing to accept higher taxes to pay for the cost of cleaning up our environment? Yes 57; No 34.

12. Do you favor modification or elimination of a right to strike by employees of

a. airlines? Yes 54; No 35.

b. railroads? Yes 59; No 33.

c. transport? Yes 57; No 34.

d. agencies such as dockworkers? Yes 58; No 32.

13. Would you favor a national lottery as a means of raising additional Federal revenue? Yes 62; No 35.

14. Do you favor the check off on your income tax return for contributions to political parties? Yes 27; No 63.

15. Do you favor legislation to limit the amount and value of foreign imports that are hurting U.S. industry and jobs? Yes 72; No 24.

If you wish to—but it is not necessary to do so—add the following information about yourself:

Sex: M— F—

Age: 18–30— 30 and above—

Occupation:—

Name and address:—

RESPONSES BROKEN DOWN BY AGE GROUPS (APPROXIMATELY 1/2 OF THOSE ANSWERING WERE UNDER 30)

(In percent)

	Those under 30		Those over 30	
	Yes	No	Yes	No
Question 1:				
(a).....	65	27	55	26
(b).....	68	15	86	5
(c).....	17	74	35	42
(d).....	49	45	25	54
(e).....	10	79	11	64
(f).....	91	4	75	4
(g).....	69	23	65	16
Question 2.....	Similar responses in terms of priorities.			
Question 3.....	29	59	14	57
Question 4.....	71	26	68	25
Question 5.....	96	2	95	3
(a).....	27	.....	15	.....
(b).....	83	.....	88	.....
(c).....	24	.....	26	.....
Question 6:				
(a).....	30	.....	21	.....
(b).....	33	.....	31	.....
(c).....	27	.....	35	.....
(d).....	13	.....	19	.....
Question 7:				
Soviet.....	82	14	70	19
China.....	65	18	66	23
Middle East.....	61	32	69	21
Vietnam.....	51	45	70	22
Question 8:				
Reduced.....	66	32	32	61
Eliminated.....	36	59	11	70
Question 9.....	60	38	47	52
Question 10.....	56	41	77	18
Question 11.....	67	21	55	37
Question 12:				
(a).....	43	52	59	29
(b).....	46	48	60	29
(c).....	47	48	60	29
(d).....	49	46	60	29
Question 13.....	72	24	60	38
Question 14.....	26	55	28	65
Question 15.....	67	29	74	22

I am sincerely appreciative to those who took the time to respond to the ques-

tionnaire. I hope more will do this in the future because annual questionnaires are most helpful to Members of Congress in better understanding the position of their constituents on important issues on a broad basis of public response.

From an examination of similar questions asked of residents in other congressional districts it would appear that, generally speaking, the sentiments of first district residents reflect the national will except for those districts in which special interest concerns are dominant. My own personal reaction to the questions asked is substantially in accord with the majority responses with but few exceptions. One of these relates to gun control legislation which I strongly oppose particularly as it relates to compulsory registration of firearms. Another involves the so-called national primary system for selecting presidential candidates. The latter would substantially lessen New Hampshire's present leading role in this process, being the first presidential primary State, but more broadly such a procedure would reduce the influence of the several States and strengthen the influence of those parts of the United States containing heavy population concentrations. I am not persuaded that increasing such voting strength in the choice of a President would be in the national best interests.

I hope other Members of Congress will benefit from the opportunity to review the positions of residents of the First Congressional District of New Hampshire.

WICK FOWLER, INTERNATIONAL JOURNALIST AND CHILI KING

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. PICKLE, Mr. Speaker, I want this time to pay sincere tribute to the late Wick Fowler, a Texas and international journalist, political observer, pundit and esteemed citizen and personality.

Wick Fowler will be greatly missed by his countless friends, whose lives he lightened and brightened with his wit and humor.

Wick Fowler will be greatly missed by his community and his State for the unselfish hours he contributed to civic endeavors. He was my close and dear friend, a legend in his own time.

A journalist whose career spanned four decades, his writings described for Texans events from the battlegrounds of World War II and Vietnam to the cities and countryside.

He was a close friend and associate of the legendary war correspondent Ernie Pyle. Indeed he was the Texas Ernie Pyle.

Wick has been described as a jack-of-all-trades—a merchant marine, a city policeman, a Texas highway patrolman, a lecturer, a special investigator, an aide to a Governor and U.S. Senator, a musician and a philanthropist. Above all, he was a warm friend and lovable individual.



I would like to place in the RECORD a newsstory from today's Austin American on the life and career of Wick Fowler:

WICK FOWLER DIES HERE AT AGE 63

(By Sam Wood and Nat Henderson)

Wick Fowler, a big man with a big laugh and a heart of gold, died at 12:22 a.m. Wednesday at St. David's Hospital at the age of 63.

One of the iron men of journalism was stricken with amyotrophic lateral sclerosis, the lethal muscular disease which claimed the life of the "Iron Man of Baseball," Lou Gehrig.

Wick Fowler was a newsman's journalist whose search for stories took him around the world. He saw Adolf Hitler take over Germany in 1933, and he returned to Europe and North Africa during World War II to follow the famed Texas 36th Division through Italy into France.

Fowler went through the Battle of the Bulge. He almost stayed long enough in Europe for the Fall of the Third Reich, which he saw created, but he came home to Austin for a brief visit before going to the Pacific to witness the final battles in the defeat of Japan.

He was accredited to the Navy corps of war correspondents in the Pacific and covered the Marine Corps campaign in Okinawa. Fowler made a sorrowful visit to the site where Ernie Pyle was killed with the Marines in Okinawa.

He and Pyle were close friends in Italy while both were covering the 36th Division. They were quartered in the same building in Italy when it was struck by artillery fire.

Two decades after Okinawa, Fowler again covered the combat Marines in Vietnam when the fighting was among the toughest of the war.

Fowler was a National Guardsman for six years, joining the old 36th Division of Texas in 1927, the same outfit he later covered in World War II. But all the branches of the Armed Forces claimed him as a soldier, sailor and marine, because he was with them in combat.

He was almost a Jack of all Trades. He was a Merchant Marine, a city policeman, a Texas highway patrolman, a lecturer, special investigator, aide to a governor and a U.S. Senator, a musician and a philanthropist.

Wick Fowler was a humorist. He had to be with the name of Homer Thomas Wilson Fowler. He got the name "Wick" from his young brothers and sisters who could not pronounce "Wilson" as his parents intended for him to be called.

His humor let him to package his own chili mix, at first only for the members of the Chili Appreciation Society International of which he was a founder. But the lark turned to profit, and the 2-Alarm Chili he developed through his Caliente Chili Company in Austin now is distributed across the nation and in several foreign countries.

He was among the organizers of the World Championship Chili Cookoff at Terlingua in the Big Bend. He won the title as the international champion chili chef one year.

Fowler also was a founder of the annual Republic of Texas Chillympiad at San Marcos. He planned to attend the festivities Sept. 29-Oct. 1. He was a colonel in the Confederate Air Force and also had planned to attend an air show by the organization at San Marcos on Oct. 1.

Fowler became ill several weeks ago, but the disease was not diagnosed until two weeks ago. He was admitted to St. David's Hospital last week and remained in the intensive care unit until his death.

Born at Big Sandy in Upshur County, Fowler was reared at Victoria. He was captain of his high school football team at Victoria. Between halves, he went to the stands

to play the French horn in the band instead of going to the dressing room.

He loved music and was a self-taught and accomplished organist and accordionist.

Fowler began his professional newspaper career as a reporter for the Austin Statesman in 1932. He maintained close connections with the American-Statesman through the years, writing columns and feature articles.

He became one of the first three newsmen to enter Hiroshima to view the results of the opening of the atomic era.

After eight months in the Pacific and Far East, Fowler roamed Texas as a columnist for the Dallas News. He then became the capitol correspondent for the News.

Fowler served as executive assistant to Gov. Allan Shivers. Later he became an assistant to U.S. Sen. William Blakley.

In 1965, Fowler went to Vietnam for the Denton Record-Chronicle and became the first Texas newspaperman to cover the war. He returned again in 1969 to cover Vietnam for 15 daily Texas newspapers. He lost 60 pounds following the Marines.

He gained it back when he returned to his chili factory in Austin. In 1970 Fowler went to Vietnam again with H. Ross Perot, the Dallas businessman who was attempting to get the release of American prisoners of war.

Servicemen in Vietnam loved to see Fowler coming. He always seemed to have a load of 2-Alarm chili to distribute. He was known as "Chili Cong" because of the explosive red powder he carried with him. He sometimes cooked chili for the Marines in the field.

Fowler gained nationwide notoriety as the Chili King of the World. He appeared on national television several times. His humor made him a sought-after lecturer, but often there were serious observations in his jokes.

He gave his time freely to many projects and also his money. His closest friends never knew how much he spent in helping people whom he thought deserved it.

Wick Fowler is survived by his widow, Bess Reed Fowler; a daughter, Ann Fowler Kennedy; and a son, Gordon Fowler, all of Austin. Other survivors include two brothers and three sisters, Marion Fowler, Ike Fowler, Mrs. Brice Draper, Miss Irma Deane Fowler, all of Austin, and Mrs. Ralph Powers of Fort Worth; and four grandchildren.

Funeral for Fowler is pending at Hyttin-Manor Funeral Home.

## SENATE MOVES TO PROTECT RIGHTS OF HANDICAPPED

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. VANIK. Mr. Speaker, the Senate should be highly commended for its action in protecting the rights of the handicapped through amendments incorporated last night in the Vocational Rehabilitation Act of 1972.

Fifty Members of the House cosponsored my bills earlier this year—which guaranteed the rights of persons with a mental or physical handicap to participate in programs receiving Federal assistance; and to eliminate discrimination in employment because of these handicaps in the absence of a bona fide occupational qualification.

Senators HUMPHREY and PERCY did an outstanding job on the Senate floor in the passage of these amendments.

It is my hope that the conferees will support these provisions—especially section 603 which protects employment rights of the handicapped—with investigative protection from the Department of Labor.

It is also my hope that the House conferees will support section 603 and section 604 so that the 7 million children now excluded from any schooling or training because of their handicaps will now move one step closer to the American mainstream of life—for too long they have been pushed back into stagnant waters.

I hope to continue my drive for the rights of the handicapped in the House of Representatives during the 93d Congress.

## DEMOCRACY IN ACTION AT NEWINGTON HOSPITAL HIGH SCHOOL

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mrs. GRASSO. Mr. Speaker, democracy in action finds vivid demonstration in an extraordinary event this week at the Newington Hospital High School. The young members of the class, most of whom are about to undergo orthopedic surgery or are involved in post surgery rehabilitation programs, have the opportunity to attend a seminar prepared by their distinguished alumna, Miss Helen Cotton of Granby.

For long months, Helen Cotton has been assembling the material for her course entitled "Freedom and Responsibility Are Inseparable." She has secured statements from administrative and legislative leaders and emphasizes the importance of voter registration, party enrollment and full participation in the mechanics of politics.

Helen Cotton practices what she preaches. Confined to a wheel chair and suffering speech impairment from cerebral palsy since childhood, she has proven to herself and an ever widening host of admirers, including the President of the United States, that handicaps are no bar to effective participation in the business of life. During the course the materials she has prepared with painstaking efficiency and scholarly emphasis are distributed to the members of the class. Her personal physician, Dr. Robert Emmil reads the text of the course to the class.

Helen Cotton's belief that freedom and responsibility are inseparable finds constant expression in a wide range of activities. They include a continuing communication with the U.S. Representative from the Sixth District of Connecticut who shares her enthusiasm and commends her work as a model to each of us as a citizen of the Republic. The following article from the Hartford Courant of September 20 describes the remarkable teaching adventure of this talented and committed young woman.

Her message of courage and faith is a model and inspiration to all.

#### COURSE TO RELATE FREEDOM AND VOTING

GRANBY.—"Freedom and Responsibility Are Inseparable" is the subject of a one-day course in practical politics to be taught by Miss Helen Cotton of Granby Thursday at Newington Hospital High School. She is an alumnus of the school.

Dr. Robert Emmel, her personal physician, will read the full text of the course to the class. Speech impairment and confinement to a wheel chair, resulting from cerebral palsy, were not permitted by Miss Cotton to block her participation in politics.

In 1970 she received an invitation to the White House as a guest of the President.

The course stresses the importance of voter enrollment, party registration and full participation in the mechanics of politics.

Each class member will receive a photograph of the President, his autograph, campaign materials and buttons.

Sage-Allen will donate red, white and blue tote bags, campaign literature and more buttons.

Miss Cotton has given over weeks to the assembling of course material. Emmel has driven to her home to keep up with teaching progress. Thursday he will make his first visit to Newington Hospital. He said told Miss Cotton he was "impressed with the job she had done under the conditions."

Last March, Miss Cotton said, "If these students receive no other message from this class, I hope they will realize their vote is important and take it seriously. There are many people who never vote, not even by absentee. I have voted in every single election at the polls in my wheel chair, often at the expense of my health. The least my students can do is register, and vote. Their votes will determine the fate and future of our country and the world."

#### WRC-TV 4 EDITORIAL

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. HOGAN. Mr. Speaker, as I have pointed out to my colleagues many times, the Washington, D.C., emergency medical system must be upgraded.

In order to demonstrate how the emergency medical service in our Nation's Capital compares with the capital of another large nation, I would like to request permission to insert a recent WRC-TV editorial into the Record.

This editorial presents the shocking contrast between our service and that of Moscow, and it is my hope that the comparison will jolt us into the realization that something must be done soon to provide adequate emergency service to the citizens of this area. The editorial follows:

#### WRC-TV 4 EDITORIAL

The authoritative Journal of the American Medical Association reported recently on the emergency medical service in the capital of a great nation.

Its essential feature, according to the report, is a focus on getting the doctor to the patient as quickly as possible with everything he needs in the way of equipment and personnel.

In the foreign capital there is a six-month period of special training for physicians who

elect to work in this field. The central dispatching station for vehicles and personnel is connected with 22 substations throughout the city.

The emergency service operates in its own 600 bed hospital, which is also a research center. The staff consists of almost 2,000 personnel of whom 300 are physicians and 1,300 middle level medical workers.

In the daytime in this foreign capital 200 vehicles are operated with doctors and paramedic personnel aboard. At night about 100 are in service. Specialized ambulances are deployed to care for such emergencies as heart attacks, strokes and poisoning.

In Washington, D.C., the Capital of the Free World, there are 10 ambulances operated by 96 firemen around the clock. No doctors or highly trained medical personnel are aboard. Nor is there specialized equipment available.

The emergency medical service described in the Journal of the American Medical Association as the largest in the world is in Moscow—the capital of the Soviet Union.

Surely we could do as well in Washington today.

#### OPPOSITION OF GUN CONTROL

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. DINGELL. Mr. Speaker, the Michigan Department of Natural Resources has expressed strong opposition to enactment of S. 2507, which is concerned with gun controls. I direct my colleagues attention to the views expressed by the Department in the following letter:

STATE OF MICHIGAN,  
DEPARTMENT OF NATURAL RESOURCES,  
Lansing, Mich., September 22, 1972.  
HON. JOHN D. DINGELL,  
U.S. House of Representatives,  
Washington, D.C.

DEAR MR. DINGELL: The Michigan Department of Natural Resources strongly objects to S. 2507 now under consideration by the Congress. This Department has been deeply concerned with the regulation of firearms and acutely aware of the problems in this field. We are cognizant of the crime rate and the related involvement of firearms. The need for more adequate controls on the use of certain types of firearms is recognized and appropriate action supported. However, the provisions of S. 2507 preclude the use and ownership of many high quality handguns that are used for sporting purposes.

The intent of this bill is to eliminate the use of cheaply made foreign or domestic pistols which are unsuited for sporting purposes and which the record shows are involved in significant numbers of crimes. However, we must object to the arbitrary criteria of size and barrel length in the present bill which reaches far beyond the objective of the legislation. In fact, this meaningless criteria does nothing to differentiate the cheaply made problem firearm, and this shortcoming leaves the bill stripped of any capability of solving the problem.

We feel that the basic approach of this piece of legislation is misdirected. The criminal use of firearms is symptomatic of many deep social problems. Attempts to control the weapons are almost certainly destined to failure since the causes of the basic social ills are not attacked. Many statutes are presently available concerning the misuse of firearms. These do not dissuade the criminal. Further, poorly conceived laws will only

harass and restrict the law abiding and society over-all will not be helped.

We urge you to act against passage of S. 2507.

Sincerely,

RALPH A. MACMULLAN, Director.

#### ISRAEL'S SILVER YEAR

### HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. RODINO. Mr. Speaker, on Tuesday, September 26, at 3:15 p.m., Newark Airport was the scene of a very special celebration. For Israel, described again and again in Biblical Scripture as a "light unto the nations" has entered her 25th year and delegates from Jewish communities throughout New Jersey had come to initiate ceremonies commemorating this joyous silver anniversary. Twelve torches, one for each of the communities represented, stood before the eyes of all who came to participate.

The gathering was addressed by Deputy Consul General Jacob Aziyad of the Israeli Consulate in New York. Stressing the importance of American participation in the development, life, and future of the State of Israel, Mr. Aziyad presented the first torch to Mr. Martin Fox, president of the Jewish Community Council of Essex County, N.J. He stated:

This beacon Light symbolizes Israel's progress over the past 25 years.

Following Mr. Fox's brief acceptance speech, Msgr. Thomas Fahey, president of Seton Hall University, Rev. Raul Stagg, general secretary of the New Jersey Council of Churches, Prof. Walter Heckel, recent dean of Rutgers University Law School, and Mayor Kenneth Gibson, expressed their thoughts and feelings on the significance of this occasion. Prayers were then offered by Rabbi Sidney of Kearny and Rabbi Zev Segal of South Orange, N.J.

Although I was unable to join in this beautiful ceremony, I sent the following statement to all those in attendance. I would like to share my words with you at this time:

Silver anniversaries are always very special occasions, filled with shared joys, fulfilled hopes, unforgettable experiences, indelible remembrances and deep dreams. This particular 25 year celebration of life is a milestone dear to the hearts of a great many individuals in all parts of the world. Combined with an outlook, and an approach implanted with realism, pragmatism and with the continued fight for survival, as Israel begins her silver year, she is a Nation filled with the excitement, the vigor and the idealism to look forward confidently to building a future of positive goals and very special dreams. And, as she continues to move forward, I join my voice with all those here today to share her dream for peace and progress and to reaffirm my belief in the principles for which she stands.

PETER W. RODINO, Jr.,  
Member of Congress.



## HOW SAFE IS RALPH NADER? A PROFILE

## HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. HUNGATE. Mr. Speaker, will America's No. 1 crusader race to destruction on the rollbars of his own rhetoric?

Has he suffered irreparable harm through being dubbed the only honest man in America?

Satirically, a car manufacturer says:

Nader is far from safe, in my opinion. He overheats rapidly; he has a tendency to steer to the left; performance is ruined by flat spots; and there is a continual irritating whine from somewhere near his gearbox.

A profile is not a portrait, but simply an outline. It may be a drawing of the human face as seen from the side, a one-sided portrait, if you will, vividly presenting some of "the most striking characteristics of a personality." While Ralph Nader's collegians profile Congress as a summer school term paper—it may be time to give Ralph Nader his grade card.

In the interest of research, I have collected a number of articles concerning the subject of this profile and the major portion of the following are taken therefrom.

Let us suppose, just to be mischievous, that some public spirited citizen appointed a task force to profile Ralph Nader.

Following Nader's example, he probably would recruit a dozen or so college students, of if Mr. Nader's own ratio is applied—something over 800 collegians to study 535 Congressmen—we would want about 1½ college students. They should be very bright and self-confident, and spent their summer poring over what Nader has done for the American consumer. After months of legwork, they call a press conference couched in language which is appropriately inflammatory.

Nobody could be less of a consumer than America's No. 1 consumer advocate. He owns no car, no TV set, his home is a room in a Washington brownstone. He wears a standard dark suit, scuffs his shoes and his socks tend to slump.

Contrary to the belief in the near perfection of this crusader, we see a man all too human and vulnerable to many of the pitfalls confronting every young attorney. With but a modest scholastic record, a brief and frustrating private practice, some reportorial smattering, and the crowning manipulation of "unsafe at any speed," based on others' theses, the meteoric center staging was strictly *deus ex machina*, dependent on General Motors' cloak and dagger ineptitude and the skillful legislative maneuvering of others who were themselves later to suffer the public wrath of this self-righteous judge of all humanity. The enormity of his energetic inspiration, fact assembling and fundraising, is matched by his gross deficiencies, pri-

marily in the area of desperately needed managerial structuring.

The purity of Ralph Nader's outrage is exceeded only by the ineffectiveness of his solutions—most of which are proving about as reliable as he found the Corvair. Like the auto makers who design cosmetic tailfins, Nader has added more remnant parts for the already cluttered governmental machinery. Thanks to Nader, consumers pay higher taxes; their tax dollars support more bureaucrats. The results are mixed at best and in some cases, have actually resulted in extra protection for the producers, not the consumers whom Nader supposedly represents. After all, Nader has been telling people for years that his triumphs were really failures, but people just did not listen.

As examples of Nader's triumphant failures, we note the following: Since the coal mine safety law was enacted in 1969, deaths in the mines have climbed, so have injuries. The "get tough" enforcement provisions have bogged down in legal controversy, 260 miners were killed in 1970, compared with 203 in 1969.

The same could be said for the Federal regulation of gas pipeline safety, a Nader cause in 1968. Since this regulation act, deaths from gas pipeline explosion have gone up substantially. Several States like New York and Missouri are complaining that the new Federal standards have actually lowered their level of safety enforcement.

A recent study backs General Motors on the Corvair. It stated:

Light cars like Corvair do turn over more often than heavier cars. But the figures indicate, the Corvair was involved in a lower percentage of rollover accidents than other light domestic cars.

Douglas Toms, the Administrator of the National Highway Traffic Safety Administration, said the tests were then evaluated by a panel of three automotive experts.

The panel concluded that the Government's investigation was adequate in scope and depth and agreed with the conclusion that the Corvair did not have a safety defect and is not more unstable or more likely to roll over than other contemporary automobiles.

Nader submitted letters from three automotive engineers relating to Corvair's stability. The Government called the documents contradictory and unfair, because the engineers were commenting on data obtained in a GM test of an experimental model Corvair which was intentionally turned over.

The Government also studied a Ford Motor Co. film which Nader exhibited publicly earlier this year. The film showed a Corvair spinning out of control behind a Ford Falcon.

But the Government said its review of the films led it to believe that the tests were biased in favor of the Falcon and that the Corvair driver apparently was intentionally trying to get it to spin. It noted all the spins took place right in front of the cameras.

The Nader movement is extremely ego-

centric. Nader has repeatedly said that he was way ahead of his time even at Harvard Law School. Political adversity is also reflected in the idealistic young men and women around Nader. Robert Fellmeth, who directed the controversial California Land and Water Study, and later the congressional study, was a Goldwater organizer on the Stanford campus in 1964. James Turner, author of "The Chemical Feast," campaigned for Eugene McCarthy in Ohio in 1968.

The Nader organization tends to be extremely manipulative. Speaking at Harvard, he was cleverly seeking rapport with Harvard law students. In Newton College of the Sacred Heart, one of his organization spoke on women's lib.

Nader is advocating the corporate state. Although he speaks of distribution of power, wealth, access, and lawyers, he is clearly not speaking of a redistribution of wealth and equality of all individuals, or of responding to the specific needs of the most oppressed as defined by the most oppressed. His public interest system is to be a base of power for a new elite to combat and eventually control the corporate system.

This analysis is not intended as a personal attack on Nader. He may not be doing and saying these things consciously, but it is clear that this is how his message comes across. It is perhaps too early to call his appeal fascistic, but the fascistic overtones of his movement must not be overlooked.

We cannot criticize those who work for Nader because they feel strongly that change must come. But they must not lose sight of the dangers inherent in that movement or of the thin line between service to the people and service to self. As a humanity trip, Naderism is fine. But as a power trip, it is menace to us all.

The New Republic, in 1971, took a look at the Nader report entitled "The Closed Enterprise System"—a 1,148 page report on antitrust by a Nader study group headed by Mark Green—and said:

The study is less interesting in itself than as a representative product of the Nader factor. Scholarship it is not, if by scholarship one means an honest and rigorous search for truth rather than a mere parade of learning. It is a highly tendentious work, in which patent self-contradiction is never permitted to blunt a good sally.

Fortune magazine charged that—

Ralph Nader is not primarily interested in protecting consumers. The passion that rules in him, and he is a passionate man, is aimed at smashing utterly the target of his hatred, which is corporate power. Mr. Nader has a conspiratorial view of the world.

Charles B. McCoy, president and chairman of the board at Dupont, stated that the Nader report on Delaware is completely one-sided and so negative that it defeats its avowed purpose of helping the people of the State.

I am struck by the lack of balance, and the existence of so many inaccuracies. What this report points up is the impossibility of coming, even with the best of motives, to Delaware or to any other community for three months, trying to understand the complex political structure, and then prescribing cures for real or imaginary ills. I have

lived here most of my life, and I wouldn't presume to offer such all-inclusive prescriptions.

Australian Prime Minister, William McMahon, described Nader as:

A professional and paid pot stirrer, or troublemaker. He has been in Australia 24 hours and set himself up as Judge of Australia without a proper knowledge of the Country and its people.

The editor of the Daily News-Bulletin and Marceline News of Brookfield, Mo., wrote:

I haven't had so much reaction to any 23rd hour (Editorial) in some time as to the one regarding Ralph Nader. Nearly everyone who had something to say said, "I don't want Ralph Nader to save me—I'd rather take care of that myself," and nearly everyone who discussed the matter with me feels as I do—that Nader is probably the most dangerous person alive to the U.S. as we know it now... he is devious, and because he keeps talking of "saving the consumer," he appears to be a friend of the people. Far from it. And instead of helping the consumer, Nader generally makes things cost more. One question keeps coming up every time the matter is discussed. People keep saying, "Where is he getting his money?" Nader won't tell. He's been asked that question on national TV. He refuses to say who his helpers are.

One possible source has been discussed. On July 27, the American Trial Lawyers Association voted to donate \$10,000 to Nader's auto safety work and pledged themselves to raise an additional \$10,000 from their membership to finance an index of automobile defects. Two years ago, Nader suggested to the Trial Lawyers that they donate 1 percent of their receipts to public interest law firms.

Why has Nader, the consumer advocate, ducked no-fault? Nader refused to talk to reporters on the subject, would not return phone calls, and has instructed his associates not to speak for him on the issue.

One consumer advocate who has championed no-fault and discussed it with Nader says Nader is ignoring the issue of no-fault insurance because he is "afraid that if lawyers are wiped out they would not be around for other things."

A New Republic article, dated September 2, 1972, suggested that Mr. Nader, in not working for a Federal no-fault automobile insurance law, had been influenced by the previously undisclosed grant by the American Trial Lawyers Association to "Nader's auto safety work."

Mr. Nader angrily declared by telephone on September 2:

I will guarantee that they will issue a retraction.

In its September 9, 1972, issue, the magazine devotes nearly four pages to the controversy without explicitly retracting anything.

On Capitol Hill, the consensus about Ralph Nader's congressional project questionnaire seems to be, "How can so little be accomplished from so much?"

Of nine congressional staffs queried, all agreed that a 633-question self-critique is too general in scope for specific determinations to be made about the effectiveness of Congress—which is the intent of Nader's study.

Should the questions be answered?

What is Mr. Nader's own record on responsiveness?

Ralph Nader refused to submit to an interview with the American Automobile Association publicity staff for an article on the aims and methods of his movement. An AAA spokesman said to Mr. Nader:

Your refusal to be interviewed by our AAA News staff on an in-depth understanding of your objectives, motives, and goals means to us that you only want a one-way communication—your way.

For months, a Nader fan tried to reach the man without success. Postal officials in Nader's hometown of Winsted, Conn., tried to deliver a letter. Nader, they discovered, was not home and has not been for some time. The post office made three attempts to deliver it. The sender asked a Washington columnist for help, who then pleaded:

Ralph, please pick up your mail, and let the folks in Winsted hear from you every now and then.

Also, staff aides criticize the questions for being leading, repetitious, and apparently written by people with little or no knowledge of the working legislative process.

With 535 legislators in office, to have all the Nader questionnaires answered would, by simple arithmetic, expend some \$935,000 worth of legislative energy.

A study of the questionnaire shows most of the essay-type questions can be self-serving, or self-incriminating, depending on final interpretation.

Said one legislative assistant:

Everybody who really cares in our District already knows where the Congressman stands on issues. Anyway, I think it's a little presumptuous of Nader to consider himself representative of every voter.

The foregoing "profile" is the result of a research project and does not reflect my personal opinions, although it may come to.

In conclusion, I would emphasize this is merely a "profile." Over 80 percent of it merely repeats or restates the comments of others.

An impartial study directed to correction of the numerous faults and flaws of Congress should be welcomed by every member. However, a sketch, hastily drawn by inexperienced hands during the politically charged atmosphere of a Presidential election year deserves skeptical study. He who furnishes faulty mirrors can hardly complain if suddenly he sees himself in one.

This profile contains materials obtained from the following principal sources:

Christian Science Monitor—January 14, 1972.

New York Times—September 3, 1972.

"Citizen Nader"—by Charles McCarry.

Book World—April 9, 1972.

The Daily News Bulletin and Marceline News of Brookfield, Missouri—November, 1971.

Harvard Law Record—March 3, 1972.

Washington Post—November 7, 1971; December 6, 1971; July 20, 21, 26, 1972; August 16, 1972.

Punch—October 27, 1971.

Dupont News Release—December 1, 1971.

New Republic—September 2, 9, 1972.

Moberly, Missouri, Monitor-Index—August 3, 1972.

## PROPOSED TRANS-ALASKA PIPELINE STRONGLY OPPOSED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. DINGELL. Mr. Speaker, under general leave to extend my remarks, I direct my colleagues' attention to the following article which appeared in the September 9, 1972, issue of the Iron Mountain News of Iron Mountain, Mich.: PEMBINE MAN RAKES PROPOSED TRANS-ALASKA PIPELINE PLANS

Kenneth Quade, resident of the Pembine area, is an active conservationist with a deep interest in Alaska, a land in which he has traveled for 17 years.

Quade spent over 200 hours studying the environmental impact statement on the proposed trans-Alaska oil pipeline and has developed a number of strong opposing views on the project.

Quade's opinions are expressed in the following article submitted for publication in The Iron Mountain News:

"The final environmental impact statement on the proposed trans-Alaska pipeline is a documented report on how to systematically abuse nature and destroy a wilderness. Only in a society such as ours that is shock-proof to violence—whether it be against nature or man—could such a report be tolerated.

"Only in a society such as ours, where the tangibles like affluence, gross national product, economic growth and a high standard of living are more important than the intangibles of life, is it welcomed. Only in a nation such as ours which is becoming devoid of ethics, principles, conscience, responsibility, and where its people are consumers instead of citizens, would it be accepted.

"The construction of the trans-Alaska pipeline may be the coup de grace that will finally convince the rest of the world we are no longer a civilized nation.

"It is possible that within 25 years after the construction of the pipeline, 50,000 square miles will be devastated by erosion and oil spills.

"The erosion resulting from the thawing of the permafrost will have a domino effect on the surrounding terrain. But it appears the government is only concerned about the domino effect when it deals with communism, not the environment. We are playing ecological Russian roulette just to appease profits and materialism.

"With sophisticated and insensitive nonchalance the impact statement lists some of the probable ecological damage that could occur: Maximum possible spills of 90,000 barrels north of the Yukon River. A chronic low level average oil spill of 20 barrels per day in the port of Valdez at the loading terminal which would eventually destroy the sport and commercial fishing of the Prince William Sound area. Up to 140,000 barrels per year spilled along the West Coast due to collisions. The unknown effect of what large oil spills will do when they are trapped under the ice of the Arctic Ocean.

"But the real horror of the impact statement was not what was revealed, but what was suppressed. Nothing was revealed as to permafrost damage already documented. When it dealt with unknowns it assured the reader that Alyeska Pipeline—the company that will build and maintain the trans-Alaska pipeline—knew how to deal with them.

"What they meant to say was that it is a case of trial and error and Alaska will be the guinea pig.



"In the nine volumes of the impact statement, only a few pages are devoted to the importance of wilderness areas. Are we to believe then, that the tranquilizing effects of the wilderness can now be substituted for by little white pills or poured from bottles and cans?"

"In one volume of the impact statement, the Alyeska Pipeline Co. makes the ridiculous statement that it would save only endangered species in case of an oil spill. Can you imagine 10,000 birds covered with oil and having people checking them over looking only for endangered species?"

"In another volume, Alyeska gave its elaborate plans on how it will contain an oil spill and then remove the oil. No mention was made on the adverse weather conditions in that part of North America. Yet in another volume of the impact statement, the Environmental Protection Agency states that even under favorable conditions less than five per cent of an oil spill is ever recovered.

"But the pipeline will be built. The tyranny of oil has become so powerful that the government has become nothing but a puppet in its hands.

"And then there is the economic arrogance of the America people. When they want their goodies they will have their goodies no matter what the consequences may be. What chance is there to save the caribou and clear mountain streams when Americans are willing to send their sons to die and be wounded in wars that never end in order to have prosperity? The hypocrisy is stifling. Is the silent majority really silent out of virtue?"

"Much of history is nothing more than recording the follies of the crowd. When will greed result in the folly to end all follies?"

#### SEXISM LIVES IN THE PRESS BOX

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mrs. ABZUG. Mr. Speaker, everyone saw how many women were delegates and alternates to the Democratic Convention. Everyone who watched TV or read the newspapers heard about the position women held on things like the South Carolina challenge, the reproductive freedom minority plank and the candidacy of Sissy Farenthold of Texas for the vice-presidential nomination. Everyone learned of these things through the media. But what would happen if we turned the cameras around and looked at the media? What would happen if we all became reporters and interviewed those people who had the press badges on. What would happen is that we would see almost no women. To give you some idea about what it was like for women journalists at the convention I am including an article from the Boston Globe. I urge you all to read it:

#### SEXISM LIVES IN PRESS BOX

(By Ellen Goodman)

MIAMI BEACH.—If you stood on the floor between the VIP Box and the Massachusetts delegation, you could see the issue clearly.

Out there, in the uncomfortable chairs reserved for the President-makers were women, women in numbers, 40 for every hundred delegates, enough certainly to make a difference.

And behind you, in the Press Box tiers that crowded upwards, solid rows of men, sprinkled occasionally with a woman.

Women journalists have had no McGovern reform lines, you see. No one has told the editors they must include a "fair representation" of women in their delegations or face unseating. There was not a single challenge to the Washington Post delegation or the New York Times delegation, or, indeed, The Boston Globe delegation.

Out of the 7500 wearing media tags around their necks, less than 1000 were female, and most of these were go-for girls for the networks or executive editors' secretaries. There were probably no more than 100 from the daily press, the rest being from magazines, especially women's magazines.

For example, there were, to my knowledge, only three women reporters from the Associated Press national staff of more than 50 from New York and Washington. UPI was no better. I saw only one female byline in the New York Times, another on the Knight newspaper wire, two in the Washington Post.

You keep seeing them at the same places, Franc Lewine of AP, Helen Thomas of UPI, Nan Robertson of the New York Times, Myra McPherson of the Washington Post, Vera Glazer of Knight newspapers, Isabelle Shelton of the Washington Star.

You keep seeing them in the same places because of course they were covering the same things. They were covering the women's delegates, women's caucus and women's issues. I met only one woman who was covering the convention as her paper's (St. Paul Dispatch) chief political writer.

As one Washington wire service reporter said, "They must have thought this was unimportant enough to leave to us. Either that or there is something indelibly marked that says women's issue equals women reporter."

(Because all the reporters were talking as colleagues, rather than interviewees, they will be nameless.)

The "women's issues,"—the very presence of women, their commitments to the sex-bias challenges of South Carolina and Illinois, their fight for the minority plank on abortion, their allegiance vote on sex lines for Texas' Sissy Farenthold for Vice President—turned out to be one of the biggest stories of the week in Miami.

With the exception of the always chauvinistic New York Times, almost all the major papers played the abortion fight or the women's women delegate's story on page one at some time during the week.

At the first women's caucus meeting, Gloria Steinem reminded the women reporters that for the first time they would have something to report on besides parties and candidate's wives.

But, by Wednesday night when the credentials and the platform fights had been settled and the big story was the nominee, what happened to the women journalists?

In an incredible schizophrenic moment, most of the cream of the female crop of newspaperwomen, particularly from the wires, were sent off to take turns interviewing Eleanor McGovern. The wire service women who had expected it were still in revolt, at least among themselves.

"For openers, I've been working all week, while half of the staff hasn't gotten one thing on the wire. Why for once couldn't they send a man? Are they afraid they couldn't tell what color dress she had on?" said one veteran.

"It's too much. All week you listen to women saying, 'equality.' You listen to women talking about how they got to be delegates in their own right, not as wives, not as daughters, but as politicians. You report that. Then, for crissakes they send you out to report on the women who's only claim to fame is a good marriage," said another.

"It's simple. If I write another story about

a wife of a president, I'm going to throw up. Do you know I've written Eleanor McGovern three times. I've asked her "How does it feel to be a senator's wife? How does it feel to be a candidate's wife? Now I have to ask her how does it feel to be a nominee's wife?" This from another Washington White House reporter.

The editors? The editors were following tradition, just as the Democrats were in 1968. The editors, logically, were sending their top political reporters to Miami who just happen to be male. Just as the Democrats sent their top political people in 1968.

But in 1968 the Democrats saw that under-represented delegations were a barrier to a democratic system. What's more, they were forced to respond to pressure from below.

It took six months to educate many of the new delegates on how to get to Miami and what to do when they got there.

I think it would take less for the woman journalists.

As the women revolutionized the convention they might revolutionize the coverage of that convention. Or at least have input into that coverage.

Of course, they have been kept apart and tokenized into silence. One woman reporter from Washington was actually conned into believing that she was competing not with the whole staff but with the only other woman from her paper for stories. She woke up to that in Miami Beach which was as much a convention for journalists as for Democrats.

There are no McGovern guidelines for the Republican convention or even for 1972. But the pressure from below is building up. There is something too hypocritical, even for the media, to report glowingly of the New Convention democratized, and feminized, from the solid male rows of the press box.

#### LOU RANDELL NAMED OUTSTANDING GALLERY DOORMAN OF THE YEAR FOR THE U.S. HOUSE OF REPRESENTATIVES DOORMEN'S SOCIETY

### HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ADDABBO. Mr. Speaker, it is always a great honor to be selected for an award by your peers. Recently Lou Randell was given the distinction of being the Gallery Doorman of the Year. Lou has had a long and successful career working on Capitol Hill.

Lou first came to the Hill in 1940 as a secretary to a Congressman. He then shifted to the House door, next to the postal office, and then on the door in 1962.

Lou's work at the Capitol has spanned the leadership of Speaker Rayburn, Speaker McCormack, and Speaker ALBERT.

When asked what one important event was treasured in his thoughts from his long tenure on the Hill he replied—

In 1943 I was co-chairman of the only Easter sunrise Service held on Capitol hill, and it was really beautiful.

I am proud of the recognition that has been bestowed on Lou, and I take this opportunity to call attention of my colleagues to his work as doorman in the U.S. House of Representatives gallery.

## CHARITY BEGINS AT HOME

## HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. GAYDOS. Mr. Speaker, the ultimate travesty of our giveaway policies now comes in the proposal of the International Economic Policy Association, a privately financed research organization, that we scattered abroad in order to meet our urgent domestic needs.

The association, which has made a study of these needs, suggests, according to the Associated Press, the creation of a "U.S. Public Development Corporation" to make long-term borrowings of excess dollars now in the coffers of Europeans and, in turn, to ladle them out to our States and municipalities so that they can undertake such urgent projects as urban development, housing, schools, transportation, sewage treatment, and so forth.

The AP quotes from the association's treatise:

Interest rates (to be paid the Europeans) would approximate those of tax-exempt bonds. The U.S. government would pay the difference between interest received from local governments and that paid out.

How did the Europeans get those U.S. dollars that we now need so badly at home that a prestigious economic study organization would find itself in a position to make such a recommendation? Millions of them reached the European stockpile in the form of "foreign aid" handouts—the giveaways with "no strings attached" of the postwar era. There were millions unused and stored up in European banks and public treasuries, so many of them in fact that they have acquired a name of their own, "Euro-dollars."

The other "excess" dollars in the hands of Europeans are the result of the balance of payments which has been allowed to run against us—billions which the Europeans have reaped while the U.S. taxpayer has carried the heavy load of NATO, kept costly American troops stationed in Europe to defend the Europeans if such became necessary, and, in many other ways, played patsy not only to Europe but to the entire free world.

Meanwhile, as we tossed away our billions in excess of any need, as is now proved by the surplus of U.S. dollars overseas, we were compelled to neglect, because of their high costs, the normal requirements of an aging and growing nation. Our cities were left unattended. Our highways were kept inadequate to the demand upon them. Our housing, school, and hospital building programs, to say nothing of needed antipollution measures, were allowed to fall behind because we had not the money to pay for them. What we could have done for our country over the last two decades with only a part of those tax dollars which we showered on others.

And now we have a proposal, made seriously by a highly serious economic research group, that we borrow back some of those gift dollars which have been

piled up by Europeans so we can finance solutions to our home front crises. Has history ever recorded a greater irony for any nation? I doubt it. And the irony is even more severe since the House recently passed a \$4.2 billion bill for further foreign aid and related spending—a \$1 billion increase over the one voted last year, and even at that, almost \$1 billion—or \$967.9 million to be exact—under what President Nixon requested.

When will this be stopped? I have consistently voted against this massive foreign aid handout and will continue to do so as long as we continue to ignore our unmet pressing domestic needs. Charity still begins at home.

## A TRIBUTE TO WILLIAM FITTS RYAN

## HON. JOHN BRADEMÁS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. BRADEMÁS. Mr. Speaker, yesterday the House of Representatives passed a bill to create the Gateway National Seashore in the States of New York and New Jersey. This park will be named in honor of our late colleague from New York, William Fitts Ryan.

Bill Ryan was one of the original sponsors of this measure, and it was due to his effective leadership and tireless energy that this legislation has now been approved. It is, therefore, most appropriate that this urban recreational center be named in Bill Ryan's honor.

Bill Ryan was loved and respected by both his colleagues here in Congress and by the people of his district.

We are all familiar with his record in Congress and his efforts with respect to legislation to improve the quality of life for all Americans.

His relationship with the people in his district was unique and I would like to share with you impressions of that relationship that appeared recently in the Village Voice. Jack Newfield accompanied Bill Ryan on a walk through his district and the following is Newfield's account of that walk:

In June I walked the length of his district with him, and watched the love remain constant as the neighborhoods changed. The people coming out of nice homes in Riverdale to wave and say hello, and the Irish in Inwood greeting him with warmth and comradeship, and then the blacks in Harlem remembering everything he did before civil rights became fashionable, and everything he did after blacks became unfashionable. Around Columbia and on the West Side Ryan was mobbed as if he were giving out free bagels from Zabar's. And then into Hell's Kitchen and Chelsea, where the white poor and the Puerto Ricans stopped their street games to cheer Ryan on.

On Monday morning, the bent old people sitting on the benches of Broadway shared their memories of Ryan, and in Congress his colleagues made speeches about how far ahead of his time Ryan was.

Mr. Speaker, Bill Ryan was a rare individual, and I am pleased that the Gateway National Seashore, for which he worked so intensely, will be a lasting memorial in his honor.

Like my colleagues in Congress, I am proud to have known Bill Ryan and to have served with him.

## THE FEDERAL-AID HIGHWAY ACT OF 1972

## HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. GUDE. Mr. Speaker, as our colleagues are well aware, the House Public Works Committee has filed its report on H.R. 16656, the Federal-Aid Highway Act of 1972, and we shall shortly be taking the bill up for consideration.

Section 139 of H.R. 16656 states that no court shall have any power to "in any way impede, delay, or halt" construction of the Three Sisters Bridge, to be built across the Potomac River between the District of Columbia and Virginia. This section further would remove from the courts any jurisdiction over any action—or inaction—on the part of any government, be it the Federal Government, the District of Columbia government, or a local government, relating to this project.

Approval of this section of the bill would, in my opinion and in that of many of our colleagues, totally subvert the purposes of the National Environmental Policy Act of 1969, which provides for complete environmental review of any such project, and would additionally set a very poor precedent for other Federal projects. I and many colleagues are strongly opposed to efforts of this nature to remove this, or any other similar project, from the full review called for by NEPA, and when the measure does come before the House, our colleague, BROCK ADAMS, and I and others plan to offer the appropriate amendment to delete this section.

The question here is not whether this bridge should be built. I have stated my position in favor of this bridge as part of the highway plan for the metropolitan area of Washington adopted by the National Capital Planning Commission.

The question, very clearly put, is whether or not the Congress meant what it did in approving NEPA in 1969—an action which has enjoyed broad public support. As a matter of policy, I am convinced that an exemption—for whatever project, and for whatever reasons—to the requirements of NEPA would constitute a broadside attack on all that careful environmental study and review can and has accomplished.

Our colleague, the Honorable JOHN DINGELL, has already been joined by me and others in writing each Member on a related matter concerning the San Antonio North Expressway. In this instance too, section 113 of the bill attempts to undo all the work that has gone on under NEPA. These are clearly related issues which should be considered within the same context—Do we wish to allow these specific project exemptions to the Environmental Policy Act? I believe that we should not.

In his report to the chairman of the



Public Works Committee, Secretary of Transportation Volpe voiced his Department's opposition to section 139 of the bill. Secretary Volpe stated:

#### THREE SISTERS BRIDGE

Section 139 of H.R. 16656 would withdraw the authority of the courts to issue any order or take any action which would in any way impede, delay or halt construction of the Three Sisters Bridge. In addition, any approval, determination or other action, taken by the Secretary of Transportation, or the head of any other agency of the Federal or District of Columbia governments, in constructing the Three Sisters Bridge, would not be reviewable in any court.

As a general rule, we believe that the exemption of Federal-aid projects on a case-by-case basis from the requirements of Federal laws and regulations and the restriction of the authority of the courts are not desirable. Moreover, if the purpose of section 139 is to expedite the processing of the Three Sisters Bridge project, it is our opinion that it does not achieve that purpose. Because the provision is prospective, it would leave the existing court order standing. The Department's General Counsel has advised that processing the Three Sisters Bridge without complying with the existing court order may lead to contempt proceedings against the Secretary of Transportation.

We also would oppose any provision mandating the processing of the project and construction of the Three Sisters Bridge without compliance with Federal statutory provisions. The Department consistently has maintained that the Federal highway statutes, specifically section 103 of title 23, vest the States with the responsibility for initiating, planning and executing highway projects. Any proposal to remove these functions from the District of Columbia and the State of Virginia would supersede local initiative and responsibility and create a precedent for similar action with respect to highway controversies in the several States.

There can be no question as to the intent of section 139. Many of us believe it would be a great error to approve of this precedent-setting language, and shall work for its deletion.

#### THE UNSAFE SCHOOLBUS

#### HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ALEXANDER. Mr. Speaker, daily millions of American children are on the road in schoolbuses. Parents trustingly watch their offspring board a bus morning after morning with little thought as to the safety of such a vehicle. However, recently a study of the National Transportation Safety Board has found certain weaknesses in the structure of the schoolbus body involved in a New York crash which killed five. As a recent editorial in the Washington Post pointed out, we do not need new, improved technology to correct these weaknesses. All that's needed, in fact, are more rivets. I was pleased to note that an Arkansas firm, the Ward School Bus Manufacturing Co., has taken the lead in producing these safer buses. Hopefully more companies can be persuaded to follow suit.

I would like to share with you now

that Post editorial which gives us all something to think about and to work toward:

#### THE UNSAFE SCHOOL BUSES

It has been known for some time that school buses are high risk vehicles—more dangerous than the automobile, if that can be imagined—but public attention mostly comes following a crash, not in the quiet period long after. Plenty of crashes have occurred in recent years, from the Congers, New York, accident last March that killed five to the Gunnison, Colorado, crash where nine died in September 1971. Last week, the National Transportation Safety Board, an advisory group of the Department of Transportation, issued a valuable report on the flawed design of American school buses. Referring to the New York crash, the board said it "tentatively concluded that the gross disintegration of the school bus body was made possible by widespread failure of the school bus body at the joints." In other words, the bus was fastened together by relatively few rivets and easily came apart at impact. The board said that this weakness, and others commonly found in school buses "must be eliminated as quickly as possible."

Calls for action are now almost routine regarding school bus safety; but then the dust settles and the vehicles keep rolling along. What is most alarming is not so much that the hazardous conditions persist but that the technology to correct many of them is available. Ward School Bus Manufacturing, an Arkansas firm, for example, is now producing a body with thousands more rivets than found in standard models. The cost for this safety feature rises \$390, but in proportion to the \$9,000 or \$10,000 regular price of a bus the extra sum is hardly overwhelming.

Unlike private cars and commercial buses in which passengers are paying for the transportation and accept the risks inherent to the ride, children in school buses are at the mercy of what authorities give them. Thirty-one children were killed within school buses in 1971 and potential for even greater tragedy is ever present. The Department of Transportation has made some worthy efforts to protect the 19 million school bus riders, but with low funding for its safety agency it must give priority to decreasing the dangers of automobiles. In Congress, Rep. Les Aspin (D-Wis.) has introduced a school bus safety bill that now has 80 co-sponsors; it is expected to go nowhere this session. Over-all, a strange kind of inertia is present. No one is lobbying against school bus safety, no controversy is involved—go to the other busing issue for that—and the cost is small.

Until the advice of such groups as the National Transportation Safety Board is taken and the legislation of Mr. Aspin is passed, the crashes are likely to continue. Instead of preventive technology—how complex is a rivet job?—authorities apparently prefer to depend on luck to protect the children. Luck and school buses, though, are grimly similar: both easily give out.

#### MAN'S INHUMANITY TO MAN— HOW LONG?

#### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadisti-

cally practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

#### GET THE UNITED STATES OUT OF THE U.N.—I

#### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. SCHMITZ. Mr. Speaker, Thomas Jefferson said:

Single acts of tyranny may be ascribed to the accidental opinion of a day; but a series of oppressions, begun at a distinguished period, and pursued unalterably through every change of ministers, too plainly prove a deliberate systematical plan of reducing us to slavery.

People all over America have been wondering for many years now what lies behind the continuing trend toward bigger and bigger government—from local to State, from State to Federal, from Federal to international—combined with the virtual paralysis of our Government in carrying on foreign conflicts which has resulted in two major no-win wars. Since Korea and Vietnam there are over a hundred thousand Americans who can no longer ask those questions, because they made the supreme sacrifice, giving their lives—as they believed—in defense of freedom. But the internationalists who dominated our foreign and military policy during both conflicts are not interested in freedom, but rather in extending the power of government ruled by them, over the entire earth.

I was made more vividly aware than ever of the betrayal of America's finest when a letter written to Life magazine by a Green Beret medic, M. Sgt. John Dryden, came into my hands a few months ago. Life, which like the U.N. and no-win wars, did not see fit to publish it, I do.

Sergeant Dryden said:

I am planning to marry a very lovely lady from Latvia. Where is Latvia? It doesn't exist any more. Since it was occupied in 1941 by troops of Communist Russia, it has not even the dignity of being a Communist satellite. It is now a very small, insignificant state of Russia proper. Latvia, as an entity, has ceased to exist. But of course in this enlightened age such things can no longer happen. My love would like to know why no one is interested that her country was swallowed in one gulp by the most voracious appetite the world has ever known. I would like to know too.

It seems, as Sergeant Dryden suggests, that this "enlightened age" needs a little enlightenment. It is to Sergeant Dryden, the Green Beret who spent more than his share of time in the jungle hells of Southeast Asia seeing Communist horror firsthand, and the thousands like him in all the Armed Forces, that I dedicate this three-part series in my newsletter keyed to the message I am resolved to bring to the American people: Get the United States out of the United Nations.

It was Rockefeller money that in 1945 gave us that monster building in New York that not only pollutes the East River, but everyone in America who still puts trust in it. It is your tax money that sustains it now, paying a minimum of one-third of its annual bill.

Despite what the American people have been told so many times, by our California U.S. Senators for example, the purpose of the United Nations is world government, plain and simple. It is the same world government that Lenin called the United States of the World, that Karl Marx called for when he spoke of the eventual establishment of a single world Socialist state. And this is the idea and the goal which is really meant when President Nixon speaks of a "new world order" and when HUBERT HUMPHREY speaks of the brotherhood of nations.

Let us consider the history of this United Nations where God knocked on the door in 1945 and was rejected forever. It was identified Communist Alger Hiss who was the first Secretary General—temporary—from America and its primary organizer. Every one of the 16 men listed in the State Department volume, "Postwar Foreign Policy Preparation, 1939-45" as principal U.S. Government planners for the United Nations has been identified in sworn testimony as a Communist. So from the very start we have had persons running the United Nations who do not believe in the sovereignty of the United States, spied for Russia, and are aiming at a one-world Socialist government.

To bring this up to date we need only refer to Progress, Co-Existence and Intellectual Freedom by Russian Communist Andrei Sakharov which became a Book-of-the-Month Club selection in America. Our present Commissar of Foreign Affairs, Henry Kissinger, said that this book is one of the most important documents on Communist policy to appear in recent years. Comrade Sakharov states in his book that peace and freedom will come through "the diversion by 1990 of the economics of the converged social systems of the U.S.S.R. into massive aid for the third world and the emergence in 2000 of world government." That means in plain English that the "new world order" which President Nixon and Mr. Kissinger are pursuing can only come based on socialism.

#### NAVY DAY

### HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. BEGICH. Mr. Speaker, 1 day in October is set aside each year for the national observance of Navy Day. This year, October 13 has been designated Navy Day and the entire month of October will be proclaimed Navy Recruiting Month.

During this time, the people of this great Nation will have the opportunity

to honor and give recognition to the achievements of the heroic men and women—living and dead—all over the world who have served this Nation in the U.S. Navy.

I join with my colleagues in honoring these dedicated men and women.

#### PENAL REFORM

### HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. STUCKEY. Mr. Speaker, in order that the voice of a fellow Georgian may be heard on the subject of penal reform, I submit for the RECORD the following concerning Mr. William E. Laite, Jr., a former Georgia legislator and businessman.

The article follows:

#### PENAL REFORM

Can it happen to you? By virtue of our government-regulated, complex society, is every man, woman and child who walks the street a potential candidate for the penitentiary? What is the future of our penal system?

Chief Justice Burger pointed out in a speech in Atlanta, Georgia, in April of this year: "When a sheriff or a marshal takes a man from a courthouse in a prison van and transports him to confinement for two or three years, this is our act. We have tolled the bell for him. And whether we like it or not, we have made him our collective responsibility. We are free to do something about him; he is not."

Mr. William E. Laite, Jr., a former Georgia legislator and businessman has authored a book entitled *United States vs. William Laite*, published by Acropolis Books, Washington, D.C. which points out that business risks in today's private enterprise system are not restricted to capital risk alone but also to criminal risk. The average businessman or citizen cannot afford a stable of attorneys to advise him or "keep him legal." If he can afford such legal aid, he relies upon the legal advice. If the legal advice is wrong, he goes to jail, not the attorney. The mistakes of medical doctors are in the cemetery and the mistakes of lawyers are in the prison.

Mr. Laite points up some innovations with regard to penal reform and recently suggested the swap of federal and state prisoners in this country for our POW's in Hanoi. He suggests we seek volunteer prisoners and send them to Hanoi and in return gain our POW's. Prisoners in our system who have long-term sentences and have no hope for the future would be ideal prospects. Our prison population has already demonstrated in many medical ways their desire and willingness to offer their help. I am sure there will be many to volunteer.

As Ben H. Bagdikian, assistant managing editor, *Washington Post*, said in his review of Laite's book: "It's all there, as in past, books by convicts, in journalistic accounts, in reports of commissions, in testimony, in private admissions by prison officials... the rapes, the bribery and exploitation among inmates, the degradation of prisoners, the lack of interest of prison staffs, the double talk of correctional administrators about 'rehabilitation.'"

Review of *Progress-Bulletin*, Pomona, California, article entitled "America Not Land of Free, Just: Ex-Solon": "What stays with you after reading this account of how the govern-

ment will get its man is not just the horrors of prison life foisted on the ordinary citizen, nor the length the feds will go in order to prove a point, but that if it can happen to a state legislator, it can surely happen to you. He was exonerated by a grand jury, but a second grand jury returned an indictment. He was given a one year and one day sentence in the federal prison. There is a graphic account of Laite's stay in the Tarrant County Jail in Ft. Worth, Texas, in constant fear of his life from other convicts, and his life at Eglin prison until his parole. What is closer to home is the long arm of the government which pervades the life of every resident and of the citizen of influence and means who can bend that arm to do his bidding in secrecy."

*Publishers Weekly*: "It is Laite's unusual background and personality that makes his impassioned account of his ordeal in prison so forceful an indictment of prison conditions; his eloquent portrayal of his personal shock and even terror in the brutal, venal and degrading prison world that makes his book a moving document."

*The Sunday Star & Daily News*, Washington, D.C., Marjorie Holmes: "My God, this is for real! Don't read this unless you want to know what really happens in prisons. Do read it if you want to know what can happen, not only to the average citizen, but also a state representative hounded and convicted of a labor law. Bill Laite has now dedicated his life to prison reform. His impassioned story of his experience should be must reading for every concerned American."

*United States vs. William Laite*: Meaningful Reform Concepts: 1. Uniform sentencing with quick and swift justice so that society can immediately have its pound of flesh and so that the offender serves his sentence while he can still remember what the crime was.

2. A complete reversal of the dehumanizing of inmates; this process unfortunately also dehumanizes the prison authorities. It helps no one and is probably one of the prime factors involved in recidivism.

3. Breaking up a man's family only means more people on welfare, more confused and damaged children who are unable to escape the cycle and, indeed, perpetuates the very thing that prisons are designed to correct. The most important link in rehabilitation is the man's family. Provide furlough.

4. In civil cases the loser pays all court costs. This should apply to criminal cases. When defendant is found not guilty, the government should bear the burden of legal cost. Under our present method even when a man wins, he loses, for he is bankrupt.

5. Pre-sentencing reports on each defendant should be furnished to the defendant and his attorney by statute prior to sentencing to clear up distortions or inaccuracies.

6. When a parole is denied there should be a reason for denial.

7. Establishment of a voluntary military assignment similar to the French Foreign Legion for prisoners to serve their time defending our country instead of sending our young law-abiding citizens.

8. Establish tax incentives to encourage business and industry to employ the ex-offender.

9. Greater flexibility in sentencing where an inmate can adopt a hopeful attitude in working his way out of prison by contract in successfully performing certain requirements; then, release.

10. Remove Bureau of Prisons from the Department of Justice. It should be under the Department of Health, Education and Welfare. The judge, prosecutor, prison officials and parole officers are all on the same team. They all have the same concept and that is to lock you up.

11. Mandatory segregation of prisoners by age and type of offense.



12. Outsiders must be pressed into service to visit inside jails and prisons.

13. Every law student should be required to intern in jail and prison just like a doctor interns in a hospital. Lawyers spend their life-times working in the civil and criminal justice system but know little or nothing about jails and prisons. Lawyers become prosecutors and prosecutors become judges.

W. E. (Bill) Laite, Jr. is presently employed with the Georgia Department of Offender Rehabilitation. In addition to his duties with the State of Georgia, he is working on his masters degree at the University of Georgia in Criminal Justice, funded by LEAA.

#### THE 25TH ANNIVERSARY OF THE U.S. AIR FORCE

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ANDERSON of California. Mr. Speaker, on September 17, I had the privilege and pleasure of being a guest at an exhibition marking the 25th anniversary of the U.S. Air Force conducted at Andrews Air Force Base. During the 2 days of this impressive event, some 70,000 visitors viewed a sampling of our Nation's aerospace skill, and technology—an important part of the world's greatest deterrent force and the best insurance policy we have for world peace.

#### CALIFORNIA'S CONTRIBUTION

I am especially proud of the role played in the weekend observance—and, indeed, throughout the last quarter century—by my fellow Californians in the creation and maintenance of American airpower.

California has long been the home of many of the country's leading manufacturers of military and commercial aircraft. A number of the 44 planes which participated in the flyover were either built in California or contain equipment, or components produced by Californians who are, indeed, a national asset in the field of advanced technology.

I would like to say a special word in recognition of several participants who came from California for this dramatic silver anniversary observance.

Aircraft from two California installations participated in the flying activities and display. The units and men who helped give us this outstanding airshow, Mr. Speaker, were the following: From the 84th Fighter Interceptor Squadron at Hamilton AFB, near San Francisco, five F-106 aircraft built by General Dynamics in San Diego were flown by Lt. Col. W. J. George, Capt. D. J. Satterfield, Capt. G. D. Shepard, Capt. C. A. Banachonski, and Lt. G. C. Lovaas.

From the 1st Strategic Reconnaissance Wing at Beale AFB near Sacramento, two SR-71 aircraft, built by the Lockheed Aircraft Co. in Los Angeles, were on hand.

The SR-71 in the flyover was flown by Maj. Carroll Gunther and Capt. Thomas Allocca. Its sister aircraft on display throughout the day was flown here by Maj. R. C. Rice and Capt. R. B. Hertzog; the wing's project officer for the occasion from Beale AFB was Lt. Col. Anthony Bevacqua.

#### THE THUNDERBIRDS

Two of the five pilots who comprise the celebrated Air Force Thunderbirds, the precision aerial demonstration team, hail from California.

A highlight of the program was the marvelous performance by their leader, Lt. Col. Thomas Swalm of San Diego, and Capt. Steve Dwelle of Visalia and their colleagues, flying the team's F-4 Phantom jets.

It was a job well done and sure to be long remembered.

Other dedicated members of the Air Force are also performing their duties during this anniversary, far grimmer duty than the occasion marked here and at other installations.

Combat units of the Air Force received an anniversary message from their commander which also pointed to an underlying significance of this Air Force birthday. Gen. John W. Vogt, commander of the 7th Air Force in Vietnam, said to members of his command in that message:

I know of none finer than you who serve in Southeast Asia today. I know because I work with you; I see the results of your labors. I share your long hours and deeply felt hope that our efforts will help bring this conflict to a swift and successful end. There are many whose hours seem endless and, God willing, their hopes are still alive. We cannot and must not forget them in our hours of celebration.

Mr. Speaker, those of us from California are proud of our role in aerospace, and especially of those men and women who have brought us to the forefront of this industry. In addition, we are especially proud of the many Californians who serve so ably and so well in our military services. It is a tribute to their skill, dedication to duty, and pride in accomplishment that we signify the 25th anniversary of the U.S. Air Force—a living example of our ability to meet the challenges to freedom of the past and of the future.

#### INTEREST ON HOMEOWNERS' TAX ESCROW ACCOUNTS

### HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mrs. SULLIVAN. Mr. Speaker, one of the most frequent complaints by consumers who are making monthly payments on the mortgages on their homes concerns the escrow accounts they are forced to maintain with the lender to assure payment when due of taxes and insurance. Generally, no interest is paid to the homeowner on these accounts, although the lender is usually free to invest the funds in interest-bearing investments for his own benefit.

For a number of years, I have been trying to get from the FHA, the VA, and the Federal Home Loan Bank Board information on the degree to which lenders are dependent upon income from these escrow accounts in order to handle the costs of paying the taxes and insurance when due. In the absence of any

definitive word on this issue from the agencies directly involved, we have written into the housing bill recently reported by the Committee on Banking and Currency, H.R. 16704, a provision, section 914, for a study by the Federal Reserve Board of the feasibility of requiring interest to be paid on such accounts. The Federal Reserve Board is to assess, among other things, the cost to lenders of maintaining the accounts; the profits made or losses sustained, if any; estimates of the amounts actually held in escrow and for what purposes in connection with residential mortgages; the extent to which foreclosures occur because of lack of such escrow accounts; the value of these accounts to the State and local taxing authorities, and so forth.

#### SOME MORTGAGE LENDERS ALREADY PAYING INTEREST ON ESCROW ACCOUNTS

As mentioned in my supplementary views in House Report No. 92-1429 accompanying H.R. 16704, some mortgage lenders now pay interest on their tax and insurance escrow accounts, as do some real estate operators on the security deposits they require from tenants. Examples given in the report included the following:

The Dade Federal Savings and Loan Association (Dade County, Florida), a large savings and loan with \$434 million in deposits, is paying 3 percent on the average daily balance on escrow accounts.

The Security National Bank, Walnut Creek, California, pays an effective annual interest rate of 4 percent on its escrow accounts.

Several Washington, D.C. savings and loan associations, defendants in a class action suit filed to require escrow accounts to be interest bearing, have made an out-of-court settlement, subject to court approval, agreeing to make these accounts interest bearing at half the rate applied to regular passbook savings accounts.

A number of similar suits are pending elsewhere in the Nation and it is likely that many of these will also end in agreements to pay interest on escrow accounts.

Routh Robbins Realtors, one of metropolitan Washington's largest real estate management firms with transactions totaling more than \$120 million in 1971, has agreed to pay 3 percent interest on security deposits required of tenants—a situation which is similar to escrow accounts required of mortgage lenders.

The agreement reflects the fact that Routh Robbins recognizes that some of the income earned by these funds, which the firm until now has invested solely for its own benefit, should be paid to the owners of the funds.

New York State landlords with six or more apartments are required by state law to pay interest on security deposits demanded of tenants.

#### NEW REPUBLIC EDITORIAL REPRINTED IN ST. LOUIS POST-DISPATCH

I made two efforts, Mr. Speaker, to amend H.R. 16704 in committee to require some payment of interest on escrow accounts. One amendment would have set the rate on sliding scale keyed to one-half of 1 percent below the discount rate charged by Federal Reserve banks in their respective areas. When this failed, I offered as an amendment the text of a bill which had been introduced by 25 or more Members of the House to set a specific rate. That, too, was rejected.

Mr. Speaker, while the Federal Reserve

Board study we have called for in H.R. 16704 might well be useful in establishing the facts about mortgage company profits—or losses, if any—in the maintenance of escrow accounts for their mortgage borrowers for taxes and insurance, there is certainly adequate evidence that hundreds of millions of dollars of homeowners' funds are tied up in this system without any financial benefit to them except in the instances where mortgage company voluntarily pays interest on these funds.

Under the heading "Bank Bonanza," the St. Louis Post-Dispatch carried an article discussing this issue in its "Mirror of Public Opinion" column on the editorial page on Friday. The article, consisting of the text of an editorial which recently appeared in the New Republic magazine, will be of interest, I am sure, to the many Members of the House who have sponsored legislation on this issue, and to all Members who have received complaints from home buying constituents about the unfairness of not receiving interest on their escrow accounts.

The article referred to is as follows:

[From the St. Louis Post-Dispatch,  
Sept. 22, 1972]

#### BANK BONANZA

If you are a homeowner stuck with a mortgage, chances are you're also saddled with a hidden subsidy to your bank.

Millions of homeowners make monthly payments for local property taxes along with their regular mortgage payments. Banks and savings and loan associations place these tax payments into escrow accounts, and turn them over to local governments once or twice a year, depending on state law. Meantime, they loan out their escrow funds at interest, but pay no interest to the depositor-homeowner. To make matters worse, local governments must often borrow from banks—at interest—while waiting for their bank-held taxes to come in.

A recent study by the Citizens Action Group, a community organization in Chicago, calculated that Cook County banks and savings and loan associations get free use of about \$200,000,000 annually from property-tax escrow accounts. At the same time, Cook County in 1970 paid \$37,500,000 in interest on short-term loans for working cash, called "tax anticipation warrants."

The crowning irony is that the banks' profits from tax anticipation warrants are tax free, since the warrants are a form of tax-exempt local government bonds.

How much does this cost the average homeowner? The House Banking and Currency Committee staff estimates that if banks invest their property-tax escrow funds at 4 per cent, the average family loses about \$800 over the life of a 30-year mortgage (the exact amount depends on local property tax rates and the value of the property involved). Actually, the loss is probably greater, since many banks come along their property-tax funds with their general lending funds, which can earn 7 per cent or more.

And the homeowner pays again at the other end of the cycle, when his taxes are raised to pay interest on working cash his local government must borrow.

These hidden subsidies may constitute a violation of the federal truth in lending law, which requires financial institutions to state unobscurely the true rate of interest being charged to borrowers. If a bank states it is charging a homeowner 8 percent, but then collects from him an additional interest-free loan every month, the effective rate of interest is higher than 8 percent. Law suits currently pending in several states alleged

that the property-tax escrow system is illegal on these and other grounds.

Meanwhile, Representatives Wright Patman (Dem.), Texas, and Leonor K. Sullivan (Dem.), Missouri, are seeking to end the practice through federal legislation, and officials in several states are pushing for monthly tax payments directly to local governments.

#### CLEARCUTTING AND OVERCUTTING

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. FRASER. Mr. Speaker, much attention has been given to clearcutting on public lands. There seems to be less concern over the larger problem of overcutting national forests.

The following two timber industry advertisements recently appeared in national magazines and have been the subject of analyses in the July 8 and 22 issues of Environmental Action. The July 22 analysis is also printed below:

#### "I'M CLEARCUTTING TO SAVE THE FOREST"

When I go into an area and cut down all the trees, some people don't understand why. They want to know why I have to cut *all* the trees, why I have to take something so beautiful and leave something so ugly in its place.

What many people don't know is that I'm clearcutting to *save* the forest—the same way Nature does.

These trees are Douglas Fir. Here in western Oregon, their seedlings are only going to grow out in the open, where they can get plenty of sunlight, so if I don't clearcut, Nature will—with winds or disastrous forest fires that burn out thousands of acres. That's been Nature's way for 10,000 years, but I can do the same thing by planned harvesting and regeneration—and the trees I clearcut can be used instead of going up in smoke.

I've logged areas, burned the slash, replanted, and watched beautiful new forests come back, so I *know* what we're doing is right. And I wish more people understood the reasons behind what they saw before they cried "forest raper." Because then I think they'd see the promise of continuing forests for their children and grandchildren in those clearcuts. The way we see it. The way we plan it.—Dave Burwell, Forester, Rosboro Lumber Company, Oregon.

#### HOW DO YOU RAPE A TREE?

Some people would say with a chain saw in your hand and greed in your heart. But if America's foresters are doing such a bad job, how have we been able to grow 49 billion more cubic feet of wood than we've harvested in the last 15 years? Before you decide who's doing what, get the whole story. Get "Forests USA," a full-color, 16-page booklet. For your copy send 25¢ to AFI, 1619 Massachusetts Avenue, N.W., Washington, D.C. 20036."

#### DEBUNKING MADISON AVENUE

(By Richard Lahn)

"How do you rape a tree?" is the timber industry's sex-in-the-woods approach to get your attention in order to feed you a switcheroo. "We"—the industry as represented by the American Forest Institute—"aren't violating trees, we are simply giving you the paper, containers and houses you want. If this be rape, then make the most of it!"

The issue, however, is not How are trees used? or Should they be cut for consumer

goods? It is rather *how* trees are cut, on whose lands and in what quantities. A question the industry could ask instead, and one that it can answer better than anyone else, is: "How do you rape the public's forests?"

For reasons known best to media and public relations people, the forestry issue receiving the public spotlight has been clearcutting and clearcutting alone. The problem, so it goes, is that many areas, such as the Bitterroot National Forest in Montana, have been grossly clearcut to the point that a TV camera from an airplane can visually reveal what were once glorious mountains to be now a sorrowful shaved stubble. Pictures alone can reveal to the public that something is wrong.

Then individuals like Senator Gale McGee (D-Wyo.) chide the Forest Service for "getting caught with their trees down." The industry and the Forest Service react by rationalizing the need for clearcutting [see "Debunking Madison Avenue," July 8, 1972], admitting that there have been mistakes in the past like the Bitterroot but these have been corrected and won't happen again, and asking to be allowed to continue managing the forests unrestrained.

Finally, to deal with the problem of the public's viewing the badly cut areas, a public relations and advertising campaign is launched, aimed at hiding the "eyesore" that is clearcutting. (The Forest Service now even boasts that it has accelerated hiring to the point that it has the largest force of landscape architects in the nation to "help design cutting patterns that are pleasing to the eye.")

Unfortunately, not only isn't aesthetics the main problem with clearcutting, but clearcutting isn't even half the problem of what is wrong with the way the nation's forests are managed. Clearcutting is but a serious symptom of a much graver ill.

The main problem is that U.S. forests are being *overcut*. Whereas clearcutting violates the principles of multiple-use by preempting all other forest uses, overcutting violates the more basic ecological principle (and federal law) of sustained yield. In other words, more wood is being cut than is being grown—with the result that we are depleting our forests. This has already happened on timber industry lands, and now the industry—with the willing help of the Forest Service and the Bureau of Land Management—is managing public lands to this end.

The industry's rapacious ad reprinted on this page states that if America's foresters were doing a bad job, "we" would not have been able to grow billions more cubic feet of wood than "we" harvested. This statement is purposefully confusing. Who is the "we" in the first instance? We know the second "we" is really them, but in the first case Mother Nature must get some credit (even the industry in all its humility would admit this, I am sure) for all her water, sunlight and soil. Rather, the statement should more correctly read, "In spite of the bad job America's foresters have been doing, trees have still been able to grow . . ."

The 49-billion-more figure, which it can be assumed to be true, is merely a ploy to obfuscate the problem. This figure includes every stick of timber growing on every square foot of dirt every place in the United States and, as the industry says, more is growing than is being cut. But, as former Forest Service Chief Edward Cliff admitted, "Much of this growth is on trees of small size. Some of it is on trees of poor form and of species that are not the most desirable for timber cropping."

In short, the bulk of this is made up of growth in trees in places no one is able to cut, in species no one wants to cut, and in sizes no one is interested in cutting. If the impression was left that big diameter trees keep popping up year after year as the industry cuts them, then AFI's advertising



money was well spent. But trying to paint such a rosy picture leaves the industry wide open for the big question: Why, considering that 73 percent of U.S. forests are privately owned, and after now being told that the forests are in great shape, growing way more wood each year than is being cut, why does the timber industry want to rip off the public lands, our lands, for federal wood?

Of the 509 million acres classified as commercial forest lands, 113 million acres are federally owned. The major portion, 97 million acres, is part of the 187 million acres of the National Forests. Most of the rest of the commercial timber lands are privately owned by the timber industry, farms and non-industrial private parties. The laws of supply and demand are the primary determinants of which land—public or private—and how much of each type is cut for timber production.

It is not widely recognized (and the American Forest Institute is not eager to point out) that timber consumption in the U.S. has remained essentially constant since 1900. In fact, timber consumption reached a peak back in 1909 when 44.5 billion board feet (bbf) of lumber was produced. Since then the amount consumed has fluctuated in the 25 to 40 bbf neighborhood. In 1950, for instance, we consumed 40.9 bbf and in 1970 that total dropped to 38.8 bbf. In that same time period, per capita consumption dropped from 269 board feet to 189 board feet. For the major part of this century nearly all the lumber came from private lands. Now, however, things have changed.

Starting in the 1940's, when World War II brought the biggest building boom in U.S. history, more and more timber has been coming from National Forests. But the major factor behind the increased consumption of federal wood was that the industry began running out of trees. While consumption held steady in the 1950-1970 period, the number of trees supplied by private lands plummeted and the cut on National Forest lands tripled. In 1950, 3.5 bbf was cut from the National Forests as compared to 11.5 bbf in 1970. Exports increased from 0.5 bbf in 1950 to 4.05 bbf in 1970 (about one-third of the National Forest cut).

Why all the statistics? Merely this: the industry has not managed its own lands properly enough to assure a sustained supply of timber from those lands. As depletion threatened, the industry seduced the Forest Service into adopting forest management practices that increasingly violated the principles of multiple use and sustained yield. Clearcutting, for instance, was adopted as the prime timber harvesting method in the National Forests in 1964 in order to rapidly increase the amount of the cut as economically as possible.

Management decisions over how much to cut and where are being made by foresters sitting at desks in the Agriculture Department in Washington rather than by foresters working out in the woods. Rotations, for instance, have been shortened, shrinking the time between harvests. Even more significant, forest lands have been reclassified.

In 1945, the Forest Service surveyed the National Forests and found 73 million acres of commercial forest land. In 1963, the Service surveyed again and found 91.5 million acres, a switch of 18 million acres or 23 percent from noncommercial to commercial timberable land. In justifying the change, the Forest Service noted, "This is because additional areas became merchantable and operable as increasing demand and technological improvements have occurred over the years." What really happened was that steeply sloping lands not capable of appreciable regeneration (while at the same time easily damaged by logging) were classified as timber production lands, thus upping the allowable cut.

Interestingly, the Forest Service itself ad-

mits the validity of this charge. In a research paper entitled "Stratification of Forest Land for Timber Management Planning of the Western National Forests," the Service concludes that 22 percent of the lands currently classified as suitable and available for timber production have been wrongly classified and should not be cut. Notice the similarity between this figure and the percentage increase of the allowable cut between 1945 and 1963.

Most distressing is that these marginal lands which have been misclassified in good part are de facto wilderness areas which conservationists have been trying to protect and save.

The Sierra Club has just recently filed a suit against the Forest Service in an attempt to save some of the 40 million acres of roadless and de facto wilderness areas now up for classification by the Forest Service. The timber industry's knee-jerk reaction was a counter suit against the Sierra Club asking for \$20 million in damages for stopping temporarily many contracted and prospective timber sales. This very action, more than almost anything else in the past, shows the timber industry's attitude toward public lands—they think they rightfully own them.

The Nixon Administration has not been of much help in returning public interest management to the public lands. In fact, the present bad situation will probably get worse. After conservationists rose up in early 1970 to swat down the industry's timber supply legislation, the President promulgated an executive order to increase the cutting on the National Forests and thus recoup for the industry what it couldn't get from Congress.

(The timber supply bill would have made timber production the dominant use on 97 million acres of National Forests, repealing the multiple use principles, and also would have created a "forest trust fund" whereby Forest Service appropriations would be tied to the revenues from timber sales—thereby adding to the incentive to increase the cut.)

As yet, the Forest Service has not moved to implement the presidential order to step up cutting, but this may be coming in the near future.

Presently holding up the final decision on where the cut goes is a study by the President's Advisory Panel on Timber and the Environment. Nixon charged the panel last September with making recommendations "on such matters as the desirable level of timber harvest on Federal lands and methods of accomplishing the harvest while ensuring adequate protection for the environment." The study was ordered completed by July 1, 1972, but it isn't ready and it won't come out until December, after the election.

Several administration indicators—the squashing of the executive order on clearcutting after timber executives applied White House pressure, and the party thrown for Secretary of Agriculture Earl Butz by the National Forest Products Association after he won a close Senate confirmation battle—have conservationists worried that a new, extended definition for "rape" may soon be forthcoming.

#### SOME COMMENTS ON PROBLEMS OF OUR TIME

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. SCHWENGEL. Mr. Speaker, under the title "What Are We Inheriting?" Mrs. John Camp of Iowa has written an interesting, worthwhile, stimulating, and

thought-provoking article. In the article she writes about "The Freedom To Be a Christian, a Child of God," "High Standard of Living," "Women's Liberation," "Advanced Medicine," "Television," "Motorcycles and Speeders," and "Pollution and Environment." Mr. Speaker, under these subtitles she has, to quote Carl Sandburg, "gotten to the nub of the thing."

Mr. Speaker, everyone should read this thought-provoking article in order to more fully qualify themselves to deal with the problems of our time and I ask unanimous consent that it be placed in the CONGRESSIONAL RECORD. The article follows:

#### WHAT ARE WE INHERITING?

(By Mrs. John Camp)

When one is given this type of title to present a program many thoughts come to mind and as I told the women's committee you probably won't agree with my ideas of the things that affect my health and safety but that's not the important thing. The important thing is to make you think.

So—what are we inheriting?

#### I. THE FREEDOM TO BE A CHRISTIAN, A CHILD OF GOD

I'm sure every government on our earth had very uneasy moments when the tragic thing happened at the Olympics in Germany last week. World wars have started from smaller incidents. It took cool heads to keep things as calm as they did. There could easily be long-time repercussions from this event and the safety of our world could be at stake.

#### II. HIGH STANDARD OF LIVING

Certainly many of us recall when it wasn't so high but this area of the United States has one of the highest standards in the world and because of this luxurious living we are becoming a "keeping up with the Joneses area." I'm guilty, we're all guilty. Let's not forget the story of the rich man who couldn't give up his riches to take up the cross and follow Jesus.

But what has this high wages and living given to this nation? Well, an ever increasing welfare roll for one thing. Another is an overloaded Supreme Court docket. Chief Justice Burger said the other day, 4,200 cases were filed for presentation to our federal court last year. Figure it out—300 working days a year makes that average out 14 cases per day. Why! Because we used to have cases for the high court only when the individual felt he had been wronged and expected to pay his own lawyer or if council was provided he received the minimum fee.

Now it seems the "In" thing to do to "Beat" the law of the land by challenging it. Consequently, our government lawyers are defending the law and the challengers in many cases, have been provided free counsel because they have no funds. So you, the taxpayer, pay both ways. At the maximum fee, I might add. So the appealing goes on and on.

In the Sunday, Sept. 10, issue of the Davenport Democrat there was a story about the gorkey, Russia area, an intensely industrialized area about twice the size of Belgium located east of Moscow. This is an area permanently closed to foreign "sitors where there are people standing in line for bread. Not because of lack of money but shortage of bread, vegetables, potatoes, household goods, even dishes. We are all aware of Russia's short wheat crop this year and the plans to buy millions of bushels from the United States.

We also read the hue and cry that the price of bread will rise because of this sale. We also know if we gave the baker the wheat, the price of a loaf of bread wouldn't drop over 3 cents.

Let's remember these things when we

start to complain living here in the "bread basket of the world." Good food makes good health and good health makes us realize the importance of safety.

### III. WOMEN'S LIBERATION

Good things will come of this once the radical ideas wear off and it's here to stay whether we like it or not. There is nothing wrong with good change. Our challenge is to teach our children that they are being a good wife or husband or a good citizen if they decide they will not put their children in the government day nursery and go off to work just for the sake of luxuries or a desire to keep up with the Joneses. A day nursery is a blessing for those who are forced by circumstances, not boredom, to need it. Good health requires love and affection.

### IV. ADVANCED MEDICINE

At one of our workshops when I was first coming to Farm Bureau women we talked about things that had come from World War II and one of them was penicillin. Think what we've had since then—uppers, downers, sleepers, awakers to name a few and too many of us are taking too many of them making our children feel "pot" is no worse than mother and dad's sleeping pills. Have you noticed that it's become impossible to convict a teen-ager by jury trial on dope charges lately? Why?

Because the mothers and fathers on that jury are afraid their child might be next. We have a big educational program on medicines to promote. Some of us can say "I didn't inherit this health and safety problem" but I'm afraid too few of us are contributing to the solution of it.

I truly believe the person who says "I've tried everything—nothing helps" has not tried God.

### V. TELEVISION

Some of us did not inherit it either but what are we doing to improve the quality of the programs for our children? It's such an easy way to keep Johnnie and Susie quiet when we're busy.

### VI. MOTORCYCLES AND SPEEDERS

We inherited them and they have multiplied. They have definitely become traffic hazards because too many feel they are outside the laws of our land made for their protection. Laws are made to protect the weak and yet the weak are the ones who insist on flaunting the law. Actually, too many people do not want strict laws in this field because it affects them personally.

### VII. POLLUTION AND ENVIRONMENT

A big thing for the newspaper, the magazines and the airways. Are we inheriting this? Yes and adding to it, too! But there are many things to consider before we decide what's good and what's bad. We'll all admit we've been careless and wasteful with our water, our wood, our trash and our equipment. Possibly that old standard of living and keeping up with the Joneses enters in here.

A nice new shiny piece of equipment is always nicer than a remodeled old one. For some unknown reason people in every new country, and ours is getting ready for its 200th birthday, have to learn the sad fact that there comes an end to the best of things.

We are just becoming aware of the fact that our neighbors are getting closer every day. We've all heard or read how many people will be living in our urban areas in 10 years. A few weeks ago we were at a resort in the Ozarks and I was visiting with a lady who told me of an interesting series of articles in the New York Times telling what a wonderful place Iowa was to live and raise a family. People are looking for a place to keep their sanity and health as well as feel safe.

It's a very great problem that nations have decayed from. Ross E. McKinney, professor of civil engineering at the University of Kansas, said in a speech recently "Mankind will improve the polluted earth rapidly once we get rid of the 'ecological con men'." This

is the type of fellow who collects facts and figures and when challenged, shifts to social and moral issues which of course can't be quantified. He loves instant solutions, lots of money to spend and complicated government committees and projects to provide solutions. I'm of the same frame of mind as Mr. McKinney because there are no instant solutions but there are better ways of doing things, starting in your and my kitchens.

In this day of need for lots of generated power for factory, farm and home, they will find a way to make power.

We're having our problems with the use of stilbesterol and we're wondering how much banning of it will affect our pocketbooks. Maybe the implant is the solution.

It's not going to be easy to have health and safety without cooperation. But if we just remember that these are social problems that cannot be solved unless we as Christian people are willing to meet together as we do in Farm Bureau for discussion, because survival is impossible without assembly.

## RIZZO TAKES COUNT

### HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. SPRINGER. Mr. Speaker, as one national columnist put it some time ago, 1972 is the "year of the conscience." There simply does not seem to be any party line for the voters in 1972. They are crossing lines all over the place.

Mayor Rizzo of Philadelphia is the perfect example. Here is a dyed-in-the-wool Democrat, mayor of one of the largest cities in the world and all out for Nixon. I have not talked with Mayor Rizzo but I understand he has sound reasons this year for his "conscience effort." The columnist, Joseph Alsop has written an in-depth article on Mayor Rizzo, Philadelphia, and the State of Pennsylvania which I am sure all of my colleagues will want to read.

The article follows:

#### RIZZO TAKES COUNT

(By Joseph Alsop)

"If George McGovern can't get a majority of a quarter million here in Philadelphia, he's dead in Pennsylvania. And if the election could be held today, the man with the majority in Philadelphia would be President Nixon."

The speaker was Mayor Frank Rizzo, who knows his city well, and is supporting President Nixon although he is a Democrat. The Republicans are also circulating a poll showing the President well ahead in the city—which would mean a really staggering Nixon landslide. Yet the mayor added:

"On election day, it probably won't be like that, of course. But you can be damn sure that even if the gap closes a little, McGovern will never do well enough in this city to have a chance in the state."

As of today, moreover, Mayor Rizzo's forecast is fully supported by the available facts and figures. To begin with the figures, the results in 1968 indicate bad trouble for George McGovern today. That year, Hubert H. Humphrey got the votes of 2,280,040 Pennsylvanians; President Nixon had 2,090,017; and Gov. George Wallace had 370,648.

Thus the Nixon vote plus the Wallace vote was more than 200,000 greater than the Humphrey vote. Yet the astute and personable McGovern coordinator for Pennsylvania, Vic French, admits frankly that "as of now, just about all the former Wallace voters are going for Nixon."

What saved Humphrey in Pennsylvania in 1968 was also his huge majority in this city—where Mayor Rizzo thinks the President is actually ahead at this juncture. To be specific Humphrey came out of Philadelphia with a few more than 525,000 votes, against 254,000-plus for Richard M. Nixon—for a net city majority above 270,000.

As noted in the last report in this space, what makes Pennsylvania so vividly interesting is its unique status, as a state where Philadelphia City boss Pete Camiel and the other old line leaders are now working hand-in-glove with the McGovernites. Yet you cannot find an old line Democrat in this city who thinks these joint efforts can produce an adequate payoff in Philadelphia.

In these quarters, a McGovern majority in the city of 125,000—or less than half the Humphrey majority—is the very highest prediction you can get anywhere. Even that prediction has a detectable ingredient of professional optimism. So does the much higher claim of the impressive state coordinator for McGovern, Vic French.

You could tell how badly Vic French was worried, in fact, by his repeated insistence that "we've got to go into the white ethnic wards, and do everything we can to get them back. If we can't get them back, we're in trouble. And that goes for Pittsburgh and other places, besides Philadelphia."

For this purpose, the McGovern workers, who are still a bit thin on the ground anyway, are being instructed almost to forget about their favorite subject in those crucial wards. Instead of the Vietnamese war, French is stressing such points as the preferential treatment allegedly accorded the pro-Nixon Teamsters by the Nixon wage board, as compared with other unions. And he is bearing down hard on other bread-and-butter issues.

For example, he has printed a million shrewdly conceived flyers, showing comparative prices on the Nixon inauguration day and this month, of such workingman's staples as a pound of hamburger, and pint of mayonnaise, and a pound of pork chops. Unfortunately, however, the candidate does not seem to have got the message.

Sen. McGovern came into the city on Friday, for what can only be called a tepid reception. At the party for local Democratic leaders and candidates, the turnout of invited guests was so painfully thin that the McGovern press group had to be asked to share the cocktails, in order to dress the house. And at a dinner of 600 prosperous old line liberals, the senator made a stirring speech on the Vietnam war and nothing but the war, with bread-and-butter conspicuously unmentioned.

It may all be different by the beginning of November because of the Democratic voter-registration effort for instance. But that seems awfully doubtful, unless something truly hair-raising happens to President Nixon. The fact of the matter is that Sen. McGovern and the people who put him over at Miami Beach, appear to give the absolute creeps to just the kind of voters the Democratic Party most needs to have, in order to win in Pennsylvania.

## HELPS YOUTH FIND WORK

### HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. SYMINGTON. Mr. Speaker, I would like to take this opportunity to commend Mr. Abner E. Rosenblatt, publisher and general manager of the St. Louis County Observer, for his effort to assist young people of the St. Louis area in finding summer employment. In 1971 the Observer, a weekly newspaper, offered



to provide young people with free classified advertising. The response was overwhelming and prompted Mr. Rosenblatt to repeat the offer this year. By early May, 424 young boys and girls had placed advertisements offering a wide variety of services, ranging from baby sitting to pharmaceutical work.

The tremendous response to the Observer's offer is indicative of the need and desire of high school and college students to secure summer employment. These young people are anxious to earn money to help defray college expenses, to avoid the necessity of asking their parents for spending money, or to assist their families meet basic household expenses. It is often difficult for young people and potential employers to make contact with one another. That is why the work of Mr. Rosenblatt and the St. Louis County Observer deserve our congratulations.

In honor of Mr. Rosenblatt's commendable effort to assist young people in finding jobs and in hope that other local newspaper publishers would adopt the Observer's practice, I wish to insert the following in the RECORD:

#### HELP STUDENTS WHO WANT WORK

The overwhelming response to the Observer's offer of free classified advertisements for young people seeking jobs has conclusively proved that there are many ambitious young people anxious to spend their vacation time in constructive ways.

Jobs being sought by youth include baby sitting, yard work, painting, tutoring, piano lessons, office work and many others. In many instances, two or more teenage members of one family have sent in their classified ads.

Today is the last chance for students 12-18 who want jobs to fill out the ad blank carried on this page of the paper. All ads must be addressed to "Free Jobs-Ad Dept. c/o St. Louis County Observer, 2601 Big Bend, Maplewood, Mo. 63143." Blanks must be mailed today in order to meet the deadline date of Friday, May 5 at 5 p.m. All ads will be printed free of charge in next week's Observer.

We are hopeful that our adult readers—housewives, businessmen, office managers and personnel directors will read these ads next week and save them. Sometime during the summer months you may have need of some of the services these young people are willing to perform. These boys and girls are available for a great variety of jobs—so read next week's Observer and "hire a youth" for a day, week, a month, or all summer.

#### PUT A YOUTH TO WORK

A surprising 424 young people have taken advantage of the Observer's offer of a free classified ad to find a summer job. All of this year's ads appear in today's newspaper on page 8.

Some interesting facts came to light as we received the ads. Far more college students responded this year, possibly reflecting the need for supplemental money to finance the high cost of college. Applications varied from baby sitting, to tutoring, to yard work, to magician, to chauffeur to party helper. A pharmacy student wants to assist in a drug store. Another would like to drive people across the country. One imaginative young lady sent in her ad "Happiness is having Pam work for you." A boy wrote "Did you lose anything of value? I have a metal detector."

Some of the youngsters included notes with their ads expressing their appreciation of the chance to run an ad. One girl said she was keeping her fingers crossed that someone would call her.

The door has been opened. And now readers, what are you going to do about it? We

hope that you will turn to our classified pages and read the ads of these enterprising youth. This year they have been divided by Zip Code to make it easier for you to locate a young person close to your area. Somewhere on these classified pages there is a young person who can be helpful to you this summer. They aren't looking for charity. They are eager and willing to do a job for you. Call these boys and girls. You'll benefit personally, and in the process you'll give confidence and a feeling of worth to these young people that can only be gained through meaningful work and responsibility. If you don't have need immediately for help this summer, save these classified ads, and when you do have need, "put a youth to work." Our free job offer can only be successful if you follow through. Will you?

#### PLEASE GIVE BOYS AND GIRLS A CHANCE TO WORK

Our offer of free want ads last year, to boys and girls seeking summer work, met with success for many who availed themselves of the choice. We decided to repeat the offer early again this year for two reasons. First of all we feel that the earlier date gives our readers a better chance to acquaint themselves with the available "student job power". And in the second place we felt it would be a gesture of appreciation to do this on our anniversary date.

Because of so much adverse publicity last year about the young people of our nation being lazy and irresponsible, The Observer wanted to prove that the majority of young people are good and deserve the chance to prove it. This we were able to do, thanks to many of our readers who were delighted to get young and industrious boys and girls for so many of these odd jobs.

It was gratifying to us to hear from so many of these youngsters who not only got summer work but some part-time work during the school year. The number of students who responded last year was about four times as many as we had expected. And so far this year they are running true to form. Work is still hard to find—but so is good help.

It is wonderful training for boys and girls to be able to earn their own money instead of having to ask parents for it. And in many cases the money which these children earn is needed at home for necessities. You are doing a good deed when you offer employment to these fine, young people. They are not looking for charity—they are willing to EARN their money if given the chance.

If you are looking for somebody to do yard work, or baby-sitting, or odd jobs or run errands . . . why not give these young people a chance? We suggest you save the ads and if you yourself are unable to furnish employment you may know someone who can. This is Your chance to say that you too, believe as we do, that the percentage of "rabble rousers" is far overshadowed by the responsible youth of today.

We believe that it is time for the news media to soft pedal the acts of publicity-seeking troublemakers. Stop putting their pictures on TV and in newspapers and you will eliminate their actions to a great degree. If their cause isn't publicized it will die.

So we say to them, "R.I.P."

#### MARTIAL LAW IN THE PHILIPPINES

#### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. WOLFF. Mr. Speaker, the continuing appropriations resolution which is under consideration today includes

funds for a number of programs, including the foreign assistance programs. In light of some recent events of a questionable nature that have occurred in one of the countries that receives funds under the Foreign Assistance Act, it is appropriate that we take particular note at this time of the implications related to our providing funds to the Marcos government in the Philippines.

Just last week, on September 23, President Ferdinand Marcos imposed martial law on the Philippines, supposedly to counter the "violent and subversive insurrectionary activities" being carried out by the Communists in his country, and declared as his objective "completely dismantl[ing] the entire apparatus of the Communist Party." While President Marcos' efforts to rid his country of this Communist threat are to be admired, his use of questionable means to attain his stated goal of maintaining democracy for his people certainly is paradoxical. To impose martial law as a tool to defeat communism, which he notes "fluorishes on injustice and oppression" is clearly a contradiction in terms. Since last Saturday, for example, some 97 persons have been imprisoned, including legislators, two provincial governors, two publishers, and a number of other journalists. Suspension of newspaper publication and other media has occurred and Marcos has said he would now use the Philippine media to further his own programs. He intends to punish newspapers, radio, and television stations which participated in what he called subversion.

While he claims that no military dictatorship has been established, it seems that it does not matter by what name we call these developments. The country is being run on the basis of one man's promises, and the lives and well-being of 39 million people now depend on the whims and fancies of their President. Little recourse is in sight since Marcos has indicated he intends to keep absolute control over the country at least until the end of next year, when his second term as President will end.

In the meantime, however, the 97 people already arrested and the countless others who will undoubtedly be detained in the coming weeks, are being incarcerated in military camps without benefit of trial until such time as President Marcos himself decides to restore some semblance of democracy to his people. Should he decide not to do so for another year, the people of the Philippines may well be denied the opportunity as guaranteed in their Constitution, to elect a new President when Marcos' term expires. Since under Philippine law, the President may not serve more than two terms, Marcos would in effect be insuring himself of continued power as head of the country. Failure to hold free elections would more than likely incite even greater discontent among the people of the Philippines and cause further instability in a nation already beset with acute hardships.

In our consideration of this supplemental appropriations measure, which provides funds for economic assistance to the Philippines, we should also note that U.S. investments in that country's economy are sizable, totaling nearly \$2

billion. I believe the protection of our economic interests are of vital importance and would hope that President Marcos' imposition of martial law would in no way jeopardize these holdings. Additionally, our security ties with the Philippines are of vital importance, in light of that country's strategic location in Southeast Asia, and our military investments are considerable.

I think it is significant that some of the observations made over 2 years ago by the Special Study Mission to Asia of the Foreign Affairs Committee, of which I was a part, on the growing threat of communism in the Philippines and the failure of the Marcos government to effectively institute the necessary reforms needed to counteract the Communist movement. To illustrate the similarity of conditions in that country today with the problems my study mission observed, and to point out the inability of the Marcos government to deal with the internal discontent by providing alternatives, I would like to include at this point the findings of the study mission relating to the Philippines:

#### PHILIPPINES INTRODUCTION

The Philippines have a long history of being one of America's closest friends and allies. There are close ties between the Filipinos and Americans who fought and died, side by side, in World War II. There continues a genuine feeling of mutual respect and friendship between the Filipino people and the Americans.

#### DOMESTIC POLITICAL SITUATION

The Philippines is experiencing growing unrest throughout the country, especially from students. It is reported that many of the students are associated with radical elements. The outlawed Communist Party, which has a steady base of operations through the Huk in the central part of the country, is taking advantage of the prevailing unhappiness with the status quo. As the study mission shall explain in more detail below, the Philippines is perched precariously between possible upheaval and reform. The question is whether the government of President Ferdinand E. Marcos will institute necessary reform in time to head off a change of government. Some think he has waited too long already.

#### 1969 Presidential election

President Marcos was elected to an unprecedented second term last November in an election clouded by charges and countercharges of corruption, vote buying and fraud. Marcos defeated Sen. Sergio Osmena, Jr., who subsequently has protested the election.

Osmena's allegations, filed at the time the study mission was in Manila included the fact that Marcos received all the votes in 2,212 precincts giving the incumbent 335,509 votes to Osmena's zero in those precincts.

The study mission also was exposed to charges that Marcos had the Philippine treasury print tens of millions of new pesos during the campaign and reintroduced millions of dollars of "retired" pesos which were then used for political purposes. The study mission also heard rumors that President Marcos used the other powers of his office including command of the military, to insure his reelection. The charges of blatant fraud and the lopsided election result (Marcos won by 2 million votes) has further aggravated a tense domestic situation in the Philippines.

#### Domestic unrest

The study mission found three basic causes of unrest in the Philippines: a growing nationalistic fervor, widescale unemployment (about 25 percent in some areas) causing

great poverty for most Filipinos and the failure of the government to eliminate corruption and to end reported misappropriation of funds.

The nationalistic fervor is an understandable drive in a country that believes it has been exploited by other nations, even after achieving independence. The growing nationalism has been exploited by a small Communist element to stir revolutionary zeal among some of the youth in the Philippines. A successful alliance between the radical, restive young population and outside Communist influences could spell the end of democracy in the Philippines. This nationalism has certain specific implications for the United States which we will discuss below.

Unemployment and underemployment in the Philippines is now reported over 25 percent and is concentrated among young people. The frustration felt by students who are unable to put their skills to work is manifest in repeated anti-Government demonstrations. These demonstrations have taken on an increasingly violent character and there were several mysterious fires in Manila during the period that the study mission was there.

The general sense of frustration is complicated by the fact that 5 percent of the Philippine population controls 50 percent of the country's wealth. This situation is compounded by a regressive tax system that places the tax burden on the poor and relegates millions to hopeless poverty. In a "culture" such as this extreme elements can find many followers.

Moreover the reports of flagrant corruption and fraud in certain areas of government further antagonize the populace and fuel the flames of unrest. The daily newspapers are often filled with reports of corruption and officials who dip into the public treasury. Adroit and able revolutionaries would have little difficulty exploiting these facts in encouraging public restiveness.

The study mission witnessed first hand the rebelliousness of the young people in the Philippines and could not help but wonder if there is still time for the Marcos government to institute the sweeping reforms that will be necessary.

This entire situation is accompanied by the release of several Huk leaders and a recent increase in activity and terrorism by the Huk in those areas in which they have been able to survive.

#### ATTITUDE TOWARD THE UNITED STATES

The government welcomes its strong ties to the United States but has responded to the nationalism of the populace with legislation that will terminate U.S. citizens' rights to own property in the Philippines on July 3, 1974. The government contends this action is permissible despite the Laurel-Langley agreement of 1946 which entitled "U.S. citizens to acquire and maintain property in the Philippines." This situation is currently in the courts and the study mission is concerned that if the court upholds the right of the government to withhold property rights from Americans and other foreign nationals that foreign investment, crucial to long-term Philippine prosperity, will be totally withdrawn. This would be a grave blow to an already faltering economy.

There is still another area of great concern to the study mission. While the present government appears quite willing to continue the base agreements whereby we maintain troops and military equipment in the Philippines, there are no assurances of continued support for a U.S. military presence in the country. If the government is by any chance overturned, we may well be faced with vehement opposition to an American military presence. As in the case of the possible end to base agreements with Japan, this situation raises important questions about our security position in Asia.

The study mission must report on another

matter that causes us great concern. As the U.S. assistance program in the Philippines has declined, we have perpetuated the administrative support operation for the Agency for International Development beyond its needs. There are many American bureaucrats operating out of four floors of plush, air-conditioned offices in a new high-rise building in downtown Manila. Because of the expense of the administrative aspect of our aid program in the Philippines, 25 percent of our aid money for the Philippines is absorbed. This seems an unnecessary cost in the administration of the U.S. aid program in Manila and the study mission considers this matter of utmost concern. Not only do we seem to be wasting great sums of money, but we are setting a terrible example which provides excellent fodder for anti-American agitators. At a time when foreign aid appropriations are decreasing and worthwhile programs are being eliminated, the Agency for International Development would serve a useful purpose to the U.S. taxpayer in the conservation of funds. Several hundred employees are not needed to administer a program of \$16 million in the Philippines.

#### CONCLUSION

The Philippine government is faced with its greatest crisis since independence. Survival of the Marcos government and democracy may well be decided during 1970 and will depend on the government's ability to respond to the just demands of the people.

A weak response to those demands will serve the interests of revolutionaries and open the door to a totalitarian takeover. The danger of a military coup also is present. The study mission would hope that a new level of public consciousness and righteousness will prevail to reverse the current and very real trend that could spell the end of democracy in the Philippines.

Strong ties of friendship toward the United States still exist in the Philippines. We can assume that most Filipino demonstrations against U.S. military presence are being exploited to take the onus off the government to rectify immediately the political, economic and social demands of a large number of the people.

The United States must understand that our base agreements in the Philippines are not immutable and that we are being confronted with a new awareness that will require increased understanding if we are to maintain our close ties to the Philippines.

The Filipinos have long been our friends and it is in our best national interest to continue mutual cooperation that will provide retention of a viable government responsive to the needs of the Filipino and American peoples.

The problems outlined in this report still exist today, and if anything, have been magnified. Yet even prior to this report, I was critical of the Rand Corp. report which portrayed conditions in the Philippines in glowing terms, while in reality, conditions were already beginning to deteriorate.

Compounding the hardships of massive unemployment and poverty have been the severe floods from this summer's unusually heavy monsoons, resulting in famine for the greater part of the population. Bureaucratic red tape and ineptness have prevented distribution of those food surpluses the Government has stored, and food riots have erupted in the face of massive hunger and spreading disease.

We see today the results of inactivity over the past 2 years. Instead of meeting the problems of the Nation head-on over the years, the President has succumbed to the dangers of overreaction.



In his fervor to effectively counter the social problems, Mr. Marcos has instead dismantled democracy in the Philippines. Adopting the Communist philosophy of totalitarianism is hardly the answer to safeguarding the principles of democracy. What better test can there be of the democratic process than using its principles to confront the social, economic, and political problems?

Mr. Speaker, the United States has been a long-time friend of the people of the Philippines and our Government has played an integral role in the establishment of that nation's independence, for when we acquired possession of the territory of the Philippines, it was with the express intention of granting self-determination to the people of those islands. So great is the feeling of brotherhood between our Nation and theirs that there are even reports of a large movement, counted in the millions, in the Philippines to make that country the 51st State of the United States.

While I believe that certain precautionary measures are justified in order to control a threat to a nation's security and to the maintenance of a democratic state, on the other hand, I also deplore the loss of individual liberties in a nation that was founded and nurtured by our country to uphold the principles of democracy. The development of a totalitarian situation in the Philippines would be a tragic turn of events indeed. True democracy is the answer to communism.

#### LAPORTE HOSPITAL DEDICATION

### HON. JOHN BRADEMÁS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. BRADEMÁS. Mr. Speaker, on September 24, the town of LaPorte dedicated a new \$11 million hospital. This hospital will make available to the people of LaPorte the finest in health facilities and equipment and the very best in medical care.

The hospital was made possible by strong local initiative and leadership and by the unprecedented generosity of the citizens of LaPorte, who contributed almost \$4 million to the project—nearly \$160 per capita.

Mr. Speaker, I would like to include in the Record at this point the dedication address that I delivered during the ceremony and the remarks of Dennis Smith, mayor of LaPorte, who accepted the hospital facilities on behalf of the citizens of LaPorte:

REMARKS OF CONGRESSMAN JOHN BRADEMÁS AT LAPORTE HOSPITAL DEDICATION SEPTEMBER 24, 1972

This is a proud day for the town of LaPorte and I am indeed honored to be able to join you in this dedication ceremony.

The hospital we dedicate today will make available to LaPorte the finest in health facilities and equipment and will extend to you the very best in medical care. You have planned and worked many years in preparation for this day, and I sincerely appreciate your invitation to participate in this exciting event.

As I sat here this afternoon and listened to Tom Sallwaser and Charles Shapiro review the history and accomplishments of the hospital, I was greatly impressed, not only with the building, but with the community that built it. I do not wish in any way to diminish the importance of this marvelous building. The effort that has been exerted by all of you, however, is truly remarkable, and it is your effort that should receive the special recognition it justly deserves.

#### A MONUMENT TO LOCAL INITIATIVE

This hospital we dedicate today will stand as a monument to the strong local initiative and leadership that has been exerted to see this project through and as a monument to the cooperation of many—cooperation on the part of private individuals and groups and cooperation among officials at every level of government—Federal, state, county and municipal.

Take, for example, the financial resources for this building; the hospital cost \$11 million. Of that, one-third was provided by the Federal government through the Hill-Burton program.

The State of Indiana and La Porte County have cooperated in the funding of a mental health facility on the seventh floor of the hospital.

The property on which this building has been constructed was graciously donated by Allis-Chalmers.

And, most important, the people of LaPorte have contributed to the project nearly \$4 million of their own money.

It is significant that the construction of this new hospital was made possible by the merger of two independent institutions—Holy Family Hospital and Community Hospital.

Special recognition should go to the Sisters of Ancilla Domini for their early decision to turn over Holy Family Hospital to the newly formed LaPorte Hospital, Inc., and, thereby, provide a major impetus for the initiation of this project.

Principal credit for this hospital should go, however, to all of you for, without your firm direction and support and without your unparalleled generosity, this hospital would not now be a reality.

You are a town of 22,000 and you were able to raise over \$3.5 million. This is almost \$160.00 per man, woman and child in LaPorte, and, I understand, is far above any other per capita contribution in the country for such a project.

So you have many reasons to be proud, and this dedication ceremony should serve to underscore this outstanding record of achievement.

#### THE HEALTH CRISIS IN AMERICA

I am also pleased to participate in this ceremony because it affords us an opportunity to reflect on one of the most serious problems that faces our nation today—the health care crisis.

Too often, health and other social problems assume a secondary role in our order of priorities. The high degree of local participation in this project speaks eloquently to the importance you here in LaPorte attach to the availability of quality health care.

For adequate health care at prices people can afford is one of the major problems facing the American people today. And we have a long way to go to solve it.

The health care crisis in the United States is of staggering proportions. Let me just cite a few statistics:

There are 35 other countries in the world where ten year old boys can expect to live longer than in America.

The U.S. ranks 21st in infant mortality, down from 6th place some 20 years ago.

In six short years, we have slipped from 13th to 22nd in male life expectancy. Not only do industrialized Western European

countries do better than we, but so did Japan, East Germany, Greece and Bulgaria. Although the burden of our deficiencies falls most heavily on the poor, particularly the non-white poor, the health care crisis is not confined to these groups.

Health care is a crisis that affects everyone. It is as easy to find in the most affluent sections of our country as it is in the urban ghetto.

Thus, although our nation possesses the most advanced and sophisticated medical technology in the world, the best educated and highly skilled doctors and the most modern equipment and facilities, we have not been able to translate these triumphs into realities of better health care for our citizens.

The causes for this failure are complex and interrelated. However, a few factors do stand out as most significant.

Rapidly spiraling health care costs should bear a major responsibility for this situation. Medical care is now the single most inflationary item in the family budget, rising at an annual rate of 12.2%.

The rise in the cost of a hospital bed over the past two years dramatically illustrates this point.

In 1964 the average cost of a hospital bed was \$37.50 per day. In 1970, the average cost was \$80 and in 1971, just one year later, the average per day cost had skyrocketed to \$92. No doubt the average will soon be over \$100 per day.

Or, take, for example, doctors' bills, which, over the last 10 years, have risen over 50%.

#### HEALTH CARE BEING PRICED OUT OF REACH

These figures clearly indicate that dependable medical care is swiftly being priced out of reach for millions upon millions of Americans.

As I said, it is not just the poor who are affected by these rising costs. All Americans are, particularly those persons for whom private health insurance—the mainstay of the current health delivery system—has failed. The breakdown of the health system has caused hardships and ruined lives for many men and women and their families.

#### Again, a few examples:

Private health insurance pays, on the average, one-third the actual cost of private health care, leaving two-thirds to be paid out of the pocket of the patient either at the time of the illness or as a debt to be repaid following his recovery.

Some 36 million Americans under the age of 65 have no private health insurance at all.

The effect of this situation on patients and health suppliers, such as hospitals, can be devastating. Hospital administrators understandably want to know who will pay the bills when the insurance companies refuse to pay and private individuals are unable to do so.

Rising health costs and overwhelming financial burdens are only part of the problem. This nation suffers as well from the critical shortage of doctors and other trained health personnel.

In 1900 there were 157 physicians per 100,000 persons in this country. In 1967 there were only 139.

In 1900 there were 25,000 medical students. In 1969 there were only 30,000.

In 1950 only 75% of the intern positions in the country were filled. In 1968 76% of the positions were filled and more than half of them by foreign medical graduate students.

Further, the problems relating to doctor shortages are complicated by the poor distribution of medical personnel. Hundreds of counties and thousands of communities across the nation simply have no physicians at all today.

Although the LaPorte Hospital will be adequately staffed with doctors and nurses, I understand that many of you have expe-

rienced first hand what the doctor shortage can do to a hospital the size of yours and to a community the size of LaPorte.

For some years ago you experienced a sudden loss of five doctors. Because of this shortage, your hospitals were forced to close down portions of their facilities. This new hospital will undoubtedly help in attracting doctors to LaPorte. However, you must compete with a number of other communities, many of whom also have new facilities. Obviously, an appropriate response to this problem must be to expand the number of health professionals.

In fact, I had a first hand example of this problem today over in Westville, where there is, believe it or not, no physician at all to serve the needs of the community. Fortunately, your two able state representatives, Cliff Arnold and Dick Bell, are assisting the residents of Westville in obtaining a doctor to practice there.

#### CONGRESSIONAL ACTION

Although LaPorte and other communities have taken positive steps to improve the delivery of health care to their citizens, there are many problems in this field that must be solved at the Federal level.

So, I am pleased that the 92nd Congress has been active in the health care field and has initiated a number of measures to cope with this massive crisis. I would like briefly to review with you today some, but by no means all, of the important health measures written by the Congress so far:

*Health Professions Education Assistance Amendments of 1971.*

This measure extended for three years the Hill-Burton hospital construction program and provided money for the expansion of medical training facilities. It also provided funds for the training of more family doctors.

#### *Conquest of Cancer Act.*

This measure established a cancer research program within the National Cancer Institute of the National Institutes of Health to coordinate intensified research efforts to find a cure for cancer.

This Congress has already also approved four important measures dealing with the treatment, prevention and control of chronic diseases afflicting millions of Americans each year:

*The National Cooley's Anemia Control Act*, establishing a national program for the diagnosis, prevention and treatment of this blood disease which affects some 200,000 persons, mostly little children, in the U.S.;

*The National Advisory Commission on Multiple Sclerosis*, establishing a national advisory commission to determine the most effective means to finding the cause and developing cures for MS;

*The Communicable Disease Control Act*, authorizing grants for states and localities for programs to control the spread of communicable diseases;

*The National Heart, Blood Vessel, Lung and Blood Act*, a major effort to advance the national attack against the diseases that afflict these parts of the human body.

I am also pleased to tell you that the House of Representatives has unanimously passed my own Rehabilitation Act of 1972, which extends the Vocational Rehabilitation Act and provides important new programs for severely disabled people, including those suffering from serious kidney diseases and spinal cord injuries.

Finally, the Senate, in an important action last week, passed two significant health measures.

One of these measures would authorize the spending of \$2.8 billion over the next two years for construction grants under the Hill-Burton Act. The other, the Health Maintenance Organization Act, whose chief sponsor is Senator Edward M. Kennedy (D-Mass.),

would authorize \$5 billion for the establishment of prepaid group medical practices that would provide total health services for a single fee.

So, I am understandably proud of the fine record of the 92nd Congress on legislation crucial to the health of the American people, and I am glad to say that these measures have enjoyed wide support from both Democratic and Republican members.

Although the health care crisis remains severe, we have begun to correct the deficiencies and there is substantial basis to hope that we will achieve the goal.

#### LA PORTE HOSPITAL AN INSPIRING EXAMPLE

This hospital which we are dedicating today here in La Porte is another inspiring example of the positive actions that are being taken—this one at the local level—to deliver quality health care to all Americans.

Congress has recognized the severity of the problem and has acted on many pieces of innovative health care legislation.

You here in La Porte have recognized your need for more adequate health care facilities in your own community and have acted to provide them. If we are to continue to make progress in insuring quality health care for people all across our country, we can do so only if we follow the example you here in building your new hospital—and that example is cooperation—cooperation on the part of private individuals and groups and among officials at every level of government. I congratulate you all on this proud day in the history of the City of La Porte.

#### REMARKS BY MAYOR DENNIS SMITH AT LA PORTE HOSPITAL DEDICATION

Today is a day of pride! It is a day of well-earned pride for those men and women who have devoted a great amount of their time, talent and money in seeing to the financing and building of this hospital. Today is a day of well-earned pride for the whole community of La Porte.

A few years ago, there appeared a sign which seemed to come from nowhere—a sign, with large letters sprawled across it, saying, "we are going to build a hospital". This sign appeared a long time before the first cent had been raised to finance this structure. To an outsider, this must have appeared as boldness beyond compare, rashness to the highest degree.

But to the men and women of the La Porte Hospital Board of Directors and the La Porte Hospital Building Fund, it appeared merely as a statement of hope in the future and faith in the present. These men and women knew La Porte! They knew the pride of the citizens of La Porte and the surrounding community. They knew that once the people of La Porte had been presented with a challenge, then all the people—the working man, the merchant, the industrialist, the teacher, the politician, the housewife, the school child—would join together and would get this hospital built. And do you know—these men and women were correct. All of La Porte *did* join together and all of La Porte *did* build a hospital. And I must say a beautiful one at that.

#### SIGNIFICANCE OF HOSPITAL TO FUTURE OF LA PORTE

This hospital is going to play a very significant role in the present and future history of the city of La Porte and its surrounding community. This hospital is going to be a continuous source of confidence to the people of La Porte. They now have the confidence that the pledge of good medical care which they have received in the past will continue in the future. They now have confidence that their children will always be born in a facility which will be able to treat not only normal birth, but also unforeseen difficulties. The people of La Porte now have confi-

dence that any emergency can be handled with proper and adequate medical attention. They now have confidence that their loved ones will always be cared for in comfort and in pleasant surroundings.

This hospital has not only instilled confidence in the people of La Porte concerning medical treatment, but has also raised new hope in the future of the city and has generated a faith in all of the citizens that we can accomplish anything if we put our minds to the task.

This hospital is La Porte's Ile of Delos! It is the cradle of rebirth for the whole city of La Porte.

#### SPECIAL APPRECIATION TO MEMBERS OF LA PORTE HOSPITAL BOARD OF DIRECTORS

And to you—members of the La Porte hospital board of directors, and to you—members of the La Porte hospital building committee—I say this: You have built not only a hospital, but you have also lit a fire. This fire is going to roar through La Porte and is going to ignite the desires and dreams of all the citizens to improve their home town. You are going to see new homes, where before there was no home. You are going to see new business, where before there was no business. You are going to see new industries where before there was no industry.

This spark which you have ignited will build into such a fire, that I now warn those who wish to stand in its path, that you too will be caught up in it, and you too will work and strive for a better La Porte.

Members of the La Porte hospital board of directors and members of the La Porte hospital building fund, in behalf of all the citizens of La Porte, we accept this hospital as one of the most beautiful facilities in Indiana. We accept this hospital as La Porte's single greatest act of mercy.

And in behalf of all the citizens of La Porte, we also thank you.

#### MAYOR'S MESSAGE PROGRAM

#### HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. McDADE. Mr. Speaker, the shock and grief at the news of the terrorist slayings of 11 members of the Israeli Olympic Team have been shared by all decent Americans. Of the many expressions of outrage which followed this senseless act none was more eloquent than that of the mayor of my own home city of Scranton, Pa. The words of Mayor Eugene J. Peters are significant not only because they speak for all of us, but because they express the personal anguish and sorrow of a man of Arabic ancestry.

I submit for the Record Mayor Peters' remarks, and I commend them to the Members' attention:

MAYOR'S MESSAGE PROGRAM, SEPTEMBER 7, 1972

Good evening.

It is with a sense of sadness and concern that I speak to you tonight, for Tuesday's tragedy in Germany has shrouded the world in shock and sorrow.

In a setting of peaceful competition among nations, a handful of irrational men have snatched the joy and triumph from all the medals, all the victories, and all the honors of the 20th Olympiad. Some may think that the Mayor of the City of Scranton, thousands of miles away, should have no real concern for the murders in Munich. But, I do not agree. Some may think that the problems



facing the people of the City of Scranton should be too important to be eclipsed by the deaths of a few young athletes at the Olympic Games. But, I do not agree. And, some may feel that we have too many of our own problems to be worried about what happens in this world. But, I do not agree. For the taking of human lives sounds no less tragic in English, Yiddish or Arabic. For the animal actions of despicable terrorists is no less revolting, be you a citizen of Munich, a citizen of Tel Aviv, or a citizen of Scranton.

I am, therefore, troubled and concerned that we as human beings, may not learn a lesson from this tragedy . . . for even the worst catastrophe can give lessons for our lives. As Aeschylus wrote "In our sleep pain that cannot forget falls drop by drop upon the heart, and in our own despair, against our will, comes wisdom through the awful grace of God."

And, I believe the lesson we should learn from this atrocity is that we all must make an effort to understand each other better. We all must make an effort to meet each other's needs. And, we all must make an effort to feel each other's sorrow. For, we can no longer afford the luxury of considering ourselves just citizens of Scranton, or just citizens of the Commonwealth of Pennsylvania, or just citizens of the United States of America. In a very real sense, we must consider ourselves citizens of the world.

For the problems of wars between nations, of wars among people, of dissension among ourselves are man-made problems, fostered by fear, or ignorance, or greed or pride, but since these problems are man-made, they are, by definition, able to be solved by men who have made them.

If the muted lives of these innocent young Israeli martyrs do nothing else than weigh upon the conscience of the world . . . than haunt the hearts and minds of every man to do something to make this world a better place for all of us . . . than do something to make the misery of our fellow man less burdensome . . . than do something to make the lives of our children safe, stable, and sure . . . then the gold medals which these young athletes never achieved in life will pale in value when compared to the worth of the work they shall have done in death.

On behalf of the people of the City of Scranton, I wish to express our disgust, dismay and despair over the savage, senseless murders in Munich. The strength and ability which these young Israelis demonstrated in Olympic competition will now fuel the force of love and peace contesting hate and terror.

I know I speak for all Americans of Arabic ancestry when I deplore this useless killing by assassins who know no nationality, by bigots who know no boundary, and by despicable terrorists who know no decency.

I extend to all of the people of Israel and their relatives here, my sincere sorrow and prayers and that of all of those who share my ethnic ancestry. For what was destroyed was not just the lives of Jews, but the lives of human beings. What was demeaned was not just the reputation of Arabs, but the dignity of man.

So therefore, this irrational act is a crime to which we all must plead some guilt. For it was an attack on all mankind by mortal men.

We must cease political kidnapping and assassination or we will cease as human beings. We must cease man's inhumanity to his fellow man or we will forfeit the faith of God and sentence ourselves to annihilation.

May God forgive us, for we know not what we do.

And, in the words of a man who was slain by the brutal bullets of an assassin, the late Senator Robert F. Kennedy, "Let us dedicate ourselves to what the Greeks wrote so many years ago: To tame the savageness of men and make gentle the life of the world."

Thank you. Good evening.

# COUNCIL ON ENVIRONMENTAL QUALITY SCORES SAN ANTONIO EXPRESSWAY TERMINATION IN HIGHWAY BILL AS ENVIRONMENTAL "RETREAT"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. DINGELL. Mr. Speaker, as I noted on September 21, 1972—see page 31872 of CONGRESSIONAL RECORD—the highway interests are seeking to subvert and undermine two environmental acts of Congress which have widespread public support; namely, the National Environmental Policy Act of 1969 and section 4(f) of the Department of Transportation Act of 1966.

They succeeded in the Senate and in the House Public Works Committee. Now they want the full House—at a time so close to the end of the 92d Congress and the November elections—to uphold the Senate action.

I am, of course, referring to section 113 of H.R. 16656, which states that: "Notwithstanding any other provisions of Federal law or any court decision", the Federal Government's interest in the San Antonio North Expressway as a Federal-aid urban highway project is "terminated". The effect of this provision is to allow the highway interests to build—in total disregard of the national interest in preserving all public parklands whether Federal, State, or local—a highway through two urban parks in the city of San Antonio.

On September 18, 1972, Secretary Volpe, in a letter to the House Public Works Committee, stated his total opposition to section 139 of H.R. 16656 which also seeks to undermine our environmental laws and court orders by requiring that the Three Sisters Bridge in the District of Columbia be built. Indeed, Secretary Volpe told the committee that section 139, if enacted, would probably result in the Secretary being in contempt of court.

Today, Congressman ECKHARDT and I received a letter from the Acting Chairman of the Council on Environmental Quality, Dr. Gordon J. MacDonald, who said:

The Council opposes enactment of Sec. 113 of H.R. 16656 and [an identical provision in] Sec. 147 of S. 3939.

In stating the Council's opposition to section 113 of H.R. 16656, Dr. MacDonald said that this provision represents "a bad precedent and an unfortunate retreat from the national commitment to environmental concerns as expressed in such provisions" as NEPA and section 4(f) of the Department of Transportation Act of 1966. He said:

The attempt to circumvent these basically procedural requirements raises the question whether the decision to continue this particular project would not withstand the kind of analysis presently being conducted daily with respect to other highway projects around the country.

In addition to these implications, the Council is concerned over the long-term, precedent-setting effect of the proposed leg-

islation. We know of no basis for distinguishing the San Antonio project from many similar highway projects which must presently comply with provisions of NEPA and Sec. 4(f) of the Department of Transportation Act. Legislation of this type risks Congressional embroilment in the merits of individual highway projects around the country. In addition, it marks a retreat from the concerns which gave rise to the National Environmental Policy Act of 1969.

Indeed, section 113 of H.R. 16656 is a "retreat" from our national commitment to preserve our parklands and our environment. Certainly, this House should not encourage such a "retreat."

It is interesting to note that the House Committee's report of September 25, 1972 (H. Rept. 92-1443), which explains the purpose of section 113 of H.R. 16656, contains the same errors about this project as the Senate report does—see my September 21 remarks on page 31872 of the CONGRESSIONAL RECORD. Indeed, the House report and the Senate report language is identical.

The House report states—pp. 32-33:

The State obtained initial route approval from the Federal Highway Administrator and purchased all rights-of-way and completed all relocations using approximately \$7 million in State and local funds. It did so prior to certain changes in Federal law which have involved it in extended legal controversy. Furthermore, the Secretary of Transportation approved the letting of construction contracts prior to recent Federal court decisions setting forth new standards for reviewing administrative approvals. The upshot is that the project has twice been caught by changes in Federal law and procedures affecting its completion as a Federal-aid project.

As a matter of fact, the Federal Highway Administrator has never approved the "initial route" of this highway through parklands. In fact, Secretary Volpe, in approving construction of two segments outside the highway, insisted on August 13, 1970—and the State agreed—that the portion of the expressway to be routed through parklands shall be "studied" further.

As a matter of fact, it is misleading to say that these construction contracts were approved prior to the August 5, 1971, Court of Appeals decision. The suit that led to that decision was first filed in 1967. It was reactivated only a few days after interested citizens learned in a newspaper article that Secretary Volpe had entered into an agreement with the State to approve the two highway segments outside the park.

All of the above factual data are set forth in greater detail by our former colleague, Congressman—now Judge—Homer Thornberry in *Conservation Society v. Texas*, 446 F. 2d 1013, August 5, 1971, 2 ERC 1872.

Judge Thornberry held that:

First. The Secretary of Transportation failed to carry out the environmental study of this highway as required by NEPA;

Second. The Secretary of Transportation has demonstrated no effort to comply with section 4(f) of the Department of Transportation Act; and

Third. Secretary Volpe acted beyond the scope of his authority in approving two segments of the highway outside the park.

Section 113 of H.R. 16656 would, in effect, overrule Judge Thornberry.

It would carve out an unwisely exception to NEPA and section 4(f).

It would allow the highway interests to build this highway through 9 acres of Brackenridge Park and through park acreage in other public parks—Franklin Fields, Koehler Park, and Olmos Basin Park—for a total of 124 acres.

Of course the bill would require the State to repay to the highway trust fund all Federal funds paid out on this expressway, or committed to it. But this is merely a bookkeeping transaction, because the bill provides that the repaid money shall then be "credited to the unprogrammed balance of Federal-aid highway funds" of Texas to apply to other highways and enable the State to use the State moneys it replaces to pay for the San Antonio Expressway.

We urge that section 113 of H.R. 16656 be deleted. It is a raid on our environmental laws. It—like a later section of the bill—section 139, concerning the Three Sisters Bridge, which we also oppose—would overturn Federal court decisions aimed at enforcing those laws and upholding the right of citizens to preserve this Nation's fast dwindling Federal, State, and local park areas.

We urge all Members to vote in support of our amendment, as recommended by the Council on Environmental Quality.

Our amendment is as follows:

Amendment to H.R. 16656, to be offered by Mr. DINGELL and Representatives BELLA S. ABZUG, BILL CHAPPELL, Jr., BOB ECKHARDT, GILBERT GUDE, PAUL N. McCLOSKEY, Jr., JOHN E. MOSS, THOMAS M. Pelly, HENRY S. REUSS, and JOHN P. SAYLOR:

Strike all beginning with line 22 on page 71 through line 23 on page 72.

Mr. Speaker, at this point of the RECORD I insert the full text of the September 27, 1972, letter of the Council on Environmental Quality to Congressman ECKHARDT and myself expressing the Council's opposition to section 113 of H.R. 16656:

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,  
Washington, D.C., Sept. 27, 1972.

HON. JOHN DINGELL,  
Hon. BOB ECKHARDT,  
House of Representatives,  
Washington, D.C.

DEAR MESSRS. DINGELL AND ECKHARDT: In response to your letter of September 22, 1972, I am happy to provide you with the Council's views on Section 113 (the San Antonio North Expressway rider) of H.R. 16656, the Federal-Aid Highway and Highway Safety Act Amendments of 1972, (identical to Section 147 of S. 3939, the Federal-Aid Highway Act of 1972). These sections contain identical provisions which would terminate the long-standing Federal involvement with the San Antonio North Expressway project in order to bypass an unfavorable court decision applying Section 4(f) of the Department of Transportation Act and NEPA (*San Antonio Conservation Society v. Texas* 446 F2d 1013 (5th Cir. 1971)).

For reasons similar to those expressed in your letter, the Council is of the view that these provisions represent a bad precedent and an unfortunate retreat from the national commitment to environmental concerns as expressed in such provisions as Sec. 4(f) of the Department of Transportation

Act of 1966 and Sec. 102(2)(C) of the National Environmental Policy Act of 1969. In both of these Acts, Congress expressed its concern that actions with a potential for adversely affecting the environment should not be undertaken until a careful evaluation had been made of the potential environmental costs of the proposed project and its alternatives. It should be noted that these provisions of Federal law do not forbid the construction of Federal highways through parkland; rather, they simply express what appears to us to be a basic requirement for rational decision-making in a decade in which environmental values have come to be recognized as at least as important as more traditionally economic and technical concerns.

The attempt to circumvent these basically procedural requirements raises the question whether the decision to continue this particular project would not withstand the kind of analysis presently being conducted daily with respect to other highway projects around the country.

In addition to these implications, the Council is concerned over the long-term, precedent-setting effect of the proposed legislation. We know of no basis for distinguishing the San Antonio project from many similar highway projects which must presently comply with provisions of NEPA and Sec. 4(f) of the Department of Transportation Act. Legislation of this type risks Congressional embroilment in the merits of individual highway projects around the country. In addition, it marks a retreat from the concerns which gave rise to the National Environmental Policy Act of 1969.

The Council opposes enactment of Sec. 113 of H.R. 16656 and Sec. 147 of S. 3939.

Sincerely,

GORDON J. MACDONALD,  
Acting Chairman.

#### CLOSING THE COLLEGE-COMMUNITY GAP

#### HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. DEL CLAWSON. Mr. Speaker, a project undertaken in a college community in southern California appears to have served both the community and the students in exemplary fashion. The project is described in the article which follows—condensed with the permission of the author. The president of Cal State Long Beach, Stephen Horn, the students, and city officials involved in the project have demonstrated how the learning process can be enriched in a very practical and constructive way. It is a pleasure to commend to the attention of my colleagues at the point in the RECORD the article taken from the Long Beach Independent Press-Telegram of June 11, 1972, by Susan Pack entitled "The Long Beach Project: Closing the College-Community Gap":

THE LONG BEACH PROJECT: CLOSING THE COLLEGE-COMMUNITY GAP  
(By Susan Pack)

"Long Beach police were expected to come onto campus early this morning to clear the area in front of the bookstore of about 300 camping demonstrators.

"The sleep-in, a protest of the Kent State deaths, was generally peaceful, but two minor trash can fires were reported about midnight,

"Dean of Students Jack Shainline said at 12:30 a.m. that he expected the police to come onto the campus, 'and there's nothing I can do to stop them. . . .'"—The Forty-Niner Newspaper, May 7, 1970.

The police did come to Cal State Long Beach early that morning, and by 3 a.m. the campus had been quietly cleared and closed.

College students were angry that spring over the entrance of American troops into Cambodia and several days later, the killing of four Kent State students. Campuses throughout the nation were turbulent with demonstrations and violence, and it seemed as if the college and the government had never been more polarized.

Yet, out of the demonstrations out of the peace vigils, a new understanding was emerging between one college and one city—Cal State Long Beach and the City of Long Beach.

On May 7, 1970, copies of the CSLB newspaper, The Forty-Niner, were circulated into the community, a page one editorial pleading, "Listen to the student story." And on that same day, the Community Information Committee (CIC) was formed. They renounced confrontation politics, turning instead to knocking on doors and speaking to residents of Long Beach on a one-to-one basis.

Among those active in this group was a sophomore named Larry Sosowsky. He came up with the idea for a convocation, where campus leaders and administrators could make their positions known. Two days later his idea had become reality as a crowd of 5,000 gathered to listen to six speakers at a three-hour convocation.

From his role in organizing the convocation, Sosowsky, a political science major, developed his initial interest in the community. As newly-appointed public relations commissioner for the Associated Students at CSLB, he began to transform his interest into viable programs of communication between the campus and the community.

The first step was the creation of a student speakers bureau, which sent CSLB students to speak at community club meetings. The second step came in September with the organizing of a college-community convocation.

The convocation allowed members of Long Beach to visit in-session classes, talk with students and faculty and meet CSLB's new president, Stephen Horn.

While organizing the convocation, Sosowsky was able to work closely with Mayor Edwin Wade and City Manager John Mansell, thus giving him still another idea for bringing the campus and community closer together.

In December 1970, the Long Beach City Council passed a resolution approving the placement of CSLB students on different city commissions and committees with all the privileges of a member except the vote. The Long Beach Project had officially been born.

The name of the program is borrowed from the Oakland Project, in which graduate students do research on and participate in the bureaucratic levels of city government. However, the emphasis of The Long Beach Project is on undergraduate participation in policy formulation, believed unprecedented in any American city.

"The Long Beach Project seeks to join the insights and expertise of the academic community (faculty, administration and students) with the experience and knowledge of the community's political, business and civic leadership," said Sosowsky.

"Hopefully, California's fifth largest city and its largest state college can produce a 'model of interaction' for California's citizens."

Not only do students serve on 14 commissions and committees, but they also attend weekly seminars, where they listen to speakers from both the college and the community and discuss their individual experiences. Dr.



Leroy Hardy, professor of political science, and Sosowsky "co-teach" the seminar, which is worth three units of credit.

During the first semester, the seminar series simply attempted to give project participants a traditional overview of city government. A regional approach was taken the second semester to provide an understanding of a complex urban system. This semester the emphasis is on sources of influence and their role in making the community run.

College President Stephen Horn and Mayor Wade are both very pleased with the program and would like to see it expanded.

"I have long believed in this type of approach to the study of political science," said Horn.

"I have met with the students involved. They have learned how the system does work and better understand the various roles and values in the development and implementation of public policy. That insight gained as students, that experience is worth a tremendous amount to them."

He added that as a collective group, participants in the project "better understand the city than almost anyone in Long Beach."

Horn believes that the opportunity to merge theory and practice is what's needed in education and would like to see the project expanded to include other fields, such as business, music, etc., and to reach county, state and national levels. Horn has received numerous inquiries from other Universities.

According to Wade, a number of city governments have also asked about the program.

He believes CSLB students are contributing "a great deal" to city government.

City Manager Mansell, who has emphasized from the outset that the program is not "window dressing," feels the students have made "definite contributions" in "formulating thought" in the commissions, and their ideas and judgment have been used, especially in the recreation and human relations commissions.

Sosowsky graduates this June and will pursue his education at the Graduate School of Public Policy at UC Berkeley next fall. Taking over coordination of the project, which will be tied in with the CSLB Center for Urban Studies next year in an attempt to stimulate student research of local policy issues, will be professor Hardy.

"Many students are incredibly naive about city hall," he said. "Either they don't know what's going on or they assume they're all crooks. After dealing with the people, they get a different idea."

Hardy believes that the project has led to better college-community relations, but the community has received most of the benefit.

"The city has a much better impression of Long Beach student body members, but I'm not sure most college students have a better insight into the community."

He blames this situation on the limited number of students participating in the project.

Student representatives appreciated the opportunity to participate in the project, and most believe it has improved relations between the city and the campus.

## THE RUSSIANS CAME

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. RARICK. Mr. Speaker, following passage of the SALT interim agreement, three Russian representatives of Soviet television and radio came to my office, to tape a television interview for use in their country. The filmed inter-

view consisted of two questions: "Why did you vote against the SALT talk agreement?" and "What was your opinion of the Jackson amendment?"

I stated that I had voted against the SALT agreement because I did not think it was fair and just to the American people to give an arms advantage to the Soviets. I said that our people want peace just as we might expect the Russian people do and that I am sure the Russians would not accept any treaty which would not give them at least equal treatment. I said that if the agreement had given the United States an advantage of 564 missiles and 18 missile submarines—which the agreement actually gives to the Russians—then they would have complained and opposed the treaty just as I did. I pointed out that if we are to talk peace, we will get nowhere with agreements which contain the seeds of suspicion and distrust. We cannot have lasting peace when the people on one side feel that the others got an unfair advantage from the treaty agreement.

My comment on Senator JACKSON's amendment, which urges the President to work for equal treatment in 5 years, was that the Jackson amendment merely proves that my colleagues realized that the United States did not get a fair shake in the agreement.

Following the interview, the Russians asked permission to photograph the pictures hanging on the walls of my office. I hope the photos of our great patriots Gen. Robert E. Lee and Gov. George C. Wallace came out loud and clear, as well as a picture of Ukrainian youth commemorating the death of Bandera, the Ukrainian leader who was reportedly executed by a Soviet agent in Munich.

Who knows how the Soviet representatives of the Communist Party-controlled news media will use the tape and the photographs? But one thing is certain. The Russians came. They are very much here. They are interested in why some of us still insist on standing up for America's best interests.

I ask that my remarks during the debate of September 25, 1972, when the House considered and passed the SALT interim agreement follow:

#### REMARKS BY CONGRESSMAN RARICK

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. Rarick).

(Mr. RARICK asked and was given permission to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, seeking peace through arms limitation talks may be the noblest of our undertakings. But an interim agreement between the parties—a benchmark of progress in negotiations, is not talks. It is a scorecard, and in this instance the grade shows we are losing the game. The agreement before us, seeking our approval, does not show we are winning or are even tied. It shows that we have lost even an equality of limitation with our adversary. By approval of this resolution we are asked to sanction our country as a second-rate world power. This is but a Gulf of Tonkin resolution in reverse.

Let me ask: "Is the agreement binding?" "Is it enforceable?" "What are the safeguards?" The answer to each is negative. We are asked to accept only the good faith of the party's signatories and the authority by which they act.

What is the record of faithful performance

by the Communist Party of the Soviet Union to its commitments?

According to the 1958 report of the American Bar Association's Special Committee on Communist Treaties, of the 52 major treaties and agreements entered into, the Soviet Union has broken 50. Fifty broken promises out of 52. This is a bankrupt record of deceit and undependability.

A more recent report by the Senate Judiciary Committee reports that the Soviets have failed to honor 24 of the 25 summit agreements.

The people we represent are being asked to trust the Communist negotiators or their Secretary, Leonid Brezhnev, who signed the agreement not as an elected leader of the Russian people, but as General Secretary of the Central Committee of the Communist Party of the Soviet Union. Were President Nixon to have signed the agreement as head of the Republican Party of the United States, would all Americans feel bound?

Not one suggestion has been made as to enforcement—possibly because no provision can be negotiated for inspection. The Soviets refuse. Their refusal can only be interpreted as an indication that they intend good faith and compliance only so long as beneficial to their goals. There being no inspection, no enforcement mechanism, and to signature of a representative head of state, what we are asked to agree to is at most a unilateral agreement by which our country pledges not to constitute a threat to Soviet imperialism. The Soviets for 5 years can go about other business.

The Marcos government of the Philippines yesterday announced suspension of constitutional government and proclaimed martial law to protect that country from Communist terror and subversions. Who knows how serious the threat? Which of our allies will next fall victim to Communist aggression?

What power or respect in international politics can a nation maintain which voluntarily assigns its people to a second-rate position? And more importantly, what respect—what pride—can such a nation expect from its own people?

I, too, have heard the talk—that the Senate amendments improve the bill; that this is the best we can get out of a bad situation. I only ask that you do not be misled by the rhetoric. I am sure that Senator JACKSON did the best he could under the circumstances, but read the amendments, including Mr. JACKSON's. It does nothing—it has no teeth. At most, it is more quotable persuasion to disarm the unsuspecting American people.

Mr. JACKSON's amendment is not even applicable until after the end of the 5-year interim arms limitation moratorium, or until 1977. And even then, what does the Jackson amendment provide? It reads:

"Urges and requests the President—"

Whoever he may be in 1977—

"to seek a future treaty that, inter alia, would not limit the U.S. to levels of international strategic forces inferior to the limits provided for the Soviet Union."

The Senate passed the amendment and in so doing admitted that the agreement reduces our country to inferior status with the Soviets. Yet, while admitting the agreement was not fair nor equal to the American people, did not seek equal treatment until after 5 years—if we are still around.

The administration in agreeing to the amendment must have understood that they bought too quickly and got the short end of a one-sided bargain.

I cannot cast my people's vote for any agreement that is unfair and not at least equal to the treatment given their principal adversary—the Soviet Union.

I hope that the action taken by this body is right, because if not, it will be too late to correct it.

I urge defeat of the resolution.

THE THREE SISTERS BRIDGE AND  
OTHER CONSERVATION ASPECTS  
OF THE HIGHWAY BILL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES  
Wednesday, September 27, 1972

Mrs. ABZUG. Mr. Speaker, next week we will be considering H.R. 16656, the Federal-Aid Highway Act of 1972. A number of major amendments will be offered on the floor, most of them relating to either conservation issues or the use of the money in the highway trust fund for certain urban and mass transit purposes. I shall insert a statement on some of the urban and mass transit items in tomorrow's RECORD, discussing today three of the conservation items:

THREE SISTERS

Section 139 of the bill would withdraw the authority of the courts to issue any order or take any action which would in any way impede, delay, or halt construction of the Three Sisters Bridge in the District of Columbia and its approaches in Arlington County, Va.

Although Congress has authorized construction of the Three Sisters Bridge and its approaches in the District of Columbia, Congress has never specifically authorized construction of the bridge's approaches in Virginia or any other interstate highway in any other State. The Federal highway laws, section 103 of title 23, gives the States the responsibility to initiate, plan, and construct interstate highway projects. Any proposal to remove these functions from the District of Columbia and the State of Virginia would supersede local initiative and responsibility and create a precedent for similar action with respect to interstate highways elsewhere.

Moreover, if the purpose of section 139 is to expedite construction of the Three Sisters Bridge, it does not achieve that purpose. It would leave the existing court order standing. (See D.C. *Fed'n of Civic Ass'ns v. Volpe*, 459 F. 2d 1231 (D.C. Cir. 1971), cert. denied, 405 U.S. 1030 (1972)). The General Counsel of the Department of Transportation has advised that constructing the Three Sisters Bridge without complying with the existing court order may lead to contempt proceedings against the Secretary of Transportation.

It appears that the Three Sisters project is not desired by the people of the communities through which it is to run; to prevent these citizens from having their day in court is not only contrary to our democratic traditions, but may be unconstitutional as well.

In order to satisfy the requirements of paragraph 6 of rule XXIII, I include at this point the text of the amendment which I will offer to strike section 139 from the bill:

Strike all of section 139, beginning at page 107, line 12, through page 108, line 5.

DISTRICT OF COLUMBIA HIGHWAY ACT

Section 140 would make the act to provide a permanent system of highways in that part of the District of Columbia

lying outside of cities, approved March 2, 1893—27 Stat. 532—as amended, inapplicable to any segment of the Interstate System within the District of Columbia.

The only procedure by which the District of Columbia can initiate, plan, and construct highways is pursuant to the permanent system of highways plan, D.C. Code sections 7-108—7-115. Because section 140 does not contain any substitute provision, its enactment would abolish the authority of the District of Columbia to initiate interstate projects. Since the Federal-aid highway program places the responsibility for initiating, planning, and construction projects in the States—including the District of Columbia—section 140 could prevent the construction of interstate highways in the District of Columbia.

Moreover, the Public Works Committee has neither the jurisdiction nor the expertise to review and revise the District of Columbia's highway laws. That responsibility rests with the Committee on the District of Columbia.

The administration has urged the deletion of sections 139 and 140 from the House bill—letter dated September 18, 1972, from the Honorable John A. Volpe, Secretary of Transportation, to the Honorable JOHN A. BLATNIK, chairman, House Public Works Committee.

Mr. Speaker, I include here for the purposes of rule XXIII, paragraph 6, the text of an amendment to delete section 140 of this legislation:

Strike all of section 140, beginning at page 108, line 6, through page 108, line 12.

I also include at this point the additional views of Mr. RANGEL, Mr. SCHWENGEL, and myself, included in House Report 92-1443 on the bill. I note that section 139 has been altered to clarify an intent that it apply only to the Three Sisters project, but the change in no way renders the provision reasonable or acceptable:

ADDITIONAL VIEWS

We oppose the inclusion in this bill of section 139, which would prohibit judicial review of administrative actions relating to the construction of the Three Sisters Bridge across the Potomac River between the District of Columbia and the State of Virginia, and which might also be interpreted to prohibit judicial review of other projects using Federal highway funds.

We believe that local highway officials and local citizens should have the opportunity to be heard with regard to highway construction projects, and that they should also have the right to a day in court if they believe that such a project is in violation of law. To prevent them from having that say, and that day in court, as section 139 attempts to do, violates basic principles of American democracy and may well be unconstitutional.

There are serious questions as to whether the Three Sisters project is desired by the communities through which it will run and as to whether the project complies with the requirements of the National Environmental Policy Act, and any attempt to circumvent those questions is in our opinion unwarranted.

In addition, we oppose section 140 of the bill, which we feel would wreak havoc with any further Interstate highway planning and construction in the Nation's Capital.

I. SECTION 139 WOULD PERMIT AN INTERSTATE  
HIGHWAY IN VIRGINIA AND FEDERAL-AID HIGH-  
WAYS THERE AND ELSEWHERE TO BE CON-  
STRUCTED UNLAWFULLY

Section 139 of H.R. 16656 would remove the power of any court to take action affecting construction of the Three Sisters Bridge and its approaches in the District of Columbia and Virginia. Congress has already authorized construction of the Bridge and its approaches in the District of Columbia, presumably because Congress may have special and unique responsibilities for the District. But Congress has never authorized construction of the Bridge's approaches in the Commonwealth of Virginia. As far as we know, Congress has never before presumed to exercise that power. The citizens of Virginia and the other States, acting through their duly authorized officials, have had authority to decide whether, where and in what manner Interstate highways should be constructed. Section 139, however, would deprive citizens of Virginia of redress to the courts if their state officials should abuse or exceed that authority with respect to the Three Sisters Bridge. This would be a dangerous precedent for the whole federal-aid highway program.

Section 139 of H.R. 16656 would go even further. It would also prohibit judicial review of any determination by any governmental agency "in carrying out the mandate of this [the Federal-Aid Highway] Act." May the construction of a federal-aid highway be deemed "mandated" by the Federal-Aid Highway Act when systems approval is given pursuant to section 103, when the highway is included in a "program of proposed projects" approved pursuant to section 105(a), or when its plans, specifications and estimates are approved pursuant to section 106(a)? Or does the "mandate of this Act" refer exclusively to such mandatory provisions as those requiring federal-aid highways to be safe (section 109(a)), requiring a public hearing on a proposed highway's social, economic and environmental effects (section 128(a)), requiring coordinated comprehensive transportation planning in urban areas (section 134), and providing special protection for publicly-owned lands such as National Parks (section 138)? We do not know the answers to these questions, for section 139 does not tell us.

Furthermore, we have serious doubt as to the constitutionality of section 139. Article III of the Constitution gives Congress the power to establish courts inferior to the Supreme Court and to provide exceptions to the jurisdiction of the Supreme Court itself, and it has been suggested that these two provisions empower Congress to wholly prohibit judicial review of an administrative determination. *Ex Parte McCordle*, 74 U.S. 506 (1869). However, the powers of Congress under the original Constitution are circumscribed by the Due Process Clause of the Fifth Amendment, and Congress may not exercise its powers under Article III in a manner which would violate due process of law. *Battaglia v. General Motors Corp.*, 169 F. 2d 254 (2 Cir.), cert. denied, 335 U.S. 887 (1948); see, *Yakus v. United States*, 321 U.S. 414 (1944). This provision would deprive citizens of the United States of their day in court, and as such would, in our opinion, violate their right to due process of law.

Section 139 does tell us, however, that any "mandate" of the Federal-Aid Highway Act could be carried out lawlessly. For example, citizens could not obtain judicial review of a government official's determination that public hearings are not required, or that people affected by a highway are not entitled to relocation assistance. Moreover, it would not be clear whether state laws which provide for coordinated highway planning or which place restrictions on highway construction could be enforced in court. If section 139 were enacted, the rule of bureaucracy would surely replace the rule of law. We oppose any pro-



vision in the Federal-Aid Highway Act that would have such drastic, far-reaching and thoughtless consequences.

## II. SECTION 139 UNWISELY AND UNNECESSARILY INTERFERES IN A LOCAL HIGHWAY CONTROVERSY IN THE DISTRICT OF COLUMBIA AND NORTHERN VIRGINIA

As it would affect the District of Columbia, and northern Virginia, section 139 is an unhealthy appendix to section 23 of the Federal-Aid Highway Act of 1968. No legislation has evoked a more anguished or unanimous cry of protest from the people in the Nation's Capital. That section provides:

"(a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall \* \* \* construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" \* \* \*. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

"(b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

"(1) Three Sisters Bridge, I-266 (Section B1 to B2).

"(2) Potomac River Freeway, I-266 (Section B2 to B4).

"(3) Center Leg of the Inner Loop, I-95 (Section A6 to C4), terminating at New York Avenue.

"(4) East Leg of the Inner Loop, I-295 (Section C1 to C4), terminating at Bladensburg Road.

"(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate" . . . which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans. \* \* \*

The Interstate highways specified in section 23 of the Federal-Aid Highway Act of 1968 would drastically affect the citizens of the District of Columbia—their homes, their jobs, the air they breathe, the quality of their lives. Section 23 appeared to deny these Americans the fundamental, democratic right to participate in deciding whether these interstate highways should or should not be built. Section 23 appeared to compel construction without the protections afforded by the planning and approval provisions of either the Federal-Aid Highway Act or District law.

Opposition to section 23 of the Federal-Aid Highway Act of 1968 was so intense—both within the District and throughout the country—that President Johnson chose to interpret it as preserving the fundamental rights it appeared to deny District citizens. Upon signing the Act he said:

"By far the most objectionable feature in this bill is the requirement that the District of Columbia Government and the Secretary of Transportation construct all interstate routes passing within the District as soon as possible—with the District required to commence work on four specific projects within 30 days. These provisions are inconsistent with a basic tenet of sound urban development—to permit the local government and the people affected to participate meaningfully in planning their transportation system.

"Under the Constitution, the Congress does

possess special and unique responsibilities—different from its powers over fifty states—to legislate for the Nation's Capital. The desire of the Congress to move forward with the construction of a highway system to serve the Washington area is understandable. But it is vitally important that these roads be constructed in accordance with proper planning and engineering concepts and with minimum disruption of the lives of District citizens.

Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal highway law.

If the authority of the Executive Branch were not so preserved, I would have no choice but to veto this bill as in infringement of basic principles of good government and Executive responsibility.

"I am advised that under Federal highway law the Secretary of Transportation is required to approve construction only when:

"Funds are available.

"All rights of way can be obtained.

"These projects are shown to be appropriate links in a comprehensive transportation plan for the District.

"Other requirements of sound highway construction are met."

In April 1970, the United States Court of Appeals for the District of Columbia Circuit upheld President Johnson's interpretation of section 23 in a landmark decision involving the Three Sisters Bridge. The District and federal defendants contended that section 23 rendered the planning and approval requirements of the Federal-Aid Highway Act inapplicable to the Bridge. But the court's opinion pointed out that this interpretation "would result in discrimination between District residents affected by the Bridge and all other residents affected by highway projects in their localities." Referring specifically to the federal law's requirements for public hearings—"the only form of direct citizen participation in decisions about the construction of massive freeways, decisions which may well have more direct impact on the lives of residents than almost any other government action"—the Court warned that the defendants' interpretation of section 23 "would condemn it as unconstitutional." The opinion also pointed out that the planning requirements of District law were not affected by section 23 because they were not "to the contrary." *D.C. Federation of Civic Associations v. Volpe*, 434 F.2d 436 (D.C. Cir., 1970).

In 1970, after that decision in the Three Sisters Bridge lawsuit, the House adopted a bill which would have supplemented section 23 of the Federal-Aid Highway Act of 1968. Section 129 of H.R. 19504 (91st Con., 2d Sess.) would have directed the District of Columbia government to commence work, not later than thirty days after enactment, on (1) the north section of the East Leg of the Inner Loop, from Bladensburg Road near the southwest corner of the National Arboretum to 10th and Rhode Island Avenue, N.E., and (2) the North Central-Northeast Freeway, from 10th and Rhode Island Avenue, N.E., to the District line near Silver Spring, Maryland. It would also have directed the District government and the Secretary of Transportation to study the North Leg of the Inner Loop, across the heart of the city, and report their recommendations, including any recommended alternative routes or plans, to the Congress within twelve months after the date of enactment.

Congress wisely did not enact section 29 of H.R. 19504. Instead, the Conference Committee reported a provision which required a twelve-month study and report to Congress on the north section of the East Leg of the Inner Loop, and the North Central-Northeast Freeway as well as the North Leg of the Inner Loop.

As a basis for reporting to Congress under the Federal-Aid Highway Act of 1970, a \$650,-

000 consultant's report was prepared. The D.C. City Council held hearings on it, where responsible witnesses pointed out that construction of the freeways it recommended would result in an annual public subsidy (in tax losses, maintenance, etc.) of \$65 million, or approximately twenty cents per vehicle mile to be travelled on them. On December 31, 1971, the District Government reported to Congress. It recommended (1) that the North Central-Northeast Freeway be replaced by an industrial freeway paralleling New York Avenue; (2) that the East Leg of the Inner Loop (north section) be constructed west from Bladensburg Road to a new interchange north of New York Avenue; and (3) that the North Leg of the Inner Loop be constructed along K Street, N.W. The report cited testimony from representatives of neighboring Maryland counties objecting to the District forcing "repugnant" highway alignments on them. Secretary of Transportation Volpe's report contained the same recommendations.

Meanwhile, the Three Sisters Bridge lawsuit was remanded to the U.S. District Court to determine whether District or federal officials violated any of the provisions of the Federal-Aid Highway Act in approving construction of the Bridge. On August 3, 1970, the court ruled that a proper public hearing had not been held on the design of the Bridge and that the safety of the Bridge superstructure had not been properly approved. On August 7, the court issued an injunction stopping construction of the Bridge until a public hearing was held on the Bridge design and the Department of Transportation approved the design as safe. Both the plaintiffs and the defendants filed appeals.

On October 12, 1971, the U.S. Court of Appeals for the District of Columbia Circuit issued its second decision in the Three Sisters Bridge lawsuit. The court affirmed the district court's ruling on the questionable safety of the proposed design. In addition, the court held that the Secretary of Transportation had not complied with the provisions of the Federal-Aid Highway Act that prohibit the use of publicly-owned parks for Interstate highways unless there is no feasible and prudent alternative (section 138), and require the highways to be based on coordinated, comprehensive transportation planning (section 134). The court also held that the Bridge was approved before it was certain that river bed conditions would support it and that no safety hazard would result from increased air pollution. The U.S. Supreme Court denied certiorari. *D.C. Fed'n of Civic Ass'n v. Airlis*, 454 F.2d 1231 (D.C. Cir. 1971), cert. denied, 405 U.S. 1030 (1972).

Some have said that the U.S. Court of Appeals' decision "defied" the will of Congress. That is not correct. The Federal-Aid Highway Act of 1968 directed that construction of the Three Sisters Bridge should proceed "in compliance with all applicable provisions" of the Federal-Aid Highway Act. The evidence in that lawsuit proved that federal and local officials under extreme pressure bypassed procedural requirements and ignored substantive protections which had been imposed by Congress. The court was not "defying" the Congress; it was directing that the will of Congress be obeyed as written.

The Three Sisters Bridge lawsuit dramatically illustrated the wisdom of leaving Interstate highway planning and design decisions to local officials. The lawsuit revealed that the design proposed—the same design referred to in section 139 of H.R. 16656—was potentially unsafe. In December 1967, representatives of the D.C. Department of Highways and Traffic assured this committee that all necessary approvals had been given to the prestressed concrete box girder, three-span design approved by the Fine Arts Commission. Yet the lawsuit revealed that more than two years later Federal Highway Administration officials were gravely concerned about the safety of that design. The follow-

ing memorandum of March, 1970, from Federal Highway Administrator Francis C. Turner was reproduced in the U.S. District Court's opinion:

"In our memorandum of September 6, 1968, we requested that a comprehensive feasibility study be made for the proposed design which would take into account the effect of the curvature of the end spans and skew of the abutments. We are still concerned that the combination of the adverse geometry of the superstructure, the unconventional design details, the extreme lack of design experience of a structure of this type and the complete absence of this particular construction experience in this country make the undertaking *extremely hazardous and fraught with danger*. To the best of our knowledge, very little has been accomplished to alleviate this concern." 316 F. Supp., at 792.

The district court ruled that construction of the Bridge could not proceed until the question of safety was resolved. Pursuant to the court's order, an 81-foot scale model of the Bridge was later constructed, and on May 20, 1971, a Member of Congress pointed out, "I understand that several days ago the company manufacturing this model broke it." (Cong. Rec., vol. 117, pt. 12, p. 16192.)

Is the design proposed for the Three Sisters Bridge safe? This committee and the Congress cannot be certain, nor should we have to be certain. Decisions about the safety of proposed Interstate Highway designs are not properly our concern, but the concern of highway administrators and, in very few cases, the courts. Surely no one would want to have an Interstate highway which is "extremely hazardous and fraught with danger" constructed in the Nation's Capital. But that is exactly what might have happened if in 1970 the U.S. District Court had no jurisdiction to "take any action which will in any way impede, delay or halt" the construction of the Three Sisters Bridge.

### III. THE THREE SISTERS BRIDGE AND OTHER FREEWAYS IN THE DISTRICT OF COLUMBIA ARE OPPOSED BY THE COMMUNITY

This committee has not held hearings on section 139 or section 140 of H.R. 16656. There has been no hearing by any Congressional Committee on the District of Columbia highway program since April 1968. This committee's hearings on 1972 Highway Legislation included only one witness whose remarks addressed this subject. That one witness—the Citizens Association of Georgetown—urged the repeal of section 23 of the Federal-Aid Highway Act of 1968.

The singular and overriding fact that emerged from this committee's hearings in April, 1968 was the unanimity of civic opposition to the present District of Columbia highway program. Never in the history of this committee has there been such an outpouring of civic protest against a highway program. Groups that ordinarily have little in common on other public issues stood shoulder to shoulder. A bill similar to section 23 of the Federal-Aid Highway Act met with unanimous opposition from civic groups, including such District-wide or areawide organizations as the District of Columbia Federation of Citizens Associations, the District of Columbia Federation of Civic Associations, and the Committee of 100 on the Federal City. Other groups opposing the bill included the following: Democratic Central Committee; Emergency Committee on the Transportation Crisis; Black United Front; Neighbors, Inc.; Arlingtonians for Preservation of the Palisades; Assembly of the Faculty of The Catholic University of America; and representatives of numerous churches and individual civic groups such as the Palisades, Georgetown, Brookland, Lamond-Riggs, and North Takoma Park civic or citizens associations. Not a single civic group in the Dis-

trict or Arlington County, Virginia, testified in favor of the District's Interstate highway program.

Initially, this protest against expansion of the District's highway program was evident in Northwest Washington where proposals to destroy Rock Creek Park, Glover-Archbold Park, and Northwest residential neighborhoods evoked unanimous opposition from civic groups in the area. Action by Congress in 1960, later endorsed by the National Planning Commission and the President, postponed these threats.

By November 1959, when a joint subcommittee of the House and Senate District Committees extensively reviewed the findings of the 1959 Mass Transportation Survey, the flame of public protest had spread to the entire city. In recommending approval of the National Capital Transportation Act of 1960, both the House and Senate reports stated:

"At the same time, the November hearings produced relatively little support for the idea of an expanded highway program. Indeed, many witnesses protested that even the highways already planned will damage the beauty and livability of the Nation's Capital, while taking valuable property off the tax rolls."

When the District Government, in the face of these warning signals, continue to expand its major highway program, the protests grew more persistent. In 1962, a special subcommittee of the House District Committee investigated the expansion and acceleration of highway construction and concluded in its report:

"The testimony taken by the subcommittee on the proposed acceleration of the District's highway program reveals that public opposition to the accelerated highway program, which was vigorously expressed during the aforementioned 1958-60 hearings, has increased with the passage of time. Apart from the testimony by the Engineer Commissioner and representatives of the District Highway Department, the acceleration of the highway program received minimal support. On the other hand, the District Democratic and Republican committees and a considerable number of civic organizations, representing the District and the suburbs, opposed acceleration of the highway program. "These objections hinge on three basic factors: (1) Relocation and other social problems engendered by the highway program; (2) the impact of the highway program on the District's financial problems; and (3) the need for coordination of transportation planning."

The special subcommittee's investigation in 1962 confirmed that the District highway planners were secretly ignoring the mandate of Congress in the National Capital Transportation Act of 1960 and were continuing to plan added highway capacity on the unfounded assumption that all increased metropolitan area travel would be by private automobile. Under this rationale, they increased the scope of District highway proposals by over \$250 million in the two years subsequent to enactment of the 1960 legislation. After another year in which the District's highway planners continued to ignore the policy of Congress, President Kennedy, on June 1, 1963, found it necessary to direct the District Commissioners to reappraise their entire highway program, not only to assume a balanced transportation system including rapid transit, but also to obtain "a consensus which can command general support."

As far as can be ascertained from the record of the hearing in April, 1968 and previous hearings before Congress, this reappraisal has never been made. Although the District officials say that the present District of Columbia Interstate highway program assumes the existence of a complete rapid transit system, they have submitted no evidence to support that proposition. On the contrary, the whole history of the expansion of the highway program since the

1962 investigation demonstrates the falsity of their assertion.

Since the hearings before this committee in April, 1968, District citizens have spoken out again and again against accelerated highway construction—for example, before the National Capital Planning Commission and D.C. City Council in November, 1968 and before the D.C. City Council in February, 1970 and December, 1971. This overwhelming civic protest against accelerated highway construction within the District of Columbia is not a device to promote rapid transit by "killing" freeways. The numerous hearings by the House District Committee since 1958 on Washington's knotty transportation problems confirm that public opposition to new highway construction arises from a concern about their neighborhoods, their city, and their taxes. This opposition predated serious consideration of rapid transit plans, and it is destined to continue regardless of decisions on rapid transit development.

In recent years the opposition has centered on construction of the Three Sisters Bridge. In December 1968, the National Capital Planning Commission and D.C. City Council adopted a highway plan for the District of Columbia that specifically rejected the Bridge as "unnecessary and undesirable." On November 4, 1969, in connection with the District School Board election, an informal referendum was held on the question, "Do you favor construction of the Three Sisters Bridge and its connecting freeway system?" 84% of the voters voted "No." Although in August 1969 the D.C. City Council voted 6-2 in favor of constructing the Bridge, the public statements of three Councilmen who voted for the resolution clearly reveal that they did so only because appropriations for the Metro System and revenue for normal operations of the District government depended on their favorable vote.

The Citizens Association of Georgetown's testimony in March 1972 revealed that the D.C. Department of Highways and Traffic's travel forecasts to this committee in December, 1967 were grossly exaggerated. For example, they assumed that we shall be able to afford the luxury of an average vehicle occupancy of 1.7 persons in 1985. That testimony also demonstrated that there has been no increase in the demand for travel in the vicinity of the proposed Three Sisters Bridge. To the contrary, 1971 travel on Chain Bridge had declined 37% from its 1966 peak and travel on Key Bridge declined 29% from 1966. Finally, that testimony demonstrated that by designing the Bridge and its approaches exclusively to bring new Virginia traffic through Georgetown, the Bridge would bar the use of the freeway to D.C. commuters now using the Whitehurst Freeway through Georgetown. The Bridge will force these commuters to use M Street, which is already dangerously congested with local traffic not destined for downtown.

The Interstate highway program embodied in section 23 of the Federal-Aid Highway Act of 1968, and particularly the Three Sisters Bridge, has no community support. Without that community support, the Congress should not further interfere in the highway controversy in the District and northern Virginia by enacting section 139 of H.R. 16656.

### IV. SECTION 140 WOULD WREAK HAVOC WITH ANY FURTHER INTERSTATE HIGHWAY PLANNING AND CONSTRUCTION IN THE DISTRICT OF COLUMBIA

Section 140 of H.R. 16656 would repeal the District of Columbia Highway Act of 1893, as amended, as it relates to Interstate highways. The bill does not contain anything to replace these provisions, thereby leaving a total void in District laws relating to planning and construction of Interstate highways.

The District of Columbia Highway Act of 1893, as amended, provides the only general



authorization the District government has to build highways. It includes, either originally or by amendment, sections 7-108 through 7-115 and, by implication, section 7-122 of the District of Columbia Code. Section 7-108 directs the District of Columbia Commissioners (under the 1967 Reorganization Plan the D.C. City Council) to prepare "a plan for the extension of a permanent system of highways," and section 7-122 empowers the Commissioners to change this plan "whenever in their judgment the public interests requires it."

The basic procedure for adopting the initial plan and for adopting changes in the plan is set out in D.C. Code section 7-109. The District Commissioners are directed to prepare a map which shows the boundaries, dimensions, and square-footage of all planned streets and highways; to hold a public hearing for the benefit of landowners within the rights of way of the planned highways after giving notice of the hearing for fourteen consecutive days; to submit the plan to the National Capital Planning Commission, which is empowered to "make such alterations \* \* \* as it shall deem advisable"; and to record the plan with the surveyor of the District of Columbia after the plan has received the written approval of the NCPC. Section 7-108 prohibits the highways from being less than 90 or more than 160 feet wide, in order to conform their dimensions to the L'Enfant Plan for the City of Washington.

In addition, section 7-110 authorizes references to be made to the surveyor's permanent highway map in deeds and wills and section 7-111 authorizes the District government's agents to enter private lands to make surveys for proposed highways. Section 7-114 permits property owners affected by proposed highways to use their properties until condemnation proceedings have begun.

Section 140 of H.R. 16656 would sweep away all these provisions with respect to Interstate highways—public hearings for affected property owners; public notice to affected property owners from detailed maps and plans; the right of property owners to use their property until condemnation begins. The effect would be the same as if Congress were to abolish the provisions of the Iowa Code, the New York Laws, or the Oklahoma Statutes as they relate to Interstate highways. It takes little imagination to foresee that the result will be utter chaos in planning, approving and constructing Interstate highways in Washington, D.C.

Some members of Congress have complained publicly about the District government's failure to complete the Interstate highway system within the District. Many of the segments proposed in 1968 and referred to in section 23 of the Federal-Aid Highway Act of 1968, including the Three Sisters Bridge, appear to be misconceived. Some may not be. But whatever one may think about the merits of any proposed segment, section 140 is an open invitation to the District government to plan nothing, approve nothing and construct nothing in the foreseeable future.

By sweeping away all applicable local laws, section 140 raises such elementary questions as these: Who has responsibility for planning highways in the Nation's Capital—the D.C. Department of Highways and Traffic, the Mayor-Commissioner, or the D.C. City Council? Are public hearings of any kind necessary and, if so, who should hold them? Is any public notice of proposed Interstate highway construction necessary and, if so, what kind and who should give the D.C. Department of Highways and Traffic Engineers have a right to trespass on private property to make surveys for a proposed Interstate highway? Or could one disgruntled property owner prevent a survey from being made and thereby hold up construction indefinitely? Even those not intimately familiar with the conduct of

District government affairs can confidently predict that several years could be consumed in attempting to find answers to those questions.

This committee is obviously not equipped by jurisdiction or expertise to review and, if necessary, revise the District of Columbia's highway laws. That responsibility rests with the Committee on the District of Columbia. It would be foolhardy and fruitless for Congress to repeal those laws in amendments to the Federal-Aid Highway Act without replacing them and providing the best possible framework for informed local decision-making. Section 140 should be deleted from the bill.

#### CONCLUSION

Section 139 of H.R. 16656 would deprive the citizens of Virginia and the District of Columbia of the right to judicial review of decisions concerning the Three Sisters Bridge and is probably unconstitutional to the extent that it attempts to do this. It unwisely interferes with a local highway controversy in an awkward attempt to assure construction of a project that is overwhelmingly opposed by the communities on both sides of the Potomac River.

By abolishing the District of Columbia's local highway laws in relation to Interstate highways, section 140 would have chaotic consequences for the Nation's Capital.

Sections 139 and 140 should be deleted from the bill.

BELLA S. ABZUG  
CHARLES B. RANGEL.  
FRED SCHWENGLER.

#### SAN ANTONIO

Section 113 of the highway bill would terminate the San Antonio North Expressway as a Federal-aid highway. The purpose of this innocent-looking provision is to bypass an order of the U.S. Court of Appeals for the Fifth Circuit enjoining the construction of this freeway through the Brackenridge-Olmos Parklands. The court decision, written by Judge Homer Thornberry, described this area as "unique," and noted that it includes sunken gardens, two golf courses, an open-air theater, the San Antonio Zoo, and substantial green area suitable for picnicking or just enjoying the beauties of nature.

The construction was enjoined due to the failure of highway authorities to comply with the requirements of section 4(f) of the Department of Transportation Act and the National Environmental Policy Act. The full factual background of the case is set out at pages 30496-503 of the September 13, 1972, RECORD and at pages 31872-73 of the September 21, 1972, RECORD.

As in the case of the Three Sisters project, the purpose of this provision is to excuse the failure to comply with the laws—laws designed to protect our citizens and their environment. When H.R. 16656 is considered by the full House, my colleague JOHN DINGELL, the architect of the National Environmental Policy Act, will offer an amendment to delete section 113.

I include at the conclusion of my remarks editorials from the St. Louis Post-Dispatch and the Washington Post, as well as an excellent story by William V. Shannon in the New York Times:

[From the St. Louis Post-Dispatch]

#### BYPASSING THE LAW

Highway builders—long successful at bulldozing their way over buildings, trees and

other unwelcome obstructions—have now apparently found a way to overcome the courts and environmental protection laws. Actually the road builders' legal bulldozer is still in the testing stage in San Antonio, Tex. But if it succeeds there, the device is almost certain to be used wherever there is environmental opposition to the laying of concrete over a route representing the shortest distance between two points.

The test case involves the North Expressway, a road designed to link two interstate highways in San Antonio and which in the process would cut through a section of Brackenridge Park and the adjacent Olmos flood basin. After failing in their efforts begun in 1967, environmentalists in San Antonio succeeded in getting a court injunction against the expressway on the grounds that it was contrary to environmental protection laws and to a Supreme Court decision barring a highway from Overton Park in Memphis.

City and state officials went to Congress, however, and with the help of Texas Senators John G. Tower, Republican and Lloyd M. Bentsen, Democrat, got the Senate Public Works Committee to include a provision in the 1972 federal highway aid act permitting Texas to repay all federal money spent on the San Antonio project, thus exempting it from coverage by federal environmental statutes. A similar provision is expected to win approval in the House Public Works Committee with the aid of friends of the highway lobby among members of the powerful Texas delegation in the House.

If Congress should set a precedent by passing this kind of special legislation allowing highway builders to ignore environmental values, various local campaigns to protect cities, parks and historic monuments from bulldozers would suffer a disastrous setback. This is why it is important now for those who would safeguard scenic and recreational assets against indiscriminate highway intrusion to rally to the support of Senators Eagleton, Muskie, Tunney and Buckley, who voted against the San Antonio expressway provision in committee.

[From the Washington Post, Aug. 8, 1972]

#### ATTAINMENT OF SAFEGUARDS

On the crucial question of planning procedures, the draft bill is alarming in its ambiguity. One of the greatest victories of the environmental movement has been the attainment of safeguards—requirements for public hearings, environmental impact statements, relocation programs, protection for parkways and historic structures, and the standing of citizens to sue—to keep highway bulldozers from demolishing other public values. The Public Works Committee has generally fostered such safeguards, but the draft bill proposes an entirely new alternative planning procedure which might enable states to wriggle out from under the detailed requirements of federal law. In addition, Senators Bentsen and Tower are pushing an amendment to permit the Texas highway department to proceed with a San Antonio project which has been blocked by federal courts. This move stirs up unhappy memories of the Three Sisters Bridge fights of the past. The committee and the Senate should resist both the moves to undermine the general protections now in force, and efforts to circumvent them by special exceptions.

An interesting bill introduced by Senators Kennedy and Welcker, with over 15 cosponsors, clarifies the choices now before the Senate. Without junking those highway projects already under way, the Kennedy-Welcker bill would permit state, local and regional governments to use future trust fund monies for either highways or mass transit, with the present environmental and relocation safeguards intact. This is a route toward sensible, comprehensive transportation planning which certainly should be explored.

[From the New York Times, Sept. 17, 1972]

# THE HIGHWAYMEN

(By William V. Shannon)

WASHINGTON, Sept. 16—If I may paraphrase Alfred Noyes, a favorite poet of my childhood,

*The highwaymen came  
riding, riding, riding  
Up to the courthouse door.*

The Senate has begun consideration of the Federal-Aid Highway Act of 1972 and will resume work on the bill on Tuesday. That same day, the House Public Works Committee takes it up.

As in past years, the bill authorizes Federal money for the interstate highway system and other road programs out of the Highway Trust Fund established in 1966. Spending on roads will exceed \$6 billion a year.

For the first time, the bill will permit local communities to spend Highway Trust Fund money for purposes other than roadbuilding. Originally, the Senate Public Works Committee voted 8 to 7 to permit localities to spend up to \$800 million for either bus or rail transit. But then it reversed itself and restricted this option solely to buses. On Tuesday, Senators Cooper (R-Ky.) and Muskie (D-Maine) will offer their amendment to permit communities to spend the money for subways or commuter railroads if they choose.

Senator Kennedy (D-Mass.) and Weicker (R-Conn.) are also planning to put forward their more sweeping substitute which would authorize money to complete the interstate system but would open most of the rest of the fund—more than \$2 billion annually—to any transportation use which communities preferred.

The Cooper-Muskie amendment has a fighting chance. The prospects for the Kennedy-Weicker substitute are less bright.

This scrimmaging over money is a familiar story. What is less familiar is the ruthless determination of the highway lobby to override the Federal courts. Section 4(f) of the 1966 Transportation Act gives special protection to parks and scenic areas against invasion by the highway builders.

The National Environmental Policy Act requires the highway planners—like all other bureaucracies—to file statements showing the "environmental impact" of any project. The highway lobby is determined to undermine both of these laws. Last week, it made ominous headway.

On the House side, the roads subcommittee wrote language into its version of the highway bill specifically tailored to override an injunction issued by the U.S. Court of Appeals for the District of Columbia against the building of the Three Sisters Bridge. Citizen groups had obtained the injunction halting construction of the bridge across the Potomac River between Washington and its Virginia suburbs because highway officials had not held proper hearings and observed environmental impact procedures.

The Senate meanwhile voted last Wednesday, 49 to 24, to permit the Texas Highway Department to put a six-to-eight-lane elevated highway through Brackenridge Park in San Antonio. Conservationists have been fighting this outrageous scheme for years. The U.S. Court of Appeals for the Fifth Circuit had enjoined Texas from going ahead with it.

In an opinion written by Judge Homer Thornberry, the court said, "Our task is simplified greatly to begin with because it is undisputed that the Secretary of Transportation complied with none of the above-quoted statutes. No environmental study has been made and the Secretary has demonstrated no effort by anyone to examine 'feasible and prudent' alternatives as required by Section 4(f)."

The Texas highway officials complained that they had already spent money to build other parts of the highway. It would be left

incomplete if they could not build the link through the park. Judge Thornberry knocked this specious argument soundly on the head:

"We would point out to the state that it was neither this court nor the Supreme Court but rather the defendants who made the decision to commit large sums of public money to a highly controversial project, the legality of which was still in question and over which an appeal was still pending."

Senator Buckley (R-Conservative of New York) led the fight in the Senate against overruling the courts. He argued that exemptions like this would soon have the Environmental Policy Act resembling a piece of Swiss cheese.

"Can one really doubt that if this amendment is passed to allow the Texas Highway Department to proceed with this route, we will not get similar requests from the Atomic Energy Commission for particular power projects or from the Army Corps of Engineers or from either state highway departments?" Mr. Buckley asked.

But most of his fellow conservatives rose above their law-and-order principles and joined the highwaymen in riding roughshod over the courts.

## PASSAGE OF GATEWAY BILL

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. WOLFF. Mr. Speaker, the House has just passed a landmark piece of legislation for everyone concerned with the environmental well-being of this country and its people. I refer, of course, to the bill establishing the Gateway National Seashore Area in southern New Jersey and New York Harbor. As an original cosponsor of this legislation, I applaud the wisdom and foresight of the House in passing this measure.

By its action, the House has given real substance to our verbal commitment to provide for the environmental well-being of the American people. How significant it is that the creation of the Gateway Seashore Area will provide recreational enjoyment for more than 10 percent of this country's population—the 20 million people who live in the New York-New Jersey metropolitan area. This legislation, marking the establishment of the first Federal recreation area in the heart of a tightly developed urban center, makes the concept of "bringing parks to the people" a reality. Hopefully, this legislation will open the door to a meaningful expansion of this Nation's recreation areas, the creation of parks and open spaces that are accessible to the majority of Americans.

There is further reason to commend the action of the House on this measure. For too many years now, we have allowed our natural resources, and particularly those which are bounded by our crowded urban areas, to become tragically polluted, laid to waste even as there was a growing, urgent need for the relaxation and recreation which these resources could provide. Passage of the Gateway bill represents affirmative action to meet the environmental crisis head on, providing relief for our cities where the dangers of pollution are most concentrated.

Mr. Speaker, I was particularly pleased when the House adopted the amendment to this bill to rename the Gateway Seashore Area the William Fitts Ryan Gateway National Urban Recreation Area. As the initial sponsor of the bill to establish Gateway, Bill Ryan led the New York delegation's tireless effort to make Gateway a reality. As one who worked with Bill over the years on this and numerous measures, I know of his deep commitment not only to safeguarding the environment but to protecting the welfare of the American people in general. I think it a most fitting tribute that we have moved to name after him an area that will improve the quality of life for millions of Americans, many of whom Bill devotedly served in Congress. I hope the Senate will follow the example set by the House yesterday to enable our people to enjoy the natural gifts which by right belong to them.

## SURPLUS OF PH. D. DEGREES INDICATES COLLEGE HAS BECOME A LIFE STYLE RATHER THAN PREPARATION FOR LIFE'S WORK

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Banner, in a recent editorial, raised some interesting questions with respect to a sharp increase in the number of students receiving Ph. D. degrees.

The Banner quotes from a report by the Southern Newspaper Publishers Association Foundation, edited by Vanderbilt Provost Nicholas Hobbs, which surmises that more students are viewing college as a permanent life style, rather than preparation for a life's work.

Certainly a high degree of preparation is necessary for those students who plan to devote their life to education as constructive participants in administration and teaching—however, there is a legitimate question raised with respect to any student who may be continuing his education to—in the words of the Nashville Banner—"dodge the draft and the Vietnam War"—and reluctance to "leave the university for a seemingly hostile outside world."

Because of the interest of my colleagues and the American people in this matter, I place the editorial from the Nashville Banner in the RECORD herewith.

The editorial follows:

... IF YOU CAN GET IT

The Ph.D., considered for years the pinnacle of educational achievement, is no longer the boost to professional success that it once was.

The tarnished status of Ph.D.'s has placed new graduates on the horns of this dilemma: colleges and universities are turning out more Ph.D.'s than ever before, at a time when the demand for highly-educated graduates is declining.

During the last decade, the number of Ph.D. candidates skyrocketed, swelling graduate schools throughout the nation and in Nashville, too.



At Vanderbilt University, for instance, 33 graduates achieved Ph.D. status in 1961, compared to 126 in 1971.

Nationally, there were 29,000 new Ph.D.'s in 1970, an incredible increase that will soar the Ph.D. ranks to 60,000 a year in a decade if that rate continues.

With a record number of highly educated, highly trained graduates looking for employment, a tight job market has caused many Ph.D.'s to take less demanding jobs.

A major reason for the job decline stems from the huge cutbacks in federal spending for defense-aerospace-research projects. Ironically, the availability of these jobs a decade ago is what prompted many students to pursue Ph.D.'s in the first place.

In addition to the prospect of federal jobs, the Ph.D. corps ballooned when many male students continued their high-level academic pursuits as a way to dodge the draft and the Vietnam war.

A further problem, noted in a Southern Newspaper Publishers Association Foundation report edited by Vanderbilt Provost Nicholas Hobbs, is that more and more students are viewing college as a permanent life-style, rather than preparation for a life's work.

"All of this seems to be a part of the avoidance of that fateful moment when one is forced to leave the university for a seemingly hostile outside world," the report says.

Not all doctoral candidates fit in this category, of course. But the problem of bringing the number of Ph.D. recipients in line with the nation's job requirements is one that deserves attention from government leaders and educators alike.

#### EULOGY TO WILLIAM FITTS RYAN

##### HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ADDABBO. Mr. Speaker, on September 24, 1972, I attended and participated in ceremonies at Canarsie Park, Brooklyn, N.Y., in recognition of

"Jamaica Bay Day" in New York State. The ceremonies were particularly timely in light of action this week by the House of Representatives approving by an overwhelming vote a bill to establish the Williams Fitts Ryan National Park.

This landmark legislation will preserve and protect the natural resources of Jamaica Bay and other land near the entrance to New York Harbor for the benefit of future generations. The House of Representatives changed the proposed name of this recreation area from Gateway Park to the William Fitts Ryan National Park, a most appropriate step in light of the tireless efforts of our late colleague in support of this and many other environmental measures. As a co-sponsor of the bill, I am quite pleased that the national park will carry the name of our most distinguished and dedicated former colleague.

At the ceremonies this past weekend, I had the pleasure of introducing Mrs. Ryan and the Ryan family to those in attendance. Following those introductions, we heard an inspiring eulogy to William Fitts Ryan, delivered by his former congressional assistant and friend, Mr. Michael Cohen. At this point, Mr. Speaker, I place in the Record the full text of Mr. Cohen's remarks and eulogy to our late colleague, William Fitts Ryan:

When people talk about Bill Ryan they remember many things. They remember that he was never afraid to stand alone when he knew he was right. Thus, he was often ahead of his time in such issues as civil rights, peace, middle and low income housing, and of course, the protection of the environment.

Some of us see these as separate issues, each righteous and just. Bill Ryan saw them as just one issue. His was a political career with a singular and all-consuming purpose. He was dedicated to the principle that we should all enjoy a life of quality, dignity and beauty.

Gateway was another battle he fought to improve our lives. Here the urban dweller

can come and find recreation, natural beauty, and rest.

Bill Ryan saw the Gateway area as offering us a new and rare opportunity—The opportunity of creating a national recreation area open to millions of urban dwellers who have been barred by distance and by economics from access to our national parks system. To him Gateway was more than a vast assemblage of water and sand, more than just a way to preserve and enhance the ecology of the area. His vision was an accessible unspoiled area at which millions of persons who were tied to asphalt pavements could come and enlarge their experience and enrich their lives.

In the New York Metropolitan region there are more than 19 million people. By the year 2000 there will be some 30 million. Bill Ryan saw Gateway as their national park. A park for the millions not fortunate enough to be able to afford summerhomes, long vacations, or expensive trips to our great western preserves. He saw it as a park for the millions of disadvantaged whose summer recreation resources are now limited to an open fire hydrant or a crowded neighborhood pool. He saw it as a park for the middle income families now excessively charged for private recreation facilities. He knew that for the urban child, preserving our wilderness areas in Wyoming or Colorado had little meaning. That child would still be left to the hot summer streets of his neighborhood. And Bill Ryan acted in his uniquely tenacious way to help bring about Gateway for that child.

Bill shared the view of Interior Secretary Walter Hickey that "We have got to bring the natural world back to the people rather than have them live in an environment where everything is paved over by concrete and loaded with frustration and violence."

When Bill Ryan saw an opportunity to correct an injustice or to improve people's lives, he never passed it by. He would organize and act as no one else could. He had the unique quality of getting people to accomplish things they thought impossible. Thus great achievements surrounded his brief but full life. His final achievement was Gateway or, as I hope it will be known, the William Fitts Ryan National Park. We have all been touched by Bill Ryan, we know it, and we are better for it. And we shall remember him.

## SENATE—Thursday, September 28, 1972

The Senate met at 8:30 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

#### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father who watches over Thy people by day and by night, and hast promised that wherever they are gathered in Thy name Thou art in the midst, be with us who now call upon Thee. In this sanctified silence and through the unfolding events of the day be Thou our guide and strength.

Dispel, O Lord, any sense of frustration, ineptitude, or failure. Rally our shared resources for completing the common task of making a better nation.

Be graciously near those whose labor is difficult and obscure, especially those who care for the homeless, the aged, the little children, the sick, and the imprisoned.

May we be joined in heart and in labor

with all those who work for peace and justice at home and abroad. Keep us strong and steadfast when we would falter and fail. Reward us at the end with souls at peace with Thee and with one another.

We pray in His name who first loved us. Amen.

#### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 27, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### SANCTIONS AGAINST NATIONS HARBORING TERRORISTS

Mr. SCOTT. Mr. President, on behalf of the distinguished majority leader and myself, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will read the concurrent resolution.

The assistant legislative clerk proceeded to read the concurrent resolution.

Mr. SCOTT. Mr. President, I ask unanimous consent that further reading of the concurrent resolution be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, the entire world is conscious of the terrible events which occurred at Munich on September 5 and 6. In its Senate Resolution 358, adopted by unanimous vote on the 6th, this body expressed its sorrow and alarm and resolved that all means be sought to bring an end to such acts of barbarism as we have recently witnessed. It is our duty as the representatives of an aroused people that we not let the matter rest.

The President has directed and the executive branch has mounted an all-out effort against terrorism both within the United States and in cooperation with foreign governments and interna-