

EXTENSIONS OF REMARKS

FEDERAL CIVILIAN EMPLOYMENT, MARCH 1970

HON. GEORGE H. MAHON

OF TEXAS  
IN THE HOUSE OF REPRESENTATIVES  
Monday, May 4, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the March 1970, civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, MARCH 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of March was 3,011,293 as compared with 2,928,473 in the preceding month of February. This was a net increase of 82,820, due to temporary Census employment.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of March totaled 2,975,192. This was a net increase of 82,723 as compared with employment reported in the preceding month of February. Employment by months in fiscal 1970, which began July 1, 1969, follows:

Month	Employment	Increase	Decrease
July 1969.....	3,049,502	+9,140	.....
August.....	3,015,864	.....	-33,638
September.....	2,945,752	.....	-70,112
October.....	2,927,741	.....	-18,011
November.....	2,913,598	.....	-14,143
December.....	2,912,661	.....	-937
January 1970.....	2,893,593	.....	-19,068
February.....	2,892,469	.....	-1,124
March.....	2,975,192	+82,723	.....

Total employment in civilian agencies of the Executive Branch for the month of March was 1,747,072, an increase of 94,621 as compared with the February total of 1,652,451. Total civilian employment in the military agencies in March was 1,228,120, a decrease of 11,898 as compared with 1,240,018 in February.

The civilian agency of the Executive Branch reporting the largest net increase was Commerce Department with 90,550, reflecting an increase of 90,719 in temporary employees involved in taking the Nineteenth Decennial Census.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 5,558, Navy with 3,965 and Air Force with 1,867.

Total Executive Branch employment inside the United States in March was 2,739,314, an increase of 80,751 as compared with February. Total employment outside the United States in March was 235,878, an increase of 1,972 as compared with February.

The total of 2,975,192 civilian employees of the Executive Branch reported for the

month of March 1970 includes 2,572,367 full time employees in permanent positions. This represents a decrease of 8,870 in such employment from the preceding month of February. (Table 2 of accompanying report.)

The Executive Branch employment total of 2,975,192 includes some foreign nationals employed abroad, but in addition there were 108,022 foreign nationals working for U.S. agencies overseas during March who were not counted in the usual personnel reports. The number in February was 108,253.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of March totaled 29,272, an increase of 90 as compared with the preceding month of February. Employment in the Judicial Branch in the month of March totaled 6,829, an increase of 7 as compared with February.

DISADVANTAGED PERSONS

The total of 3,011,293 reported by the Committee for March includes 18,404 disadvantaged persons employed under federal opportunity programs. This employment is shown as a separate category for the first time in this report. See Table 4 of the accompanying report for explanation and detail.

In addition, Mr. Speaker, I include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during March 1970, showing comparisons with June 1969 and the budget estimates for June 1970:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	March 1970	Estimated June 30, 1970 <sup>1</sup>	Major agencies	June 1969	March 1970	Estimated June 30, 1970 <sup>1</sup>
Agriculture.....	83,425	81,917	83,000	Atomic Energy Commission.....	7,047	6,990	7,000
Commerce.....	25,364	25,289	25,600	Civil Service Commission.....	4,970	5,041	5,300
Defense:				General Services Administration.....	36,176	36,315	36,400
Civil functions.....	31,214	30,104	30,700	National Aeronautics and Space Administration.....	31,733	31,427	31,400
Military functions.....	1,225,877	1,161,032	1,165,900	Office of Economic Opportunity.....	2,856	2,125	2,400
Health, Education, and Welfare.....	102,941	100,852	102,500	Panama Canal.....	14,731	14,625	14,700
Housing and Urban Development.....	14,307	14,327	14,900	Selective Service System.....	6,584	6,744	6,600
Interior.....	58,156	59,462	59,300	Small Business Administration.....	4,099	4,032	4,100
Justice.....	35,106	36,792	37,600	Tennessee Valley Authority.....	11,987	12,383	12,300
Labor.....	9,723	9,806	10,300	U.S. Information Agency.....	10,500	10,145	10,200
Post Office.....	562,381	564,358	567,000	Veterans' Administration.....	147,606	146,550	148,500
State.....	24,658	23,969	23,900	All other agencies.....	26,200	26,351	27,800
Agency for International Development.....	15,753	14,754	15,000	Contingencies.....	.....	.....	10,000
Transportation.....	60,386	61,623	63,600				
Treasury.....	79,982	85,354	86,700	Total.....	2,633,762	2,572,367	2,602,800

<sup>1</sup> Source: 1971 Budget Document; figures rounded to nearest hundred.

TRIBUTE TO THE TEACHER CORPS

HON. GLENN M. ANDERSON

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES  
Monday, May 4, 1970

Mr. ANDERSON of California. Mr. Speaker, on the 25th of April I was privileged to attend a Teacher Corps seminar being conducted at the University of Southern California. At this conference, I was able to meet and talk with the dedicated teachers and administrators who are responsible for the progress being made by this agency. I was most favorably impressed by the enthusiasm of the participants. I feel that their individual efforts are meaningful and that

they are making a valuable contribution to society and to their fellow man.

With this in mind, Mr. Chairman, I include in the RECORD the following editorial from the April 28 edition of the Washington Post:

A DOMESTIC PEACE CORPS IN EDUCATION

President Nixon signed into law earlier this month a major new program approved by Congress to expand and strengthen the work of the Teachers Corps. It would enable that useful and imaginative agency to tap the resources of generosity and good will lying so largely unused among the nation's youth; it would give college graduates, high school and college students and others a chance to help disadvantaged inner city children overcome the handicaps which so often thwart their hopes for education. But the program, now authorized, has still to be funded. Appropriation hearings are currently

in progress before a Senate appropriations subcommittee. Unless it deals with the Teacher Corps a great deal more generously than the House has done, the whole promising program will amount to little more than another promise broken.

The Teacher Corps as originally conceived operated to improve educational opportunities for poor children by helping colleges to train teachers and helping schools to improve the way teachers are used. It was a boon at once to young college graduates who wanted to make teaching a career and to the overburdened staffs of inner city schools. A bipartisan group led by Senator Gaylord Nelson and Rep. William Steiger introduced a Student Teacher Corps bill last year which, now that it has been enacted, enables the agency to attract volunteers to serve during the school year, under the direction of trained teachers, as tutors and instructional aides both in schools and in the communi-

ties, many of them without any compensation, some with living allowances in much the manner of the Peace Corps and VISTA. This seems in close accord with a hope expressed by President Nixon during his election campaign for "a national Teacher Corps which would bring carefully selected college and high school students into action as tutors in core-city schools."

The Teacher Corps authorization signed by the President approved the expenditure of \$100 million for fiscal year 1971. But before the new authorization had been approved, the administration fixed a budget amount of only \$30.8 million for the agency. This is precisely the amount which the House granted. It will suffice at best to finance only the old program—and that on a meager basis. There is a superb opportunity at hand to enlarge the Teacher Corps' contribution to urban life. It would be a shame to let this hope die aborning.

#### AID CAMBODIA

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. BRAY. Mr. Speaker, a perceptive editorial was carried last week in the Indianapolis News, before President Nixon's announcement on the U.S. position regarding Cambodia. This editorial is significant, because it sets forth clearly the situation in Cambodia as it effects the U.S. security in South Vietnam: The threat posed by a North Vietnamese "sanctuary" in Cambodia to safety of American forces and the chance for success of any Vietnamization plans.

Second, the editorial emphasizes that limited assistance is essential under the Nixon doctrine, and can be provided without the danger of a long term involvement in Cambodia. In light of the President's announcement last week, I commend this editorial to the attention of my colleagues:

[From the Indianapolis News, Apr. 27, 1970]

#### AID CAMBODIA

On President Nixon's forthcoming decision on whether to honor Cambodia's request for limited military assistance may hinge not only the fate of that nation but also his own stated objectives in South Vietnam.

The new Cambodian government, unlike the regime of Redleaning Prince Norodom Sihanouk, recognizes alien Communist forces operating from its soil against South Vietnam as a threat to Cambodia's own independence. It has engaged this enemy in a series of battles—so far with mixed results.

The existence of such a government in Cambodia is a new and hopeful factor for the United States in the Vietnam war. Cambodia shares several hundred miles of open border with South Vietnam, across which Viet Cong forces using Cambodia as a sanctuary have struck time and time again. One of the reasons that war has persisted so long is that the United States throughout most of the conflict has respected this border while the Communists have not.

So long as this sanctuary remains, the security of American forces in South Vietnam is threatened and the outcome of President Nixon's "Vietnamization" program—in which he places so much hope—is in doubt. If Cambodia, supplied with the necessary military assistance, could drive the Viet Cong from its territory, the chances

of South Vietnam being able to defend itself successfully would be greatly improved.

Beyond the strategic considerations which favor granting assistance is the matter of America's credibility. In the Nixon Doctrine on Asia, the President told Asian nations threatened by Communist aggression that they could count on American support—not ground troops as in Vietnam, but arms and equipment that would enable Asians to defend themselves.

Cambodia's request obviously conforms to the Nixon Doctrine. The new government is not asking for American ground forces; it has already shown itself more than willing to fight its own battles. Its appeal is limited to arms and other military materiel that would permit it to face the Soviet-supplied Viet Cong. To honor this request would give substance to the Nixon Doctrine. To reject it would reveal the doctrine as a windy pronouncement without much impact on the course of events in Southeast Asia.

President Nixon, in short, faces a decision that is not so hard as some would make it appear. By granting aid to Cambodia he would advance his own objectives in South Vietnam and give meaning to his previous words of assurance to America's Asian allies.

#### CAMBODIA: THE PERIL AND THE OPPORTUNITY

### HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. DEL CLAWSON. Mr. Speaker, the Washington Sunday Star yesterday contained the most objective discussion of the President's decision with reference to Cambodia which I have personally noted. Under leave to extend my remarks, I would like to include the editorial which follows:

#### CAMBODIA: THE PERIL AND THE OPPORTUNITY

As President Nixon said Thursday night, the decisions are not comparable. Between his decision to attack the North Vietnamese sanctuaries in Cambodia and those made by Franklin Roosevelt in World War II, Dwight Eisenhower on Korea or John F. Kennedy on Cuba there is a world of difference.

But they all have one thing very much in common: Once made, the earlier decisions had to work. This one has to work too.

This is, after all, the litmus by which all presidential decisions are ultimately tested. If the President turns out to have been right, it will make precious little difference who was consulted or who was not, who reacted to the news with horror or with glee. If the operation in progress produces approximately the results predicted in approximately the projected time-frame, President Nixon's first major initiative in the war in Indochina will be rated as a master stroke. If not, it will go down in history as a major, perhaps fatal, blunder.

This said, we add hastily that the President has our heartfelt prayers for the success of his venture. We are concerned even less than he with the outcome in terms of the political future of Richard M. Nixon, or of the Republican Party this fall. We are concerned exclusively with the success of this venture in terms of the eventual outcome of the war in Vietnam and the future position of the United States as a world power.

For the operation that hangs in the balance in Cambodia—despite Nixon's modesty in comparing himself to his predecessors—is no penny-ante game. As his critics

have been at pains to point out, the stakes are enormous. And though this particular operation against selected Communist bases in Cambodia may be wound up in a matter of a few weeks, it could spell the difference between success and failure of an effort which over five years has cost more than 40,000 American lives.

Even more at stake, perhaps, is the credibility of American leadership. In the country and in the world, faith in that leadership has become dangerously eroded in recent years. The result of the present operation is sure to have fateful consequences far beyond the context of the war in Vietnam.

The President's critics, quite inevitably, are expecting failure and prophesying doom. In this country, we have reached the point where many people are incapable of making any rational judgment about the war. Their reactions to any development are predetermined by conditioned reflexes. It would be as unthinkable for Senators William Fulbright or Frank Church to approve the attack on the enemy's sanctuaries as it would be for Pavlov's dog to refuse to drool.

For the unconditioned—which may include more Americans than the present publicity suggests—there may be a more reasoned reaction. For the President's decision was based not on intuitive impulse or a capitulation to military pressure but on a reasoned response to the facts that confronted him.

Much of what the President had to say on Thursday has never been in dispute. No one—not even the strongest anti-war critics—denies that the North Vietnamese and the Viet Cong have made use of Cambodian territory for many years. Their major military units have maintained elaborate supply depots in the country, emerging periodically to fight in Vietnam and then retiring again to rest and refit.

The existence of these sanctuaries in Cambodia has constituted an insoluble problem for the allied military command. Infiltrating enemy units could only be attacked after they actually crossed the border into Vietnam. And since about two-thirds of Vietnam's western frontier borders on Cambodia, the efforts to seal off enemy infiltration has been well-nigh hopeless.

It is largely for this reason that the prospect of an indefinitely protracted war has existed. The South Vietnamese army can be strengthened to the point that it can replace American troops. The enemy can be held back from the major population centers. Security in the villages can be raised to a tolerable level.

But as long as the supply lines and sanctuaries were intact, the North Vietnamese and the Viet Cong had the option of keeping up the military pressure at whatever level of intensity they chose within the limits of their capabilities. At no point could genuine security be guaranteed, regardless of how strong the South Vietnamese might become.

This situation was radically changed with the overthrow six weeks ago of Cambodia's Prince Norodom Sihanouk by a militantly anti-Communist regime headed by General Lon Nol.

The Prince, under the guise of preserving his country's neutrality, for years had blinked at the presence of Communist forces on his territory. Yet even Sihanouk, in recent months, had become outspoken in denouncing the occupation of the eastern part of his country. His successors, somewhat brashly, pledged themselves to throw out the invader once and for all.

The Communists, quite predictably, reacted quickly to the new threat to their sanctuaries. Within a few weeks their forces—estimated at some 40,000 men—had greatly expanded the area under their control, had cut most of the major roads connecting Phnom Penh to the south and had seemed to be threatening the capital.

Nixon, therefore, cannot be fairly accused

of having "extended the war" into Cambodia. Cambodia has always been an essential part of the war in Vietnam—essential, that is, to the Communists. Neither the United States nor South Vietnam had any control over the course of events which, in the past month, turned Cambodia into an active fighting front.

The President, quite simply, was confronted with a new situation that combined a major threat with a major opportunity. It was quite obvious that the Cambodians on their own would never be able to dislodge the Communist forces on their soil, regardless of what weapons might be furnished them. The far more probable outcome has been that the Communists would eventually overthrow the Lon Nol regime and return Sihanouk to power once again—this time with the whole country solidly united behind the Communist war effort in Vietnam.

Nixon, quite rightly, looked on this possibility as a threat to the relative military stability that has been achieved in South Vietnam and to the safety of South Vietnamese and allied forces there. In his judgment, a Communist victory in Cambodia would inevitably jeopardize the program of Vietnamization and the withdrawal of American troops to which he is committed.

The opportunity, on the other hand, is equally clear. If, with a strong drive into eastern Cambodia, the major Communist bases can be destroyed and their forces routed, the military pressure on South Vietnam will be substantially relieved. Equally important, the chances of survival of a non-Communist Cambodia will be vastly improved.

No doubt, as in all operations of this kind, there are risks involved. In our view, however, by far the greatest risk lay in doing nothing while the North Vietnamese went about the conquest of all of Cambodia. Confronted by this probability, the President decided to act. We are convinced his decision was right and applaud his courage in making it.

ILLINOIS BOARD OF HIGHER EDUCATION UNANIMOUSLY APPROVES RESOLUTION

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. ARENDS. Mr. Speaker, a few months ago I informed my colleagues of the concern expressed by the Honorable Richard Ogilvie, Governor of Illinois, for the safety and welfare of the school-children of my State in the event of nuclear attack.

You will recall, Mr. Speaker, that upon that occasion I read a resolution sponsored by Governor Ogilvie in which he urged each school system and educational institute to develop disaster-preparedness planning and training and to adopt means of protecting student lives.

Today, Mr. Speaker, I am making as part of my remarks the pertinent part of an official resolution which was approved unanimously by the Illinois Board of Higher Education—an action that reflects great credit upon every member of that board.

The resolution, which urges support and cooperation for civil defense activities and education in State colleges and universities, states in part:

CXVI—884—Part 10

The Board of Higher Education encourages each governing board of colleges and universities within the State of Illinois to assist the institutions over which they preside in adopting procedures which will preserve student lives resident on their campuses during times of disaster, and . . . that the Board of Higher Education supports the concern expressed by the Governor of the State of Illinois and the Civil Defense Agency for the State of Illinois and stands ready to assist them in their efforts to develop disaster-preparedness planning and training and in furtherance of this vital effort hereby appoints the Executive Director of the Board of Higher Education as its liaison officer to work with the Illinois Civil Defense Agency.

REQUEST MADE TO AMERICAN BAR ASSOCIATION FOR INVESTIGATION OF DEFENSE OF CHICAGO 7

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. ICHORD. Mr. Speaker, on February 26, 1970, I addressed the House and expressed my concern over the serious challenge posed to the good repute and effective functioning of our legal system by the misconduct of the defense in the trial of the "Chicago 7." I then said that the important issue is whether the bench and bar are capable of adjusting to the diversion of self-styled revolutionaries and their counsel who would advance the concept of "class struggle" in the courtroom, and thus make a shambles of our legal system in their effort, fanciful as it may appear, to accomplish the ultimate overthrow of "the system."

My concern prompted me to call upon the American Bar Association for a thorough review of this subject. I addressed a request to Bernard G. Segal, president of the American Bar Association, asking the association to direct its attention to these issues. I have since received a reply from Mr. Segal. I want to commend the gentleman and the American Bar Association for undertaking an inquiry on this subject. My letter to Mr. Segal and his reply follow:

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNAL SECURITY, Washington, D.C. February 25, 1970.

BERNARD G. SEGAL, Esquire, President, American Bar Association, 1155 East 60th Street, Chicago, Ill.

DEAR MR. SEGAL: Many members of Congress have become increasingly concerned that repeated assaults upon our judicial system by self-styled revolutionaries may work irreparable harm unless appropriate action is taken to curb them. The trial of the so-called Chicago 7 is the case in point. According to these self-styled revolutionaries on trial, as it is with others in "the Movement", the law is a "class" tool which must be "exposed". A trial is to them a confrontation with "the system" which they ultimately seek to destroy or transform.

It is clear that the Chicago defendants, with the connivance of their counsel, attempted deliberately to make a mockery of our judicial system. I am also particularly disturbed that the communications media in many instances permitted itself to be fully exploited to this end by obscuring the

reprehensible nature of their conduct and demeaning the court and the prosecution without pointing out that judicial procedures provide the means of correcting errors by the court, if any.

The important question at issue is whether our legal system is capable of meeting the challenge thus posed. This challenge, inherent in the deepening conflict between what President Nixon has recently described as two irreconcilable philosophies, that of the "world revolutionary movement" and the system of freedom, is the major problem of our generation, now finding expression in steadily mounting attacks upon our legal system as in other areas of our society. If we do not meet this challenge promptly, at the threshold, we shall be fated to witness the steady deterioration and degradation of our legal system, and with it the institutions of our free society.

Hence, it seems to me that our procedures and the circumstances must be thoroughly reviewed to determine what protective measures are necessary and what is the proper course for the disciplining of such defendants and their counsel consistently with the ends of justice and the dignified functioning of our trial system. These issues demand the attention of our best minds and our most informed experts. It is my thought that this subject should be thoroughly examined by the American Bar Association with a view toward remedial action on the part of the bar and bench, or by legislation, State and Federal, as may appear necessary.

I would very much appreciate your advice.

Sincerely yours,

RICHARD H. ICHORD,  
Chairman.

AMERICAN BAR ASSOCIATION,  
April 22, 1970.

HON. RICHARD H. ICHORD,  
House of Representatives, Committee on Internal Security, Washington, D.C.

DEAR CONGRESSMAN ICHORD: I appreciate your having written to me concerning the so-called Chicago 7 Conspiracy Trial, and I regret that since I have been traveling in connection with speaking engagements and other American Bar Association commitments, this is the first opportunity I have had to dictate this reply.

Your view as the seriousness of the problem of deliberate disruptions of criminal trials, to serve the tactical purposes of the disrupters, is one which I share. Last November I requested the Advisory Committee on the Judge's Function, of the ABA Criminal Justice Standards Project, to undertake a comprehensive in-depth study of the Records of disruptive trials going back at least to the trial in the U.S. District Court of New York of alleged communist conspirators in the early 1950s, and including the recent Sirhan Sirhan trial in California, and, of course, the trial to which your letter refers. Because of your interest I am enclosing a copy of the announcement which was released to the press concerning this study.

At the present time I can not tell you specifically when the recommendations of that Committee will be forthcoming, and whether it will conclude that further legislation is needed. When its report is available, I will see that you receive a copy. Also, I am forwarding a copy of your letter to the Chairman of the ABA Committee, U.S. District Judge Frank J. Murray of Boston, in the belief that your observations will be of interest to him.

Another evidence of the Bar's concern about this subject is the fact that the National Conference of State Trial Judges is sponsoring a special panel program on trial disruptions at the annual meeting of this Association in St. Louis in August.

Your letter referred also to disciplining of defendants and attorneys. During the trial and now with the appeals pending in higher

courts, I have steadfastly refused to comment publicly on the conduct of the defendants, their counsel, the prosecution, or other parties or aspects of the trial. For your own information, the two principal defense attorneys are not members of this Association. Consequently, the ABA exercises no disciplinary control over them, this being an authority which rests with the highest courts in the States in which they are licensed to practice. My information is that appropriate disciplinary agencies in those states have the matter under consideration.

Your courtesy in giving me the benefit of your observations is deeply appreciated.

Sincerely yours,

BERNARD G. SEGAL.

#### AMERICAN BAR LAUNCHES STUDY OF DISRUPTIVE TACTICS IN CRIMINAL TRIALS

CHICAGO.—The American Bar Association is launching a national study looking toward the formulation of guidelines for dealing with tactical efforts to disrupt criminal trials by means of disturbances or incidents of violence in the courtroom.

President Bernard G. Segal announced today the study has been made a part of the ABA program to establish broad new standards of criminal justice administration. This major project, already under way, is designed to embrace the full spectrum of criminal processes from arrest through trial and appellate review.

Mr. Segal reported that the study was set in motion at a meeting Oct. 24-25 by the ABA Advisory Committee on the Judge's Function, a 13-member panel of judges and lawyers under the chairmanship of U.S. District Judge Frank Murray of Boston. This is one of six Advisory Committees created to carry out the overall ABA Project on Standards of Criminal Justice, the purpose of which is to improve and modernize criminal procedures in both federal and state court systems.

While the "Chicago 8" federal court conspiracy trial is one of the most recent examples of the problem of courtroom disruptions to which the ABA study will be directed, Mr. Segal pointed out earlier incidents occurred in the recent Los Angeles trial of Sirhan Sirhan for the assassination of Robert F. Kennedy, and that disruptive tactics have become a relatively recent phenomenon in other trials during the last decade. An earlier example was the New York City trial of eleven accused communist conspirators in the early 1950's before U.S. Judge Harold R. Medina.

One of the defendants in the current Chicago trial, Bobby Seale, was sentenced to a total of four years in prison on sixteen counts of contempt of court growing out of a series of disturbances in the courtroom and at one point Seale was ordered gagged and manacled. Judge William Hoffman declared a mistrial as to Seale and ordered a severance of his prosecution from those of the other defendants.

"The trial of a criminal case is a search for the truth which demands an atmosphere of calm and decorum in the courtroom," Mr. Segal said. "Disruptions of trial procedures pose a serious problem of court administrations and for the whole process of criminal justice."

"The objective of the American Bar Association study will be to assess the remedies available to trial judges under their constitutional and statutory powers, and to develop guidelines for the future guidance of judicial and other court officers. This task is being assigned to the Advisory Committee headed by Judge Murray since its specific assignment is to promulgate standards for the guidance of the trial judge."

Mr. Segal made clear that the project would involve a study of the entire records in all relevant cases, and would take into account the constitutional rights of defend-

ants as well as the authority and conduct of judges and others participating in the cases examined.

In addition to his post as chairman of the Advisory Committee to define the functions of the judge, Judge Murray is chairman of the Section of Judicial Administration of ABA. Other members of the panel are: Chester Bedell, Jacksonville, Fla., attorney; U.S. Court of Appeals Judge Harry A. Blackmun, Rochester, Minn.; Judge Thomas Coakley, Superior Court of Mariposa, Calif.; District Attorney Frank S. Hogan, New York; William T. Kirby, Chicago attorney; Burton R. Laub, dean of Dickinson law school; Carlisle, Pa.; Judge Miron A. Love, Houston, Tex.; Judge Sam Phillips McKenzie, Atlanta, Ga.; Judge John A. H. Murphree; Gainesville, Fla.; Judge Robert A. V. Rensch, St. Paul, Minn.; Judge Samuel J. Roberts, Erie, Pa., and U.S. Court of Appeals Judge Edward Allen Tamm, Washington, D.C.

President Segal today notified Frank Greenberg, president of the Chicago Bar Association, of the ABA action in undertaking the study, informing Mr. Greenberg the ABA advisory group began the inquiry at a meeting Oct. 24-25. The Chicago Bar official had urged that the American Bar Association undertake such a study.

#### ONE POINT OF VIEW

### HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. FRIEDEL. Mr. Speaker, a system of coordinated transportation under equal regulatory treatment has been and still is the objective of all of us concerned in this vital area. As chairman of the Subcommittee on Transportation and Aeronautics I introduced April 21, 1969, H.R. 10293, which in the judgment of many acknowledged transportation experts would go a long way in equalizing operations of an important segment of the transportation system—namely our freight forwarders.

As the laws now stand freight forwarders may not act as carriers on behalf of their customers to negotiate rates with the various modes, such as the railroad, motor carriers, or water carriers. This right under the Interstate Commerce Act is currently reserved only to those modes. Our freight forwarders throughout the country are indeed significant carriers of small shipments. By permitting more efficient coordination among the various transportation modes, my bill would improve and extend freight forwarders services and go a long way in solving a major problem, that of providing adequate transportation service for small shipments.

Recently an excellent article by Mr. Stephen A. Foldy, eastern division traffic manager of Benjamin Moore & Co., appeared in the trade magazine, *Distribution Worldwide*, which commented favorably on H.R. 10293. I commend this article to all Members and include it at this point in the RECORD:

[From *Distribution Worldwide* magazine, March 1970]

#### ONE POINT OF VIEW

(By Stephen A. Foldy)

The most important small-shipment relief bill in years is getting the old rugby football

treatment by big trucking interests and some powerful but short-sighted shipper and shipper associations.

The bill at issue, H.R. 10293 (Friedel-D. Md.), would allow railroads to publish special rates for common carriers and put freight forwarders on an equal footing with other types of carriers.

The bill will do these things for shippers and the broad public interest in improved transport economies.

(1) It will provide some measure of relief to the small shipment crisis, restrain rate increases, and it may provide some rate reductions.

(2) It will afford an opportunity for extension and improvement of freight-forwarder services.

(3) It will preserve competition of the freight forwarder as a vital intermodal force in the ailing arena of small shipments.

(4) It will encourage efficiency and it will promote more economical intermodal systems.

(5) It should produce new rail traffic and much needed revenues for the railroads and, correspondingly, increase their efficiency.

(6) It should encourage motor carrier use of "rail highways" with their unique economic advantage.

(7) It should generate new intermodal rail/water traffic.

Trucking opposition to this bill is strictly institutional. Truckers have a virtual monopoly in the small-shipment field and woe to REA Express or anyone else wishing means of re-establishing competition.

It is a fact that the trucking industry has failed to provide any solution to the small-shipment problem. All it has ever offered is what is best summarized as the "pay more plan."

The truckers already have what they oppose in this bill for others. Under piggyback plans I and V they can deal with railroads as between carriers at special rates not applicable to shippers.

The truckers handle freight-forwarder traffic up to 400 miles at special rates, as between carriers; but insist that it would be favoritism if railroads similarly offered to forwarders what they offer to truckers and other carriers.

Finally, the truckers told Congress that costs are substantially higher for handling LTL traffic at uncongested small points, where carload forwarder consolidations are not feasible. Also, if forwarders got more of the good gravity traffic between the big cities, this would adversely affect service in the uncongested areas.

But when points such as Chicago and New York, where consolidations are feasible, are at issue, they tell shippers that costs in cities are higher than in uncongested areas and that this traffic is losing money for them.

Their statements create a severe strain on credibility.

The National Industrial Traffic League, too, is opposing this bill. To understand its opposition, note that it chose as its spokesman the guiding hand of the Washington-Oregon Shippers Association. Observe, too, that it is large-volume, carload shippers who dominate the League; and that it has an almost complete interlocking membership with ITOFCA.

What the big NIT League-type shippers fear is that lowered freight forwarder rates will have to be made up by shippers generally. But this could only happen if freight forwarder traffic decreases further, which it is expected to do if this bill is not passed.

Put another way, it is a law of rail transport economics that if traffic will not move at a higher rate, but a lower rate above full cost will move it, then preferential rates relieve rather than increase the burden on all traffic.

The proposed bill is expected to do more than merely save diminishing forwarder

traffic, it is expected to increase it, and at rates profitable to the railroads.

In summary, Acting Chairman George M. Stafford of the ICC said, "The question to which an answer must be found is whether the time has come to alter the relationship between freight forwarders and the carriers which they employ for performing the underlying transportation; whether as to these, the freight forwarders perhaps should no longer be treated as shippers but rather as carriers, able to join with connecting railroads, motor carriers and water lines in the establishment of through routes and joint rates."

Our question to the ICC is not "Has the time come?" but, "Is the time not long past," to admit that a forwarder is a carrier and should be treated the same as other carriers?

### THE POLITICS OF VIOLENCE

#### HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. GROSS. Mr. Speaker, the gentleman from Iowa (Mr. SCHERLE) recently addressed a gathering of 500 Iowa women civic leaders in Des Moines. His remarks, on the subject of "The Politics of Violence," are most pertinent today as still another wave of campus unrest sweeps our Nation.

I commend the text of his excellent speech to the attention of my colleagues:

#### THE POLITICS OF VIOLENCE

Violence may not be "as American as cherry pie," as the black militant leader Rap Brown puts it, but it is rapidly becoming a familiar experience to all of us, at least through the news media, if not directly as a victim. A hard-core minority of our students is becoming as well known internationally for their "alienation" and aggressive activism as their counterparts in France, Germany or Japan, who have much longer traditions of political involvement in their universities upon which to draw.

Some people rationalize this as the "generation gap." While we may be horrified at some of the things young people are doing, say these optimists, and while they may be impatient with the way their elders are running the world, this is nothing new. They will outgrow it eventually, and in turn find much to deplore in the radical behavior of their own offspring. But whatever our differences with our parents' generation—and we had them—we did not throw firebombs to express our displeasure. No, this old chestnut, while it has the advantage of being familiar and easily understandable, does not really explain the situation.

It is difficult to ignore such startling facts as these: in Los Angeles a riot raged for ten days in August, 1965, causing one hundred seventy-five million dollars in fire damage alone, not to mention the many additional millions lost through looting and vandalism. Thirty-six people died as a result of that riot, eight hundred ninety-five were injured, and more than four thousand were arrested.

Spectacular as this example may be, it cannot be dismissed as an isolated instance. The conflagration in Watts was succeeded by numerous, though smaller riots in cities and towns all over the country. In three weeks during the following summer, eight U.S. cities, including Des Moines, were hit by riots or near-riots. Nor was Watts the first. The preceding summer, outbreaks had rocked seven major metropolitan areas.

The same trend may be seen on the campus. Violent protests have become a college

tradition, like football rallies. Attorney General John Mitchell reported that the 1968-69 academic year yielded a crop of two thousand three hundred arrests and 2.2 million dollars in damages due to campus disorders alone. Student disturbances still continue to erupt at the rate of about one a day in 1970, despite widespread predictions that things would "cool off" this year. These disorders have become so commonplace that they are no longer given major press coverage unless they make a particularly big splash. People seem to have become inured to such stories, and they no longer are sensational enough to sell newspapers.

As a member of the House Internal Security Committee and the Education and Labor Committee, I have become better acquainted with the problems of social and student unrest. Our nation's capital, as the hub of government, has been a favorite target for civil disorders, and I have personally witnessed a number of mass demonstrations. Under the guise of freedom to dissent, all of them have been attended by some degree of violence.

On October of 1967, during my first term in Congress, fifty thousand demonstrators converged on Washington to storm the Pentagon, our country's vital military nerve center. As a representative of the people, I felt I should see the protest activities first hand. It was a cold Sunday night and bonfires were burning on the steps and grounds of the Pentagon. Gathered around the fires and scattered over the steps, unwashed and unshaven groups of protestors lounged and sprawled. Some were burning draft cards and dollar bills. Over all floated the scent of marijuana. A large portable loudspeaker was passed from person to person. Each speaker in turn tried to outdo the one before him in the vulgarity of his taunts directed at the watchful, encircling troops. Others meanwhile expressed their "dissent" by displaying filthy signs and scrawling obscene remarks and pictures on the walls of the building. The Federal marshals and soldiers showed remarkable restraint in the face of these provocations. Cost? Over one million dollars.

Following the assassination of Martin Luther King in 1968, the capital was again besieged, this time from within. Washington was a city at war that week. Many of the scars of that struggle still remain. Machine guns were mounted on the Capitol steps and other Federal buildings, and snarls of barbed wire blocked the city streets. Thirteen thousand armed troops stood guard and residents were subject to a curfew. For the first time since the War of 1812, the smoke of a burning city hung in the air, and for the first time in memory, the great gold dome of the Capitol was darkened. Block after block of blackened shells stood where buildings had been. These grotesque skeletal remains made whole sections of the city look like the bombed out ruins of a world war.

Police reported ten deaths, more than a thousand injuries, nine hundred fires and over six thousand arrests. Damage was estimated at thirty million dollars. Stokely Carmichael roamed the streets urging Negroes to declare war upon the white community. Stores were looted only two blocks from the White House. Looters laden with booty taunted the White House guards as they passed. Police permitted looters to carry goods from the shops unhampered, in what the mayor called an act of "restraint." Uncontrolled looting was shown on television news reports, signaling the go-ahead to others.

It is worth noting that the average looter in this riot was not poor. Statistics showed that the typical rioter had eleven years of education, made about ninety dollars a week and had never been in trouble with the law before. Most of those arrested were employees of the Federal government. Several were students, one was a real estate agent, one a librarian, and one was a deacon of his church.

These people were not downtrodden. They did not riot because they were hungry. They rioted because they saw that there was profit in it, and because they knew that no one would stop them.

There is substantial evidence that this riot was well-planned. A *Washington Post* reporter, himself a Negro, managed to obtain an interview with some of the arsonists. He quoted them as saying, "It was not a riot but a rebellion!" and it was definitely "organized."

About a month later, the city of Washington was subjected to yet another ordeal of disorder—the "Poor People's Campaign." The squatters set up a hodge-podge camp of huts and tents which they called "Resurrection City." After seeing it, I preferred to call it "Insurrection City." The site they chose for their camp is sacred ground to all Americans: near the Capitol in a grassy meadow between the Washington Monument and the Lincoln Memorial. This lovely public park, which so many citizens have enjoyed on visits to their capital, became a meeting ground not only for malcontents of every political persuasion, but for a strong criminal element as well. A resident of the city told a member of my staff: "We shall overcome—and we will do it with violence." Fear was rampant. Official estimates of the cost of this campaign ran to two million dollars.

Again last fall, the nation's capital was swept by a wave of massive anti-war protests, misnamed "moralatoriums." The marches were widely described as "peaceful," but peaceful these peace-lovers most certainly were not. Hundreds of hippies and Yippies bent on violence attempted to storm the South Vietnamese embassy. Police were forced to use clubs and tear gas to disperse them. Around the Washington Monument, the ring of American flags representing the fifty states was replaced by Vietcong banners. Pictures of Communist leaders were everywhere and "Hate America" speeches rang out over the crowd. Well-known political figures participated and applauded these activities. To me, it was sickening.

When the permit for the meeting expired, thousands of militants crashed through police lines and headed for the Justice Department. A riot ensued. Windows were broken and red paint was splashed on the walls of the building. The American flag was again hauled down and burned and the Vietcong flag flew in its place. The bill for damages and costs resulting from this "peaceful" demonstration: 1.8 million dollars—and you, the taxpayers, underwrote their pleasure.

Those who express the view that such violent acts are in some measure protected by the First Amendment to the Constitution forget that there is a clear distinction between the *freedom to speak* and the *freedom to act*. Supreme Court Justice Hugo Black noted (and I quote) "The First Amendment protects speech. And it protects writing. And it protects assembly. But it doesn't say anything that protects a man's right to walk around and around my house . . . to frighten . . . my family into that house, make them afraid to go out of doors, afraid that something will happen. It just doesn't do that." (end of quote)

The First Amendment was added to the Constitution to insure that citizens would have a *lawful* and *peaceful* means of expressing their dissent. This purpose is now being perverted by those who wish to make it an excuse for criminal behavior. Violence is *not* necessary and peaceful dissent is possible through lawful channels. But those who wish to express their differences have a corresponding obligation to allow other views to be heard, and not to cut off free debate. The protestor of today refuses to permit any other opinion to be voiced and shouts down all who disagree with him.

As Vice President Agnew remarked, they have renounced the commandments of old and embraced a new dispensation. The new

fanatics have formulated ten precepts of their own, which they obey religiously:

Thou shalt not allow Thy opponent to speak.

Thou shalt not set forth a program of thine own.

Thou shalt not trust anybody over thirty.

Thou shalt not honor thy father nor thy mother.

Thou shalt not heed the lessons of history.

Thou shalt not write anything longer than a slogan.

Thou shalt not present a negotiable demand.

Thou shalt not accept any establishment idea.

Thou shalt not revere any but totalitarian heroes.

Thou shalt not ask forgiveness for thy transgressions; rather, thou shalt demand amnesty for them.

What makes our young people act this way today? Some observers of the contemporary scene adopt a "sophisticated" historical perspective. They point to the "radical" nature of this country's origins, remarking that the Founding Fathers were, after all, "revolutionaries," and citing the violence which accompanied numerous events in our subsequent history. Look at the Boston Tea Party, they say, or at the anti-Irish riots of the eighteen-forties and fifties. There were draft riots long before Vietnam, in the 1860's in fact, and labor riots which spanned two generations at the turn of the century. Politically-oriented violence, they will tell you, is not a new phenomenon in America.

While it may be true that we have undergone sporadic spasms of violence in particularly trying times in the past, such analogies fall far short of accuracy. They do not adequately convey, first of all, the violent temper of our times, nor do they explain satisfactorily the contemporary trend toward violence as a typical form of political expression. Secondly, those earlier disorders were quite different in nature. The Boston Tea Party represented a single act of rebellion against a specific unjust law. The draft riots were popular reactions against a concrete public policy. The violence attending the labor disputes, though considerable—nearly thirty people were killed in 1934 alone—was always directed toward a specific goal: union recognition by management. Even the anti-Irish race riots of the mid-nineteenth century were aimed at a particular "enemy" and resulted in the destruction of "enemy" property.

The recent rash of riots seem in contrast far less "rational," if riots may be said to partake of degrees of rationality. They are not aimed at a specific enemy, they are not caused by a particular issue, though they are frequently triggered by a single incident, and they do not carry the war to the enemy's territory. Statistics show that Negroes are the first to suffer in a Negro riot. Most of the property destroyed and the injuries suffered are borne by Negroes.

Equally puzzling, though in a different way, are the aims and motivations of student unrest. The causes which student activities espouse seem to run a fashionable course and then disappear from prominence. The war in Vietnam and the draft appeared to be the cause of many early campus protests. Today they account for only twelve percent. Black studies, black student unions and more liberal admissions policies for black applicants were paramount for awhile. Now they seem to have given way to demands for a strong student voice in the school's decision-making process at all levels, and to protests against the pollution of the environment. One wonders what next.

Various explanations have been offered to account for violence both in race riots and in student disturbances. It has been noted that some of the grievances used as battle cries by the insurgents contain a kernel of

truth. But people have always had legitimate grievances in the past—some of the same grievances, in fact—and they were not the cause of widespread violence. Everyone has to put up with frustrations in life. Few resort to aggression to escape from them.

Those who take the rebels' motives at face value as stated overlook three key factors in the development of the politics of violent confrontation: the role of revolutionary ideas, the role of organization, and the role of authority.

The power of an idea should never be underestimated. Especially in an era in which instant mass communication facilitates the rapid spread of ideas, it is not too much to say that a single fiery slogan can incite a riot. Communism was an idea in the mind of Marx before it took over half the world. "Black Power" was a rallying cry before it became a reality, and it was uttered by one man, Stokely Carmichael, before it was taken up as a slogan by the black militants. Mario Savio had to ignite the Free Speech Movement at Berkeley before it occurred to students at other colleges to assert "student power" and demand a voice in running their universities.

If you look at what young people are reading these days, it is not hard to see where the ideas come from. One popular writer is Herbert Marcuse, who attacks big, rich organizations as "de-humanizing" and "totalitarian" because, he believes, they control people's lives without their consent, or even their knowledge. Under this heading, he lumps big business and big government, especially the military. Obviously, this doctrine has a lot of appeal to a young man fearful of exchanging the freedom and individualism he has known as a student for the regimented life of the army or a large corporation in a nine-to-five job. It is easier to condemn the establishment than to accept the hard realities of adult responsibilities.

Another popular book is Supreme Court Justice William O. Douglas' recent notorious publication, *Points of Rebellion*. In it, the misguided Justice compares the American "Establishment" today to the regime of George III and suggests that revolution may be the only way to change it. Can you imagine? No wonder our courts are in trouble.

Only a fear of being thought repressive of free thought and free speech makes government leaders and educators refuse to acknowledge the immense causal power of such ideas.

However, none of these ideas would be able to gather the force and retain the momentum they have without organization. Without Lenin, Marxism would never have succeeded as a viable political program. Without the Students for a Democratic Society and the black militant groups, black power and student power would probably have remained intriguing topics of campus bull sessions. The fact that they have become potent forces in the real world, disruptive, destructive forces, must be attributed to the organizations which have made them the basis for action. Reading down a list of campus disorders that have taken place over the past two academic years, the name of one group recurs continually: the Students for a Democratic Society.

In one month, the fateful April of 1968 that brought Columbia University to a standstill, the S.D.S. was active in anti-war protests at institutions as far flung as the University of North Carolina and Portland State College in Oregon, as well as directing the debacle in New York. The chaos they succeeded in engineering at Columbia was truly frightening. They occupied five buildings for a week, largely demolishing the interior furnishings, and held two administration officials hostage. One hundred students were injured and seven hundred twenty were arrested as a result of clashes with the police.

This performance was repeated, with variations, around the country.

A considerable degree of organization is evident in specifically racial disturbances as well. Cornell University, which was wracked by armed violence last year at this time, has again been swept by a wave of disorder. The Black Studies Center burned down several weeks ago. Arson was suspected but not proved. Black students nevertheless reacted by banding together in a body with concentrated rage. They looted the university bookstore and raced through the campus hurling rocks and bricks through windows. They have presented a new and more martial set of demands to the administration. Among them are: amnesty for those who participated in the destruction, black guards to protect black students, and money for a new center to be disbursed only by blacks.

The trial of the Chicago Seven revealed long-range planning and an organizational structure behind the riots at the Democratic Convention in Chicago. Hippie leaders Abbie Hoffman and Jerry Rubin planned the disorder, recruited participants in speeches all over the country months before, and directed the battles with the police at the actual scene of the riot.

Examples could be multiplied, but the point is not one which requires much further demonstration.

But no matter how the verbal and physical attacks of these groups, they could not have been so successful in dislocating the machinery of government and disrupting the fabric of civil order without—one hesitates to use this word—the cooperation of those in authority. The role played by authority is the third key factor in the development of the politics of violence. For if a seductive and subversive idea, even one backed by a fanatical organization, met immediate and firm resistance from those with the power to say a loud, clear "No!", it could be stopped cold. The abdication of authority is what ensures its success.

Embarrassing as it may be to admit, we are dealing in every case—let's face it—with a hard-core minority of radicals. They are not lightly to be reckoned with, it's true, but they are few in number. Their followers are the most naive. And they do not have, at least to begin with, anything like the resources in men or money which those in authority do. Yet they have manipulated the passive, complacent or fearful majority, and managed time after time to throw the more powerful opposition into confusion, to reduce whole sections of cities to rubble, and to extract extraordinary concessions from university administrations. History provides many similar examples of hard-core militant minorities which swayed the unthinking, indifferent majority—with disastrous results.

It is noteworthy that the great majority of violent political demonstrations whether on the streets or on the campuses, have taken place in centers of liberal thought—the big northern cities or liberal southern cities like Atlanta or Washington, and the universities noted for their liberal traditions. Police power in these centers is almost a dirty word, and is invoked only in desperate cases. Post-riot analyses of the student-induced chaos at Columbia University, as well as of the racial disturbances in New York, all produced a similar conclusion: the disorders could have been curbed had the police been called earlier and allowed to exert firm force immediately. Both types of riots got out of control because the authorities stood by, wringing their hands and frantically trying to find a "peaceable solution." They refused to face the fact that force must be met with force if it is to be quelled. In their misguided efforts not to escalate the conflict, they actually encouraged the rebels to rampage. Here, too, history has a lesson to teach to those who

are willing to learn. Appeasement and capitulation to violent demands do not bring peace; they only foster further demands.

A comprehensive study of student disorders nationwide, conducted by a well-known liberal Washington journalist who spent a month visiting campuses from Columbia to U.C.L.A., corroborated this view. It is "an unpopular truth," he said, but true nevertheless, that "the crucial element in a student uprising is faculty support. Without help from the faculty, the uprising fails. With some substantial degree of support among the faculty, the uprising becomes immune to retaliation by the university's administrators. The administrators' weapon is suspension and expulsion. Students cannot protect themselves against it. But the administration cannot use it in the face of serious faculty opposition."

In an effort to supply college administrators with the backbone that many seem to lack, Congress passed legislation in 1968 to deprive any student engaged in violent protest of Federal grants for his education. The purpose of the law was to ensure the three most essential academic freedoms: the freedom of the student to learn, the freedom of the teacher to teach, and the freedom of the university to provide an education. By furnishing a uniform national criterion for extreme student behavior, Congress hoped to encourage timid administrators to apply the standard in their own institutions.

Unfortunately, this measure did not prove so successful as we had hoped. I therefore proposed that colleges be required to show that they were in compliance with the law before receiving any money, and this amendment was added to four appropriation bills for fiscal 1970, including that for higher education.

It would be too simple, however, to attribute all the responsibility to that beleaguered and much criticized class of people, the faculty and administration of the universities. They are supposed to act *in loco parentis* (in lieu of the parent), it is true, but they are only the last in a long line of educators and authority figures in the life of an adolescent. When a student comes under their jurisdiction, he is already on the threshold of adulthood. His habits of thought and character are already to a large extent ingrained. He learned them, not from the university, but from his earlier schooling and, most importantly, from his training at home. The college teacher or administrator frequently learns to his dismay that the parents in whose place he is supposed to act have not themselves acted very responsibly in the past. Thus, college professors who were trained and hired to teach mature students, must discipline children.

The student of today arrives at college not with a sense of his own inadequacies and inexperience, but with a conviction that he already knows a great deal more than his elders. He is impatient of their "mistakes," as he calls them, and certain of his own ability to improve on them. He is full of the arrogance of untried potential and untested idealism. He wants everything accomplished yesterday, if not last week.

Youth, of course, has always been characterized by impatient idealism. If it were not, there would be no change. But in the past, this was tempered by a mitigating respect for authority, a healthy sense of fear of the consequences of rash action. It would not have occurred to the young idealists of our generation, however enthusiastic for change and impatient of delay, to resort to bricks and bombs to hurry things along. And it would not have occurred to them because they were taught at home to listen and to learn before trying to preach and to act, to have some respect not only for authority, but also for the rights of others.

A prominent Chicago psychologist, Dr. Bruno Bettelheim, who specializes in the

problems of disturbed children, recently wrote: "For self-control to develop, children must have learned to fear something before they enter society." That something, he adds, is parental authority. In the absence of strong parental authority, children have no standard against which to measure their independence, no behavioral norms with which they can identify.

Other problems are traceable to permissive school policies, such as the recently popular "open admissions." Many more people go to college now, but few are well prepared for the demands it makes upon the individual's self-discipline. Those who cannot compete successfully are frustrated. As their numbers grow, they band together and make common cause of their frustration—misery loves company! They cannot cope with failure and cannot admit their deficiencies, collectively they seek a scapegoat. They direct their anger against the institution they believed would hand them knowledge on a silver platter, and against society at large.

There is nothing more important than a good education; nothing even ranks a close second to it. But the student must have the necessary aptitude and qualifications to benefit by it. He should therefore choose the course which will make the best use of his abilities, be it liberal arts, professional or vocational training. Only thus can he avoid the frustration of failure and make a meaningful contribution to society.

The chaos these young people rage against, says Bettelheim, is within themselves, not in the structure of society. Thus no change in the external world will satisfy the truly militant. "While consciously they demand freedom and participation," he wrote, "unconsciously their commitment to Mao and leaders like him suggests their desperate need for controls from the outside, since without them they cannot bring order into their own inner chaos."

In testimony before the House Special Subcommittee on Education which was investigating student disorders last spring, Dr. Bettelheim declared that even the bright militant students are emotionally "fixated at the age of the temper tantrum." Of students like those who were photographed lounging in President Grayson Kirk's chair in his Columbia University office, he wrote: "Big in size and age, those who sit in feel like little boys with a need to 'play big' by sitting in papa's big chair . . ."

One proof of this is the radicals' own attitude toward actually gaining their ends. Any reconciliation with authority is looked upon as a betrayal of revolutionary goals and a compromise of idealistic purity. Many seem to revel in violent confrontation for its own sake. The alleged causes and ostensible objectives of the movement take second place to the rebellion itself. Some seem to derive a thrilling sense of community from their mob actions. Others are skeptical of ultimate success because "the Establishment" is "rotten to the core." For them, confrontation is, in one student's words, merely the "politics of despair." These pessimists seem to be unaware that the Establishment has already begun to re-order its priorities. We spend over sixty-one billion dollars a year on social programs. Federal spending for social welfare has more than doubled since 1960. This Administration is now spending more on human resource programs than on defense.

To the ultra-fanatical few, like Mark Rudd, the head of S.D.S. at Columbia, who provide the major impetus to the vanguard of these movements, any cause will do. However worthy it is, it is not important in itself. Its real value to the revolutionary is as a wedge to drive into society's vulnerable cracks and eventually to engineer its downfall. Asked to provide an alternative, however, the revolutionary has no constructive answer to give. He plans to wait until the dust settles to decide that.

Bettelheim believes that many of the hippies, Yuppies, militants and assorted fringe groups of the New Left are emotionally sick. For their own good and the health of society, we must deglamorize the illusory role they have invented for themselves. Unfortunately, many adults tend to glorify what should properly be considered a pathology. Thus, we have the "youth culture" which pays reverence to every concern of youth its pop music, and its pop political philosophy promising instant panaceas through world revolution. Dr. Bettelheim puts it bluntly:

"The idea that adolescence is God-given, that it has any special virtues doesn't appeal to me. Adolescence is not a physiological period in one's life, like puberty, but a culturally imposed age. As a particular style of life it can only be possible if people are not part of the working force. Until 1900 almost nobody became adolescent because after the age of fourteen or fifteen, he went to work."

Perhaps if some of the adolescents of this generation had to renounce a part of their economic dependency—one is tempted to call it parasitism—and *work* to contribute to the family finances, they would gain a little respect for the affluence they profess to despise. Their parents *earned* that affluence for the most part. Maybe if their children learned by experience some of the sweat that goes to produce "the good life," they would be more inclined to value it.

It is time that we as parents, as teachers, as the beneficiaries of life's experience, as—yes, let's be honestly proud of it—the older generation, reassert what we know to be true: sensitivity and idealism, intelligence and wisdom are not the sole prerogatives of the young. They are not even the principal repositories of these virtues. Every generation makes mistakes, and we have made our share. But we have also accomplished a few things in our lifetime, whereas young people have accomplished nothing as yet. By what right, therefore, do these children, still wet behind the ears, presume to tell us how to run the country?

If we have made one truly serious mistake, it is not in Vietnam, or pollution or in race relations: it is the cowardly resignation of our rightful role as leaders and guides and our capitulation to the tyranny of spoiled brats. We have the power, but some of us have lacked the will. We should reappraise our position and reassess the one weapon that is in *no* sense the prerogative of the young: our hard-won authority as parents, teachers, workers, businessmen, and politicians.

Respect for authority and the rights of others, like charity and all the other cherished values of our civilization, must begin at home. But for the generation which has graduated from the home to the university, more immediate measures are needed. Instead of retreating from violent student radicals and agreeing to unlawfully extracted concessions, college administrators should exercise the power of expulsion. This strangely unused power has, as one professor of history observed, been the prerogative of universities since 1209, but few administrators today have recourse to it. Removal of student agitators from university life is the most effective way to nullify their "non-negotiable demands" and the bullying tactics which accompany them. This measure would restore to the university the essential atmosphere of peace and tranquility without which it cannot conduct its proper business of education.

Expulsion is not a sanction to be lightly imposed. But the university does have an obligation to lay down clear rules of conduct and to set forth firm penalties for their violation. The most basic of these rules should outlaw violence. The use of arms, the forceful occupation of a building, the intimidation of any student or member of the faculty or administration, the disruption of any class, should all be immediate and in-

variable cause for expulsion. Similarly, in street demonstrations, the authorities should be prepared for disturbances, issue clear guidelines for lawful action and warnings against violations, and then act swiftly to quell any disturbance with as much force as is necessary.

The pressing requirements of remedial tactics should not, however, obscure the basic need for a long-range preventive strategy. We must return to the wellspring of all education, the family, for the key to success in this strategy. The political, social, and moral attitudes learned early in life are the ones which remain with us, guiding our actions and shaping our beliefs all through our adult existence. The future citizen must learn from his parents, if he is to learn at all, that true freedom recognizes rational restraints, that only tyranny demands total license.

We must enlist the aid of other institutions in our efforts as well. The churches, which have for too long receded into the background of education in the life of the individual, must resume their rightful role as spiritual leaders and moral guides, supporting the school and the family. The courts must strongly reassert the principle of law with order and mete out justice, not permissiveness. Finally, we must as individuals in every walk of life be willing to speak out in defense of the values we have cherished and lived by, to show our children that our heritage is one we are proud to bequeath and determined to preserve.

**A BILL TO CREATE A SINGLE INDEPENDENT AGENCY TO LEAD THE ATTACK ON POLLUTION**

**HON. G. WILLIAM WHITEHURST**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WHITEHURST. Mr. Speaker, five cosponsors have joined with me in the introduction of a bill, H.R. 16414, that would create a single independent agency in the Government to lead the attack on pollution. The Pollution Abatement Act of 1970 establishes the National Environment Control Commission, which would have the authority to generate and enforce pollution standards, have full power to promulgate all actions involved in the attack, incorporate all future and present pollution programs, and have jurisdiction over more than \$10 billion in pollution funds.

In this time of inflation, high taxes, and tight spending, every dollar must accomplish the absolute maximum. This calls for leadership, planning, and coordination. But more than an eye on expenditures is needed. The need is for a central agency to oversee the development of the war on pollution and to maintain efficiency in field operations. We all know the end result we want; clean air, clean water, clean landscape, control of our wastes, and a substantial reduction of all pollutants. But where is the machinery to direct the attack? The agencies responsible for pollution control are presently scattered across the Government departments.

Under these conditions it is too easy for the left hand to not know what the right hand is doing. Inefficient dual pro-

grams of study by several agencies, or worse yet no action at all, is the result of such scattered leadership.

I have proposed combining all the existing pollution control bureaus, agencies, and departments under one independent Government agency. After giving much consideration to the idea, I formally made it public back in January. Such a National Environment Control Commission is contained in the Pollution Abatement Act of 1970.

The Commission is to have full powers to establish pollution standards, approve and inspect pollution abatement equipment, and fund research in the form of grants, loans, and pilot projects. It will also have full enforcement powers to coordinate and promulgate all actions involved in the attack on pollution, and incorporate all future programs dealing with pollution. As one reporter termed it, "the agency would be an Atomic Energy Commission of Sludge."

Many articles have been written about the needed attack on pollution. Congress and the public are primed for action. I have noticed with pleasure that some Members of the Senate are beginning to see the advantages such an organization possesses. The broadcast media have given time to the subject, pointing out the need and calling for action. Among those broadcasters is Eric Sevareid, the distinguished commentator on the CBS network. On his broadcast of Tuesday, April 7, 1970, with the CBS Evening News with Walter Cronkite, Mr. Sevareid commented on the need for a central agency to lead the battle against pollution. I want to share Mr. Sevareid's comments with my colleagues at this point in the RECORD.

EXCERPT OF CBS EVENING NEWS

SEVAREID. Behind the hubbub of Carswell, strikes, and the rest of the headline agitation, quiet pulling and hauling continues here on the really deep-seated, long-range problems in American life, none of which is more critical than the pollution of the physical sources of life.

Part of the beginning of the campaign to save these sources must be organization of the governmental headquarters for the campaign. This, too, is still in a beginning stage. Senator Muskie of Maine had made himself the leading champion of environmental quality early on, while the President has been moving to take the issue away from Muskie and the Democratic Congress. Mr. Muskie now proposes a new bill to set up an independent administration on environment and the White House is soon to propose its own reorganization of the various agencies dealing with air, earth and water, and which are scattered through the government.

Strong governmental powers are required, a vast amount of money is required, but that is by no means the end of the story. The deeper that authorities here look into the problem the more appalled they are, not by just the potential cost, but the infinitude of roadblocks. Public apathy, the usual defendant, is not the problem half so much as the built-in conflicts of economic interest at every turn in the road. For every little gain in stopping pollution, somebody is going to have to give up something.

Nobody sees how to stop a competitive industry from turning out more and more products that begin as luxuries and soon become necessities, air conditioning for one example. The demand for it is one reason

for more and more power plants that pollute more and more rivers. Housewives could do without detergents which pollute rivers, except that any millions of existing washing machines are built expressly for detergents. Pollution-free auto engines presumably can be built, but Detroit is not about to shut down until that happy day, and car owners are not about to junk their present car and go wheelless until that day.

Even the idea of electrified mass transit to reduce auto traffic is beginning to lose its glow. Evidence accumulates that most people see mass transit simply as a way to get the other guy's car out of the traffic stream so they can continue to drive and with greater ease.

In the meantime there seems no way on earth to prevent a population increase by a hundred million in the next 30 years. What reason and the facts demand is something like a 10-year period of true austerity, enforced by something like wartime emergency powers of utmost severity. No political leader has the stomach even to propose that. It would, of course, foul up the economy, but the real issue may well be that or the fatal fouling up of our means of existence.

**ONE OF THE THINGS THAT MAKES THIS NATION SO WONDERFUL IS HELPING ONE'S NEIGHBOR**

**HON. GLENN CUNNINGHAM**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. CUNNINGHAM. Mr. Speaker, I have many reasons to be proud of the Second District of Nebraska which it is my privilege to represent. But one of the most significant is the willingness of all to help one another—neighborliness.

An outstanding example of this quality, which could well be used as an example for others, was the recent assistance offered by farmers in Burt County, Nebr., to one of their neighbors who had suffered an apparent heart attack.

The Art Oltjenbruns farm is located about 10 miles southeast of the town of Lyons. Mr. Oltjenbruns was hospitalized just when the spring work was heaviest and it was more than a son-in-law could accomplish.

Mr. Speaker, the story is best told in the following article from the April 30 issue of the Lyons Mirror-Sun. I commend it to each of my colleagues:

**AREA FARMERS GATHER TO ASSIST OLTJENBRUNS**

One disk, then two and finally three disks were on the scene to keep ahead of the fellows with the plows as they moved to the Art Oltjenbruns farm land Monday morning. A son-in-law had worked over the week end in his attempt to get the ground ready, so a goodly portion had been disked prior to the invasion.

However at approximately eight o'clock that morning, 35 farmers took time out from their own very busy schedules to converge on neighbor Oltjenbruns' farm and to give him a big assist in his spring work.

Mr. Oltjenbruns has been hospitalized for the past three weeks suffering from an apparent heart attack. He returned home from the hospital Monday night.

There were 32 tractors, the disks, four harrows and plows totaling 104 bottoms. One



of the participants speculated there was approximately \$150,000 worth of equipment used to accomplish this mammoth feat. The good neighbors plowed 180 acres by 11:30 that morning.

Listed as among those who contributed their time and equipment in extending the hand of friendship to Mr. Oltjenbruns were: Robert Warren, Orrin Kohlmeier, Alby Helms, Morris Swedberg, Elwood Miller, Howard Anderson, Jack Webster, Bud Webster, John Larson, Merle Deupree, Duane Whisinand, Don Climer, Harry Hansen, Axel Nelson, Clarence Drummond, Leo Bowland, Maurice Hayes, Mike McKenzie, Ed Timm, Jr., Vinton Johnson, Glen Robley, Gilbert Thayer, Floyd Miller, John Tranmer, Carl T. Anderson, Dan Smith, Jeff Anderson, Jack Robertson, Lester Kohlmeier, Ray Simpson, Neal Rogers, Leonard Heise, Don Haefner, Dale Penke and Gilbert Weitzenkamp.

Fuel for the undertaking was furnished by Holmquist Grain and Lumber.

Morning lunch and a noon meal consisting of a ham dinner and all the trimmings including homemade pie were served by Mrs. Merle Deupree, Mrs. Orrin Kohlmeier, Mrs. Clarence Drummond, Mrs. Gladys Pipal and Mrs. Robert Warren. Other ladies in the community helped furnish the food.

By afternoon the men were back in their fields doing their own farming and the ladies back to their kitchens and gardens. It was as if the morning spent in "helping a friend in need" was indeed a routine matter.

**PITT FACULTY DISCLAIMS ARAB TERRORISM**

**HON. WILLIAM S. MOORHEAD**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. MOORHEAD. Mr. Speaker, the war in the Middle East still rages. Arab forces, with the backing of the Soviet Union, are becoming more bold in their forays against an Israeli Nation badly outnumbered and outgunned.

Several weeks ago, Arab terrorists pressed their aggression on a new front, when they publicly took credit for the explosion that caused a Swissair jet plane to crash, taking 47 innocent lives.

Faculty members of the University of Pittsburgh recently sent a protesting letter to Dr. Henry Kissinger, President Nixon's foreign affairs adviser, asking that he lend his efforts to finding peace in that troubled part of the earth.

These men and women who sent the letter were shaken by the loss of one of their colleagues, Dr. E. Richard Weirnerman, who was aboard that fated plane.

I insert this letter into the CONGRESSIONAL RECORD, with the names of those who signed it:

UNIVERSITY OF PITTSBURGH,  
Pittsburgh, Pa., March 6, 1970.

DR. HENRY KISSINGER,  
The White House,  
Washington, D.C.

DEAR DR. KISSINGER: Faculty members of the Graduate School of Public Health, many of us who knew Dr. E. Richard Weirnerman and his wife personally, were shocked and dismayed to learn of their deaths in the Swissair jet crash on February 21 which took 45 other lives as well.

Dr. Weirnerman's contributions to public health and medical care are well known to

those of us who are members of the health professions. He would have had many more fruitful years had not terrorists snuffed out this fine life.

In the light of this poignant incident, may we urge that you do all in your power to bring a peaceful settlement in the Middle East that will also guarantee the secure existence of the nation of Israel and its people.

Sincerely,

Isidore Altman, Alton Shiloh, Jerome M. Sacks, Nathan Hershey, Sidney B. Cutler, Thomas B. Fitzpatrick, Hilda Kroeger, Maurice A. Shapiro, Kenneth L. Garver, William E. Poel, Gerald Spector, C. C. Li, Edward R. Schlesinger, Patricia B. Breslin.

**NEW YORK TIMES REVEALS POLICY GRAFT**

**HON. ADAM C. POWELL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. POWELL. Mr. Speaker, a team of reporters from the New York Times recently compiled the following series of articles clearly indicating that gambling in New York City is being fully protected by the police department:

[From the New York Times, Apr. 26, 1970] **GAMBLERS' LINKS TO POLICE LEAD TO VIRTUAL "LICENSING"—SURVEY LISTS BOOKMAKING AND POLICY PLAY AS MAJOR SOURCES OF GRAFT HERE—CITY'S NEW PANEL MEETS TOMORROW**

(By David Burnham)

New York gamblers maintain an intimate and financially rewarding relationship with many policemen that at times perverts law enforcement into a system of "licensing" the city's vast gambling industry, according to some police sources.

This association between gamblers and many of the policemen assigned to the department's specialized anti-gambling units was described by police officials, policemen and former policemen in a six-month survey undertaken by The New York Times on the problems of police corruption.

A special committee set up by Mayor Lindsay to investigate corruption after he learned that The Times was planning to publish its survey said yesterday that it would hold its first meeting tomorrow morning. Citizens were urged to report any specific information they had on wrongdoing.

The names of the policemen who discussed corruption with The Times during the survey are being withheld to protect them from possible reprisals.

While many policemen are not corrupt, interviews with a number of policemen, during which they referred to notes and other records, suggested that large numbers of plainclothes men—the policemen assigned to controlling gambling—became tainted and in effect regulate the industry.

"Each plainclothes unit has a regular monthly meeting to decide which gamblers to take on and which gamblers to drop—because they've become too hot," one plainclothesman explained.

"At this monthly meeting, they also talk about how much each gambler should be charged," he continued. "The decision is based on how much he takes in."

The plainclothes man said that numbers operators sometimes tried to shortchange the police by lying about the number of "col-

lectors" employed to pick up bets. "When they do this, a plainclothes man said, "they fine the gambler the amount he held back on them.

"At the same time," he continued, "if a plainclothes man arrests a gambler who is "on the pad" by mistake, he also will be fined—maybe a hundred bucks or so."

The plainclothes man also said that arrests sometimes were made by appointment. "Me and this other guy spotted this collector and we grabbed him and he said he was a cousin—paying the cops.

"The guy I was working with said he was sorry, but they had a complaint and had to make a collar. The gambler told him he understood, but 'please don't hold me up now, it's my busiest time.'"

"So the collector and the cop made an appointment—he agreed to be in front of the precinct house at the end of the business day, the policeman said. "And sure enough, three hours later, he was standing there with a smile on his face and his made-up evidence—a few phony policy slips—in his hand."

On another occasion, several plainclothes men arrested a collector who was operating in a hallway.

"He said he was a cousin," the policeman said, "and asked us to let him go. I said no soap, we had to have a collar. He said he understood and would be glad to provide a flunkie to take the arrest."

Because the policeman telling the story wanted to make the arrest—and not be considered an enemy by his colleagues—he said he developed a little story.

"I told him I was sorry," the policeman recalled, "but that I thought internal security might be watching and I didn't want to get in trouble by bringing in a substitute."

A number of New York policemen agree that the basic payment to corrupt plainclothes men from gamblers was \$800 to \$1,000 a month—tax free—with lieutenants sometimes getting double.

But they agree that some plain-clothes men make a great deal more.

"You really are limited only by your own initiative," one plain-clothes man said. "Like you can go out and make your own scores. I heard one guy openly boasting that he made \$60,000 in the past two years."

Although the Times survey showed there were many sources of police graft, virtually all knowledgeable experts agreed that the highly organized and superbly efficient gambling industry contributed the most.

There are two major kinds of illegal gambling in New York. One is the "policy game," or "numbers racket"—a six-day-a-week lottery. The other is bookmaking, where individual citizens can place bets on events such as football games and horse races.

Estimates of the annual take of the gamblers vary. But two New York Treasury Department agents a few years ago set the yearly gross of the five major policy games in New York City alone at \$1.5 billion.

Some law enforcement experts say in general only that those gamblers who pay bribes are allowed to operate.

As a result, the primary function of corrupt policemen in big cities "is not the enforcement of law, but the regulation of illegal activities." William F. Whyte wrote in his book about law enforcement, "Street Corner Society."

[From the New York Times, Apr. 27, 1970] **POLICE CORRUPTION FOSTERS DISTRUST IN THE RANKS HERE—GRAFTERS' FEAR OF INFORMANTS LEADS TO THREATS AND SPYING—80 RESPOND TO LINDSAY'S APPEAL FOR INFORMATION**

(By David Burnham)

Corruption in the New York Police Department, which reportedly involves millions of dollars a year in graft, has created an atmosphere of suspicion, distrust and fear for

many New York policemen, police sources report.

Threats of death are not unknown, police investigators make secret visits to the offices of even the highest commanders and secret tape recorders are almost commonplace, according to policemen and former policemen interviewed by The New York Times in a six-month survey of corruption.

Some effects of the publication of reports on the survey and the formation of a five-man city panel to investigate police corruption were already being felt.

The City Department of Investigation said some 80 persons had responded thus far to an appeal by Mayor Lindsay for confidential information on police corruption, and a spokesman said that many of the callers had provided "specific" and "useful" material.

In addition to instances of outright graft, the Police Department is troubled by a corrosive atmosphere and official inaction that, according to sources within the department, is affecting the lives of policemen who accept payoffs, the many who do not and the police officials charged with eliminating corruption.

On at least two occasions in the last two years, for example, one policeman with a reputation for being strongly opposed to corruption says that he has been threatened by other policemen who thought he was giving information to his superiors.

"I was in the Criminal Courts Building," the policeman recalled about one of the incidents. "One of the plainclothesmen pulled his gun out and put it in my belly—and he said, 'You're a rotten kind of a guy, and if you ever involve me, you know what's going to happen.'"

The names of policemen who discussed corruption with The Times are being withheld to protect them from reprisals.

The suspicion and fear reportedly extend to the highest ranks of the department. This was evidenced, police sources say, by a physical tussle between Chief of Detectives Frederick M. Lussen and Assistant Chief Inspector Joseph McGovern, the top uniformed corruption investigator in the Police Department. This broke out last summer, the sources say, when Chief Lussen returned from lunch and unexpectedly found Mr. McGovern in his office.

The relations between some officers and their men is also reported difficult. One police commander said that when he was assigned to a new office, the men in the unit began to follow him secretly to see if he was trying to get evidence of corruption.

"One day I am driving around," he recalled in an interview, "and I suspect they're talking me, and I had this guy along with me I know I couldn't trust and he kept looking behind."

"I'm driving, you know, and he's sitting alongside me, and I just said, 'Is my tail with me?'" And he gave me a look. They were talking me to find out where I was going and what I was interested in.

The policeman who said he had been threatened with a gun also told this story:

"I wasn't with this unit very long when I was approached by a plainclothes man I had worked with before. He approached me and said, 'Look, we got a phone call before you came up here and they said not to trust you.'"

"But I don't care, I don't give a damn," the policeman quoted the plainclothes man as saying. "I know you from before, and I'm willing to take a chance." He then took me right over to a bar and introduced me to a 'KG,' known gambler."

#### CODE NAMES USED

The warning phone call, the policeman said he subsequently learned, came from a police official specifically entrusted with reducing corruption.

Policemen often use code names to avoid security breaches with gossiping policemen assigned to various offices.

One policeman, when calling Chief McGovern, said that he arranged to be known as Mr. Mitchell. "But then McGovern told me not to use Mr. Mitchell, because he knew a real Mr. Mitchell, and that any time I called I should say it was Mr. James," the policeman related.

One police official with 30 men on his staff was asked how many of them he trusted to enforce the law properly. "I trust definitely four, possibly a fifth man," he replied. "The rest I don't know whether to trust or not. I couldn't definitely say how many are on the take. I would say, I'm pretty sure, that five aren't."

The official said he did most of his own investigating because of his worries about the honesty of some of his men. He explained that since the changes made in the nineteen-fifties following the discovery that Harry Gross, a Brooklyn bookmaker was paying the police millions of dollars a year, men in his position were assigned men rather than being permitted to pick them.

"These changes were pretty good in theory," the official explained, "but they didn't work. I think the gambling inspectors ought to be allowed to pick at least some of their own men, so they'll be loyal to them. In my personal opinion these changes were an administrative paper thing."

"They didn't want to stop it—it was too lucrative—and the money was going so high that they really didn't want to end it. But, however, they had to set up a new system to appease the public and appease the press."

Another policeman, reflecting on the fearful and suspicious ways of the department, said, "You know, it's just like something out of the movie 'Z.'"

And oddly enough, Mayor Lindsay arranged a private showing of the film about political repression in Greece for about 10 top police commanders and their wives last Jan. 21 in a small auditorium of the Time & Life Building.

**GRAFT PAID TO POLICE HERE SAID TO RUN INTO MILLIONS—SURVEY LINKS PAYOFFS TO GAMBLING AND NARCOTICS—SOME ON FORCE ACCUSE OFFICIALS OF FAILURE TO ACT**

(By David Burnham)

Narcotics dealers, gamblers and businessmen make illicit payments of millions of dollars a year to the policemen of New York, according to policemen, law-enforcement experts and New Yorkers who make such payments themselves.

Despite such widespread corruption, officials in both the Lindsay administration and the Police Department have failed to investigate a number of cases of corruption brought to their attention, sources within the department say.

This picture has emerged from a six-month survey of police corruption by The New York Times. The survey included an examination of police and court records and interviews with scores of police commanders, policemen, former policemen, law-enforcement experts and private citizens.

The picture also is drawing from interviews with a group of policemen—including several commanding officers—who decided to talk to The Times about the problem of corruption because, they charged, city officials had been remiss in investigating corruption.

The names of the policeman who discussed corruption with The Times are being withheld to protect them from possible reprisals.

On Thursday, Mayor Lindsay announced the formation of a special five-man committee to review the city procedures for in-

vestigating police corruption. Corporation Counsel J. Lee Rankin was named chairman and Police Commissioner Howard R. Leary is a member of the panel.

The announcement followed a series of meetings held at City Hall and Police Headquarters during the last few weeks after the Lindsay administration learned The Times was conducting a survey of police corruption.

The policemen and private citizens who talked to The Times describe a situation in which payoffs by gamblers to policemen are almost commonplace, in which some policemen accept bribes from narcotics dealers, in which businessmen throughout the city are subjected to extortion to cover up infractions of law and in which internal payoffs among policemen seem to have become institutionalized.

"Police officials always talk about the occasional rotten apple in the barrel when corruption comes up," said Ralph Salerno, a recently retired New York police sergeant and nationally respected expert on organized crime. "They'd be a lot more honest if they talked about the rotten barrel."

Only a relatively few cases of corruption are successfully investigated by the Police Department. In a recent letter to State Senator John Hughes, chairman of the Joint Legislative Committee on Crime, Commissioner Leary said that in the 137 cases of police misconduct referred to the department in the last three years, seven policemen were dismissed.

During a recently tape-recorded conversation with a policeman that was made available to The Times, the top uniformed police official responsible for stamping out corruption in his department—Supervising Assistant Chief Inspector Joseph McGovern—was asked what he had accomplished.

"What have we accomplished?" he replied. "I think I have done a damn good job protecting the Commissioner against the onslaughts of outside agencies."

#### MAYOR'S ORDER CITED

An example of the department's reluctance to openly acknowledge corruption as a problem is its response to an order issued by Mayor Lindsay to all city agencies last May 12.

The order required that "all allegations or indications of possible corruption or wrongdoing" be reported immediately to the investigation Department before any action was taken by the agency involved.

According to a source in the investigation Department, the Police Department has refused to comply with Mayor Lindsay's order.

One of the policemen who came to The Times discussed the effect of the department attitude toward corruption on the individual policeman.

"I believe that 90 per cent of the cops would prefer to be honest," he said. "But they see so much corruption around them that many feel it is pointless not to go along."

#### PUBLIC'S FAITH AFFECTED

In addition to tarnishing the policeman's attitude toward himself and his job, students of law enforcement say, corruption also imposes a massive secret tax on the citizens of New York, dilutes the enforcement of many laws and undermines the public faith in justice.

Some of the assertions made by policemen in The Times survey follow:

Arnold G. Fraiman, now a State Supreme Court justice and until January, 1969, head of the city's Investigation Department, refused to look into charges that Bronx gamblers were paying policemen between \$800 and \$1,000 a month.

Mr. Fraiman learned about the case during a three-hour conversation with two po-

licemen in his Park Avenue apartment on May 30, 1968.

Just about a year later, with no known assistance from the Investigation Department, eight of the plainclothes men whom Mr. Fraiman had been told about were indicted as a result of an independent investigation by a Bronx grand jury.

Justice Fraiman said yesterday that there was a meeting with a plainclothes man who provided him with information, but he denied that he had ever discontinued an investigation of police corruption. He added that the information provided was extremely general and that "no specifics were ever given."

#### KRIEDEL OUSTED

Jay Kriegel, Mayor Lindsay's staff assistant for law enforcement, told a policeman early in 1968 that the administration could not act on charges of police corruption because it did not want to upset the police during the possibly turbulent summer ahead.

About a year before making this statement, Mr. Kriegel arranged for Mayor Lindsay to meet a group of policemen so he could get a realistic understanding of the problem of corruption. The meeting was called off at the last moment with urgent instructions from Mr. Kriegel to the policeman assisting him to forget that it had ever been scheduled.

Mr. Kriegel had no comment yesterday.

A detective with many years of experience in the narcotics division said one of his colleagues had arranged payoffs to the police from major heroin dealers of up to \$50,000, in return for such favors as the destruction of evidence gathered on secret wiretaps.

Because the detective arranging the payoffs was shot under mysterious circumstances a few months ago, he now is under investigation.

Some aspects of police corruption in New York and the related costs were discussed recently in a report by the Joint Legislative Committee on Crime. The committee charged that gambling in the slums of New York "could not function without official tolerance induced by corruption."

"Testimony before this committee clearly reveals," it said, "that the ghetto residents are perfectly aware of the corrupt relationship between police racketeers and certain elements in the Police Department, and, for this reason, have a deep cynicism concerning the integrity of the police in maintaining law and order in the community."

Another aspect emerged in the anger of a Brooklyn bookmaker who complained that the plainclothes men he regularly bribed continued to demand payments even after they had been transferred out of gambling enforcement to the narcotics division. He said his payment was \$1,200 a month, divided by four levels of the department including one unit at headquarters.

The bookmaker said in an interview that some of his busier colleagues paid the police as much as \$2,400 a month and that the police impose an extra payment if a bookmaker took bets on both the flat races and the trotters.

#### FOOD PAYOFFS

Putting an exact price tag on corruption is impossible. The Joint Legislative Committee on Crime recently reported, however, that the city's 10,000 small Puerto Rican grocery stores were estimated to give the police \$6.2-million a year in small weekly payments and free food to avoid summonses on minor charges.

Numbers operators, according to Federal and state agencies and private researchers' estimates, make payoffs between \$7-million and \$15-million a year. Builders in Manhattan report they sometimes pay local patrolmen between \$40 and \$400 a month for each building site or renovated building.

One West Side liquor dealer said he paid the police about \$2,000 a year in cash tips and free and cut-rate liquor.

Beyond the financial cost of corruption is its corroding effect on the self-esteem of the policeman.

"One plainclothes man got a bit philosophical about taking it," a policeman recalled recently. "He stated he was a poor boy and one of the minority groups and he never had any money and now was his big chance. He said, 'I don't care what they offer me, a thousand, a hundred, two dollars, I'll take it.' "And I said, 'Oh, my God, think about it.' And he said, 'If I did, I'd blow my brains out.'"

This sort of corruption, according to many on the force, is woven into the very fabric of the policeman's professional life. The men assigned to enforcing the gambling laws, for example, are expected to give the precinct desk officer a \$5 tip for each gambler that the plainclothesman arrests and the desk officer must process.

"Of course a gambling arrest is a lot of extra work for the desk officer," a senior police official explained. "But the real reason for the tip is that the desk officer knows the plainclothes man is making a lot of money—that the arrest usually is in some way phony—and he wants his share of the pie."

#### SOME DON'T GO ALONG

Some desk officers do not accept the tips to expedite the paperwork. "When I had a precinct," one unit commander said, "I had a desk officer that was not going along with this practice. I'd be in my office and I would hear him shouting: 'You put that back in your pocket! I get paid for this.'"

A plainclothes man agreed, in recalling an encounter with a desk officer, that the \$5 tip was not mandatory. "I don't have a pad," he told the officer. "I'm not on the payoff. I'm not taking anything and there's nothing going out."

"And I was really surprised that this time I hit someone who was really impressed," the policeman added. "And he said, 'fine, that's O.K. with me.'"

In some precincts, policemen say, even to get a "good seat" in a radio car they must pay.

"I was recently a patrolman," a sergeant said. "In my precinct you were supposed to pay for getting a good sector on Sunday, for getting a good post. It's so systematized that the roll-call man actually would know in a dollar figure how many pickups were on your post, and you were supposed to kick in accordingly."

By "pickups," he said, he meant small weekly payments made by many businesses so they could operate on Sunday in violation of the state's sabbath law.

#### POLICY THE MAIN SOURCE

According to the Joint Legislative Committee on Crime and most law-enforcement experts, the numbers racket, or policy game, is the single most regular source of police corruption in New York. The numbers racket—a six-day-a-week lottery in which players can put down small amounts of money—is an enormous business.

One estimate by United States Treasury agents several years ago figured that the five major number operations, or banks, in New York were receiving \$1.5-billion a year in bets. If this estimate is correct, the numbers operation's annual gross is bigger than that reported by one of New York's major industries—dressmaking.

Some experts estimate that 1 per cent of the gross of the numbers operation, of \$15-million a year, is spent on payoffs at all levels of government.

Assigned to stamping out this popular, carefully organized and well-financed industry are 600 plainclothes men—patrolmen assigned to the uniformed force but who wear

civilian clothes. The result, according to many knowledgeable sources, is corruption and the transformation of many of these units from law-enforcement agencies trying to suppress gambling to regulatory agencies licensing it.

Some policemen recalled that when they went to plainclothes school some of their classmates complained that going to the school was delaying them from getting out into the street and collecting graft.

Others asserted that the relationship between gamblers and policemen was so well organized that a special mark was put on the envelopes containing the number slips. The mark, they said, indicated to knowledgeable policemen that the "work" had been paid for and should be returned if possible.

#### "CONTROLLER'S" MARK

"These markings are put on by the controller (a top man in the numbers racket)," one policeman said. "If there's an arrest made in the meantime, and the plainclothes men are on this work is supposed to go back because these people are paying for protection."

During the recent trial of a numbers operator who conducted his business in a hallway in the garment district, a policeman testified that he had stood in line and let 18 gamblers do business with the operator before he arrested him.

After the arrest, the special headquarters-level policeman testified, he told the gambler, "You act as if you have a license."

"I do," the gambler was quoted by the policeman as saying, "You don't think I'd operate in the open like this without a license." The policeman testified that the gambler then showed him two old lottery tickets that apparently had been given the gambler by a lower-level policeman as a sign that would guarantee freedom from arrest.

#### HARASSMENT CHARGED

A plainclothes man working in Brooklyn said his Manhattan colleagues harassed him because he arrested every gambler he could, rather than the ones who failed to pay off.

"There were some who paid and seldom got arrested," he said. "It seemed like our real purpose was to beat down the competition of the gamblers who paid, to help them maintain their monopoly."

Shortly after this policeman was assigned to a plainclothes squad, another policeman handed him an envelope with \$300 in it. "This is from Jewish Max," the policeman was told.

The policeman, disturbed by the corruption, took his complaint to Capt. Philip J. Foran, then commander of the police unit assigned to Commissioner Fraiman's Investigation Department.

"Well, we do one of two things," the policeman and a colleague quoted Captain Foran as saying. "I'll take you into the Commissioner and he'll drag you in front of a grand jury and by the time this thing is through you'll be found floating in the East River, face down. Or you can just forget the whole thing."

After a discussion about what he should do with the money, the plainclothes man said, he "gave the envelope to my supervisor, who was a sergeant of plainclothes, and he was very grateful for it—he snapped it out of my hand like he was an elephant and I had a peanut."

#### CONVERSATION IN A BAR

In another instance, this time in the Bronx, a young plainclothes man was taken to a bar by another policeman and introduced to a gambler.

"This guy reached into his pocket and took out some bills and he peeled them off and he gave some to the other officer and peeled off some more and offered it to me," the policeman recalled.

"And I said to him, 'What's that for?' He says, 'Get yourself a hat.' And I said, 'Well, I have enough hats.' So he said, 'Go on, take it.' I said 'If you have anything for me, give it to him,' and turned around and walked out."

The policeman explained that to have taken any action against the gambler would have violated all the "rules" of plainclothes men and possibly put his life in danger. He went on:

"I know the payoff was around—it would fluctuate from \$800 to \$1,000 a month per man. I would go around with them and at times I've even helped them count it. They would put it into neat little bundles for everybody."

"They would have meeting places and some of the guys would maintain private apartments. And they would allot double or a share and a half for lieutenants."

"I'LL KEEP IT FOR YOU"

The plainclothes man refused to keep any money for himself. "Well, it seemed that my partner told them that I was O.K. but he probably was keeping a double share for himself," he said.

He recalled one policeman who was "nice enough to say: 'I'll just keep it for you. Whenever you want it, I got it. And if you ever change your mind, I'll have it for you.'"

A lieutenant who did not know that the plainclothes man was not "on the pad" offered "to store my money—my share of the money—in his attic—he said he had a quite adequate amount of room in his attic."

The plainclothes man, appalled by what he saw, said he took the information about corruption in the Bronx to Cornelius J. Behan, now an inspector in charge of the Police Department's prestigious planning division, and to Mr. Kriegel, the mayoral assistant.

Both meetings took place in the fall of 1967 he said—one in a parked car and the other in Mr. Kriegel's basement office in City Hall.

Inspector Behan, according to the plainclothes man, said he would inform First Deputy Commissioner John F. Walsh. Mr. Kriegel said he would look into the matter, the plainclothes man said.

The plainclothes man said he went to Inspector Behan because he was a man of widely recognized integrity.

SIX MONTHS LATER . . .

Six months later, with no sign of activity from Police headquarters or City Hall, the plainclothes man and a policeman friend who knew Mr. Fraiman said they met in the then Commissioner's apartment.

"That night, his reaction you know, really he was sitting on the edge of his chair," the friend recalled. "Then we started discussing technical things of how we were really going to handle it. And the decision was made that I was going to get a bug and we were going to meet and I was going to bug the surveillance truck."

The surveillance truck was used by Bronx policemen to secretly observe gambling operations.

According to the policeman's account, two days after the meeting in the Fraiman apartment, Captain Foran, the commander of the unit assigned to the Investigation Department, called the policeman informant's friend. He said he was told to "bring the bug back to the office forthwith."

A few days later, according to the account, Commissioner Fraiman was asked by the plainclothes man's friend why the investigation was called off.

"He literally would not discuss it," the friend asserted. "He wouldn't discuss it for months. Ultimately, after months, the only

answer Fraiman would make was that he [the plainclothes informant] was a psycho and that they couldn't get involved and that he wasn't willing to cooperate. And that just absolutely was not the case."

After many months of no visible action from Headquarters police investigators, the Police Department learned that the Investigation Department had also been informed about the regular payoffs to policemen in the Bronx. Information about the case was then sent to police officials in the Bronx and to District Attorney Burton B. Roberts.

In February, 1969, a Bronx grand jury indicted eight policemen on perjury charges and numerous gamblers for contempt charges, including one who was revealed to be an agent of Joseph (Bayonne Joe) Zicarelli. The case against one of the policemen now is being tried and the jury is expected to hand up its decision Monday. The cases against the seven other policemen are pending.

Police corruption in narcotics enforcement, according to all policemen interviewed, is nowhere near as carefully organized as corruption in gambling enforcement.

But because the potential profits are much larger, individual narcotics detectives are constantly tempted. In recent years, for example, three New York narcotics detectives, two Nassau County investigators and a Federal agent were arrested on charges of selling drugs.

Last year two detectives were arrested and accused of trying to bribe an assistant district attorney in the Bronx to go easy on a heroin wholesaler.

THREE CHARGED WITH EXTORTION

Only last month three detectives were charged with extorting \$1,200 in cash, 105 "decks" of heroin and a variety of personal possession from five New Yorkers.

But there is some evidence that a more regular kind of corruption is not entirely unknown. One policeman, with six years of experience in the narcotics division and its elite special investigating unit, said one of his fellow detectives arranged payoffs to policemen from the largest heroin dealer.

These payoffs, he said, ranged from \$5,000 for changing testimony just enough so a drug-seller would not be convicted, to \$50,000 for the sale of a "wire"—the recorded conversation made by a police wiretap or bug.

The detective who allegedly arranged the payoffs recently was shot and seriously wounded in a gun battle near a Bronx hang-out of major heroin importers. The case now is under investigation.

The detective who described the alleged incident to The Times said that, in at least one case he knew, several of his colleagues collected a great deal of damaging evidence about a major heroin dealer, let the alleged payoff arranger know they had the evidence and then waited for a bid from the criminals. The bid came and the money was collected, he said.

Several high-ranking police officials said in interviews that many narcotics detectives—because they are encouraged to meet a quota of four felony arrests a month and because so little money is available to pay informers—resort to stealing drugs from one addict and giving it to another to buy information.

In addition to the graft potential in the narcotics traffic itself, corrupt policemen are in a position to exert considerable pressure on the owners of bars and restaurants. This is because a narcotics arrest in such an establishment means the owner can lose his liquor license.

A detective with several years of experience in narcotics enforcement said he

heard a top commander in the narcotics division chastising another official for not demanding and receiving regular payoffs from the bars in his jurisdiction.

But the payments to policemen by an unknown number of New York's 4,434 licensed taverns is only one of a variety of payments made by legitimate businesses and institutions in New York.

Some of the 2,232 licensed liquor stores, for example, also make various kinds of payments to the police. One busy West Side liquor dealer said:

"At Christmas time, the eight men working in the patrol car get \$5 apiece, the five sergeants get \$10 each and the two lieutenants get \$50 each. Then there are the Christmas bottles they usually want the most expensive brand of Scotch—for the traffic policemen, the mounted policemen and eight or nine precinct patrolmen who come in with their hands out."

"Then over a year, the guys will come in and say, 'Well, I'm going on vacation, how about a bottle?' or give some other excuse why they should get something for nothing. Finally, I'm expected to sell at cost—no profit at all—to all the cops in the area. I estimate that all of this costs me between \$2,000 and \$3,000 a year."

VALUE RECEIVED

The businessman knew he was acting in violation of state law, but said he got something for his money.

"First, I want my customers and suppliers to be able to double-park for a few minutes without getting a summons," he explained. "Second, I know that when I call for help the precinct will come pretty fast."

Construction companies are another vineyard for the police, although the amount paid seems to vary from borough to borough and even from precinct to precinct. A Manhattan architect said that it was his experience that the standard fee for the police was \$400 a month and that the money usually was picked up by the sergeant.

A Greenwich Village contractor said in an interview that he recently paid the police \$500 while he was renovating a brownstone.

"This guy came around and said, 'I've come to see you for the boys,'" the contractor declared. "I was amazed because he was so open. There were five laborers standing around watching. The job was pretty messy so I decided I better pay. I reached in my pocket and gave him \$20. He said, 'That's not enough; it's \$40 a month for the sergeant and \$5 a month—\$40 altogether—for the eight guys in the patrol car.' What annoyed me was that this payment didn't even stop the parking tickets."

Another contractor new to the city and on his first job—a Lower East Side renovation—said a policeman came around and told him he wanted to make "some financial arrangements."

"The sergeant told me the fee for his services would be \$40 a month," the contractor said. "I asked him what the \$40 would give me and he said something about there being 13 sergeants in the precinct and they would leave me alone."

"After I gave him the money he was very congenial and kept asking me whether all the financial conditions were satisfactory. He was very pleasant. Prior to that he was sort of demanding."

According to another contractor, the extortion of money from construction companies is so regular that members of the force in one precinct did not even hesitate when the contractor started building a new precinct house for them. "I was amazed, they

came around and put the arm on me for \$40 a week," he said.

Another source of illegal money is said to be the "reward" some insurance companies and other concerns pay detectives for the return of stolen goods.

A few months ago a lieutenant and detective on the Lower West Side were indicted on charges of extorting \$5,000 from Montgomery Ward with the promise that with the money they would be able to find two trucks filled with radio equipment that had been hijacked.

Because such arrangements usually remain secret, it is not easy to estimate how frequently they take place. But one knowledgeable agent of the Federal Bureau of Investigation said he felt the payments of rewards was not unusual.

"It's a lot cheaper to pay a \$5,000 bribe," he said, "than to lose \$100,000 worth of mink coats."

The \$25 finder's fee normally given by car-rental agencies for the recovery of one of their stolen cars was described as another source of illegal income for policemen. "I don't see anything wrong with it—even though taking the dough is against regulations," a detective said.

Many policemen become lonely, despairing and frustrated because they feel there is nothing they can do about the continuing corruption they witness every working day.

"I remember one time we went on a call," a Brooklyn policeman said. "A girl had tried to commit suicide by taking an overdose of pills. Three patrol cars responded and there were six of us standing around this little one-room apartment, the girl lying there, just breathing.

"One of the guys walked over to her dresser and scooped up a large handful of subway tokens and dropped them in his pocket. No one said a word. It killed me, but there was nothing to do. There was no sense telling the sergeant because he was part of the club."

**POLICE USE OWN WORDS TO SPEAK OF CORRUPTION**

Slang, one theory holds, is sometimes created so that those who understand it can discuss subjects they want to keep secret. Whether this is true for the police is not known, but there are many police slang words that deal with corruption. For example:

Cousin—A gambler who is paying off. "Don't arrest him, he's a cousin."

Hook—High police official with power to help lowranked friends in the department get special assignments or rapid promotion in the detective division. Also known as rabbi.

Nut—the cash bribe. "How big is the nut? On the Arm—Obtaining merchandise without charge. "I got the TV on the arm."

Pad—A list of establishments—either legal or illegal—that provide policemen with regular payments, usually on a monthly basis. There also is a "Christmas pad."

**HON. GLENARD P. LIPSCOMB**

**HON. WM. JENNINGS BRYAN DORN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. DORN. Mr. Speaker, the death of Glenard P. Lipscomb, our friend and col-

league, is a deep loss to the House of Representatives. He will be greatly missed by all of us who were privileged to know and serve with him in the Congress.

Glen Lipscomb served his country in the Army during World War II and served his State as a member of the California State Assembly before his election to the Congress. He was a member of numerous civic organizations and was especially active in the American Legion, our great patriotic organization standing for God and country.

Glen Lipscomb rendered outstanding service to our Nation during his years in the House of Representatives. He was the ranking Republican on the House Administration Committee. As a member of the Appropriations Committee, he was the ranking member on the Subcommittee for Defense appropriations. He also served on the Joint Committee on Printing and the Joint Committee on the Library. He always exhibited judgment and integrity in executing the duties and obligations of his office.

This is a better Congress, and we are a better Nation, because of Glenard Lipscomb's service in the House of Representatives and his dedicated service to his fellowmen. Mrs. Dorn joins me in the deepest and most heartfelt sympathy to Mrs. Lipscomb and the family.

**GIVING THANKS FOR THE SOIL**

**HON. THOMAS S. KLEPPE**

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. KLEPPE. Mr. Speaker, as a member of the House Committee on Agriculture, I should like to draw to the attention of this body the fact that this week—the first full week in May—is being observed throughout America as Soil Stewardship Week. This annual observance is sponsored by the 3,000 local conservation districts and cooperating church groups. All of North Dakota's 66 Soil and Water Conservation Districts are participating.

This week ministers of all faiths are carrying vital messages to their followers to further God's purpose in the conservation, development, and proper use of soil, water, and related resources.

I salute the thousands of clergy of all faiths who use this observance to remind us that soil stewardship is everyone's responsibility. It is a responsibility of people who live in the towns and cities as well as those who work the land.

America's eyes have been on the "glamour sciences" in recent years. The wonders of medicine, of electronics, and astronauts in outer space. And they are wonders. But, down on earth, on thousands of fields of different kinds of soils, conservationists have also been at work. What they have done to keep the soils

from wearing out equals any moon landing man will ever make.

Soil on earth lies as far as the eye can see. It covers millions upon millions of acres around the globe. Yet, it is a rare thing and cannot be replaced.

This soil is a living thing, yet it can be destroyed. This soil is God's gift to mankind, given unto our stewardship, yet it can be despoiled and wasted.

This soil is fruitful, yet it can become sterile. This soil produces crops and grasses and trees. It cannot be duplicated by chemistry or physics. This soil is an intricate house of myriad elements. Yet it is so commonplace as to be known as dirt.

Soil fills the flowerpots in Baltimore, serves as a garden in Minnesota, produces an orchard in California, and bears wheat in North Dakota. It is the source of our nourishment, it provides the means of our protection. God has willed we can live with it. We cannot live without it.

This is the kind of message being preached this week by ministers of all faiths throughout the Nation. I think it appropriate that the House of Representatives pay tribute to the sponsors of Soil Stewardship Week—the local Soil and Water Conservation Districts of America. The men and women who serve without pay on the governing bodies of these local units of State government deserve our praise for the leadership they are providing in our home communities.

They are performing an important patriotic service. I take this opportunity to congratulate them on focusing attention on the challenge of the future in developing soil, water, and related resources.

**NO LONGER MY FRIEND**

**HON. WENDELL WYATT**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WYATT. Mr. Speaker, the Daily Astorian, Astoria, Oreg., in a recent editorial has performed an important public service in calling attention to the tragic case of a young college student who burned himself to death after using the drug mescaline.

I commend this article to my colleagues:

**NO LONGER MY FRIEND**

One of the most poignant statements that has been made against the use of LSD and the other mind-expanding drugs came in a wire service story the other day out of Gainesville, Fla.

A 20-year-old college student who had experienced the drug mescaline doused his body and car with gasoline and burned himself to death.

"My mind is no longer my friend," wrote student Andy Anderson in a poem before he died. "It won't leave me alone."

In a note made public later, he wrote: "The drug experience has filled me with fear and doubts of myself. I cannot go on.

Please try to remember my good points and excuse this final act of desperation. . . .

"Since (taking mescaline) I have not been in control of my mind. I have killed myself because I can no longer run my own affairs, and I can only be trouble and worry to those who love and care for me.

"I have tried to straighten myself out, but things are only getting worse. . . .

"There is nothing but misery for all of us (addressed to his family) should I allow myself to deteriorate further.

"To those of my friends who might also think about learning about themselves with mind—expanding drugs—don't.

"Learn about yourself as you live your life—don't try to know everything at once by swallowing a pill. It could be too much for your mind to handle at one time. It could blow out all the circuits as it did with me. . . ."

#### PROPHETIC

### HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. ANDERSON of Tennessee. Mr. Speaker, Sp. Frank M. Dunsmore, Jr. was killed in action in Vietnam on January 2, 1970. Prior to his death he wrote and sent to his mother, Mrs. Juanita Elsner, of Maryland, a prophetic poem with a message of profound significance to all who wish to see an early cessation to the loss of American lives in Southeast Asia. I share the grief of Frank's parents and family, and of his aunt, Mrs. Lucy Gossett of Tennessee. Mrs. Gossett raised Frank during his early years and is an outstanding career employee of the House of Representatives on the staff of the Committee on Interstate and Foreign Commerce.

Mr. Speaker, I include in the RECORD the poem written by a brave American boy who evidenced full and mature understanding of the tragedy of Vietnam:

#### PROPHETIC?

(By Sp. Frank M. Dunsmore, Jr.)

I'll be there at the end of the year  
With my soldier weapons, a soldier's fear.  
I'll be wading thru the swamps and the mud,  
Yes, and I'll probably give my blood.  
You may hear I've gone, you may not  
Just another dead G.I. to fill the slot.  
Left my friends, my music, my loves  
To fight for a people you know nothing of.  
Yet, at your home, your work, your play  
When the War is brought up I can hear you  
say,

Stop the war in Vietnam,  
But down inside you just don't give a damn.

When on leave, on pass off in town  
Some people smile, some they just frown.  
Others seem so unconcerned  
But worry like hell if their car is burned.  
In my uniform so many say:  
Look! Look! A Green Beret.  
They'll win the war and all come home  
But we too are flesh, blood and bone.  
I remember when I lived at home  
I played my music, I lived alone.  
My friends were numerous, I had nothing  
but fun

Now all I have is a beret and a gun.  
I've got beautiful parents with six little  
girls

What will my dying do to their world?  
So remember when speaking of the war and  
its blood,

Maybe someone you know is face down in  
the mud.

### GAS STATION OPERATORS— PRESSED TO THE WALL

### HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. BRASCO. Mr. Speaker, today inflation has passed beyond the national scandal stage, and is well on its way to becoming a continental disaster. As it worsens, the average wage earner mutters in frustration over prices he pays and the shrinking buying power of his dollars. One of the targets of his anger is the merchant he buys from and comes in contact with most commonly. Such small businessmen are almost always victims of conglomerations of power at the top of any given industry.

In no case is this more true than in our gasoline retailing market. Yet the average filling station operator, so often singled out as a villain by the buying public, is himself the helpless pawn in a game of "sucker" being played by major oil companies and their distributors. It is time for the consuming and auto driving public to fully realize just what is happening to them when they pull up to a gasoline pump. It all begins far away from the service station and the empty fuel tank that must be filled.

Major oil companies in our country dominate most of the entire oil supply of the non-Communist world. They control the flood of cheap oil being produced or easily available in the Middle East, South America, and other areas. These companies also own tankers which carry oil to refineries, here and abroad, where it is converted into fuel oil and gasoline products.

Through oil import quotas, which are really artificially erected and maintained walls, cheap world oil doubles in price as it enters our country. Even though the President's own Cabinet-level committee on oil imports recommended a sliding scale of lower level tariffs to reduce the cost of oil and gas products to American consumers, the President sided with our all-powerful oil industry. Political contributions obviously speak louder than consumer demands.

Yet the oil industry is still not satisfied. It enjoys the largest accumulated series of tax privileges ever known in this Nation. From the 22 percent depletion allowance to writeoffs of all types, this industry is swollen with profit, privilege and preference. Yet, even this is not enough. For in the end, the consumer is victimized at the end of the chain because of oil companies' stranglehold on retailers. This is done in turn through their lock on wholesaling and distributing. Here is an entirely new vicious cycle—one which reaches into every consumer pocket and extracts an exorbitant chunk of his buying power.

Wholesalers and distributors are wholly dependent upon major oil companies for supplies of home heating oils and gasoline. With a phone call or a letter, any major oil company, and they all work in tandem, can shut off such a supply. This can be done either by simple denial of supplies or discriminatory pricing. Therefore, the wholesaler and distribu-

tor is a helpless captive of the major oil company, and must and will do their bidding. Now we can see how helpless the gas station operator really is at the end of the chain.

Every major oil company wears two hats. They are both supplier to the retailer and his landlord. Each filling station, with precious few exceptions, is built and owned by a major oil company. The retailer simply leases their property in order to do business with the consuming and driving public. It is a pet trick and operating rule of thumb of these companies to allow only very short-term leases, usually on a year-to-year basis. As we can therefore see, the lease is very short on the collar oil companies have fastened around the throats of retailers. Either do as they say or the oil and gas supply is shut off, made higher in price, or the yearly lease is simply not renewed. In other words, the major oil companies have complete life or death business power over helpless independent small businessmen. An economic whip is always ready for us.

In this manner, major oil companies can make retailers jump through almost any hoop. Here is our answer to why retailers are forced to carry trading stamps and other forms of phony promotional games, the cost of which is passed on immediately and directly to our driving public. The retailer must pay directly for them, even though he may prefer not to carry them, and would ordinarily pass on any savings to the public. Any deal made by major oil companies with a promotion company can be shoved down the throats of retailers on penalty of higher prices, no lease renewal or outright denial of supplies.

In every respect then, here is a modern form of economic slavery. Modern peonage on a retail level—penalizing consumers is the name of the game. Yet the public, paying ever higher prices to swell already bulging profits of oil companies, sees only the poor retail operator of his corner service station. Hence, he tends to lay blame directly on his only visible target. No reaction can be more understandable. No reaction could be more in error.

In 1965, the Federal Trade Commission held a series of hearings into this state of affairs, highlighting conclusions stated here. Certainly these facts were spotlighted in the record of these hearings. As of this date, no action has been taken to correct this worsening situation. Nothing has been done to alleviate these evils. Oil companies still ride high. Retailers are still trapped and being blamed. The public is still being victimized. They are still economic serfs—subject to such whipsawing on a regular basis.

Instances of this situation are common knowledge and easily rooted out, so blantly are such actions taken and so confident are major oil companies that they are immune to Justice Department criminalization is outrageously evident. One prosecution or FTC action.

Shell Oil Co., Brooklyn, is a comparatively recent example. I have seen shipping tickets for the Borough of Brooklyn made out on the same day. Price disset of tickets shows one price on a product to a dealer in one part of Brooklyn.

Another set of tickets shows yet another price on the very same product to another dealer in another portion of the borough.

Finally, another charge can be leveled at major oil companies on behalf of small businessmen being squeezed to death by corporate greed. It is standard policy of major oil companies to deliberately over-build their service station outlets. In an area which would usefully and effectively be served by about two dozen stations, they will construct as many as twice that number. They then proceed to rent out all outlets in the usual manner, driving these men up the economic wall—increasing their death grip on their economic life.

In the end, only the consumer pays. The reason is simple. All down the supply chain, major oil companies control oil and oil products from the moment they are extracted from the ground to the instant they are pumped into gasoline tanks of America's autos. In this manner, they can dictate everything about the product, including the last cent of its price. Consumers are literally being robbed on a gigantic, national scale, and the public is blaming the wrong people. Fault lies in the board rooms of the dozen major oil companies of America, not on the backs of hundreds of thousands of retail gasoline station operators. The public should know of this. The Government should take action. Yet that would be asking too much of this administration, which sees a silent majority in board rooms and their major political contributions, rather than in filling station operators and our consuming and driving public.

HON. E. L. "TIC" FORRESTER

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. DORN. Mr. Speaker, it was my privilege to serve in the Congress with E. L. "Tic" Forrester throughout his 14 years of service here. I was greatly shocked and saddened to learn of his passing in Albany, Ga., on March 19.

Tic Forrester was a distinguished lawyer and an excellent prosecuting attorney in his home State of Georgia before coming to the House of Representatives. He rendered outstanding public service in community, municipal, and State affairs.

During his years in the Congress, Tic Forrester was known as an able advocate of States' rights. He was an exceptionally effective speaker and always commanded his colleagues' attention when he rose to address the House. He was a great Georgian who was dedicated to the ideals of his Southern heritage. He was devoted to the people he served and to our Nation.

Tic Forrester has been greatly missed in the Congress since his retirement in 1964. Mrs. Dorn joins me in deepest and heartfelt sympathy to Mrs. Forrester and the family.

### STUDENT UNREST

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. SCHERLE. Mr. Speaker, Dr. Ross Toole, a professor of history at the University of Montana, recently wrote an article which has elicited widespread and favorable response. Dr. Toole's essay on student unrest touched a responsive chord in many middle-aged, middle-class, middle American hearts and—one hopes—in some sensible young ones as well. His analysis is timely, his recommendations forceful and to the point. Those in authority must reassert their rightful position and curb the forces of lawlessness and anarchy if America is to survive as a republic. No democracy can function in the midst of chaos. Internal order is essential if we are to conduct our lives productively and peacefully. Professor Toole understands this very well and makes a powerful case for it. I insert his remarks in their entirety. I believe we can all benefit by reading them.

The remarks follow:

[From the Harlan (Iowa) Tribune, Apr. 23, 1970]

AN ANGRY "OLD" MAN IN THE LAND OF THE YOUNG

(By Dr. Ross Toole)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of anyplace except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I have had one coronary; I am a "liberal," square and I am a professor. I am sick of the "younger generation," hippies, yuppies, militants and nonsense.

I am a professor of history at the University of Montana, and I am supposed to have "liaison" with the young. Worse still I am father of seven children. They range in age from 7 to 23—and I am fed up with nonsense.

I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

I am terribly disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards—usually accompanied by a gift in cash or kind.

It's time to call a halt: time to live in an adult world where we belong and time to put these people in their places. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection, to a point and respect when they deserve it.

We do not owe them our souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share, but my generation has made America the most affluent country on earth; it has tackled head on a racial problem which no nation on earth in the history of mankind

had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polo; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

It has begun these things, not finished them. It has declared itself and committed itself, and taxed itself, and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's or his. Its greatest mistake is not Vietnam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth, and its sick preoccupation with the problems, the mind, the psyche, the *raison d'être* of the young.

Since when have children ruled this country? By virtue of what right by what accomplishment should thousands of teen-agers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archaic mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash.

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years; he is the product of 3000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered.

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that that minority threatens to tyrannize the majority and take over.

I dislike that minority; I am aghast that the majority "takes" it and allows itself to be used. And I address myself to both the minority and the majority. I speak partly as a historian, partly as a father and partly as one fed up, middle-aged and angry member of the so-called "establishment"—which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society, it is the heart of the pie. Too many "youngsters" are ego-centric boors. They will not listen, they will only shout down. They will not discuss but, like four-year-olds, they throw rocks and shout.

Arrogance is obnoxious; it is also destructive. Society has drastically ostracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises?

It is not the police we need (our generation and theirs), it is an expression of our disgust and disdain. Yet, we do more than permit it, we dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors. Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is

one of the oldest, sweetest and most bitter experiences of mankind.

Today's young people did not invent it; they do not own it. And what they seek to attain, all mankind has sought to attain throughout the ages. Shall we, therefore, approve the presumed attainment of it through heroin, speed, LSD and other drugs?

And shall we, permissively, let them poison themselves simply because, as in most other respects, we feel vaguely guilty because we brought them into the world?

Again, it is not police raids and tougher laws that we need; it is merely strength. The strength to explain, in our potty, middle-aged way, that what they seek, we sought; that it is somewhere but not here and sure as hell not in drugs; that, in the meanwhile, they will cease and desist the poison game. And this we must explain early and hard—and then police it ourselves.

Society, "The Establishment," is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations—as it will be the story of the generation coming up. Yet we have worked a number of wonders. We have changed it.

We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy. But we have attacked these things. We have, all our lives, taken arms against our sea of troubles—and fought effectively.

But we also have fought with a rational knowledge of the strength of our adversary; and, above all, knowing that the war is one of attrition in which the "unconditional surrender" of the forces of evil is not about to occur. We win, if we win at all, slowly and painfully. That is the kind of war society has always fought, because man is what he is.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance, and instant gratification. That is not idealism; it is childish tyranny. The worst of it is that we (professors and faculties in particular) in a paroxysm of self-abnegation and apology, go along, abdicate, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor I meet the activists and revolutionaries every day. They are inexcusably ignorant. If you want to make a revolution, do you not study the ways to do it? Of course not! Che Guevarra becomes their hero. He failed; he died in the jungles of Bolivia with an army of six. His every move was a miscalculation and a mistake. Mao Tse Tung and Ho Chi Minh led revolutions based on a peasantry and an overwhelmingly ancient rural economy. They are the pattern makers for the SDS and the student militants.

I have yet to talk to an "activist" who has read Crane Brinton's "The Anatomy of Revolution," or who is familiar with the works of Jefferson, Washington, Paine, Adams or even Marx or Engels. And I have yet to talk to a student militant who has read about racism elsewhere and who understands, even primitively, the long and wondrous struggle of the NAACP and the genius of Martin Luther King—whose name they invariably take in vain.

An old and scarred member of the wars of organized labor is the U.S. in the 1930's recently remarked to me "these 'radicals' couldn't organize well enough to produce a sensible platform let alone revolt their way out of a paper bag." But they can, because we let them destroy our universities, make our parks untenable, make a shambles of our streets, and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are antideluvian, not because we are middle-class materialists—but simply because we have failed to keep that generation in its place and we have failed to put them back there when they got out of it. We have the power; we do not have the will. We have the right, we have not exercised it.

To the extent that we now rely on the police, mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middle-class selves, our worth and our hard-won progress. We need to use disdain, not mace, we need to reassess a weapon we came by the hard way, by travail and labor, firm authority as parents, teachers, businessmen, workers and politicians.

The vast majority of our children from 1 to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves. Enough of apology, enough of analysis, enough of our abdication or responsibility, enough of the denial of our own maturity and good sense. The best place to start is at home. But, the most practical and most effective place right now, is our campuses. This does not mean a flood of angry edicts, a sudden clamp down, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsions. The power to expell (strangely unused) has been the legitimate recourse of universities since 1209.

More importantly it means that at freshman orientation, whatever form it takes, the administration should set forth the ground rules—not belligerently but forth-rightly.

A university is the microcosm of society itself. It cannot function without rules for conduct. It cannot, as society cannot, legislate morals. It is dealing with young men and women, 18 to 22.

But it can, and must, promulgate rules. It cannot function without order—and, therefore, who disrupts order must leave. It cannot permit students to determine when, what and where they shall be taught; it cannot permit the occupation of its premises, in violation of its premises, in violation of its premises, in violation both of the law and its regulations, by "militants."

There is room within the university complex for basic student participation but there is no room for slob, disruption and violence. The first obligation of the administration is to lay down the rules early, clearly and positively, and to attach to this statement the penalty for violation. It is profoundly simple—and the failure to state it—in advance—is the salient failure of university administrators in this age.

Expulsion is a dreaded verdict. The administration merely needs to make it clear, quite dispassionately, that expulsion is the inevitable consequences of violation of the rules. Among the rules, even though it seems gratuitous, should be these:

1. Violence, armed or otherwise, the forceful occupation of buildings, the intimidation by covert or overt act of any student or faculty member or administrative personnel, the occupation of any university property, field, park, building, lot or other place, shall be cause for expansion.

2. The disruption of any class, directly or

indirectly, by voice of presence or the destruction of any university property, shall be cause of expulsion.

This is neither new nor revolutionary. It is merely the reassertion of an old, accepted and necessary right of the administration of any such institution. And the faculty should be informed, firmly, of this reassertion, before trouble starts. This does not constitute provocation. It is one of the oldest rights and necessities of the university community. The failure of university administrators to use it is one of the mysteries of our permissive age—and the blame must fall largely on faculties because they have consistently pressured administrators not to act.

Suppose the students refuse to recognize expulsions, suppose they march, riot, strike. The police? No. The matter, by prearrangement, publicly stated, should then pass to the courts.

If buildings are occupied, the court enjoins the participating students. It has the awful power to declare them in contempt. If violence ensues, it is violation of the court's order. Courts are not subject to fears, not part of the action.

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Freudian analysis, too positive for "academic senates" who long for philosophical debate and too prosaic for those who seek orgiastic self condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed-up with nonsense. We need (those of us over 30)—tax ridden, harried, confused, weary and beat-up—to reassert our hard won prerogatives. It is our country, too. We have fought for it, bled for it, dreamed for it, and we live it. It is time to reclaim it.

#### DISTRICT OF COLUMBIA ENVIRONMENT—ANOTHER DAY ON THE WELFARE PLANTATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. RARICK. Mr. Speaker, the Washington, D.C., environment continues to be a comedian's plantation.

Sunday, a local minister, apparently in reaction to legislation passed by Congress to protect the District citizens—preached to his congregation that they shoot police officers who attempt to execute the laws enacted by Congress.

The Metropolitan Police Department, seeking to overcome the police recruitment problem, has hired a Black United Front founder as its recruiting coordinator. The new police recruiter admits that he has been a severe critic of the Police Department but feels that he can recruit a "different breed of cat." So, the Washington, D.C., Police Department will be full strength—at least on the payroll.

At a time when many are concerned about malnutrition and poverty, a California grape plucker named Chavez drops in on our Nation's Capital preaching malnutrition to the poor "limousine liberals" unless he gets a percentage of the working grape pickers' earnings.

And in the meantime, the baby doctor is again getting arrested; this time for leading "religious services" across from the White House.

Dr. Spock has apparently given up on



telling people how to raise children. He now wants to become a militant religious exhibitionist.

I include several related newsclippings which follow:

[From the Washington Post, May 4, 1970]  
**PASTOR SAYS SHOOT POLICE WHO BREAK IN—  
 "NO-KNOCK" D.C. CRIME BILL SCORED**  
 (By Betty Medsger)

In an attack on the District of Columbia crime bill, the senior minister at all Souls Unitarian Church, 16th and Harvard Streets NW, told his congregation yesterday to shoot anyone who breaks into their homes without a warrant.

In a sermon the Rev. David Eaton said required much "agonizing" on his part, he challenged "liberals to become radicals" in order to defeat the D.C. crime bill.

His advice springs from his anger with the "no-knock" provision in the bill. It would permit police immediate entry into private homes where there is "reasonable belief" evidence is likely to be destroyed.

The omnibus D.C. crime bill, now in House-Senate conference, gives permission, in some cases, for policemen to enter homes without a warrant and without knocking.

**FORCEFUL SERMON**

Midway in his forceful sermon, Mr. Eaton, who also is chairman of the D.C. Human Relations Commission, said:

"I suggest to you and I instruct myself that, because of the oppression that is growing in this country, any time a person breaks into your home without a warrant, shoot him."

There was a loud gasp from at least one person in the congregation as the words "shoot him" were uttered by the minister.

He also advised the congregation that if the D.C. crime bill is approved by Congress, those responsible for its passage and those policemen responsible for administering it "should be socially ostracized by the community."

In an interview after the service, Mr. Eaton said he previously never had advised anyone to shoot another person.

**"IT'S SO OPPRESSIVE"**

He added:

"But since reading this bill, I've come to think it's so oppressive that people in what society calls responsible positions have to do everything we can so it does not pass."

Mr. Eaton told the congregation of the area's leading Unitarian-Universalist congregation he thought the crime bill was "symptomatic of the same kind of repression that existed in Hitler's Germany."

In addition to the "no-knock" provision, the House version of the bill also would expand legal wiretaps, reorganize the city's courts, require juveniles between 16 and 18 accused of certain felonies to be tried as adults, and authorize "preventive detention" of some suspects.

"Regardless of your political persuasion," said Mr. Eaton, "you should be able to see that this country is in the embryonic stage of the same kind of oppression that Hitler practiced."

"Sure, I'm concerned about Cambodia," he told the approximately 450 persons at the service. "But what we're doing in Cambodia, in Vietnam, is only symptomatic of the kind of oppression I've been experiencing here all my life."

The wiretap provision of the bill, he said, would allow officials to "do legally what they've already been doing to my phone for the past three years."

Replying to those whom Mr. Eaton said would ask, "How can you as a clergyman suggest that we shoot anyone?" he said, "I call it righteous indignation . . . If you are not willing to die for something, then life is not worth living. I am willing to die . . .

. . . More so-called reasonable men and women—biologists, engineers, journalists, teachers—must understand that they must become radical in terms of making their opinions felt . . .

"If you want a historical example of radical action, I refer you to Jesus of Nazareth, who became righteously indignant and had to overthrow the money-changers in the temple.

"Liberals have become so mealy-mouthed and fearful today they can't express their opinions except at a cocktail party or among friends."

If such forceful stands as this polarize the country, "Then so be it," said the minister. "Evil and good always have been polarized."

After the service, in an interview, Mr. Eaton, who has been senior minister at All Souls since September, said he was not worried about the reactions of the members of the church. "What other people think of me is not my primary concern," he said.

"I'm not endorsing violence," he told a reporter. "I'm endorsing a reaction to violent oppression, the only kind of reaction that Hitler's storm troopers can understand."

The sermon was begun and concluded with the singing of "Edelweiss," a song from "The Sound of Music." The song is about a little white flower that grows in the Alps. The flower, to the Austrian people fleeing the Nazis, symbolized their determination to survive.

Mr. Eaton, 37, was dean of student resources and an assistant professor of philosophy at Federal City College prior to becoming senior minister at All Souls Church, which is in Upper Cardoza area.

[From the Washington Star, Apr. 26, 1970]  
**BLACK ACTIVIST TO AID POLICE IN RECRUITING**  
 (By Woody West)

As part of an intensive drive to attract local residents to become policemen here, the Metropolitan Police Department has hired Calvin Rolark, one of the founders of the Black United Front, as its recruiting coordinator.

Rolark, who publishes the Washington Informer, will hold the post for six weeks as the department gears its recruiting effort to reach an authorized strength of 5,100 by June 30, the end of the fiscal year.

Rolark will be on leave of absence from his post as the United Planning Organization's liaison to the 3rd District Model Police Project during the period.

James Murray, the department's personnel director, said the drive "will be an all-out effort" to attract and process local men to the force, now at a strength of 4,174.

Murray said that a "preponderance" of the new recruits probably would be black. He said that the recruiting drive in the last several months has drawn about an equal proportion of blacks and whites.

Rolark, 43, who also heads the United Black Fund set up to compete directly with the traditional United Givers Fund, said that blacks must now use the police department "as they have used the Army" to move into key positions of responsibility and achievement.

Murray said police cadets, from 18 to 20 years, also will be sought during the drive, which will include visits to city and suburban high schools, area colleges, and personal contacts. Plans also are being considered for a telenote and other community activities, Rolark said.

Because of the recently approved reduction to 20 of the minimum age requirement for policemen, nearly 350 of the present cadets will be eligible for graduation between now and June 30, opening these billets for new cadets.

Indicative of the concentration on local residents, Murray said, was that six of the 10 recruiting teams that have been touring

the nation will be pulled back to Washington to aid the drive here.

Recruiters will visit Opportunities Industrialization Centers and anti-poverty centers to try to reach qualified men or men who can be qualified, and to convince them of the opportunities a police career offers.

Murray said that "we felt there were many local persons who needed to be approached in a different manner than in the past," and that the local drive was being directed to this end.

Rolark said, "I have been a critic, a severe critic, of the police department. But I think this is the direction we have got to go—this is a different breed of cat, younger, smarter, and capable of being thoroughly professional policemen."

[From the Washington Post, May 4, 1970]  
**SUPPORTERS OF GRAPE STRIKE HOLD D.C.  
 RALLY AFTER MARCH**  
 (By Martin Weiz)

About 1,000 supporters of the grape boycott and strike held a rally outside the Agriculture Department yesterday after many of them had completed the last leg of a three-day, 30-mile march from Columbia, Md.

Cesar Chavez, leader of the 4½-year-old strike and head of the strikers' union, the United Farm Workers Organizing Committee, AFL-CIO, was one of several labor, political and church leaders who addressed the 3:45 p.m. rally.

Chavez charged, "The government almost directly subsidizes the (grape) growers," who, in turn, use the money "to keep the union out."

Supporters of the farm union's strike to win recognition from California table-grape growers assert that the Defense Department has increased grape purchases over the last two years. The union is based in Delano, Calif.

Noting his union recently signed its first contract with a grower of fresh table grapes, Chavez said his message to the Defense and Agriculture Departments is that it's "Okay now to buy grapes, provided they're union grapes."

Organizers said one purpose of the march and rally was to proclaim that the union-sponsored, nationwide boycott of nonunion grapes will continue.

In addition, Andrew Imutan, vice president of the union, said the demonstration challenged the lack of collective bargaining and acceptable health and safety protection for farm workers.

Other speakers included Sen. —, Rep. —, Cynthia Wedel, head of the National Council of Churches, and former Labor Secretary Willard Wirtz.

The speakers' backdrop was the union's banner—a black eagle in a white circle on a red field. The audience's cry of approval was "Huelga," Spanish for "strike."

The same banners were displayed and cries heard during the march, which began with 175 persons Friday and ended with almost 1,000 yesterday.

Marchers included many Baltimore college and seminary students as well as boycott supporters and members of several unions from various Eastern cities.

[From the Washington Post, May 4, 1970]  
**PROTEST GROUP IS ARRESTED—SPOCK AMONG  
 74 IN AREA OF WHITE HOUSE**  
 (By Neil Maurer)

Dr. Benjamin Spock and 73 others were arrested yesterday when they conducted a religious service on the sidewalk across from the White House to protest the sending of American troops into Cambodia.

The short religious service, which drew slightly more than 100 persons, was nearing its end when Park Police Lt. A. P. Qualls

told the participants the demonstration was not legal and they would have to move on.

When he attempted to pull the Rev. David Hunter, secretary general of the National Council of Churches, to one side and told him the service would have to end, Mr. Hunter knelt down and the others followed.

**REFUSED A PERMIT**

A police spokesman said last night that leaders of the gathering asked for a permit to demonstrate, but were turned down. Such permits require 15 days' advance notice, the spokesman said.

Among the 51 men and 23 women arrested and charged with "failure to move on" were the Rev. John Bennett, president of Union Theological Seminary; his wife; the Rev. Malcolm Boyd, Episcopal priest and author of "Are You Running With Me, Jesus?"; Dr. Rosemary Reuther, from the School of Religion at Howard University; Herbert S. Miller, Georgetown University law professor; Sam Brown, one of the coordinators of the recently disbanded Vietnam Moratorium Committee; Spock, and Mr. Hunter.

All of those listed above, and most of the others, posted \$25 collateral. They will either forfeit the collateral or appear in the Court of General Sessions today. One woman and five men elected to spend the night in jail.

The arrests were made without force after Park Police explained the violation to each person. Two had to be carried. The others walked to the patrol wagons.

**SAYS U.S. USES VIOLENCE**

Dr. Spock, famed pediatrician and long-time war critic, said, "the American people must wake up in time." Asked if protesters should use violence, he said, "No," but added, "the government is the one using violence, in Vietnam and Cambodia."

Brown called the President's expansion of the war into Cambodia "blatantly unconstitutional."

The service, which began at 4 p.m., was sponsored by the New Mobilization Committee, the Clergy and Laymen Concerned About Vietnam and the Fellowship of Reconciliation.

Mr. Hunter traced the history of U.S. involvement in Southeast Asia. "Our interest from the beginning has been our own national interest," he said.

"We put in our own puppet president in Saigon. Shame."

"Shame," the crowd replied.

"When he was no longer useful to us, we let him be murdered," said Mr. Hunter. "Shame."

"Shame," the crowd replied.

[From the Washington Star, May 1, 1970]

**PUBLIC HOUSING RENTS CUT FOR 3,000 FAMILIES**

(By Harvey Kabaker)

Rent reductions for some 3,000 families and elderly persons living in District public housing were put into effect today, and 3,000 to 3,500 more will get decreases later, the city's public housing agency announced.

Reductions may be as little as \$1 a month, or as much as \$23 or more. Although paperwork may take until May 15, the adjustments will be retroactive to March 24, the deadline set by the Brooke Amendment in the housing law enacted last year by Congress.

Referred to by the name of its sponsor, \_\_\_\_\_, the legislation forbids public housing rents to exceed 25 percent of a tenant's income.

The Department of Housing and Urban Development—and the National Capital Housing Authority in the District—have been under heavy pressure from tenant groups to expedite the Brooke Amendment. On Monday the U.S. Court of Appeals, in a suit brought by Neighborhood Legal Service on behalf of the National Tenants Organization and other tenants, ordered HUD to show national progress in reducing rents to the 25 percent limit.

**MAY IMPOSE FORMULA**

By May 5, depending on HUD's response, the appeals court may impose its own formula for determining the rent to be charged the nation's 200,000 public housing tenants who pay more than a fourth of their income for rent. NCHA was given a May 15 deadline in a previous action in U.S. District Court.

Edward Aronov, NCHA executive director, said he could not estimate how much the reductions would cost the housing authority. The Brooke Amendment, however, not only authorizes reimbursement of that amount by HUD, but also provides a new subsidy of the difference between the tenant's reduced rent and the operating cost of the unit.

Unofficial estimates place the total subsidy here at around \$2 million a year.

HUD has budgeted \$20 million for Brooke Amendment grants—which include bailing out several local authorities with the worst deficits. Critics say that amount is not enough and indicate that Secretary George W. Romney and Asst. Secretary Lawrence M. Cox are attempting to minimize benefits of the legislation. HUD pleads general budgetary restraints.

**EFFECTS OF CUTS**

Estimated impact of the rent reductions here:

About 2,000, mostly elderly persons with very low incomes, now pay \$50 a month for efficiency apartments or \$55 for one bedroom. Some of this group pay a "flat" rent up to \$85 for six bedrooms. Roughly three-fourths of them, about 1,500, will have their rents reduced an average of \$15 a month.

Rent is pegged to income for 5,500 to 6,000 families who now pay between \$27 a month (minimum rent for an efficiency) to \$136 a month (maximum rent for up to six bedrooms or \$7,400 net annual income). About half, perhaps 3,000 families, will get estimated reductions averaging \$6 a month.

Some 2,400 to 3,000 families receiving public assistance (welfare) payments now pay from \$57 to \$82, depending on apartment size. Aronov said he believes "most" are now paying more than 25 percent of their net income for rent, but had no detailed figures. One example: A mother of three, who gets \$238 a month and now pays \$61 for two bedrooms will pay only \$47 and may pocket the difference.

**CONGRESSMAN WHALEN REPORTS RESULTS OF SURVEY OF OHIO THIRD DISTRICT SURVEY**

**HON. CHARLES W. WHALEN, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WHALEN. Mr. Speaker, I have completed the annual survey of the constituents of the Third Ohio District. I am happy to report once again that more than 20,000 of the approximately 160,000 survey cards sent to residents were returned.

The extensive participation in this poll by constituents is certainly most gratifying and provides me with an excellent means of determining what the public's attitudes on the major issues are.

This year, I surveyed views on six questions. For the information of my colleagues, I include the questions and the percentages for each of the replies, in the RECORD:

1. Should Congress by law provide that all U.S. military personnel be withdrawn from Vietnam within one year?

Yes ..... 44.4  
No ..... 47.0  
Undecided ..... 8.6

2. The Safeguard ABM (Anti-Ballistic Missile) System—Which one of the following do you favor?

(a) Expand system to 12 sites at a cost of about \$12 billion..... 23.6  
(b) Limit deployment to 2 sites at a cost of about \$3 billion..... 14.4  
(c) Authorize research and development only, at an estimated \$400 million this fiscal year..... 25.0  
(d) No funding for the system..... 20.5  
(e) Undecided ..... 16.5

3. In the present fiscal year (1970), the U.S. will spend approximately \$76.5 billion on defense. What should the level of defense spending be for fiscal 1971? (Select one).

(a) More than \$80 billion..... 6.5  
(b) \$75-80 billion..... 17.5  
(c) \$70-75 billion..... 16.4  
(d) \$65-70 billion..... 10.4  
(e) \$60-65 billion..... 12.9  
(f) Less than \$60 billion..... 36.2

4. Should a percentage of federal income tax money be shared with state and local governments for use as they see fit?

Yes ..... 62.3  
No ..... 29.4  
Undecided ..... 8.3

5. Should the present welfare system be replaced by a federally-financed income plan?

Yes ..... 44.5  
No ..... 43.6  
Undecided ..... 11.8

6. Upon conclusion of the Vietnam War, federal expenditure priority should be given to which three of the following areas?

(a) Crime control..... 53.3  
(b) Environmental quality..... 48.3  
(c) Education ..... 43.8  
(d) Conservation ..... 36.3  
(e) Health Services..... 31.7  
(f) Welfare Reform..... 20.3  
(g) Housing ..... 20.3  
(h) Defense ..... 18.2  
(i) Transportation Improvement..... 16.0  
(j) Space Exploration..... 8.0  
(k) Foreign Assistance..... 1.3

**HOOSIERS SUPPORT PRESIDENT'S ACTION**

**HON. JOHN T. MYERS**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. MYERS. Mr. Speaker, if the results of a preliminary poll taken in the Seventh Congressional District of Indiana this morning are any indication, the people of Indiana overwhelmingly support President Nixon's action in sending U.S. troops into Cambodia.

Personal interviews and mail from 548 persons show 78 percent approving the decision, 20 percent opposing it, and 2 percent undecided. A total of 430 expressed support for the President, only 108 were opposed with 10 persons undecided.

The predominant view at this point is that the President is pursuing the only course open to him if he is to continue the Vietnamization program and the orderly withdrawal of 265,000 U.S. troops by the end of this year.

Of course, public opinion in the coming weeks will depend largely on the results of the President's action. But from all indications in these first few days after the President's decision, the "silent majority" is clearly behind the reasonable and realistic approach developed by President Nixon.

H.R. 16923

**HON. ROBERT H. MOLLOHAN**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. MOLLOHAN. Mr. Speaker, the housing crisis in this country is one which has ramifications which touch every facet of American life. The inability to find decent housing in our cities has been a singular factor in the explosions of our ghettos. The inability to obtain housing in the rural areas has served to undermine the morale and comfort and self-respect of many of America's families.

I think we must act and act soon to alleviate this crisis, and I must confess that the position of the administration does not appear to be one which will contribute to this relief.

After the Second World War, it was apparent that we needed much more housing to meet the needs of the servicemen returning from the battlefields of Europe and Asia. To meet that need, the Government undertook to guarantee financing of homes, given certain prerequisites such as employment, and down payments. This mechanism served Americans in the middle incomes very well. With a \$5,000 down payment, and a steady job, most of our countrymen could get financing with the financing guarantee of the Government or the market it created.

The only problem involved with this approach was that it tied the availability of money for housing to the interest rates rather than to actual need, and consequently as the interest rates rose, the cost of housing money became a great deal higher, and little by little, the housing market moved away from the middle-class citizens of America.

Concurrently, center cities of the Nation were being filled with Americans who could not qualify for housing, and consequently, they had no choice but to live in housing that has deteriorated so badly as to be unlivable.

Last year, the crisis became unbearable when the interest rates went over 8 percent. At this time, the Department of Housing and Urban Development estimates that the purchase of the typical new median priced home requires a buyer who makes \$14,000 a year. The Department points out that few new homes are available at less than \$25,000, and that the median priced home financed with a 30-year 8½ percent mortgage will require monthly payment of more than \$290 including taxes, insurance, utilities, and maintenance and repair.

Since fewer than one family in five has this kind of income, our national housing policy is irrelevant to 80 percent of the

country. By contrast, 5 years ago the median priced home was available to more than 40 percent of the Nation.

In this context, the administration is not offering a policy which would lower the cost of financing housing; indeed the Secretary of HUD, Mr. Romney, in testimony before the House Banking and Currency Committee cited as an obstacle to a fuller housing program, States whose usury rates were too low to make money available at the present cost.

The administration's policy is geared toward making more money available but at the same high cost that now exists. To me this is an exercise in futility, for what is obvious to all, is that we must make housing available to the family with an income of \$7,500 or \$5,000. We must have a national housing policy that means something to the average American, and this cannot be done when the interest rates are so high as to exclude most Americans from homeownership.

And there can be no doubt that the interest rates are the major problem in our housing policy. For instance, the increase in the cost of a 20-year \$20,000 loan from 5¼ percent to 8 percent is \$6,500 over the life of the loan. This is enough to finance a college education at many of our State universities. It is enough, in tandem with the increase in the costs of construction and real estate, to put homeownership beyond the reach of most Americans.

Illustrative of that point, is the state of the housing market. In 1968, we adopted a 10-year goal of 26 million new units of housing for the country. The goal was adopted largely as the result of the Douglas Commission's report and the report made by the Commission on National Disorders. This year's goal is two million units, but the administration has reduced that to what they consider a realistic goal of 1.4 million units. Using this goal they estimate that it will require \$20½ billion in new finances to underwrite this goal. Yet, the net new residential mortgage lending from all private sources has dropped from an annual rate of \$17½ billion in the last half of 1968 to a rate of only \$5.8 billion in the final quarter of 1969. It would take nearly \$30 billion in new financing to realize our 1970 goal of two million new housing units.

Mr. Romney sets out some new proposals for financing. FNMA has commitments of nearly \$8 billion, and GNMA has the authority to make another billion and a quarter dollars of commitments. The Secretary has also asked for a special subsidy of the home loan bank system so that they could cover the high cost of raising funds in the open market. Given this assistance, the Secretary says the savings and loan associations could probably generate \$9 billion, but without it there is little hope of new capital in more than a nominal amount. The Secretary also has hoped for about \$3.3 billion for banks, insurance companies, and private pension funds even though in the fourth quarter of last year these sources generated only \$1.3 billion.

Consequently, the amount of money we might realistically expect to put into the housing market from all sources is prob-

ably less than \$16 billion, and this will be loaned at rates that make homeownership a moot question for families with less than \$12,000 to \$14,000 income.

For the dilemma of the administration is that they wish to finance the housing America needs through the present institutions; the high interest rates resulting from the tight money policy make it impossible for these institutions to operate in the housing markets. They are committed to their high interest rate policy as an anti-inflation measure, so they are unwilling to ease the rates enough to allow the present system of housing finance to operate, yet they are also unwilling to institute any program which might open new avenues of finance housing.

In view of this, it is obvious to me, that if we are to have any hope of meeting our present housing goals at the level of income where they are needed and in the quantity that they are needed, the Government itself must commit its finances to this project.

It is for this reason, Mr. Speaker, that I have introduced H.R. 16923 to establish a development bank to aid in financing low- and moderate-income housing. This bill would establish a bank which would draw its resources from the Government trust funds primarily and with these establish a very sizeable pool of resources at rates which would allow the families who need housing to purchase it.

We have exhausted the resources of our present financial channels and it is apparent that without establishing additional means of financing housing, we simply will not provide housing for a very sizeable number of Americans who need it.

Mr. Speaker, I cannot believe that the Congress or the Executive can feel that a housing program which will provide for only 50 percent of our actual needs can be a proper solution for us to accept. And I cannot believe that any responsible citizen can take any comfort from the obvious effects of half hearted efforts to fulfill our housing needs.

For poor housing just as surely as poor education or poor job opportunity breeds crime and violence. Poor housing, which allows no privacy nor dignity to individual Americans, cannot have any other effect than create social and psychological problems for large areas of the Nation as well as separate individuals.

Mr. Speaker, the housing policy of this Nation has become entangled into a contemporary Gordian knot, and the time has come for real action to cut through that knot.

MAN'S INHUMANITY TO MAN—  
HOW LONG?

**HON. WILLIAM J. SCHERLE**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy? A mother asks: "How is my son?" A wife asks: "Is my husband dead or alive?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

## MILITARY-INDUSTRIAL COMPLEX

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

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. SIKES. Mr. Speaker, criticism of the so-called military-industrial complex is given high priority in many quarters. Those who are most vocal in criticizing the military-industrial complex are generally critical of defense expenditures. I have often wondered whether these critics feel that if we were to do away with the military, somehow all of our potential enemies in the world would suddenly become our friends and we would not have need for defense.

Mr. V. J. Adduci, senior vice president of the Aerospace Industries Association, appeared before the University of Illinois Third Annual World Affairs Conference on Saturday, April 25, 1970, and made some very thought-provoking and timely remarks on the subject. I believe that his insight into the "military-industrial complex" provides us with a better understanding and perspective of the situation and I highly recommend it to my colleagues for their reading. I include his remarks in the RECORD:

REMARKS BY V. J. ADDUCI, SENIOR VICE PRESIDENT, AEROSPACE INDUSTRIES OF AMERICA, ON THE MILITARY-INDUSTRIAL COMPLEX BEFORE THE UNIVERSITY OF ILLINOIS, THIRD ANNUAL WORLD AFFAIRS CONFERENCE OF NORTH WESTERN ILLINOIS, ROCKFORD, ILL., APRIL 25, 1970.

Putting first things first, I would like to express my gratitude to Terry Iversen for inviting me to participate in this discussion. As I understand it, the panel will reflect several different views on its topic, the so-called Military-Industrial Complex. This kind of perspective can be most useful. The issue is laced with implications profoundly important to this nation and the world, and merits the kind of continuing, sober discussion that will lead to understanding.

I do not particularly warm up to the phrase "Military-Industrial Complex." Not because of the original context in which it was used, but because of the almost sinister connotations which some would like to impose on it.

There is, clearly, a deep relevance of interest between industry on the one hand and those charged with national security on the other. And it is this relationship that we can profitably discuss this afternoon.

I would urge all of you who may regard this so-called complex as a diabolical, cabal intent on circumventing the democratic process to open your minds and consider the possibility that a constructive and dynamic relationship exists between two vastly important segments of society—the defense establishment and the private sector. For it is precisely that: a symbiotic relationship vital not only to the participants but to the society to which they are responsible.

For my own part, I am—by training, experience and choice—a part of this relationship. I recognize both its achievements and latent dangers; and am in a position to understand its frailties. And I am deeply dis-

tressed that so intricate and vital a relationship has, especially among the youth of today, become a victim of easy slogans.

Sloganeering is an understandable if dangerous trait of involved people, in a bustling country, in a frenetic world. But slogans, epigrams and flip expressions tend to substitute for thoughtful analysis. They build comfortable bridges over troubled waters—for those who don't, or won't, take time to think earnestly and dispassionately.

My assignment this afternoon, as I see it, is to dig deeper than the sloganeers and try to sort out some of the elements of the Military-Industrial relationship that have been the cause of greatest misunderstanding and, occasionally, genuine concern. However, with only fifteen minutes available, my own review will necessarily be limited to just a few points. I hope we can expand on them, and others, in the question and answer period that follows.

Far and away the greatest source of misunderstanding about the Military-Industrial relationship is the persistent failure to understand who determines national defense policy. The decisions here—the big ones—are not made by the military. Nor are they made by industry. Whether the nation should be prepared to cope with two and a half wars, one and a half wars, or whether it should disarm entirely are decisions reached at the highest level of government. These decisions are made after prolonged study, analysis and evaluation of all the elements that contribute to our modern society—the international situation, the economic strength of the nation, domestic problems and issues, the strength of technological capability, the potential threat to our security—to name just a few. These decisions are made by the Cabinet, by the President and by the Congress; and in the final analysis, it is the annual budget, prepared by the President and approved by the Congress, which determines our national policies and our national priorities. Only then does the nation, through the Defense Department, turn to industry to erect the weapon systems required to implement national policy.

Put it another way. Take a hypothetical suburbanite. And consider the options he has for spending his money. Some of his costs are fixed but he retains certain options over the disposal of his income. For example, should the bulk of it go for better schools for the children? Should he invest in a larger home? Should he increase his contribution to his church? Should he buy new furniture, overhaul his lawn, or undertake a massive do-it-yourself project? Conventionally, he will seek a balance and do what he can on all fronts.

Now, does that mean that his church or school system should attack the hardware dealer who profited from the do-it-yourself project?

Hardly. Their quarrel is with the decision maker; not the supplier.

In much the same way, it has become popular on some fronts to vilify private corporations for responding to government requests for military hardware. This, of course, is wildly irrational. Those desirous of reordering our national priorities have every right to seek to bring about change within the system. But it is pointless and counterproductive to malign and disrupt organizations that are simply carrying out the mandate of our nation's executive and legislative branches.

Now, while there is no logic in attacking this or that company for responding to the requests of our government, there is every logical reason to insist that these suppliers perform their roles properly. That's quite another issue. Let's touch briefly on some of the more controversial areas concerning supplier performance.

First, it has been popular to charge the

defense industry with profiteering. Let's dispose of that one right away. The facts are that the defense business is not attractive to organizations who are primarily profit oriented. It simply is not as profitable to work for Uncle Sam as it is for commercial customers. A recent issue of *The New Republic*, scarcely a big business fan, called defense profiteering a "myth." And just three weeks ago the prestigious Logistics Management Institute, after a close study of defense industry profits, found that before tax profits from defense work average 3.9 percent against profits in commercial companies of 9.3 percent.

This is further emphasized by the April report of the National City Bank, which shows that profits of fifty-one leading corporations in the aircraft and space business declined by 12 percent between 1968 and 1969, showing only a 2.5 percent profit on sales after taxes in 1969.

The real danger, then, is not profiteering. The real risk in terms of national security is that competent companies will increasingly decline opportunities for defense contracts. I don't know of a major defense contractor that isn't trying to expand its nondefense activities.

The M-I-C critics charge also that there is inadequate competition among contractors.

When we consider the role of competition in defense work, we are not simply talking about a handful of prime contractors. In fact, there are more than 33,000 prime contractors who sell more than \$10,000 worth of goods and services to DoD. In addition, we are talking about the 20,000 subcontractors or more who may be involved in each large scale program. Perhaps 50 percent of a prime contractor's work will be farmed out around the country to these other contractors. Each of these "subs," in the process of contract development, will be bidding competitively against still other companies. So, competition in the defense area is not the result of decisions by two or three corporations, but more the result of their highly competitive individual responses which are, in turn, based on competition among thousands of other large and small companies across the nation.

And quite apart from competition at the subsidiary level are the intensive in-house efforts prime contractors undertake to win important contracts.

Take, for example, a new fighter aircraft. You are the head of one of some six or seven companies qualified to design and produce such an airplane; and, believe it or not, there are only about this many companies in American industry that are so qualified. One of the reasons for this small number is that modern weapon systems have become incredibly complex and costly, and only a very limited number of types are ever ordered. In fact, not a single new fighter was ordered in the 1960's. During the past year, both the Air Force and the Navy had design competitions for new fighters, which could very well be the only aircraft of this type ordered by the military during the decade of the 1970's. As a contractor, you know that you either win the competition or, for all practical purposes, you're out of business for at least ten years or so, and the other six or seven competitive companies are in the same boat. You and your top scientists, engineers, production managers, and cost experts huddle for several months to come up with the best possible proposal you can conceive. Your competitors are doing the same thing. Finally your proposal, running as many as 30,000 pages, is submitted to the Department of Defense for evaluation against those of your competitors. After preliminary evaluation, the services select the two best proposals for further definition and refinement in another competitive run-off. During this phase, you are operating under a contract which the government expects to cover the costs of your

effort; but it never quite works this way, because you're out to win, since winning may very well be equated with survival. So you add substantial resources and funding of your own to those provided by the government to insure that you do, indeed, have the best possible aircraft.

If this isn't competition, then I don't know what is. As a contractor, you're competing on performance, on delivery schedule, and on costs. To achieve the performance necessary to create an airplane better than any other in the world, one with a lifespan of up to fifteen years, you have to push technology to the maximum limits. You virtually have to say, yes, we can do things that never have been done before. You also have to estimate how much it's going to cost to do something that's never been done before, and here's where the possibility of "cost growth" or "cost overruns" comes in.

Let's put it in simple terms. Have you ever had a contractor remodel your kitchen, build a playroom, add a wing to your house, or the like? If so, you know the experience is tricky. Were you able to tell your contractor, ahead of time, precisely what you wanted in the kitchen? Did you deviate at any time after you received your bid? Did you later ask for a double sink instead of a single; did you ask for a disposal, as an afterthought; or a Dutch door you hadn't thought of earlier?

Who's to blame if the cost comes in higher than you thought?

This is an absurdly over-simplified analogy because many defense contracts involve working at the forefront of new knowledge. Nevertheless, the analogy is helpful in understanding the kind of problems that the aerospace and other defense industries come up against in their contractor roles.

Bear in mind, also, that some of the weapons system contracts that the largest companies are signing may involve several billion dollars over an eight to ten year period. During that interval, the Department of Defense will have the same objectives as a home owner. Namely, it will want the best final product possible. As a consequence, when better, more cost effective ways of doing the job are discovered, they will be cranked into the dynamic, on-going project. Naturally and properly, the customer will ask for the best and expect it. But each change in this or that specification or this or that performance requirement may require a total new look at cost estimates. Relocating a sub-assembly two inches to the left in an exotic fighter craft may seem superficially simple, but it may also have a domino effect on a hundred other design and construction aspects. A few changes of this kind can be tolerated, given the dimensions of the total costs of some programs, but it is not remarkable for hundreds of major or minor changes or more to be introduced in the development of a major weapons system.

I should point out here that both DoD and industry are trying desperately to work out realistic ways to minimize the kinds and numbers of changes that can torpedo production schedules and cost estimates.

This leads us to consider what we in the defense business have come to call the "unk-unks." Whether you're building a lunar module or a playroom, you will inevitably run into problems for which you have no immediate solutions. These unknowns—or "unks"—can be thought about and planned for and you can even build them into your estimates on conventional projects. But when you're involved, as the aerospace industry is, on the leading edge of technology you frequently encounter problems whose very existence you never anticipated. Here it's not just a matter of not knowing the answer; for here you aren't even aware of the question. These are the unknown unknowns, or the "unk-unks."

By this time, from my frequent allusions to the close working relationships between business and government, you may be curious

as to my own views about the theme of this conference; that is, the so-called "invisible government." And I simply must confess that I do not see any connection between an invisible government and the Military-Industrial Complex.

Ask any large defense contractor how invisible it regards government. Without parading a tedious list of visibles, let me start off by pointing out that at any given time a major contractor may have fifty or more DoD officials, both military and civilian, living on-site and monitoring every step of procurement and production.

And nowhere is the government more visible than on the auditing front. Any given program is first audited by the Armed Service involved. It is also subject to review by the Defense Contract Audit Agency and by the General Accounting Office. And, finally, the company's costs and profits are subject to review by the Renegotiation Board.

And this ignores other highly visible government involvements. For example, some 300 members of the Armed Service concerned will be engaged in reviewing any major weapon system proposal. They are experts in aerodynamics, propulsion, electronics, cost control auditing, and similar disciplines. They will subject the proposal to a series of exhaustive reviews and make their final recommendations to a source selection board comprised of the top research and development, production, and using organizations in the Service concerned.

Then, the entire project will be studied by the Defense Systems Acquisition Review Council. And, eventually, contracts are awarded at the Secretary's level.

In short, at least so far as defense industries are concerned, government has a determined policy of maximum visibility.

So much, then, for this quick look at some of the procurement problems. They are honest problems for both supplier and customer. And they are being earnestly reviewed by both sides in the hope of coming up with workable solutions. But making shoes for the Army involves totally different procurement patterns from making a Poseidon Minuteman missile system. Because, as desirable as it might be, no one yet has mastered the art of scheduled invention.

That said, let's consider a different kind of burr under the saddle of certain defense industry critics. This has to do with the number of retired military personnel hired by defense companies.

Implicit in this concern is that the ABC Company hires Colonel Smith, a senior Army officer, and the good colonel—thanks to all his old cronies and "contacts" in the Department of the Army—will forevermore assure that his company is awarded all the desirable contracts. It deeply bothers these people that some 2,100 retired senior military officers are working for the 100 top defense companies. What they overlook is that: A retired military officer is forbidden by law, and I quote, to "sell anything to the Department in whose service he holds a retired status and he may not, within three years after retirement, sell supplies or war materials to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey or the Public Health Service."

Particularly in view of that last safeguard, what is more reasonable than that a shipbuilding company hires people with first-hand experience in ship building or ship handling; or that aircraft manufacturers hire seasoned military pilots or engineers. If you were in these lines of business, where would you recruit *your* talent—from the Chicago Bears?

Let me reaffirm my conviction that it is necessary and healthy for the public to hold the performance of the defense industry under close and constant scrutiny. But this is *not* to say that I have any patience at all with those who deliberately leave the in-

ference that there is something not quite nice about contributing to our nation's defense.

H. L. Mencken put his finger on my concern when he said that what really makes news is "the virulence of the national appetite for bogus revelation." And, after 31 years on both sides of the Military-Industrial Complex, I have firsthand knowledge of the unfairness of many of the published attacks. I say many instead of all because, wherever humans are involved, mistakes can be expected. My urgent wish however is that fewer slogans and a little more thought and perspective be given the issue of the M-I-C.

In a word, the Complex is complex. The job of defending the country involves one job in nine. Some 33,000 prime contractors and 200,000 suppliers and subcontractors are regularly involved in this work. Seven hundred fifty million dollars in defense-related grants are made by the Pentagon to American colleges. Any national effort of this scope will never have zero defects. But my gorge rises when some would question not simply the performance but the *motives* of those on both sides of the Military-Industrial relationship.

When General Eisenhower coined the phrase, Military-Industrial Complex, he urged the nation to guard against "the acquisition of unwarranted influence by this Complex." However, he prefaced his remarks with the declaration, "A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction . . . we can no longer risk emergency improvisation of national defense we have been compelled to create a permanent armaments industry of vast proportions."

The precise charges against the M-I-C are so vague as to be indefensible, and those who quote President Eisenhower out of context on the assumption that he believed a conspiracy was at work are basing their beliefs on an unfounded conclusion. As General Wheeler of the Joint Chiefs of Staff has observed, "If I'm in a conspiracy, I have yet to meet my fellow conspirators."

Those who seek to discredit the existence of a Military-Industrial Complex should examine in depth what the Complex is and what it does. It is the protective shield under which our nation thrives and prospers. It is a product of American initiative, incentive and genius in the face of a huge global challenge to our way of existence and indeed to our existence itself. Within this definition of the work "Complex," then I say to you, if such a Complex exists, thank God it's ours.

And then he went on to say that "Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

Trying to assure an alert and knowledgeable citizenry is precisely what we are about today, thanks to the offices of this university. I am deeply grateful for the opportunity to participate in this vital dialogue.

#### THE KAISER CORP. TAKES THE LEAD IN CURBING POLLUTION

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. GUBSER. Mr. Speaker, it has been my practice for the last 18 years to write a weekly news and feature column for newspapers in my district. This week's

column will cite the outstanding leadership of Kaiser Aluminum and Chemical Corp. in curbing pollution from industrial sources.

In the belief that all readers of the CONGRESSIONAL RECORD should know of the Kaiser Co.'s progressive attitude toward this serious national problem, I include the full text of my column which will be released on Thursday, May 7, 1970:

ON CAPITOL HILL WITH CHARLIE GUBSER

Some weeks ago I wrote about the outstanding progress of Great Britain in controlling the pollution of the English environment. One of the features of Britain's highly successful program is a requirement that industry invest more heavily in anti-pollution equipment.

Though pollution from process industries contributes but 15% of the total pollutants across the United States, Congress will undoubtedly require an improvement of this record. Whether tax incentives will be used to encourage capital investment in anti-pollution equipment, or strict regulations imposed, or both, remains to be seen.

Some American industries have tried consistently to minimize the pollutants emanating from their factories. One of these is the Kaiser Aluminum and Chemical Corporation.

On April 2 Kaiser President T. J. Ready, Jr., said that his company will spend approximately \$25 million during the next five to eight years for new and improved environmental control systems on existing facilities. In addition, the corporation will spend 13% of the cost of its new or expanded facilities on environmental control. These investments are in addition to the \$68 million the company has already spent on anti-pollution equipment and the \$2.3 million annually required to operate control facilities already in existence.

The Kaiser Corporation has also announced a vigorous attack on the problem of solid waste disposal including a program of reclaiming and recycling aluminum cans. It will pay civic, youth, church and other organizations 10¢ per pound or ½¢ for each all-aluminum can which is returned to a collection point for recycling.

Kaiser's first plant at Permanente was equipped with electrostatic precipitators when first built in 1939 when most cement plants used no pollution abatement equipment whatsoever. The control equipment has been improved and added to and now represents more than 10% of the total capital investment at Permanente.

At its mineral processing plant at Moss Landing, Kaiser has imposed new regulations requiring a collection return of pollutants to 99.9% plus efficiency. It will install new facilities costing over \$2 million to meet this regulation. In 1967 Kaiser commissioned the Marine Laboratories of the California State Colleges to conduct a \$45,000 study and make recommendations regarding pollution of Monterey Bay by its magnesium plant. A new outfall line was recommended and Kaiser is preparing to build it.

Shortly Kaiser will install a complete innovation in the control of emission at its steel plant at Fontana, California. A huge "baghouse" developed after twelve years of research will be constructed at a cost of \$2.6 million.

Such a public spirited attitude deserves the acclaim of every concerned American. It is hoped that all industry will assume the attitude expressed by a Kaiser official when he said, "The corporation welcomes the shifting goals in our society today which makes concern for the quality of our environment first priority. . . . We can make improvements, and we will!"

## PROTECTION FOR EMPLOYEES UNDER PRIVATE PENSION PLANS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, there has been a tremendous growth in the number and size of pension plans in the United States. Today, more than 20 million American workers are covered by private pension plans with assets totaling more than \$100 billion, assets which will probably double in the decade ahead. Private pension plan assets alone represent an accumulation of capital nearly as large as that of the entire savings and loan industry. As of 1968, it was almost twice as large as the mutual fund industry.

Not only has there been dramatic growth in the number of plans—there are over 17,450 plans but a new attitude toward pensions that has evolved in the public mind. Now that participation in pension and other welfare plans is becoming more the rule than the exception—over 50 percent of all working Americans are in one—and with the universal acceptance of the principles of social security, pensions are considered as a right of employment similar to the right to a decent wage as expressed in the policy behind our minimum wage law or the right to a safe place to work. Pensions should never again be thought of as just a useful personnel tool of management.

Considering the growth of pension plans and the funds invested by them as well as the reliance which a large part of the American working public places upon them as a principal source of retirement security, the need for new legislation protecting pension plans and their participants is clear.

The most obvious need for legislation is in the area of fiduciary standards. To date, the only standards which private pension plan administrators and trustees have been required to meet have been drafted from a tax standpoint and have hardly touched the problems created by the tremendous growth of the private system. These problems cannot be adequately met on the State level. Much uncertainty exists as to whether the trust laws of most States are applicable to pension plans at all and among those States which do regulate them there is great variance in their methods. Uniformity of regulation is needed and that can only be provided on the Federal level.

Neither criminal nor civil sanctions are available against those who abuse their trust by making imprudent investments—for one person or another—nor is there a remedy available against those who have no business being in a fiduciary position in the first place.

The Securities and Exchange Commission has some regulatory powers in this area, but it is neither equipped nor apparently willing to exert the weight of its authority. One cannot expect the average plan participant to serve as a check to fiduciaries for the average plan

member does not have the specialized accounting and legal knowledge to detect abuse nor the money needed to pursue legal action. The Internal Revenue Service cannot even recover a fund's money from a fiduciary who has diverted it for his own use.

New and stringent standards of fiduciary conduct are essential. Of course, standards are worthless without a means of detecting where and when they have been violated. Meaningful financial disclosure requirements, communicated to participants and the Department of Labor, are therefore a necessary part of any legislation.

Probably the most important needs for reform are in the areas of vesting, funding, and reinsurance.

All too many people have worked for companies for many years and had contributions regularly made in their name, yet found, when they finally applied for their pension, that they were not eligible because, for one reason or another, they had not met the plan's peculiar vesting requirements. Indeed, some plans seem to have vesting requirements which are designed more to prevent claims against them than for anything else. My colleague, Congressman JOHN H. DENT informs me that his General Subcommittee on Labor has found that only one of nine will ever receive any retirement benefits. This shocking situation must be changed.

The reason for the special tax status private pension funds enjoy is to encourage their growth as a supplement to social security and other sources of income for our older citizens in their retirement years. This purpose is not served by extremely long or unduly stringent vesting requirements. The Internal Revenue Service has only had a minimal concern about vesting and does not really afford any means of protection to the average plan participant.

Since any standard of early vesting is meaningless without a requirement that pension plans be adequately funded, minimum funding requirements are also essential.

The tragic case of the Studebaker Corp.'s pension plan brought home the need for insurance of pension benefits against unforeseen plan termination. Without such insurance, members of a pension plan which has not fully funded all its liabilities may wind up with either no pension or with a drastically reduced one.

The Nixon administration's proposal for reform of private pension plans does not deal with this vital issue of vesting at all. This constitutes the gravest of omissions. Hearings before the General Labor Committee disclosed that only one person in 10 who has ever been in a pension plan will receive benefits from it. The Nixon administration must be wearing blinders if they believe that imposing new fiduciary duties will solve the problem without also improving vesting standards.

I heartily support the two bills introduced by my colleague from Pennsylvania (Mr. DENT), H.R. 1045 and H.R. 1046, which provide the protection that work-

ers need in both the areas of fiduciary duties and vesting standards.

I am today introducing identical bills to Mr. DENT's bills, to show my strong support for these measures.

In doing so I would also like to commend my colleague from Pennsylvania for his long and dedicated efforts to give the working men and women of this Nation the financial protection and security that they deserve. For many years he has actively sought to protect the rights of workers who invest in private pension plans. I hope that this will be the year we see his efforts meet with success.

OPEN SEASON DECLARED ON ORGANIZED MEDICINE

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. CUNNINGHAM. Mr. Speaker, it's that time of the year again.

A two-segment television special on CBS was the most recent effort in the recurring open season on organized medicine.

Mr. Speaker, I would like to call to the attention of my colleagues the following editorial from the April 27 issue of the American Medical News. I think it speaks for itself:

OPEN SEASON

To anyone who's been watching television, reading newspapers and magazines, or listening to the speeches of some of the self-appointed experts on medical care, it's becoming increasingly apparent that open season has been declared on organized medicine.

Last week's television specials on CBS are the most recent example of the unvarying technique: whatever the problem, pin the blame on medicine.

The medical profession is well aware that there are problems in the delivery of care to the American people. The American Medical Association has bluntly stated that there is a health care crisis, that there aren't enough physicians and other health workers to meet the demand, that the increasing cost of care is necessitating development of a universal health insurance program, that something has to be done to improve delivery of care to people in ghettos and in rural areas. And the AMA, through the work of thousands of physicians all over the country, is earnestly trying to solve these problems.

For their efforts, physicians reap a reward of scorn and criticism.

The AMA's assistant executive vice president, Richard S. Wilbur, MD, in a recent speech to the American Society of Internal Medicine, said it well:

"The people who are looking for headlines and the people who are writing them . . . find people who live in unspeakable slums owned by absentee landlords who are under no legally enforced obligation to provide heat, running water, sanitation, paint, or pest-control. And then, they blame the medical profession and the system, or as they call it 'non-system,' of medical and health care for the fact that these unhappy, unfortunate, neglected people are not healthy.

"They quote the statistics of infant mortality in these areas and imply that it is the fault of the medical care system that the mortality rates are high."

There's another thing about ghetto care. If a physician moves from the inner city out to the suburbs, he's immediately damned as a profiteer interested only in his income and accused of ignoring patients in the city who need care—regardless of how many patients he may be treating.

However, if instead of moving out to the suburbs, the physician decides to stay in the inner city and devote most or all of his time to treating the poor, guess what happens. He's damned as a profiteer, and accused of attempting to get rich off the miseries of the poor and abusing the Medicaid program. This is his reward for practicing under a government program that he didn't ask for in the first place.

In its first report, last week, CBS made much of the fact that there aren't enough doctors to go around; that a small town had trouble finding a physician, in another town an 81-year-old MD was still practicing, that a woman in a ghetto couldn't get a doctor to make a house call.

These are problems of which medicine is well aware, and concerted efforts are being made to remedy the situation: expanded medical school enrollments, more schools, use of physician's assistants, new roles for nurses, and other methods of improving delivery are receiving intensive study from the profession.

The solutions proposed by CBS—national health insurance and closed-panel group practice—won't solve the problem of manpower. They won't find doctors for all the small towns, and they won't provide doctors to make house calls in the ghetto. CBS performed a public service in illustrating the need for more health personnel; what's needed now is cooperative, constructive action by the profession and consumers to meet that problem.

CAMBODIA

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. GOLDWATER. Mr. Speaker, President Nixon's recent action ordering the military to clean out Communist sanctuaries in Cambodia, is truly a profile in courage. I back him 100 percent and believe if there is any criticism to be made at all, it is that this measure to eliminate Communist sanctuaries was not taken sooner.

The point should be made clear that the President has done everything in his power to seek a peaceful solution to the conflict.

Some Congressmen and Senators declare that the President should have negotiated more before taking this action. We have negotiated. We have tried to reason with the Communists but, to date, they have only agreed on the shape of the conference table in Paris.

The United States has taken the road of peace by stopping the bombing of North Vietnam, reducing air operations, withdrawing thousands of troops, and declaring total troop withdrawal from South Vietnam, if the Communists will do likewise.

The President's action is not aimed at enlarging the war, rather, it is dedicated to bringing the conflict to a speedy conclusion, and to keep American casualties at an absolute minimum.

In this, an election year, the President

is to be lauded for rejecting all political considerations in making his decision to clean out Communist sanctuaries, in order to protect our fighting men in Southeast Asia and to end the war.

Fortunately, it is very evident that the American people support his courageous decision. CBS News has just announced a poll indicating public support of 2 to 1 for the President.

Those who accuse the President of "invading" Cambodia and "widening" the war are indulging in the most blatant form of political demagoguery. President Nixon made his objectives very clear in his speech when he said:

This is not an invasion of Cambodia. The areas in which these attacks will be launched are completely occupied and controlled by North Vietnamese forces. Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and their military supplies destroyed, we will withdraw.

On the subject of Communist sanctuaries and their privileged status, it is well to recall that this is one of the main reasons cited by military authorities as to why the United States suffered an ignominious stalemate in the Korean war.

In an address to a joint session of Congress shortly after being relieved of his command in Korea, Gen. Douglas MacArthur addressed himself to the subject of appeasement in general and privileged sanctuaries in particular:

History teaches us with unmistakable emphasis that appeasement but begets new and bloodier war. It points to no single instance where the end has justified that means—where appeasement has led to more than a sham peace. Like blackmail, it lays the basis for new and successively greater demands, until, as in blackmail, violence becomes the only alternative. Why, my soldiers asked of me, surrender military advantages to an enemy in the field? I could not answer . . . the tragedy of Korea is further heightened by the fact that as military action is confined to its territorial limits, it condemns that nation, which it is our purpose to save, to suffer the devastating impact of full naval and air bombardment, while the enemies sanctuaries are fully protected from such attack and devastation.

In his autobiography, "Reminiscences," MacArthur stated:

The order not to bomb the Yalu bridges was the most indefensible and ill-conceived decision ever forced on a field commander in our nation's history. . . . It was my belief that, if allowed to use my full military might, without artificial restrictions, I could not only save Korea, but also inflict such a destructive blow upon Red China's capacity to wage aggressive war that it would remove her as further threat to peace in Asia for generations to come.

In testimony before the Senate Internal Security Subcommittee in 1954, Gen. Mark Clark, U.N. Commander in Korea, answered as follows when asked about the wisdom of attacking Communist sanctuaries north of the Yalu River:

Sir, if I had had the authority to bomb the airbases north of the Yalu, and the dumps and depots from which they derived their power, I would have done so. I feel that had we taken that courageous action together with offensive actions, amphibiously and otherwise, we would not have had the unhappy ending I feel we had in Korea . . . had we taken courageous action and a decision to win a military victory over there, I believe we would not have been

confronted with the dilemma that has beset us in Indochina.

While campaigning for the Presidency in 1968, Richard Nixon criticized the conduct of the war in Vietnam saying that the United States had used its military power "ineffectively by applying it gradually rather than effectively." With the President's recent actions in Cambodia and his ordering the bombing of Communist anti-aircraft batteries north of the demilitarized zone, it would appear that the bankrupt policies of gradualism have been abandoned.

And I, for one, back him to the hilt.

#### THE THREAT TO LIBERTY—AN EXTRAORDINARY SERIES OF NEW YORK TIMES EDITORIALS

### HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. GALLAGHER. Mr. Speaker, on April 27, 1970, a New York Times editorial said:

The nation's greatness springs from its dream of greater freedoms for all, not from a nightmare of restricted liberties for some. Today, no less than in earlier times of trouble, the Bill of Rights offers the best, perhaps the last, hope to carry the torch against the forces of dark suspicion and fear.

As the Times points out in compelling fashion in an extraordinary series of four editorials under the heading "The Threat to Liberty," this is exactly the wrong time in our history to erode constitutional guarantees. A nation shows its greatness in times of adversity and our Nation cannot remain great by denying, demeaning, and inhibiting those traditions which have made our Republic the uniquely successful human experiment it is.

Mr. Speaker, Al Smith once said:

The only cure for the ills of democracy is more democracy.

I do not regard that statement as an anachronism, for democracy means equality before the law. And the law must flow from a respect for diversity and an understanding of certain inalienable rights of all citizens. The Times correctly identified the similarity of the threat to liberty from totally different sources when it said, on April 29:

Civil liberties are held in contempt by extremists of right and left alike. Convinced of their own righteousness, the dogmatists at both ends of the political spectrum characteristically believe in freedom for themselves but rarely for those who reject their ideological discipline.

Mr. Speaker, those who are between those two extremes, the moderates and progressives who have given our Nation its cohesiveness, must not surrender their faith. There must be no acquiescence in repressive executive branch actions or in repressive legislative proposals. I am convinced that the only way to rescue this Nation from sinking into a morass of fear, divisiveness, and doubt, is to reassert our heritage of expending individual freedom while, at the same time,

punishing those who clearly break the law. Those who knowingly commit illegal acts of violence and then cry for instant amnesty must be condemned equally as vigorously as those who point to those violent acts and cry for immediate repression.

It is difficult at this time in our history to remain tolerant of the rights of those who practice and preach violent intolerance and it is becoming an increasing challenge to our faith in democracy to reject proposals which seem to offer an easy and inexpensive way to solve the Nation's ills. But to ignore the burdens of free government is to endorse what could be called post-constitutional America; an America in which manipulating human values would be more important than expanding them, an America in which survival would depend on surveillance and the rights of some segments of our population could only be preserved by repressing the rights of others.

Mr. Speaker, the New York Times has performed an extremely valuable public service by these four passionate and profound editorials. I am pleased to enter them into the RECORD at this point; along with the text of the keynote speech I made at a seminar of the Federal Executives Board of New York and New Jersey on April 7, 1970:

#### THE THREAT TO LIBERTY—I

Each morning in schools throughout this land, millions of children pledge their allegiance to a nation indivisible with liberty and justice for all. This daily ritual is beginning to lose all meaning as America's fundamental principles of freedom are being undermined. Civil liberties, though indispensable to the goal of the open American society, have suffered periodic setbacks in the past, both under Democratic and Republican Administrations. But there is cause for the gravest concern over the currently evolving pattern of overt and subtle policies which tear at the fabric of a free, pluralistic society.

Group appeals, sectional politics, harsh and divisive statements and, most important of all, repressive administrative actions and retrogressive proposals and laws are directed from the very highest sources of Government against dissenters and nonconformists. The principal target is that very large number of peaceful and determined Americans—many of them in the younger generation—who do, openly and democratically, want to challenge the Establishment and effect peaceful social change.

The Administration tactics are rendered all the more sinister because they are often contradictory and elusive. Amid high-sounding reaffirmations of the right to dissent, the Government prosecutes those among dissenters whom it sees guilty of conspiracies. Amid talk of the maintenance of law and order, an epidemic of electronic eavesdropping creates conditions approaching governmental lawlessness and moral disorder.

In the difficult period through which this country and this world are moving, doubts about war, poverty, discrimination and the economy inevitably create severe tensions. Some few Americans who despair of rational answers have in fact lost all hope in the law, have finally rejected peaceful methods of change and have succumbed to the delusion that violence offers some kind of answer. When these elements act illegally as they now frequently do, they can and must be dealt with through strict, but fair, enforcement of the law.

But the vital point in repression of violence in a democracy is that fear of what a few dissenters may do. The voicing of threats or

the mere expression of dissent cannot excuse suspension of the Bill of Rights or of those civil liberties which alone justify faith in representative democracy.

When Congress passed the antiriot laws of 1968, it gave the Government the dangerous option of prosecuting men, not for what they have done, but for what thoughts they are suspected of harboring in their minds. Armed with that hunting license, the Nixon Administration has proceeded to undertake what can only be described as political trials, viz, in Chicago last fall.

The Senate Judiciary Committee has approved a bill that would make it possible to punish provocative speech, thus ignoring the advice of Oliver Wendell Holmes that, in any instance of offensive or false oratory, "the remedy to be applied is more speech, not enforced silence."

Under the guise of security, the Justice Department, resorting to inquisition by questionnaire, is trying to bar protest demonstrations in the vicinity of the White House.

Attorney General Mitchell, pleading the need to protect the flow of traffic, has called for an "updating" of the laws governing protests and demonstrations. He conveniently differentiates between "prospectively peaceful demonstrations such as American Legion parades" and what he suspects to be "demonstrators who are trained to force confrontations with police."

Is freedom of speech and assembly to be suspended because the words that might be uttered may prove provocative? Charles Evans Hughes was applying the Constitution, not espousing revolution, when he warned: "Guilt is personal and cannot be attributed to the holding of opinion or to mere intent in the absence of overt acts."

Those who condone the Government's increasing resort to repressive cautions cite the dangers of violent or illegal acts. But to suggest that the Bill of Rights can be temporarily ignored in times of discord and anger would be to turn the Constitution into an impotent, bloodless document.

It is not in harmonious times that liberties require protection. It is in days of doubt that the rights of the unpopular few must be upheld, if the liberties of the many are to remain safe.

#### THE THREAT TO LIBERTY—II

Less than a generation ago, the tapped wire, the bugged room, the secret informer evoked contempt and ridicule in the minds of most Americans. These were the marks of police states in a jaded Old World. It could not happen here.

It is happening here now.

The argument over the wire tap is no longer whether, but how much, by whom, and how it can be made admissible evidence in court.

Leslie Fiedler, a literary critic and teacher, was recently convicted of allowing the use of marijuana in his home on the basis of information supplied by a teen-age girl, a "friend of the family." She had acted as a police spy and recorded private conversations with the aid of a microphone concealed in her dress while she was a guest in Mr. Fiedler's house.

In 1920, Attorney General A. Mitchell Palmer, following some anarchist bombs and bomb threats, wrote in his annual report: "... There must be established a systematic and thorough supervision over the unlawful activities of certain persons and organizations... whose sole purpose were to commit acts of terrorism or to advocate, by word of mouth and by the circulation of literature" the subversion of the government.

Mr. Palmer boasted of a file containing 200,000 biographies and records of speeches of persons "with radical connections." Such dossiers seem puny compared to the store of computerized intelligence data banks



maintained today by a host of agencies, from the Justice Department to the military.

No serious student of history now believes that the Palmer forays against civil liberties contributed to the nation's survival. Yet, his obsession with surveillance and his scrambling of action and advocacy are once again being elevated to public policy, with infinitely greater efficiency.

Under the guise of essential attacks on crime, police and investigatory powers are being sharpened for potential use against political offenders. Preventive detention is being advocated, when too many suspects are already imprisoned too long before being brought to trial. No-knock entry into private premises and the rifling of confidential records are being justified as weapons against narcotics.

Political snooping has seriously jeopardized the confidentiality of income tax returns and diminished the privilege of reporters' files. Personal mail is increasingly subject to scrutiny.

As if to underscore the hegemony of the police mentality, even at the Cabinet level, the Attorney General has overruled the Secretary of State in denying a European Marxist scholar's request for admission to attend a scholarly meeting here.

There are those who say that the growing reliance on surveillance, with lines blurred between the legitimate attack on crime and the illegitimate repression of dissent, is the price of America's role as a great power, but that is to misread the country's destiny. The nation's greatness springs from its dream of greater freedoms for all, not from a nightmare of restricted liberties for some. Today, no less than in earlier times of trouble, the Bill of Rights offers the best, perhaps the last, hope to carry the torch against the forces of dark suspicion and fear.

#### THE THREAT TO LIBERTY—III

The erosion of the nation's civil liberties cannot be charged against any one Administration or party. The virus of electronic surveillance and the incursions into personal rights, through the abuse both of laws and of technology, are the toll of wars, hot and cold, and of declining confidence between government and governed.

Terrifyingly new, however, is the Administration's open exploitation of fear and discord. Verbal excesses and insinuations, apparently condoned by the President himself, have rendered suspect the Government's reaction to dissent and even to high-level disagreement on the part of the loyal opposition. Vice President Agnew not only rails against "the whole damn zoo" "of deserters, malcontents, radicals, incendiaries, the civil and uncivil disobedients," but also hints darkly that Senator Muskie, in challenging the Administration's arms policies, "is playing Russian roulette with U.S. security."

Other Administrations have been vexed by the intemperate language of their detractors; but there is a disturbing appeal to the nation's lowest instincts in the present Administration's descent to gutter fighting. It undermines the dignity of government so vital to that atmosphere of calm and reason in which civil liberties can flourish.

By attacking the alleged influence of outside agitators—in the inciting of riots as well as in the Senate's vote against Judge Carswell—the Administration revives earlier anxieties over Mr. Agnew's dark hint that "rotten apples" of dissent should be "separated" from society.

When dissenters are thus treated, are they being prepared for inferior citizenship? The prospect is as troubling when the dissenters are young Republicans, labeled "juvenile delinquents" for their audacity in breaking ranks, as when they are the "liberal media" reporting the news or taking a stand for freedom of speech and the right to privacy.

By his extraordinary suggestion during the

ugly fight over the Carswell nomination that the South be credited with a separate "legal philosophy," President Nixon directly exacerbated regional as well as racial disunity.

Attorney General Mitchell, in holding that the Justice Department is ruled by pragmatism rather than any philosophy, stimulates the raw appetites of those who stand ready to ride roughshod over rights which are protected by philosophic principles rather than pragmatic power.

It is chilling to learn from a recent poll that a majority of Americans have responded to the politics of fear by declaring themselves ready to restrict the freedoms guaranteed by the Bill of Rights.

Fear saps a nation's strength. It sets one neighbor against the other. It is an illusion for any government to believe that it can turn fear to its advantage. Those who try to divide in order to govern are running the risk of making a divided nation ungovernable.

Abraham Lincoln, in an earlier crisis, prayed for "a new birth of freedom." Today, the answer is not in electronic surveillance or a consensus of silence; rather it is in reliance on law and justice, on the Constitution and on an appeal to the decency of free men to let freedom triumph over fear, and civil liberties over political strategies.

#### THE THREAT TO LIBERTY—IV

Civil liberties are held in contempt by extremists of right and left alike. Convinced of their own righteousness, the dogmatists at both ends of the political spectrum characteristically believe in freedom for themselves but rarely for those who reject their ideological discipline. This narrowly restrictive view of freedom is normally accompanied by a self-indulgent approach to violence as an appropriate terror-weapon against the ideological enemy.

Thus it is not surprising that the new breed of campus revolutionaries, intent on destroying all freedom except their own, are now turning to what they call "trashing"—the setting of fires, hurling of rocks, smashing of windows—ominously reminiscent of the shattered storefronts with which the Nazis sought to intimidate their political opponents a generation ago.

Ritualized violence indiscriminately destroys the rights of its victims. It also escalates of its own accord. A group of distinguished citizens who arrive at Harvard to carry out their duties as trustees of an international studies center are held prisoners in their cars by a radical mob—and their meeting has to be disbanded. A cafeteria is vandalized at Hunter. Books are burned at the Yale Law School. The President of Pennsylvania State is forced to flee, with his family, as student rioters stone his home at night. A bank is burned down in Santa Barbara. At the Center for Behavioral Studies in Stanford, arsonists destroy research papers including the lifetime work of a visiting foreign scholar. An anti-war rally turns into an orgy of violence and vandalism in Cambridge leaving small shopkeepers the principal victims. On a quiet block in Manhattan, radicals blow themselves up as they manufacture bombs for their demented warfare.

In part, this is guerrilla theater of the absurd, fashioned by alienated children of affluence who are striking out blindly against the Establishment. But in part it stems from the aim of more sophisticated and more sinister theorists to entice governmental authority into acts of political repression and thereby to stimulate such a broad-scale counter-reaction as to invite genuine social chaos.

A Justice of the United States Supreme Court wrote in a recent opinion:

"Radicals of the left historically have used those tactics to incite the extreme right with the calculated design of fostering a regime of repression from which the radicals of the

left hope to emerge as the ultimate victor. The left in the role is the provocateur . . . The social compact has room for tolerance, patience and restraint, but not for sabotage and violence." The author of these words is William O. Douglas.

Whether from left or right, the most extreme thoughts and the most offensive rhetoric are entitled to protection of the Bill of Rights. But, as Justice Douglas suggests, when thought is translated into unlawful or violent action, it is equally imperative that the full force of the law be invoked to protect the community, not only from the coercion itself but from its consequent after-effects. And this applies with particular force to the academic community, where protection of freedom is most precious and its security most fragile.

If the campuses are to be permitted to function as staging areas for violence, the academic community jeopardizes its fundamental role as freedom's protector; to impair academic freedom, whether through internal coercion or external repression, is to shut off civil liberties at the source.

The defenses of freedom require vigilance against all forms of violence, coercion or repression. The safeguard of the people's legitimate powers is the rule of law under the Bill of Rights. No government, nor any dissident group, can defy that rule or abridge those rights without being guilty of the ultimate and intolerable subversion of the American ideal and the democratic reality.

#### RECONCILING THE CONFLICT BETWEEN HUMAN VALUES AND THE COMPUTER

This is a most welcome assignment to speak about privacy and human values and is a much appreciated opportunity. Before turning my attention specifically to the impact of the computer on our basic American freedoms and before I describe new steps to reconcile the conflict between automation and human values, let me give you a weather report of the current climate in our Nation today.

As Bob Dylan has said, "You don't need a weatherman to know which way the wind is blowing." Since that phrase has been used as a motto for one of the most violence prone groups in our society, let me hasten to add that you don't have to join the Weatherman Faction of the Students for a Democratic Society to work toward a better life for all our citizens.

It is my contention that you don't have to take a torch to the Bill of Rights and make ashes of human dignity to control the current crop of radicals. There is no need to legislate out of fear: in order to reduce the atmosphere of calculated violence.

Every time I hear the cliché about "What can one Man do?" I think of the late Senator from Wisconsin, Joseph McCarthy. He was only one man, but by cynically manipulating a climate of distrust and suspicion, he single-handedly created a time of terror for good men in our government. He channeled self-doubt and yearning after simpler time into a wave of anti-constitutional hysteria which almost swept away the special attributes of America which make our Nation uniquely successful as a human experiment.

But I would regard the new McCarthyism as much more dangerous, for we are cloaking repressive measures in legislative garments and we are arming hostility and intolerance in ironclad law.

I will not chant the entire litany of lament for liberty this afternoon. Provisions of bills recently passed by either the House or the Senate permit a man's house to be broken into without knocking, permit his telephone to be tapped with virtually no restrictions, permit his blood and urine to be sampled and analyzed before he is formally accused of a crime, and so on. Administrative actions in practice or receiving influential support

permit first class letters from overseas to be opened, permit reporters notebooks to be subpoenaed, permit a full dossier on anyone who might embarrass a public official, permit extensive surveillance over the constitutionally protected political activities, and so on. And on, and on, and on.

And lest you think these actions are being taken only against militant, disenchanted minorities, the Washington Post of March 29, 1970 reported part of a drug control bill before a House Subcommittee which would "give Federal narcotics agents with special search warrants the right to break into a doctor's office without knocking and go through his patient files."

Further, in the effort to stop abuses in the Medicare program, a very powerful congressional campaign is being waged to publish the tax returns of all doctors who received over a certain amount in Federal payments.

It may be slightly unusual for a lawyer to come quite so strongly to the defense of doctors, but the point is that even the medical profession, that bastion of orthodoxy, can be treated as common criminals in the blind pursuit of someone's version of law and order.

We should be very clear at this point that there is a crisis in our Nation in drug abuse and in crime generally. I have proposed a package of narcotics control legislation which, among other provisions, would fully fund the erection of addict rehabilitation centers and make the nonaddicted pusher subject to a capital offense. In addition, I have supported much legislation in my years in the Congress which would deal with the root causes of crime by alleviating the poverty and hopelessness which still stalks our affluent land.

I would not be so foolish as to contend that crime can be controlled by compassionate words, permissive actions, or overly tolerant laws.

There are those in our society who must be dealt with as harshly as the law allows. But there is an overriding law of the land and that is the Constitution. Everyone from Black Panthers to doctors has an equal right to the protections of that law and you cannot suspend the Bill of Rights for one group today without threatening all of America and every single American.

I am reminded of the statement of an Army major who, in justification of the complete annihilation of a Vietnamese hamlet said: "We had to destroy the village in order to save it."

Many legislative and administrative actions today suggest a domestic Gulf of Tonkin Resolution which, under the guise of legitimate response to hostile action, will lead to an open ended escalation and destroy America in order to save it.

I am sure I am not revealing any secret of bureaucracies when I tell this knowledgeable group of Federal, State, and local governmental executives that policy is frequently initiated by memo. This is especially true at the upper echelons in Washington where trial balloons are launched by the purposely leaked memorandum. The impetus given to an idea becomes overwhelming if the hot air is not promptly let out of those trial balloons.

The original plans for a National Data Bank were the subject of many such wistful memos in the early 60s and it was only when a tiny report, buried deeply in the back pages of the New York Times, caught my eye that my Privacy Subcommittee was able to take its effective actions to scuttle the scheme.

I give this introduction prior to commenting on a leaked memo, reported in the Washington Post of last Sunday, in order to emphasize how seriously I view its content. The Post reports that Dr. Arnold Hutschnecker submitted a memo to President Nixon and that a White House staff member forwarded the memo to HEW Secretary Finch.

My own staff has checked with the public information officer at HEW and I can tell you that no matter how incredible it may seem, the following plan is seriously under consideration at the top levels of the administration.

All children from 6 to 8 years old will be administered psychological tests to determine the possibility of future criminal behavior. Those who deviate from the norm will be subjected to massive psychological and psychiatric treatment and, if the individual is found to be a serious potential threat, he will be sent to a rehabilitation camp.

Dr. Hutschnecker further calls for "a kind of mental health certificate" for young people as a prerequisite for holding positions of power. Translated into practice this would mean that any Federal employee would have to be certified mentally pure and, by extension, it might mean that all candidates for public office would need a stamp of Federal approval. Indeed it is doubtful whether one could ever get such a stamp of approval, for one has to be slightly unbalanced even to seek public office.

So these are the clouds that loom on our horizon and, to continue the weatherman metaphor, this is the hot front of senseless passion which is running up against a cold front of reason.

When two fronts collide, of course, there is always great turbulence and I hope that the storm of violent rhetoric will soon be replaced by calm and sane actions.

And I have become convinced that the computer may offer us the way to reestablish the reasonable rule of rationality. My feelings have been well expressed by Dr. Alan Westin, Director of the Computer Science and Engineering Board's Project on Computer Data Banks.

On January 8, 1970, Dr. Westin gave a most informative lecture in Washington entitled "Civil Liberties and Computerized Data Systems." In that address, he described the very real threats to privacy and freedom which exist separate from the computer and he then added the following perceptive paragraph:

"Thus, the public debate depended in no sense on the arrival of the computer. What the computer did contribute, however, was a profound sense of urgency. The privacy campaign had to take a powerful stand on record surveillance before the situation moved from an atomic bomb to a hydrogen bomb-ICBM level of threat. The computer also gave the campaign a handle with which to grasp an otherwise slippery issue; the magic and menace of the 'Big Brother' machine provided ready drama for legislators and the popular press."

I would only make one slight quibble and that is Westin's use of the words "ready drama."

When I began talking about the threats of computerization in 1966, I well remember the stunned stares of incomprehension which greeted my contentions that a great sea of data, representing every single one of an individual's past actions, could drown a man's quest for self-realization. I often heard then and, regrettably, I still hear wide eyed innocents say, "If you have nothing to hide, why be concerned about computer privacy?"

In 1966, I did not have a prepared script for that "ready drama" but now there are a lot more actors on the stage: among them my fellow members of the National Advisory Panel of Dr. Westin's project.

Some of those who will join me are consumer champion Ralph Nader, U.S. District Judge Constance Baker Motley, Representative Ogden Reid of New York, New Jersey Supreme Court Justice Nathan Jacobs, Assistant Secretary of the Department of Health, Education, and Welfare James Farmer, and former Attorney-General, Under Secretary of State, and now Vice President and General Counsel of IBM, Nicholas Katzenbach.

There were times in my privacy studies when I felt rather like the man who had jumped out of a 50 story building and lived to tell about it. I was telling the people on the 49th floor, the 48th floor, and the 47th floor, the 46th floor.

But as the pull of gravity increased my speed, there was less and less response from the passing windows. Now, however, there are a number of responsible students of the problem and it may well be that in the area of the computer, at least, we will find a soft landing in a solid basis of effective legislation, and institutionalized concern.

Because I gave you such a gloomy forecast earlier, let me now disclose a few specific rays of sunlight which, while not nearly bright enough to illuminate all the landscape, do shine as beacons of hope. Dr. Westin's study, of course, promises great things, but it will take 2½ years to complete. And 2½ years brings us that much closer to the worst features of 1984.

First, on February 9, 1970, the President transmitted a Reorganization Plan to the Congress which would establish an Office of Telecommunications Policy in the Executive Office. Shortly thereafter I took the rather technical step of filing a Disapproval Resolution on the Plan, not because I did not think that a formal mechanism to guide telecommunications policy was essential, but because I felt that here would be an ideal place to gain positive assurances that the Executive Branch would immediately focus on computer privacy. Dwight Ink, Assistant Director of the Bureau of the Budget, testified on behalf of the Administration and he gave the following flat statement:

"I can assure you, Mr. Chairman, that we are acutely aware of the importance of this issue, and we can reassure you that the Office of Telecommunications Policy will focus on the issue in dealing with any executive branch proposals related to computers and telecommunications to assure that privacy is not violated."

The Committee on Government Operations reinforced that statement, as well as emphasizing the jurisdictional outlines of my Privacy Subcommittee, by stating in its Report:

"We expect that the expressed commitment of concern for privacy will be adhered to and we will exercise our responsibility to follow closely such moves as may be made."

As I had begun my studies of the computer with hearings into the proposed National Data Bank in 1966, I was also pleased to hear Mr. Ink give this testimony:

"Mr. Gallagher's concern may be related in part to a proposal for a National Data Bank which was considered during the previous administration. This proposal is not under consideration at this time and I know of no plans to reactivate it."

A very thorough book by Dr. Jerry Rosenberg, was published last year about my National Data Bank hearings and was entitled *The Death of Privacy*. These recent formal, institutionalized statements seem to breathe a little life back into the corpse.

And the second beacon of hope will accelerate the task of resurrecting the corpse of privacy. On March 17th of this year, I was the lead-off witness in hearings of the House Banking and Currency Committee's hearings on a bill to control the practices of credit bureaus. In March and May of 1968 my Privacy Subcommittee had held four days of investigative hearings into the credit reporting industry and a bill had passed the Senate in November 1969 dealing with some of the unsavory practices we had uncovered. But the bill which Mrs. Leonor Sullivan's Consumer Affairs Subcommittee is considering at this moment is far stronger than that legislation.

Since credit bureaus are clearly posed on an almost total computerization and threaten to have a National Data Bank of credit information completely outside of Federal

control, a bill coming down hard on the side of privacy is essential. And I believe that such legislation will be presented to the President for his signature before this Congress adjourns.

In this case, I believe that the computer has stimulated the desire for privacy legislation. Almost before I had completed the National Data Bank hearings in 1966, an informed tide of opinion was saying that we had overlooked an area which was even more important than the compilation and centralization of Federal files.

These observers pointed to the dangers of a virtually unknown industry which had, as its sole reason for existence, the collection and dissemination of detailed dossiers of the financial, social, and moral life of Americans.

Accordingly, my Subcommittee initiated Congressional consideration of the credit industry and, while we had some success in triggering internal reforms, the conclusion of this two-year investigation will be prompt passage of a rigorous piece of privacy protection legislation.

Other possible bright spots which have come from my subcommittee's focus on the computer and the credit industry include bills I have introduced to bring responsible human beings out from behind the computers of large credit card companies and a new approach to the problems of junk mail. I have received encouraging reports from the House committees with jurisdiction over these bills and, hopefully, the proposals I have suggested will be subject to the clarification and inevitable improvement which is the result of formal hearings.

But I believe a comprehensive study and an effective attack on the entire range of threats posed by the new technology is long overdue. It is particularly vital to construct a coordinated and credible counterweight to the incredible sophistication of the new technology because of the vindictive thrust of many of the measures I have described earlier this afternoon.

Accordingly, I would like to conclude by reviewing the proposal I made to the House on November 19, 1969, to establish a select committee on technology, human values, and democratic institutions, and why I believe we need a new rule-making and enforcing commission for data processing systems.

A select committee of the Congress is vitally needed because the problems of the new technology cut across the jurisdictional boundaries of established committees. Privacy protection procedures have not had powerful advocates in the Congress and even those voices which are raised are often ignored, largely because congressional committees have a somewhat symbiotic relationship to the Federal agencies under their jurisdiction. If an efficient and economical proposal is made and if the short range results appear promising, the longer range and dimly perceived threats to basic American traditions can easily be overlooked.

I believe that a fully-staffed and fully-funded committee should be established which has no vested interest in the immediate success or failure of Federal agency plans. Its purpose would be to go beneath the seductively smooth executive approach and to determine what the ultimate impact will be on the rights of citizens. I have often described this role as isolating the toxic effects in the tonic of technology.

I am sure you will agree with me that many of the proposals I have pointed to this afternoon will seriously endanger the continuation of a society based upon respect for human values. But of equal importance, I believe a select committee could play a crucial role in emphasizing the dangers to those democratic institutions which have provided the framework for the amelioration of policy conflicts since our Nation began.

The growth of an unresponsive elite—an unelected elect—whose expertise is necessary to public policy is one particular source of concern to me.

The expert advice these men bring to debate is both undeniable and essential, but my point is that they may adversely affect the fragile cohesive nature of American life. Frequently, the proposals they advance bypass the checks and balances of democratic government and force public men—politicians, if you wish—into a vulnerable, exposed position. We in the legislative branch are becoming increasingly unable to influence meaningfully those Federal actions which affect each of our constituents.

The complicated nature of the new technology is creating a technocratic elite who feel that they alone possess the knowledge and wisdom necessary to direct the Nation. A select committee could assemble a technically sound body of fact to aid the people's Representatives and could be a strong advocate for human values in the frequently cloistered corridors of power.

A logical counterpart to the select committee on technology, human values, and democratic institutions would be the establishment of a Federal data-processing commission in the executive branch.

I would envision such a commission as writing similar rules and regulations for data processing and data communication that the Federal Communications Commission writes for speech-based systems.

Time does not permit me to describe all the computerized data banks and communications networks which are in existence or being created. Let me only mention the data bank which the Department of the Army had been conducting and which collected extensive data on the domestic political activities of civilians.

The lack of a specific body whose operating authority mandated the oversight of computer privacy allowed, to some extent, the army's activities to go unnoticed for approximately five years.

If those responsible for constructing this internal espionage network had known that they had to justify their actions to a Federal Data Processing Commission, which had the legal authority to inspect their system and write enforceable rules and regulations, then I believe this very threatening and chilling expansion of the Army's legitimate domestic mission would not have taken place.

While my privacy subcommittee has been able to turn the Army away from the computerized aspects of this program, and thus, hopefully, make impossible collection, retention, and dissemination of detailed dossiers, we simply do not have the resources or the jurisdiction to perform the same oversight on other, and possibly more dangerous, systems in the executive branch.

I am convinced that only an independent regulatory agency with a statutorily mandated mission could conduct the kind of day-to-day oversight which is demanded.

Within the rather limited scope of my Privacy Subcommittee of the Government Operations Committee, we have been able to put out some extremely dangerous fires. What a Federal Data Processing Commission would do is to operate as a fire department, ready and able to respond to the alarm 365 days a year.

Further, in conjunction with a select Committee on Technology, Human Values, and Democratic Institutions, it would teach fire prevention to a Nation facing thousands of conflagrations.

If we do not find sound and sophisticated ways to use the tools of the new technology, we run the grave risk of creating a sterile, stereotyped America in which the always resourceful and occasionally rebellious human spirit will be an anachronism.

And if we do not make sure that the techniques of modern science are used to expand

human values rather than inhibit them, we run the grave risk of creating the kind of cybernetic state in which totalitarianism is merely a program, instead of a pogrom.

For the threats which face America today are as serious and as divisive as those which spawned the Civil War. Just as our Nation could not have endured half-slave and half-free, so we cannot meet the problems of the 70's by blindly acquiescing in programs which will enslave half of our population. It may well be that our salvation does lie in the innovative use of the computer, not only in utilizing its legitimate role to assemble factual data, but also in discovering new procedures to exclude from ubiquitous information systems those data which can strangle creativity and spontaneity.

But we must act imaginatively and promptly and I would close this afternoon by appealing for your help in making the American dream a richly realized reality. Just as I cannot abdicate my responsibility as a lawmaker and I cannot turn away from my duty to protect the Constitution, so executives in Federal, State, and local agencies have the solemn obligation to make respect for the individual the prime purpose of the programs administered.

To do any less would be to condemn us both to the harsh judgment of history and, even more important, to the contempt of our own children.

For we found a free America and it has allowed us to use whatever talents and abilities we have to their fullest. We owe it to our children to pass similar, and hopefully, expanded opportunities on to them.

The choice is clear. Those of us who have benefited from freedom cannot acquiesce in its destruction.

In order to remain the land of the free, America must continue to be the home of the brave. Our duty is to move this Nation into a dawn of hope and confidence in our system, we must not lose our nerve by agreeing to repression and mistrust.

## PHILADELPHIA'S BOOMING PORT

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. EILBERG. Mr. Speaker, my home city, Philadelphia, has pursued a vigorous policy over recent years of attracting ever increasing volumes of business through our port on the Delaware River.

Much of the success can be credited to the vigorous and imaginative efforts of Philadelphia's city representative and director of commerce, S. Harry Galfand, who has served ably and well in the administration of Mayor James H. J. Tate.

Mr. Galfand, this year again, has been able to report that import tonnage arriving at the port of Philadelphia continues to increase. With the unanimous consent of my colleagues, I now place in the RECORD a press release from the office of the city representative of Philadelphia describing this achievement:

The year 1969 was one of the best years on record for the Ports of Philadelphia in terms of tonnage. City Representative and Director of Commerce S. Harry Galfand reported at the annual dinner of the Philadelphia Maritime Society, at the Bellevue Stratford Hotel.

Galfand said that according to U.S. Bureau of Census figures, a record 57.5 million tons of international cargo flowed through the

Port during 1969. This tops the previous high set in 1966, of 55.7 million tons, he pointed out.

"In addition the record activity also saw Philadelphia regain its position as the number one port in handling imports," Galfand continued. "Shipments from overseas totaled 54.5 million tons, an increase of 7.4 per cent over 1968."

He attributed the record established in 1969 to new Port facilities now available or being built, which are flexible to handle containers and all types of cargo; and a stepped-up trade promotion program overseas by the Delaware River Port Authority.

Some 1,000 members of the maritime community from this area attended the Maritime Society's dinner, at which Andrew Gibson, Maritime Administrator, U.S. Department of Commerce, was the principal speaker. Fred H. Anderson, president of the Philadelphia Maritime Society, presented the Society's Annual Award for outstanding service to the maritime community to Charles Cunningham, now retired after 40 years with the marine insurance firm of Johnson & Higgins.

#### INCREASE IN LARGE PAYMENTS IN 1969 OVER 1968 ON A PER PROGRAM BASIS

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. CONTE. Mr. Speaker, on April 16, 1970, I reported a sharp increase in the number of corporations and individuals receiving farm program subsidy checks of \$25,000 or more in recent years—CONGRESSIONAL RECORD, page 12118. At that time I noted that the number of corporations and individuals receiving checks of \$25,000 or more under the farm programs had increased 60 percent since 1966.

The Department of Agriculture has now released more information on 1969 farm program payments. It shows that the number receiving large subsidy checks has increased sharply under each of the major payment programs, cotton, feed grains, wheat, and sugar. Only in the case of wool payments did the number receiving large subsidy checks in 1969 decrease.

The following tabular data show the number receiving checks of more than \$10,000, \$20,000, and \$30,000 under each program in 1968 and 1969 and the percentage change in 1969 from 1968:

	1968	1969	Percentage change
Number producers receiving checks of \$10,000 or more:			
Cotton	15,097	17,008	+13
Feed grains	5,428	8,378	+54
Wheat	4,861	6,797	+40
Wool	963	897	-7
Sugar	883	1,039	+18
Number producers receiving checks of \$20,000 or more:			
Cotton	5,249	6,194	+18
Feed grains	877	1,482	+69
Wheat	741	1,123	+52
Wool	282	243	-14
Sugar	263	290	+10
Number producers receiving checks of \$30,000 or more:			
Cotton	2,517	3,075	+22
Feed grains	241	478	+98
Wheat	226	309	+37
Wool	120	90	-25
Sugar	132	140	+6

#### CONGRATULATIONS TO FRANKIE LAINE AND "I BELIEVE" DAYS

### HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. REES. Mr. Speaker, it is with a great deal of pleasure that I report to you that an entertainer with whose accomplishments we are all familiar, Mr. Frankie Laine, is this year marking his 25th year as a recording star.

I believe I can safely say that all of us have, over the years, experienced a great deal of pleasure from Mr. Laine's performances, whether we have attended them in person, seen them on television, or heard them on our radios. Ever since his recording of "That's My Desire," in 1946, he has consistently managed to please our ears with his distinctive interpretations of songs which, as a result of his recordings, have become worldwide favorites. Even Mr. Laine has lost track of how many recordings he has sold during the past 25 years, and it would be impossible to estimate how many millions, nay billions, of people throughout the civilized world have heard and enjoyed his recorded and live performances.

Just to mention a few of his hits, there were "That's My Desire," "That Lucky Old Sun," "Wild Goose," "Mule Train," "Jezebel," "Moonlight Gambler," "Jalousie," "Shine," "Lord, You Gave Me A Mountain," "I'll Take Care of Your Cares," "High Noon," "Granada," and of course, "I Believe." All in all, Frankie Laine has had 14 recordings which have each sold more than 1 million copies, and at least that many which have sold almost 1 million copies.

Actually this could not have happened to a nicer or more deserving person, because the Frankie Laine story is really the story of the American dream.

As some of you may know, he was born Frank Lo Vecchio 57 years ago in Chicago. As a boy he sang in his church choir, and in his teens—which was during the height of the great depression—he began to seek a show-business career. In order to earn money and survive in those days, Frankie entered marathon dance contests; it is a matter of history that he and his partner, Ruth Smith, set the alltime world's record for marathon dancing—an incredible 3,501 hours, or more than 145 days—in Atlantic City, N.J. in 1932.

The years since then have been good to Frankie Laine, and likewise, good to those of us who have so thoroughly enjoyed the songs he has given us.

Speaking of his songs, part of the measure of this man can be seen in connection with one of the songs he has selected to include in his newest album for the Amos Records Co., "Frankie Laine's Greatest Hits." The song is "I Believe." It happens to be a song whose message of hope, optimism, and faith is deeply felt by Frankie Laine. So strongly does he feel about it that he recently sat down and wrote to the Governors of the 50 States, as well as to many mayors of our cities. He petitioned them not as a member of an or-

ganized group, but as an individual, to proclaim Saturday, May 23, and Sunday, May 24, as "I Believe" days. When I asked him why he wanted the proclamation of 2 days instead of 1, he responded:

Because among the millions upon millions of people, young and old, who do believe in a Creator and in prayer, and who do believe there is strength and inspiration to be readily found every day in our lives, there are some who formally observe their beliefs on Saturdays, and there are some who formally observe their beliefs on Sundays.

I am very pleased to report that many of our Governors and mayors have proclaimed both May 23, and May 24, as "I Believe" days.

We Californians are very proud to count Frankie Laine as a citizen of our State. We are grateful to Chicago for having engendered him and sent him our way; but we are even more proud to have been able to share his great talent and his warm heart with the citizens of the entire world. I know I speak for all of us in congratulating him on having reached his 25th year as a recording star, and in wishing him at least another 25 years of success and happiness.

#### CAMBODIA

### HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. RHODES. Mr. Speaker, for the past 5 years the North Vietnamese have been using privileged sanctuaries in Cambodia as a headquarters and staging center for attacks upon American and allied forces in South Vietnam.

While the United States and South Vietnam respected the neutrality of Cambodia under former Chief of State Prince Sihanouk, the North Vietnamese transported troops and supplies through the neutral nations of Laos and Cambodia into these sanctuaries for later use against us and our allies. The Communist troops operating from these supply bases were fighting in South Vietnam just the same as though they had been based there.

President Nixon, witnessing the continuing buildup of these sanctuaries, concluded that they represented a serious threat to our Vietnamization efforts and to American fighting men in South Vietnam. Accordingly, the President decided in favor of a swift military operation designed to deny these sanctuaries to the enemy, to protect American combat troops, and to hasten the day when American fighting men can be withdrawn from South Vietnam. I support that decision.

In my opinion, the engagement of the Cambodian supply bases is a very logical part of the entire United States-South Vietnamese action and does not represent any departure from the Nixon doctrine. The President has assured the country that this is a temporary border operation and that he has no intention of sending American troops into Cambodia on a permanent basis.

We all want to see this war ended as soon as possible. I am confident that the action which the President has taken is a step closer toward a just peace in Vietnam.

#### CITIES CAN WORK

### HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. BOLLING. Mr. Speaker, cities can work, says Edward N. Costikyan in an enlightening and encouraging article in the April 4, 1970, issue of the Saturday Review. The author enumerates the causes of the crisis and, as a first step toward a cure, he recommends a government device to perform the functions once provided by the political machine to give the citizen direct access to his government.

Costikyan points out that the political machine was once the institutional backbone of city government during the period in which our cities were built. He emphasizes that he is not for the return of political machines but rather in finding alternative methods of performing the essential governmental and political functions that the machines once performed. This, and his other recommendations to make the cities enjoyable, livable places are worthy of serious consideration. The article follows:

#### CITIES CAN WORK

(By Edward N. Costikyan)

(NOTE.—Edward N. Costikyan, a New York attorney and former leader of the Democratic Committee of New York County is author of *Behind Closed Doors: Politics in the Public Interest*.)

"Why are the mayors all quitting?  
Why are the cities all broke?  
Why are the people all angry?  
Why are we dying of smoke?  
Why are the streets unprotected?  
Why are the schools in distress?  
Why is the trash uncollected?  
How did we make such a mess?"

—Anon.

This bit of verse sums up with commendable clarity and directness the problems of the cities as we enter a new decade. The answers are less clear, and the solutions still more obscure. But a misunderstanding of the causes of the trouble has led most urbanologists to a wholly ineffective and unlikely cure. For the nearly universal prescription would have the federal government provide massive financial assistance and take over as many city governmental functions as can possibly be palmed off upwards.

I doubt that the federal government will provide money in sufficient amounts to reconstruct our cities within the near future. Although some of a city's money problems, such as the costs of welfare, properly are financed in whole, instead of only in part, by the federal government, massive increases in federal aid would not solve a city's problems, but rather would be quickly ingested by the money-consuming monster that city government can become. Therefore, the causes of the crises within our cities demand a different type of federal help for two reasons: The predominant cause of city crises is the collapse and destruction of the political machine. The second cause is the shortage of a supply of cheap labor essential to the growth and life of any city.

The political machine was the institutional backbone of city government during the period in which our cities were built. It played a multitude of governmental roles. And it gave the average citizen the direct access to government services, which he cannot find today.

The base of the machine was the captain of the election district or precinct. He was in charge of a one- to two-block area for the party. And he was in charge year round. If a resident had a problem—a leaking ceiling, no water or heat, a son in trouble with the law, a shortage of cash or food—he turned to his neighbor, the captain. The captain, if he himself could not deal with the problem, took the constituent to "the leader" at the local clubhouse. There the problem was explained, and the leader undertook to solve it. If it was a leaky roof, the leader called someone he knew in the appropriate city department—often someone the leader had placed there—explained the problem, and got action.

This power of lateral invasion into the bureaucracy made efficient administration of a large city possible. It kept the bureaucracy hopping. But it also encouraged corruption. The average citizen, however, was willing to tolerate a degree of corruption as the price of his having ready access to government services. But the more affluent members of society (the backbone of every reform movement), seeing in this lateral access to government services (and not needing those services) potential and actual corruption, set out to destroy that access and the system that produced it.

By and large, these efforts have succeeded in their intent. But we will never know whether their success represents, on balance, progress or retrogression, for all the histories of the political machines and their workings have been written from a reform orientation. It should be observed, however, in the absence of fairer contemporaneous data, that the political machines built the cities, paved their streets, dug their sewers, and piped their water supply systems. Furthermore, under the administration of the machines, mass transit systems, school systems and massive developments of new housing were constructed.

It would be laughable to suggest that any of our present city administrations could accomplish one-tenth of what the political machines accomplished during the period from the Civil War to World War I.

The machine was also the source of manpower to staff the city government. Of course, the city jobs available to the machine were part of its lifeblood. But the reservoir of people with some training in city government was also a resource for the city—a resource whose absence today has contributed to the "mess" referred to in the verse. People untrained in government try to learn what it is all about while on the job, wandering in and out of office at a pace that staggers the minds of the citizenry. By and large, these untrained people find themselves unable to effectively control or direct the bureaucracy, and frequently they quit in frustration.

The reform answer to the machine as the personnel pool for government was the creation of a competing source of manpower: civil service. As long as civil service and the machine remained in competition for the staffing of the government, the administrative result was good. But with the collapse of the machine, civil service has monopolized the field, and the administrative results have been disastrous, for the bureaucracies have a double layer of protection that deprives any elected official of the power to get the bureaucrats to do their jobs. One layer is the impossibility of firing a civil servant. The other is the civil service unions, which have such power over the city—in the absence of alternative sources of manpower—that in the final analysis the bureaucracies are in a posi-

tion to dictate to elected officials and their appointees. The bureaucrats can specify what they will and will not do (such as inspect boilers during a cold wave), what they will wear, and where they will work. The elected official (or his appointee) is at their mercy.

And these bureaucracies of unionized civil servants are strangling the cities. In New York City, for example, the police force has been doubled in the past fifteen years, although the population figures have remained almost constant. Fewer, not more policemen are on the line. There are supposedly six policemen for every one- to two-block election district in Manhattan. Tell that to a New Yorker and he'll laugh at you. He hasn't seen one of those policemen on the beat for years—unless it's to protect Khrushchev or Castro or the President of the United States. And then the question is, "Where did they all come from?"

There are fewer than 3,000 policemen assigned to duty on New York City streets (in cars or on foot) at any one time. (Put aside whether those assigned are where they are supposed to be.) One night last year, according to former Mayor Robert Wagner, there was not a single policeman on duty on the streets of Brooklyn. And the cost of all this "protection" has been estimated to be about \$39 per citizen in New York City, as compared with about \$13 per capita in a city of 100,000 people. When Mayor John Lindsay tried to change an archaic state statute that stipulated police be assigned to only three equal shifts, the police union first fought him in the state legislature, and lost. Ultimately, however, the union won by simply refusing to go along, and the fourth shift, which increases the number of police on duty during high crime periods, is now "voluntary" and is paid overtime.

The same phenomena of high costs, large numbers of employees with few on the line, rigidity, and immunity from discipline by elected officials or their appointees are found in every city department.

The cost of all this leaps and leaps. In New York City, the cost of providing essential services goes up every year by about 15 per cent, while revenues rise by less than 5 per cent. The result is the annual budget gap, with which city dwellers are familiar, and which causes the cry for more federal money. New York City's budget, at \$3-billion in 1965, is more than double that five years later. This \$3-billion increase has not been absorbed by the cost of new services, but by the cost of existing programs. More federal aid will not solve the problem created by the capacity of the present bureaucracies to absorb more and more money for the same, or perhaps less, service.

The destruction of the political machine has left the unionized civil service bureaucracies with the same control over the life of the city that the machine once enjoyed and abused sufficiently to lead to the growth of civil service.

Finally, the destruction of the machine has left some governmental function without anyone to perform them. The city's election machinery, for example, was once operated by the political parties. The parties, rather than the city, not only trained the election inspectors but paid them (the city paid a pittance, and still does, but the parties no longer can transform this pittance into reasonable compensation). The parties saw that the polls were open when they should be, and that the voting machines worked. True, the parties sometimes abused their power. There were conflicts of interest in primary elections where one faction or another selected the inspectors. (In the first primary in which I was elected a district leader, my opponent selected the thirty-two Democratic inspectors who, with thirty-two Republican ones, operated our sixteen polling places. I won, nonetheless.)

But if the parties no longer are capable of performing this governmental function. And although some critics attribute breakdowns in the electoral machinery to the venality of the political machine, in fact, it is the result of incompetence.

The political consequences of the destruction of the machine are far more obvious than the governmental ones. The wave of upset victories in recent city primaries and elections all over the country is the obvious product of the death of the political party machines and party loyalty and party discipline.

The solution to all this is *not* the recreation of the political machines, an impossible task given the level of competence of their present leaders and personnel. Rather it is to stimulate alternative methods of performing the necessary governmental and political functions that the machines once performed.

The second major cause of the crisis of the cities has been the loss of a supply of cheap labor. This loss has not only escalated municipal government costs, but has posed the most serious threat to the capacity of the cities to survive.

Eliel Saarinen in his book *The City: Its Growth, Its Decay, Its Future* pointed out that the basic function of a city is to provide places for people to live and work. Indeed, without places to live, there can be no city.

The loss of a supply of cheap labor has eliminated the capacity of the city (here I mean not the city government, but the totality of its institutions) to provide the places for people to live. In New York City, residential construction has come to a halt—literally, not figuratively, for construction capital and labor can far more profitably be devoted to commercial construction, where rents of \$16 per year per square foot can be earned.

Unless some solution is found to this problem, the city is doomed to a slow death as its existing supply of residential housing decays and becomes uninhabitable, and the city's people are pushed out.

The second major problem created by the loss of a supply of cheap labor has already been noted—the 15 per cent increase in the costs of city government each year. Once city employment was attractive to ambitious young men as well as to security-seeking citizens. There was a surplus of cheap labor. Jobs were impermanent in a nonunionized volatile economy, and many offered little in the way of a future. Lower paying government jobs were attractive. They provided security and a step up the ladder. That is no longer true. To get people to work for it, the city must now compete with and attempt to match the private sector. As a result, the costs of city government have skyrocketed, and will continue to skyrocket sufficiently to absorb all that giant transfusion of federal aid to the cities that everyone calls for, and that is supposed to be on the way.

Again, the solution is not to re-create a supply of cheap labor by having a nice little recession (a solution the Nixon administration more and more appears to be pursuing). Rather the creation of alternative work forces, not drawn from the existing high cost labor supply, seems essential.

So much for the causes of the crisis. What are the cures?

On the governmental level, the first task is to create a device to perform the function once provided by the machine of giving the citizen direct lateral access to his government. The most popular proposal to accomplish this has been called decentralization. I prefer to call it reallocation of government functions. The proposal is that each government function will be assigned to the lowest and smallest governmental entity qualified to perform it. Under this approach, basic government services, such as police patrolling, street cleaning, and parking and housing enforcement, will be overseen by a local admin-

istrator in charge of a district of about 100,000 people. Other services, such as those dealing with air and water pollution, would be administered on a regional basis. In between, city or county governments would perform those functions they are best capable of.

The details of such a reorganization of city government are far too complex to deal with here. But essential to the proposal is the notion that the local administrator be elected by and be responsible to the voters whose streets he is supposed to keep clean and safe, that the existing civil service bureaucracies be eliminated, that their functions and personnel be reassigned to the appropriate level of government—local, city, county, or regional—and that the elected administrator of each level of government be given substantially greater power over those he supervises than city officials now have over unionized civil servants, who also possess a fair amount of political power.

Finally, the proposal envisages the creation of local district councils consisting of approximately eighty committeemen. These committeemen would each represent an election district (or precinct)—one to two city blocks (about 1,500 people). The committeemen would be part-time city employees elected by their neighbors. They would act much as the old captain did; if there were a problem about a leaky roof or a dirty street, the committeeman would be the person to see. He would have direct access to the local administrator, as his predecessor the captain had to the leader. Similar proposals have been made elsewhere. In Los Angeles, a similar recent proposal gives the committeeman the unwieldy but descriptive title of "neighborhoodman."

Since the committeeman would be an elected official, he would be far more sensitive to constituents' problems than any remote unionized civil servant downtown. And if the committeeman was *not* more sensitive, he could hardly survive the next election.

It is hoped that this reallocation of government functions will achieve a number of salutary effects:

Humanizing the presently impersonal government furnished by most cities to their citizenry;

Eliminating the bureaucratic rigidity and waste of manpower that have characterized increasingly centralized city government;

Placing responsibility for city government on identifiable individuals subject to popular control and, when appropriate, to removal from office by those they are supposed to be serving; and

Reducing the cost of government by eliminating the layers of administrators, which result, for example, in less than 10 per cent of the New York City Police Department's personnel (and analogous percentages in other departments) performing line duty.

Without such a reorganization of city government, I do not believe massive federal aid—if it ever comes—will solve the problems of the cities. And, although the cities need the money, I'd rather not wait for it. Instead, I would suggest that two other steps be taken by the federal government to help cities solve the basic problem of staying alive.

First: On the city governmental level, there is a tremendous need for short-term, vigorous, young manpower to deal with the emergencies that every city constantly faces from time to time. The city's existing manpower cannot meet or effectively deal with these emergencies.

Consider: If teachers make demands that a city cannot or should not accept, and they go on strike, what happens? The city capitulates, and up go the costs of government. If there is a cold wave and a rash of complaints about lack of heat, and building inspectors cannot keep up with the volume or refuse to try, what happens? People stay cold. If sanitationmen go on strike

and there is a health crisis, what happens? Unless the mayor can find a way to blame it on the governor, the city capitulates.

And what of the many areas in every city similar to those in New York City, such as Bedford-Stuyvesant in Brooklyn, Harlem in Manhattan, and Hunts Point in the Bronx, where local government has broken down and the city's total existing manpower, even if it were working at full strength, could not deal with a particular areas' problems unless it worked sixteen hours a day and disregarded the remainder of the city?

The answer to all these situations is a special emergency force, consisting of young men and women who would devote two to three years of their lives to serving their city just as they are now asked to serve their country. They could quickly be given sufficient knowledge of city government to spot housing violations and to file complaints. They could move into a problem area, take it over house by house, and clean it up. They could provide extra police protection in high crime areas; collect garbage, if that were necessary; patrol the streets, if that were necessary; arrest narcotics pushes (which would be necessary); and bring help and guidance to the oppressed city dwellers who live in degradation. They could collect the rents, and make the repairs the absent landlords refused to make. Some could first complete their educations and then bring medical and legal services to the people and places that need it. No picnic, it would be hard and sometimes dangerous work. What mayor would not rejoice at such an emergency force?

The possibilities are limitless. It is clear that a force such as this is necessary if the cities are ever going to undo the damage that time, bureaucracy, and lack of money and manpower have already done.

Federal sponsorship of such a program, including financial help and especially exemption from the draft, would do more to revitalize our cities than any big gobs of money we are likely to see from Washington.

The most rewarding dividend, however, would be a generation of graduates of the emergency force. Undoubtedly, some would stay in government. And all would have a working knowledge of the problems of government that would act as a bulwark against the electoral appeal of the demagogues we can confidently expect to proliferate as television increasingly becomes politics' principal medium of communications. Furthermore, it might supply some of the meaning to life that so many of our young people seem to be seeking.

Second: the housing problem. If city governments were to operate to perfection but their present failure to build and maintain residential housing were to continue, the cities would soon die, for private enterprise, using the money and manpower available at present, simply cannot meet the cities' housing needs.

When a similar condition existed during the 1930s in the electric industry in the South, the federal government found a solution. Through the Tennessee Valley Authority and the Rural Electrification Administration, the federal government did what private industry could not do. And, while TVA was a yardstick, it was more than that; it was a stimulus to industrial growth and expansion throughout the entire South.

The cities need a federal yardstick program to build housing at rational costs. If industry and labor cannot do the job—and they simply cannot, given today's costs—let the federal government do what it did in the South in the 1930s; unabashedly go into the business of doing what the private sector cannot do.

This move would raise many problems. Vested interests in some labor unions would protest, as would construction firms and

bankers. But basically all construction labor, building companies, and real estate bankers are at present devoting their efforts to commercial projects. They cannot build or finance housing at commercial construction costs, and they have not set up for themselves two scales of costs that would permit the production of expensive commercial buildings and less expensive housing. Accordingly, the cost of building housing is the same as the cost of building commercial structures, but the returns on commercial construction are many times higher. Small wonder that housing construction has stopped and private financing for housing has dried up, while new office buildings spring up one after another.

We need a federal yardstick operation with self-renewing federal money, and, if necessary, the creation of a new housing construction work force to build the millions of dwellings the cities will need in the coming years. The creation of such a housing work force might well go a long way toward solving the impasse between the black man and the existing construction unions. There is no stimulus like competition, or even the threat of it, to produce action where action is needed.

This kind of federal assistance would be far more effective than the pie-in-the-sky massive assistance most urbanologists call for. For as cities get larger and larger, their actions more and more seem to resemble those of the dinosaur—or what we imagine the dinosaur to have been in its declining years: large, clumsy, slow-moving, unable to deal with small enemies, too big to be viable, afflicted with hardening of the arteries. The extinction of the dinosaur ultimately resulted from its inability to function and to regenerate itself.

Cities are already in that condition. They are not performing their basic purpose of providing places for people to live, and because of this failure they are dying. Hungry dinosaurs would probably have been kept alive a little longer if there had been a beneficent federal government to provide food. But extinction would have remained the dinosaur's fate.

Our cities will survive and be governable only if those we elect have effective power over those who are supposed to do the work, only if those we elect are responsible and accountable to the people who elect them, and only if the federal government gives the kind of help that will make manpower available to do the work that survival requires.

#### CAMBODIA

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. UDALL. Mr. Speaker, the President of the United States made a decision last week to send American troops into Cambodia. While I do not lightly take issue with my President on a matter of national security, I cannot refrain from commenting on this grave development.

In my view, there are just two things wrong with the President's decision—what he did and the way he did it.

Much of the bitterness and divisiveness of President Johnson's last 2 years in office were the direct result of the creeping, almost stealthy way in which 16,000 advisers playing a minor role in Vietnam became a 540,000-man expeditionary force supported by B-52 raids

from Guam and Thailand and air strikes from a huge fleet offshore—all without any meaningful congressional debate and decision.

On assuming our Nation's highest office, President Nixon led us to believe he thought the Constitution and national unity required something more than this. After all, the Constitution states that Congress—not the President—shall have the power to declare war, to raise and support armies, and so forth. Until this past week President Nixon had promised repeatedly and clearly that there would be advance and full consultation with Congress before major military decisions were made. Yet Cambodia, a sovereign and neutral nation, has been invaded by the U.S. Armed Forces without the slightest attempt to obtain the kind of congressional action the Constitution requires.

Surely, if this serious escalation of the war were justified, then that case could have been made to the House and Senate and a proper resolution passed. On the other hand, if it cannot be justified—and I believe that is certainly the case—then defeat of the proposal would have saved us from a tragic blunder.

Had I been given the opportunity, I most certainly would have voted against this widening of an already senseless and unjustified war. I believe the President is chasing through the jungles in pursuit of the same old ghosts of military victory and improved bargaining position which eluded and frustrated Lyndon Johnson so many times.

As I listened to President Nixon's speech Thursday night, it seemed as though he was unaware that the last 5 years had ever happened, that our country had learned nothing from all this bloodshed, nothing about the nature of this treadmill war and our elusive adversaries. It seemed as though President Nixon did not know that all past escalations have been justified on grounds of "saving lives," shortening the war, bringing the enemy to the conference table, and achieving a "just peace."

All this pious talk about "winning the peace" cannot hide the ugly fact that we have widened, and I believe prolonged, the war. President Nixon may believe that we can go into Cambodia, clean out those "sanctuaries," and pull out 60 days later, but that assumes the other side provides no response. When in the history of warfare did that ever happen?

I wonder if the President really believes that destruction of these bases, plus bombing of North Vietnam, will bring serious negotiations at Paris when 3 years of the most devastating bombing of the North, 3 years of search-and-destroy missions, defoliation, and all the rest of our tactics have failed. In every past instance the enemy's bargaining position has only hardened. Yet, like a compulsive gambler whose strategy has lost repeatedly, President Nixon has now gone back to the gaming table to raise the stakes and throw in more lives and money and prestige on yet another toss of the dice.

I suppose the President has been convinced by the military—the same men who convinced President Johnson before

him—that this time the strategy will work, that this time we will get quick and decisive results. Unfortunately, invading another country is more than a matter of simple military strategy; it is matter of the gravest import to our constitutional processes, to the unity of this country without which no war can succeed, and to our Nation's moral position in the community of nations.

Mr. Speaker, I have delayed until today making a statement on this action of our Government to make certain that I did not speak in haste, without reflection about the consequences of my words. Having reflected, I am all the more convinced that it was wrong for the President to take this step, and I am determined to do all I can to see that it goes no further.

Five years ago I acquiesced in the escalation of the Vietnam war. I assumed the President knew what he was doing. I shall not make that mistake again. I oppose the invasion of Cambodia and the resumption of bombing of North Vietnam. And I urge that the President go no further with these moves before getting constitutional authority from the Congress.

Mr. Speaker, this action of our Government is likely to do more to destroy the fabric of our society than any other act of recent years. My mail today reflects the anger and frustration being felt by millions of Americans over this move. Two of the letters I received today carry such a powerful message that I want to share them with my colleagues.

If our country is to have a future, that future lies in the loyalty, the dreams and the aspirations of our young people. I have here a letter from a young enlisted man in the U.S. Army and another from a former officer, an Academy graduate, of the Air Force. They are moving statements of the dismay and shock felt by the young people of this country over the events of the past week. One of these men is still in the service of his country; the other has completed 4 years in the Air Force and is now a graduate student at the University of Arizona. To save them from any personal harassment for these expressions of opinion critical of official U.S. policy I am withholding their names. Without objection I will insert these letters in the Record at this point:

APRIL 30, 1970.

DEAR CONGRESSMAN UDALL: I am not writing for any personal attention. I am merely relaying my feelings as a constituent as I hope many more Arizonans are doing tonight so that you might get a fair measure of the public mood.

This evening our president announced that he was spreading the war. That he was ordering an offensive. I don't believe he has the right to do that. I believe that the army of the United States of which I am a member is the people's army and not the army of one man. How can he wage war without your consent? He can't appoint judges without consent but he can attack at will, he can send draftees who have been coerced into the service into a war of aggression that their own Congressmen are powerless to prevent?

This is Nixon's war. It is not my war, I don't think it's yours. Has the Congress gone soft? Johnson was a very strong figure and he commanded Viet Nam before our startled Congress could even decide whether it would be wise to try to stop him. But meek Nixon,

two-time loser in many respects, how can he too get away with it?

Hasn't the time come for more people than Senator Fulbright to impress the media, the world and the government with their courage? If you were to take any measure you saw fit to draw the President's attention to your feelings about this immoral, unconstitutional aggression I just want you to know that I support you.

I am embarrassed to be an American tonight. This is not a democracy tonight. I am not wearing a United States uniform I am wearing a pentagon uniform. Is leaving the country the only answer? Are you fellows powerless? I have hope and faith in you. I picture you right now up to all hours working out the best possible form of opposition to this madness. If you are taking an attitude of intellectual resignation then I am saddened and completely disillusioned.

Please be brave and I will back you. Please do the most you can to stop the pentagon and the government which is rapidly becoming my enemy. I will not wear the uniform of my own enemy.

Respectfully yours,

(Name withheld.)

FORT BRAGG, N.C.

TUCSON, ARIZ.

May 1, 1970.

HON. MORRIS K. UDALL,  
House Office Building,  
Washington, D.C.

DEAR MR. UDALL: We all heard Mr. Nixon last night. We all have seen what he is bringing about in Cambodia. When is the Congress going to stand up for its Constitutional prerogatives?

We thought that Mr. Johnson was on an ego-trip in Vietnam, and he was. He indulged himself and half a million men in the disgusting display of arrogance. Mr. Nixon has got it in his head—to an even greater extent than Johnson had—that he is not going to be defeated in Indo-China. The question on everyone's lips is, "When will the president be brought up short—made responsible for his disgraceful abuse of his powers and the American people?"

Also, in this morning's paper, we read of the Congress's acquiescence to the president's call for another round of strategic arms escalation. In addition, the atmosphere surrounding the Strategic Arms Limitation talks is one of "benign neglect"—if I may borrow an apt phrase. Mr. Nixon is in no hurry to discuss disarmament with the Russians. He is probably making plans for "surgical removal" of China's nuclear capability. But he won't bother to ask Congress about it, because it is part of his plan to withdraw from Vietnam with the least number of American casualties.

Well, I can't figure him out. I think he is terribly deluded about the length of the anti-war fuse in this country. I, for one, am ready to join the Resistance. The only way a madman can be stopped is if no one will cooperate with him. I am sad to say that other avenues, constitutional and legal, seem to have little effect. I will never condone or participate in violence, but active non-cooperation with the war effort seems to be a reasonable alternative to mindless acquiescence to unbridled arrogance and ruthless imperialism.

Are these words too strong for a graduate of one of the nation's service academies? Does the fact that I made myself endure four years of degradation and "Yes sir, no sir, no excuse sir" mean that I should remain silent when the commander-in-chief decides on a course of action? I separated myself from the Air Force last year after I had fulfilled my contract of four years. Now I have a larger responsibility: to defend the rights and liberties which seem to be expendable to some leaders of the nation.

What I have been trying to say is that American imperialism makes me ashamed of

my country. If I were facing the draft now, I would have to say "Hell no, I won't go." That is the only way an individual can have an effect on the war machine. My decisions were made for me for eight years—four years at the U.S. Air Force Academy and four years in the Air Force as a procurement officer in California. Now I must begin to make my own decisions. I regret that I cannot "get behind the president." He asked, last night, that I should support those brave men in South East Asia who were fighting to preserve our way of life. I leave it up to you . . . is our way of life worth preserving if it is bought at the expense of the rest of the world?

I know that the men in Viet Nam are brave. But they have also let themselves be put in a situation where they must kill other human beings. One of my best friends, Albin E. Lucki, was flying F-4's out of Thailand until last week when he was shot down. He didn't get out of his plane. He left a wife, Tish, and a young son, Albin Jr., who will never know his father. But he is only the fifth or sixth of my classmates from 17th Squadron at the Academy (Class of 1965) who has died in the war. There were eighteen of us from 17th on graduation day. This story is being repeated throughout the country. Maybe Jerry Rubin is right. Maybe this country is committing genocide. Not only against the Vietnamese, but against America's young men.

I've rambled too much. What I want to suggest is that it is time that the Congressional opposition to the war took its case to the American public on nation-wide television. You, Mr. Udall, along with other Democrats and Republicans who are tired of being intimidated by a rapacious administration, must demand equal time from the networks to take the opposition to the American people. The nation must know that its elected representatives have the guts to speak out against a president who has lost his sense of humanity and is about to lose a country.

(Name withheld.)

#### NEW YORK CONSTITUTIONAL AMENDMENT TO GUARANTEE A HEALTHFUL ENVIRONMENT

HON. LEONARD FARBSTAIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. FARBSTAIN. Mr. Speaker, an amendment to the constitution of the State of New York to establish the constitutional right to a healthful environment and prohibit the contamination, depletion, or destruction of that environment has been introduced in the State assembly. On May 2, I submitted testimony in favor of this amendment to a public hearing. I insert the text of that testimony at this point in the RECORD.

The text of the testimony follows:

REMARKS OF HON. LEONARD FARBSTAIN

Mr. Chairman, it gives me great pleasure to raise my voice in support of the proposed amendment to the Constitution of the State of New York, which would establish the constitutional right to a healthful environment and prohibit the contamination, depletion or destruction of that environment. At long last, there is a public awareness of the problems of pollution. But this is only the first step. We need a genuine commitment to do something about the environment. This proposed constitutional amendment is a meaningful step forward on the path to fulfilling the substantive action needed to combat the por-

tending environmental dangers that confront us.

New York State has always taken the lead with regard to the enactment of forward-looking legislation. Although other States may be considering constitutional amendments dealing with the environment, e.g., in Massachusetts (see 116 Cong. Rec., March 20, 1970, p. 8420), they are not as far-reaching as this proposal. In addition, it seems to me that the need for legislation comes as a result of the recent pronouncement by the New York Court of Appeals in *Boomer v. The Atlantic Cement Company, Inc.*, that "the judicial establishment is neither equipped in the limited nature of any judgment it can pronounce nor prepared to lay down and implement an effective policy for the elimination of air pollution." It declares that every person has the inalienable right to an environment which provides for a healthful life, which none may pollute. There is certainly contained therein sufficient policy and ammunition for the courts to enforce and uphold. The current constitutional provision which went into effect on January 1 (Article XIV), although cognizant of the need to preserve and protect the State's natural resources for the use and enjoyment of the people, to me just does not go far enough. Here we have an explicit right of the people, enforceable in the courts. Here also is what I shall call an "anti-right", namely that there is no right to pollute, which right so many have assumed.

Of course, the burden should not fall entirely on our States for preserving our environment. Much of what must be done in the areas of air and water pollution control and natural resource protection must come from Washington; and I for one have been attempting to accelerate action in this direction.

Preservation of the environment and the rights of the people in this matter which touches all of our lives so closely, has always been one of my major concerns. Some of my activity in the respective areas bears witness to this. In regard to air pollution, earlier bills I introduced require health warnings on all advertising of leaded gasoline (H.R. 13281), which would eliminate the depletion allowance for all oil companies that continue to sell or manufacture leaded gasoline (H.R. 13321), and which would ban the sale of the internal combustion engine unless new stringent emissions standards could be met (H.R. 13225). On December 8, 1969, twenty other Members of Congress joined me in sponsoring ad hoc hearings in New York at which Ralph Nader, the vice presidents of General Motors and Ford, and experts on health and pollution-free engines testified on automotive air pollution. Based on these hearings, a report was released on February 17, 1970 that concluded that automotive air pollution can be eliminated by the mid-1970's and that a radical reduction in automotive air pollution can be achieved almost immediately. These recommendations were introduced in legislative form by me and co-sponsored by 27 of my colleagues during Earth Week. Likewise, I co-sponsored a bill (H.R. 14867) which would, among other things, amend the Clean Air Act to provide for the adoption of national standards governing emissions from stationary sources, to create a Federal duty not to pollute the atmosphere, and to provide additional public and private remedies for the abatement of air pollution.

As to water pollution, I am the House sponsor of a bill (H.R. 15025), which would fine water polluters for the cost of cleaning up their pollution and have participated in the coalition which has been seeking full funding for water treatment plants. With specific reference to the water pollution problem in New York, I have co-sponsored a bill (H.R. 15828) that would amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to revoke



any license or permit which has been issued authorizing the discharge of any sewage, sludge, spoil, or other waste into the waters of the New York River, or into any waters within a twenty-five mile radius of the Ambrose Lighthouse.

Some other short examples will suffice to point out my activity as to our need to preserve our environment and protect individual rights therein. Thus, I co-sponsored a bill (H.R. 15289) which would authorize the U.S. Commission on Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance. I offered an amendment to a bill dealing with highways on any Federal-aid system which would require the planner to choose the highway design which most completely minimizes air and noise pollution. If none could be found, the highway could not be built.

One of my most ardent endeavors is to see that the public has complete access to evidence that the Government obtains in antitrust suits. I felt that the public was short-changed when the antitrust action brought against the Automobile Manufacturers Association for a conspiracy in violation of the antitrust laws by automobile manufacturers to prevent research development and installation of anti-pollution devices was settled by consent decree. In that suit I led a group of 26 Members of the House of Representatives in intervening against a consent decree. Thus, there was no public trial at which this evidence could be presented for all of us to see and hear. I have introduced a bill (H.R. 16551) which would put a new weapon into the hands of consumers fighting corporate abuses such as this through court action and which would permit both local governments and private citizens access to evidence obtained by the Federal Government in antitrust suits that end in consent decrees.

It is obvious by my activity and concern that I feel every effort made in the direction of making our environment healthier and more aesthetically appealing is necessary and vitally important. With this in mind, I lend full endorsement to this proposed constitutional amendment. It deserves support by all of us.

#### CONGRATULATIONS TO THE BRONX HOME NEWS ON ITS THIRD ANNIVERSARY

#### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. BIAGGI. Mr. Speaker, I would like to take this opportunity to commend and congratulate the publisher, managers, editors, and staff of a courageous and dedicated weekly newspaper serving the people of the borough of the Bronx in New York City.

The Bronx Home News, a fast-growing tabloid, celebrates a very special and significant occasion this coming Friday, May 8. Special because it marks the third year of responsible news reporting and significant because it indicates a will and an ability to surmount the problems of a growing newspaper. The Bronx Home News, no doubt, is well on its way to a long period of effective service to its public.

Mr. Speaker, the third anniversary of the Bronx Home News should be commemorated for still another reason. In this era of overriding national issues

and international crises, local news reporting has come to be a highly specialized art, particularly in our large cities where the emphasis tends to be on world affairs. Yet, in our metropolitan areas, local communities are, in many respects, microcosms of the larger world in which they exist. The local social, economic, and political issues are as forceful in their impact on the community as are the wider issues of the Nation and the world.

Thus, a well-managed and responsible newspaper that dedicates itself to the affairs of its immediate community takes on an important role in the business of everyday living.

The Bronx Home News has exemplified the nature of this role. It has, by its dedication to sound journalistic and management principles, survived 3 years of "growing pains" and now stands firmly implanted in the borough of the Bronx as a full-fledged member of the communications industry and respected servant of its readers.

I therefore pay a special tribute on the occasion of the third anniversary of the Bronx Home News to the men and women who have enabled it to achieve this milestone by practicing the essence of their motto, "Somewhere a Stand Must Be Made."

#### NO ROOM AT TOP SEEN FOR ATHEISTS

#### HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. NICHOLS. Mr. Speaker, President Nixon recently appointed Adm. Thomas Moorer to be Chief of Staff. Certainly, the President could not have made a better appointment.

My high opinion of Admiral Moorer was further enhanced by an article which appeared in the Washington Post last week. This article concerned Admiral Moorer's testimony in a U.S. district court case here in Washington. In this case, a number of midshipmen and cadets of our military academies are testing the constitutionality of compulsory chapel attendance at the academies.

In his testimony, Admiral Moorer said that he does not believe an atheist could be as great a military leader as one who is not an atheist. Those of us who have served in the military and particularly in combat in wartime, know how important a belief in God is. I would certainly hate to think that we are training a group of young men to be this country's future military leaders who do not have religious beliefs.

I would like to insert this article about Admiral Moorer's testimony at this point:

#### NO ROOM AT TOP SEEN FOR ATHEISTS

(By Peter Oshos)

Adm. Thomas H. Moorer, a 41-year Navy veteran and chairman-designate of the Joint Chiefs of Staff, said yesterday that "an atheist could not be as great a military leader as one who is not an atheist."

Moorer's remarks came during his day-long testimony at U.S. District Court here in

support of the policy of compulsory chapel attendance at West Point, Annapolis and the Air Force Academy.

Lacing his testimony with paeans to the military-instilled virtues of loyalty, integrity and leadership, Moorer also declared: "I don't think you will find an atheist who has reached the peak in the Armed Forces."

In the name of nine midshipmen and cadets, the American Civil Liberties Union is pressing a suit challenging the compulsory chapel requirement as a violation of the Constitution's ban on state establishment of religion.

Moorer, a 1933 graduate of the U.S. Naval Academy, testified that the purpose of Sunday services for Catholic, Protestant and Jewish academy students is to "enhance their leadership and their command ability."

The chapel, said the admiral, "puts the men in a position where they can get the feel of the effect of religion on other individuals." He said a course in comparative religion would only be "artificial."

Moorer said academy graduates are expected to devote their lives to the military, unlike men who become officers through the Reserve Officers Training Corps, and who are not compelled to attend chapel while at college.

"ROTC officers would be much better officers," Moorer commented, "if they had been required to go to chapel."

The admiral then added, hastily, that most ROTC men are "religiously motivated" and some have been great leaders.

The admiral was the government's only witness during the second day of testimony before Judge Howard F. Corcoran.

On Monday, Roger T. Kelley, assistant secretary of defense, expressed sentiments paralleling Moorer's.

Both witnesses said repeatedly that they spoke as policy officials of the Department of Defense—an assertion Moorer restated after stating his views on atheists as military men.

On Monday, Assistant U.S. Attorney Joseph Hannon won ready agreement from Kelley that "there are no atheists in foxholes."

"The combat environment," Kelley commented, "shows a man his dependence on a spiritual being."

The ACLU presented only one witness yesterday, the Rev. D. Ray Appelquist, executive secretary of the General Commission on Chaplains, the agency that oversees most armed forces chaplains.

Mr. Appelquist said that as long ago as 1964, his commission had adopted a position against required chapel.

Warren Kaplan, the ACLU lawyer, said the Council of Churches would express the same view in testimony today.

Moorer, 58, a heavily decorated pilot, was named to be chairman of the Joint Chiefs, the nation's highest military post, on April 14. He is the first Navy man to serve in the post since 1957.

#### FEDERAL MEAT INSPECTION

#### HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. O'HARA. Mr. Speaker, I have today introduced legislation to permit the several States to apply to meat sold within their boundaries, standards more stringent than those presently applied under the Federal Meat Inspection Act. This legislation is of immediate interest to the State of Michigan, which has legislation setting more detailed standards

than those set under the Federal act, but it would apply to any other State which wished to utilize its powers to provide consumers with greater protection than they are afforded under present Federal regulation.

Mr. Speaker, it is fair to say that I have not often found myself on the "States rights" side of arguments over regulation. Usually, the "States rights" argument is most fervently advanced by those who are quite certain that the States will not act, and, secure in that knowledge, seek to prevent the Federal Government from acting either. I do not support the "States rights" argument in such a context because I do not believe that the concept of federalism was ever designed primarily as a cloak for inaction. In most parts of our country, the consumer has not found in his State legislature a pillar of strength on his side in his struggle against those who would sell him shoddy goods, on high-cost credit, and with low-value guarantees.

But occasionally the consumer can find a State legislature that is on his side, and where that happens, Mr. Speaker, I think such a legislature should be given free rein to protect our fellow citizens.

The State of Michigan some years ago enacted and is enforcing legislation known as the Comminuted Meat Law which sets stringent and precise standards on the sale of various prepared meats within the State precise and more stringent than those set by the U.S. Department of Agriculture. Such, at least, is the contention of Armour & Co., Wilson & Co., and George A. Hormel & Co., meat packing firms which do a thriving national business, and which are seeking to bring comminuted meats into Michigan which do not come up to the standards set under the Michigan law.

The Michigan standards are significantly tougher than those hitherto promulgated by the U.S. Department of Agriculture.

Under Federal regulations, Mr. Speaker, sausage can contain meat from the tongue, the diaphragm, the heart, the esophagus, lips, snouts, ears, stomachs, melts, eyes, spleens, glands, lungs, bladders, paunches, udders, and other rather unappetizing parts of the animal. Under the Michigan law none of the above are permitted.

The out-of-State packing firms contend that by enactment of the most recent Federal law, the United States has preempted the field from the States, and that compliance with the allegedly less stringent Federal requirements is sufficient to allow them to sell their products in Michigan, the Michigan comminuted meat law to the contrary notwithstanding. Armour, Wilson, and Hormel have brought suit in the U.S. District Court for the Western District of Michigan, seeking relief from the provisions of the Michigan law.

It is not my intention, Mr. Speaker, to seek to render some kind of gratuitous judgment in this case or on this point of law. The State of Michigan's able attorney general has presented the court with very compelling arguments against the proposition of Federal preemption.

Nonetheless, and regardless of the outcome of the pending suit, I believe it

would give meat consumers and State authorities a reassurance they badly need, and would clear up any remaining confusion as to the intent of the Congress if the Congress were to settle the problem in the future by enactment of the legislation I have today submitted.

My bill of today would make a very simple amendment to one sentence of the Federal Meat Inspection Act which now prohibits States from making regulations conflicting with that act, by specifically authorizing the promulgation of such State regulations where they are more stringent than the Federal regulations.

The intent of the Federal legislation seems plain enough to me, Mr. Speaker. It seems obvious that we were seeking in section 408 of the Federal law to prevent States from undercutting the Federal program, either by setting weaker standards or by setting standards which could not in any way be reconciled with the Federal standards. But Michigan's Comminuted Meat Act does nothing of the sort. It merely sets standards tougher than the Federal standards. Meat which complies with the Michigan law will certainly comply with USDA's standards. If the people of Michigan want their meat to be more free of meat byproducts and other extraneous matter than the U.S. Department of Agriculture feels is necessary on a national basis, then that, it seems to me, is the business of the people of Michigan, and they should be protected in their efforts to safeguard their dinner table.

As I said at the outset, Mr. Speaker, this may be a "States rights" issue. But if it is so, it is raised in the name of a State that is willing to act to protect its own citizens against exploitation by interests. I would not be standing here arguing for Michigan's right to prevent its people from being protected. But I am proud to defend Michigan's power to serve the public interest.

Mr. Speaker, I include the text of the Michigan law, the text of section 408 of the Federal act, the text of my bill, and the texts of the briefs filed in the district court by the packers and by the State of Michigan at this point in the RECORD:

#### COMMINGUTED MEAT LAW

[P.A. 1952, No. 228, Eff. Sept. 18]

An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, sale, the offering for sale or exposing for sale or having in possession with intent to sell, sausage, meat loaf, hamburger, chili con carne, liver sausage, head cheese, sulze, blood sausage, New York (New England) (pressed luncheon), and tongue sausage, that is adulterated or deleterious or not in compliance with this act; defining the mentioned products and other terms used; providing for licensing; regulating labeling advertising; prescribing penalties for violations of this act; and repealing certain acts and parts of acts.

*The People of the State of Michigan enact:* 289.581. Comminuted meat laws; definitions

Sec. 1. For the purpose of this act, the following definition of terms used therein shall apply:

(a) Cattle means bovine bulls, cows, steers and calves only.

(b) Beef is meat derived from cattle 1 year of age or older.

(c) Veal is meat derived from a calf not more than 1 year of age slaughtered in compliance with Michigan laws.

(d) Mutton is meat derived from sheep 1 year of age or older.

(e) Lamb is meat derived from sheep less than 1 year of age.

(f) Pork is meat derived from swine, excluding boars and from stags slaughtered in compliance with Michigan laws.

(g) Carcass is the commercially prepared or dressed body of any cattle, sheep or swine.

(h) Meat is the properly dressed, clean, sound flesh derived from cattle, swine or sheep sufficiently mature and in good health at the time of slaughter.

(i) Skeletal meat is any clean edible part of striated muscle including head meat and cheek meat.

(j) Fresh meat is meat which has undergone no substantial change in character since the time of slaughter.

(k) Comminuted meat is meat that has been subjected to a process whereby it has been reduced to minute particles.

(l) Tripe is the properly cleaned, scaled and cooked, stomach obtained from the slaughter of healthy cattle, swine or sheep.

(m) Pork sausage is sausage composed of fresh meat and fresh fat derived solely from swine.

(n) Breakfast sausage shall be composed of fresh meat and fresh fat derived from cattle, swine or sheep or a mixture of such meats.

(o) The word "person" shall include 1 or more natural persons, copartnerships, associations or corporations. P.A.1952, No. 228, § 1, Eff. Sept. 18.

#### HISTORICAL NOTE

##### Prior Laws:

P.A.1933, No. 259, §§ 1-12.

P.A.1935, No. 124.

P.A.1937, No. 266.

P.A.1939, No. 338.

P.A.1945, No. 195.

C.L.1948, §§ 289.231-289.242.

P.A.1949, No. 135.

#### CONSTITUTIONAL PROVISIONS

Art. 4, § 51 provides: "The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health."

#### CROSS REFERENCES

Adulteration of food, see § 750.17.

Food products, legal standards of purity, see § 289.111.

Fraud and deception, see §§ 289.81-289.100.

Fraudulent adulterating of food and drink, see § 750.20.

#### LAW REVIEW COMMENTARIES

Due process and state regulation of food production and distribution. 35 Mich. L. Rev. 982 (1937).

#### LIBRARY REFERENCES

Food—5.

C.J.S. Food § 15.

M.L.P. Food §§ 3, 7.

289.582 Same; definitions

Sec. 2. For the purpose of this act the products within its purview are defined as follows:

(a) Grade 1 sausage, moisture, protein, bacterial starters. Grade 1 sausage shall consist only of skeletal fresh meat prepared from the animal carcass of cattle, swine or sheep or a mixture of such meats, or the striated muscle of chicken or turkey, either fresh, cured, salted, pickled or smoked, with or without added salt or spice, sodium or potassium nitrate, sodium or potassium nitrite, ascorbic acid, or the salts thereof, and with or without the addition of water or ice, with or without the addition of edible animal fat from the animals specified, nonfat dry milk solids or dry whole milk, eggs or egg prod-

ucts, chives, tomatoes, parsley, peppers, onions, garlic, celery, seasoning, flavoring, honey, sirup, sugar, pure refined dextrose or subsequent cooking or smoking.

(1) It may contain not to exceed 4 pounds non-fat dry milk solids or dry whole milk per 100 pounds of sausage.

The total percentage of moisture in the finished product shall not exceed 65%. The total percentage of protein shall not be less than 12%. The protein content requirement shall not apply to pork sausage, breakfast sausage, or roasted sausage but the finished product shall contain not more than 50% of fat by chemical analysis, the equivalent of 45% of trimmable fat, and shall not contain added water or ice, that is water or moisture of greater content than found normally in the meat itself.

(2) It shall not contain any cereal, vegetable, flour, vegetable product, except those vegetable products specifically provided for, soya products, coal tar color, artificial color, vegetable coloring, stabilizer, gum, thickeners, excess added water or ice, boric acid or borates, sulphites, sulphur dioxide, sulphurous acid or any other harmful preservative. It shall not contain slaughter house by-products, heart, tongue, liver cracklings or crackling meal, tripe, lungs, melts, eyes, stomachs, weasand meats, udder, lips, ears or snouts. No other parts of the animal or any other substance excepting as above specified shall be permitted in sausage.

(3) Harmless bacterial starters of the acidophilus type may be used in the preparation of such kinds of sausage as thuringer, lebanon bologna, cervelat, salami and pork roll in an amount not to exceed 1/2 of 1%. When used, the harmless bacterial starter shall be included in the list of ingredients in the order of its predominance.

(b) Sausages. The following products are considered to be sausage, whether processed or inserted in either natural or artificial casings or other containers: Weiners, bologna, ring bologna, knackwurst, roasted sausage, breakfast sausage, pork sausage, chicken sausage, turkey sausage, leona, beer salami, cooked salami, polish sausage, minced luncheon, all varieties of dry or semi-dry sausage, and other products prepared in sausage form and excluding loaves, liver products, head cheese, sulze, blood sausage, potato sausage, bockwurst, kishka, tongue sausage and New York (New England) (pressed luncheon).

(c) Hamburger, ground beef, fresh beef. Fresh beef that has been comminuted, chopped, diced or ground shall be identified as either hamburger or ground beef and shall meet the following standards. Hamburger shall consist of comminuted, chopped, diced, or ground fresh beef with or without the addition of beef fat as such, and shall not contain more than 30% of fat. Ground beef shall meet the same requirements as hamburger except that it shall not contain more than 20% fat. Monosodium glutamate may be added if declared. It shall not contain heart, liver, tongue, tripe, stomach, cracklings or crackling meal, lungs, melts, eyes, weasand meats, head meat, cheek meat, udder, lips, ears, snouts, packing house by-products or added water or ice, that is, water or moisture of greater content than found normally in the meat itself. It shall not contain any cereal, vegetable flour, vegetable product, bread or bread crumbs, dry milk, soya products, coal tar color, artificial color, vegetable coloring, stabilizer, gum, thickeners, cracker, roll, cereal by-product, starch, chemical preservative, boric acid or borates, sulphites, sulphur dioxide or sulphurous acid. No other parts of the animal or any other substance excepting as above specified shall be permitted in hamburger or ground beef.

(d) Chili con carne. Chili con carne is a product that shall contain not less than 40% of meat computed on the weight of the fresh meat from cattle, swine or sheep. Head meat, cheek meat and heart meat, exclusive of the

heart cap, may also be used. The mixture may contain cereal or non-fat dry milk solids and seasoning. It shall not contain liver, tongue, cracklings or crackling meal, lungs, melts, spinal cords, eyes, stomach, udders, lips, ears or snouts. It shall not contain gum, thickeners, stabilizer, coal tar color, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphites, sulphur dioxide or sulphurous acid. No other parts of the animal shall be permitted in chili con carne.

(e) Meat loaf. Meat loaf is a product, processed in the form of a loaf, consisting of a mixture of meat from cattle, swine or sheep or mixture of such meats that are not necessarily skeletal but shall be wholesome and edible. It may also contain salt, seasoning, sodium or potassium nitrite, ascorbic acid, or the salts thereof, sodium or potassium nitrate, cereal, vegetable, non-fat dry milk solids, soya flour, eggs or egg products, macaroni, cheese, condiments, nuts, fruits or gelatin. It shall not contain gum, thickener, stabilizer, coal tar color, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphur dioxide, sulphites or sulphurous acid. It shall not contain cracklings or crackling meal, lungs, melts, eyes, lips, udders, ears or spinal cords. No other parts of the animal or any other substance excepting as above specified shall be permitted in meat loaf.

(f) Liver sausage. Liver sausage is the product, either cooked or smoked prepared from sound, edible liver with or without the addition of edible fat, meat, tripe, brains, pork skins, pork and beef tongues, cereal, soya flour, non-fat dry milk solids, nuts, egg, or egg products, pimentos, salt, sugar, dextrose, ascorbic acid, or the salts thereof, honey, spice, flavorings, seasonings and with or without sodium or potassium nitrate or sodium or potassium nitrite. It shall not contain liver or meat from animals other than cattle, swine or sheep. It shall not contain gum, thickener, stabilizer, coal tar color, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphites, sulphur dioxide, sulphurous acid, crackling meal, lungs, melts, eyes, lips, udders, ears or spinal cords. No other parts of the animal or any other substance excepting as above specified shall be permitted in liver sausage.

(g) Head cheese and sulze. Head cheese and sulze are the products of which the main constituents are meat or snouts, ears or tongues obtained from swine or cattle or sheep and with addition of gelatin or salt, vinegar, sugar, spice and sodium or potassium nitrate, ascorbic acid, or the salts thereof, and sodium or potassium nitrite. They shall not contain more than 40% of gelatin by weight of the finished product. They shall not contain liver, cracklings or crackling meal, melts, spinal cords, eyes, stomach, udders or lungs. They shall not contain gum thickener, stabilizer, coal tar color, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphite, sulphur dioxide or sulphurous acid. No other parts of the animal or any other substance excepting as above specified shall be permitted in head cheese or sulze.

(h) Blood sausage, tongue sausage. Blood sausage and tongue sausage are products in sausage form consisting of meat or blood and other edible parts obtained from the slaughter of cattle, swine or sheep cooked with seasoning and flavoring material, with or without the addition of non-fat dry milk solids or cereal. They shall not contain gum, thickener, stabilizer, coal tar, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphites, sulphur dioxide or sulphurous acid. They shall not contain cracklings or crackling meal, lungs, melts, spinal cords, eyes, udders, lips or any other substance not above specified. As amended P.A.1952, No. 228, § 2, Eff. Sept. 18; P.A.1954, No. 104, § 1, Eff. Aug. 13; P.A. 1955, No. 183, § 1, Eff. Oct. 14; P.A.1957, No. 315,

§ 1, Eff. Sept. 27; P.A.1958, No. 119, § 1, Eff. Sept. 13; P.A.1959, No. 159, § 1, Eff. March 19, 1960; P.A.1960, No. 152, § 1, Eff. Aug. 17; P.A. 1962, No. 184, § 1, Eff. March 28, 1963.

## LIBRARY REFERENCES

M.L.P. Food § 3.

## NOTES OF DECISIONS

1. In general: In determining whether sausage prepared by the mixture of spices, cereals, and water with pork meat was properly described as sausage, within P.A.1895, No. 193, as amended, the term "sausage" should be construed in its ordinary sense to mean an article of food composed of meat, salt, spices, without the addition of cereals, in accordance with the generally accepted use of the term, and not in accordance with the custom of manufacturers and dealers. *Armour & Co. v. Bird* (1909) 123 N.W. 580, 159 Mich. 1, 25 L.R.A., N.S., 616.

289.583 Sausage; grading

Sec. 3. No product shall be sold as sausage, except liver sausage, potato sausage, tongue sausage, blood sausage, bockwurst, kishka and New York (New England) (pressed luncheon), which is not graded as above and which does not meet the specifications for grade I sausage. P.A.1952, No. 228, § 3, Eff. Sept. 18.

289.584 Markings on packages and pieces; all meat or all beef labels

Sec. 4. The name of any product manufactured or sold under the provisions of this act, together with the name and address of the manufacturer, and also in the case of sausage, the term "Grade 1", shall be plainly marked or tagged on each package and true container as delivered to the retailer. Sausage in casings of the ordinary "ring" variety or larger shall be marked or tagged at least once to every piece, and sausage of the smaller varieties shall bear 1 or more marks or 1 or more tags to each pound, as hereinabove provided. Sausage labeled or advertised as all meat or all beef shall not contain any non-fat dry milk solids or dry whole milk.

Address of manufacturer; Michigan registration number; U.S. department of agriculture number. It shall be sufficient to give the address of the manufacturer's main or executive office if the package or true container of the product as delivered to the retailer is plainly marked or tagged with a Michigan registration number assigned by the department of agriculture or the United States department of agriculture establishment number of the plant at which the product was manufactured. P.A.1952, No. 228, § 4, Eff. Sept. 18, as amended P.A.1962, No. 184, § 1, Eff. March 28, 1963; P.A.1963, No. 123, § 1, Imd. Eff. May 10.

## CROSS REFERENCES

Adulterating and misbranding, see § 750.16 et seq.

Department of agriculture, see § 285.1.

Food and drug commissioner, see §§ 289.2-289.61.

Fraud and deception, see §§ 289.81-289.100.

"289.585 Colored artificial casings or containers

Sec. 5. All products manufactured under terms of this act may be sold in colored artificial casings or container: Provided, That no such products shall be sold in colored natural casings. P.A. 1952, No. 228, § 5, Eff. Sept. 18.

## CROSS REFERENCES

Container, notice of adulteration, see § 750.15.

Fraud and deception, see §§ 289.81-289.100. 289.586 Adulteration

Sec. 6. Any product within the purview of this act shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to health or if it contains any diseased, contaminated, filthy or decomposed substance, or is manufactured in whole or

in part, from a diseased, contaminated, filthy or decomposed substance, or if it is the product of an animal which has died otherwise than by slaughter, and any person who manufactures, sells, offers for sale, exposes for sale, or has in his possession with intent to sell such adulterated product, shall be guilty of a misdemeanor and punished therefor. P.A. 1952, No. 228, § 6, Eff. Sept. 18.

## HISTORICAL NOTE

## Prior Laws:

P.A. 1913, No. 151, §§ 1-4.  
C.L. 1915, §§ 6509-6512.  
P.A. 1927, No. 91.  
C.L. 1929, §§ 5464-5467.  
P.A. 1931, No. 328, § 26.

## CROSS REFERENCES

Adulteration of food, see § 750.17.  
Container, notice of adulteration placed on, see § 750.15.  
Food products, legal standard of purity, see § 289.111.  
Fraud and deception, see §§ 289.81-289.100.  
Fraudulent adulterating of food, see § 750.20.  
Misdemeanor, see §§ 750.8, 750.9.

## LIBRARY REFERENCES

Food—5.  
C.J.S. Food § 15.  
289.587 Manufacture or sale in violation of standards

Sec. 7. Sausage shall be deemed in violation of the standards of this act if it contains excessive non-fat dry milk solids or dry whole milk, moisture and/or fat. Sausage, loaf, hamburger and chili con carne, liver-sausage, head cheese, suzle, blood sausage and tongue sausage shall be deemed in violation of the standards of this act if it contains any substance or product either specifically prohibited or not specifically provided for in its class according to the definitions set forth in section 2 of this act,<sup>1</sup> and any person who manufactures, sells, offers for sale, exposes for sale or has in his possession with intent to sell any such product in violation of the standards herein set forth or any such product that is not properly branded or labeled within the meaning of this act, shall be guilty of a misdemeanor and punished therefor. P.A. 1952, No. 228, § 7, Eff. Sept. 18.

## CROSS REFERENCES

Food products, legal standards of purity, see § 289.111.  
Misdemeanor, see §§ 750.8, 750.9.

## LIBRARY REFERENCES

Food—13, 14.  
C.J.S. Food §§ 21 et seq., 25.

## NOTES OF DECISIONS

1. In general: A local manager of a non-resident company was not criminally liable for the sale of adulterated sausage by such company, he having had no connection with the transaction. Op. Atty. Gen. 1914, p. 752.  
289.588 License, application, form contents, fees, issuance, renewal; exceptions, sale incident to regularly established business

SEC. 8. Before any person or persons, firm or corporation, packer or manufacturer shall manufacture any product within the meaning of this act, he or they shall first obtain a license from the Michigan agricultural commission. A license shall be obtained for each plant or place of business where sausage, loaves, hamburger, chili con carne, liver sausage, head cheese, suzle, blood sausage, New York (New England) (pressed luncheon), or tongue sausage is manufactured. Applications for such licenses shall be made to the Michigan agricultural commission,

upon such forms as furnished by it, and shall show such information as may be demanded by the department of agriculture and shall be accompanied by a statutory fee as follows:

(a) Twenty-five dollars in the case of a manufacturer who manufactures and sells at retail at but 1 place in the state, which place shall be designated in the license.

(b) Fifty dollars in the case of a manufacturer making distribution through more than 1 and not exceeding 5 of his own establishments, for sale to the ultimate consumer, which place or places shall be designated in the license.

(c) One hundred dollars in the case of manufacturers or packing houses, making distribution through the usual trade channels for resale, and, in the case of a manufacturer making distribution through more than 5 of his own establishments for sale to the ultimate consumer, which place or places shall be designated in the license.

Upon receipt of such application the Michigan agricultural commission shall, after satisfactory investigation, issue to the person, firm or corporation making such application a license to manufacture sausage, meat loaf, hamburger, chili con carne, liver sausage, head cheese, suzle, blood sausage, New York (New England) (pressed luncheon), or tongue sausage as defined in this act: Provided, That it shall be within the discretion of the commission to refuse any license upon application of a former licensee whose license was revoked by the commission upon 3 or more convictions of violations of the law. All licenses issued under the provisions hereof shall be due and payable on or before August 1 and shall expire July 31 following the date of issuance; said licenses shall be renewed annually. The moneys received by the Michigan agricultural commission in payment of licenses issued under this section shall be paid into the state treasury general fund. The provisions of this section shall not apply to any farmer manufacturing and/or selling not to exceed 300 pounds of sausage in any 1 calendar year from pork and/or other meat produced or grown on his own farm. A farmer as used in this section shall be construed to include the owner, tenant or lessee of the farm. The provisions of this section shall not apply to any retailer who grinds fresh pork sausage and/or other meat products for sale at retail to the ultimate consumer upon his premises or in isolated cases sells such product to other retailers, or a sale incident to his regularly established business. P.A. 1952, No. 228, § 8, Eff. Sept. 18, as amended P.A. 1954, No. 104, § 1, Aug. 13; P.A. 1958, No. 43, § 1, Imd. Eff. April 7.

## LIBRARY REFERENCES

Licenses 16, 22, 28.  
C.J.S. Licenses §§ 30, 34, 38, 39, 46, 47.

## NOTES OF DECISIONS

Exemption 1.  
License fee 3.  
Manufacturer 2.  
Sale incident to regularly established business 4.

1. Exemption: Exemption contained in this section does not free from requirement for license groceryman who grinds hamburger and supplies it to restaurants. Op. Atty. Gen. 1957-58, No. 2868, p. 230.

2. Manufacturer: Words "upon his premises" used in this section requiring manufacturers of comminuted meat to be licensed and exempting therefrom retailers who grind fresh pork sausage and/or other meat products for sale at retail to the ultimate consumer upon his premises, refer only to the premises on which the retailer conducts his retail business. Op. Atty. Gen. 1952-54, No. 1584, p. 56.

One who manufactures comminuted meats at one place and sells the product at

retail at another place must be licensed as a manufacturer pursuant to this section. Id.

3. License fee: Manufacturers of comminuted meats licensed under section 289.235 (repealed) prohibiting the manufacture and sale of adulterated or deleterious sausage, were required to be licensed under Michigan Comminuted Meat Law (sections 289.581-289.592) and license fee paid under former section 289.235 could not be applied to fee required under the Comminuted Meat Law. Op. Atty. Gen. 1952-54, No. 1584, p. 56.

4. Sale incident to regularly established business: Under this section exempting retailer who grinds meat products for sale at retail to ultimate consumer from necessity of obtaining license, retailer grinding meat for restaurants as well as other retail customers would be exempt from licensing provisions, but wholesale business of furnishing such meat to restaurateur customers would not be a sale incident to a regularly established retail business. Op. Atty. Gen. 1957-58, No. 3335, p. 228.

289.589 False advertising

Sec. 9. Any person or persons, firm or corporation, who shall publicly advertise in or by newspapers, window banners, hand bills, bulletins, bulletin boards, radio, television or otherwise, falsely with reference to the composition of products within the scope of this act manufactured, sold or offered for sale by him shall be deemed guilty of a misdemeanor. P.A. 1952, No. 228, § 9, Eff. Sept. 18.

## CROSS REFERENCES

False advertising, see § 750.33.  
Fraud and deception, see §§ 289.81-289.100.  
Misdemeanor, see §§ 750.8, 750.9.

## LIBRARY REFERENCES

Fraud 68.  
C.J.S. Fraud § 154.

289.589a Foods for infants

Sec. 9a. Foods especially prepared for infants are exempt from the provisions of this act when manufactured, sold, advertised or offered for sale for such purposes. P.A. 1952, No. 228, § 9a, added by P.A. 1962, No. 184, § 1, Eff. March 28, 1963.

## CROSS REFERENCES

Fraud and deception, see §§ 289.81-289.100.

## LIBRARY REFERENCES

Food No. 5.  
C.J.S. Food § 15.

289.589b Prior notice to potential violator

Sec. 9b. The department of agriculture shall give prior notice to any potential violator of this act that a complaint may be filed against him. P.A. 1952, No. 228, § 9b, added by P.A. 1962, No. 184, § 1, Eff. March 28, 1963.

## CROSS REFERENCES

Department of agriculture, see § 285.1.  
289.590 Violation, penalty

Sec. 10. Whoever shall do any of the acts or things prohibited by this act or in any way violate any of its provisions shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$100.00 and the costs of prosecution, or by imprisonment in the county jail for not more than 90 days or by both such fine and imprisonment in the discretion of the court.

Revocation or suspension of license, hearing, appeal. It shall be mandatory for the director of agriculture to summon to appear before him any licensee who shall have been convicted 2 times for violation of any provision of this act in any 12-month period. The director shall give written notice to the licensee stating that he contemplates the suspension or revocation of the license herein provided and naming his reasons therefor. Said notice shall designate a time of hearing

<sup>1</sup> Section 289.582.

before said director and shall be mailed by registered mail to the licensee not less than 10 days prior to the date set for said hearing. On the day of the hearing the licensee may present such evidence as he deems fit. After hearing the testimony the director shall revoke or may temporarily suspend such license. Any person, firm, corporation, packer, or manufacturer whose license has been so revoked or temporarily suspended shall discontinue the manufacture, sale, or offer for sale within this state of any of the comminuted meat products within the purview of this act. Any licensee who feels aggrieved at the decision of the director may appeal within 10 days through writ of certiorari to the circuit court of the county where licensee resides. P.A. 1952, No. 228, § 10, Eff. Sept. 18, as amended P.A. 1957, No. 315, § 1, Eff. Sept. 27, P.A. 1962, No. 184, § 1, Eff. March 28, 1963.

## HISTORICAL NOTE

The 1957 amendment added the penultimate sentence.

The 1962 amendment in the first sentence of the second paragraph, reduced the number of convictions from "3" to "2" and referred to any "12-month period," instead of any "1 license year."

## CROSS REFERENCES

Certiorari, see § 678.22 et seq.  
License, see § 280.588.  
Misdemeanor, see §§ 750.8, 750.9.

## LIBRARY REFERENCES

Food key 12 et seq.  
C.J.S. Food § 21 et seq.  
289.591 Act repealed  
Sec. 11. Act No. 259 of the Public Acts of 1933, as amended, being sections 289.231 to 289.231, inclusive, of the Compiled Laws of 1948, is hereby repealed. P.A. 1952, No. 228, § 11, Eff. Sept. 18.  
289.592 Short title  
Sec. 12. This act shall be known and may be cited as the Michigan comminuted meat law. P.A. 1952, No. 228, § 12, Eff. Sept. 18.

## FEDERAL MEAT INSPECTION ACT

SEC. 408. Requirements within the scope of this Act with respect to premises, facilities and operations of any establishment at which inspection is provided under title I of this Act, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 202 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any establishment under inspection in accordance with the requirements under title I of this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under said title, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act. (21 U.S.C. 678).

## H.R. 17420

A bill to allow states to apply more stringent marking, labeling, packaging or ingredient requirements than those set under the Federal Meat Inspection Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 408 of the Federal Meat Inspection Act (21 U.S.C. 678) is amended by striking the word "Marking" and inserting in lieu thereof the words, "Except where such requirements are more stringent than those imposed under this Act, marking".

UNITED STATES OF AMERICA, U.S. DISTRICT COURT, WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

[Civil Action No. 6250]

Armour and Company, a Delaware Corporation, Wilson & Co., Inc., a Delaware Corporation, and Geo. A. Hormel & Company, also a Delaware Corporation, Plaintiffs, vs. B. Dale Ball, Director of the Department of Agriculture of the State of Michigan and Ronald M. Leach, Acting Chief of the Food Inspection Division of the Michigan Department of Agriculture, Defendants.

Motion to dismiss and return to order to show cause and memorandum brief in support of Frank J. Kelley, Attorney General of the State of Michigan, and Maurice M. Moule, Assistant Attorney General. Business address: Seven Story Office Bldg., 525 West Ottawa, Lansing, Michigan 48913. Telephone: 373-1146. Attorneys for Defendants.

## NOTICE OF HEARING

To: Foster, Lindemer, Swift & Collins, 900 American Bank and Trust Bldg., Lansing, Michigan 48933.

Please take notice that the attached Motion to Dismiss and Return to Order to Show Cause will be brought on for hearing before the Honorable Noel P. Fox, United States District Judge, at a time and place to be set by the Court.

FRANK J. KELLEY,  
Attorney General of the State of Michigan.  
MAURICE M. MOULE,  
Assistant Attorney General.

Dated: February 11, 1970.

## MOTION TO DISMISS AND RETURN TO ORDER TO SHOW CAUSE

Now comes the above-named defendants, B. Dale Ball, Director of the Department of Agriculture of the State of Michigan and Ronald M. Leach, Acting Chief of the Food Inspection Division of the Michigan Department of Agriculture, by their attorney, Frank J. Kelly, Attorney General of the State of Michigan, appearing specially, and respectfully move this Court to dismiss the Complaint filed in the above-entitled cause, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, for the following reasons:

1. The Court lacks jurisdiction over the person because the State of Michigan is immune from this action under the 11th Amendment of the United States Constitution.
2. The plaintiffs fail to state a claim upon which relief can be granted because:
  - (a) Plaintiffs do not allege any conflict between the Federal Wholesome Meat Act and Michigan law;
  - (b) Plaintiffs allege that a Federal regulation on one subject preempts the State statute on another subject.
3. Plaintiffs are not entitled to preliminary injunctive relief.

This motion is based upon the records and files of this Court and the Michigan Department of Agriculture.

Wherefore, defendants pray that the above-entitled cause be dismissed with prejudice.

FRANK J. KELLEY,  
Attorney General.  
MAURICE M. MOULE,  
Attorneys for Defendants.

Dated: February 11, 1970  
Address: Seven Story Office Building, 525 West Ottawa, Lansing, MI 48913, Telephone: 373-1146.

## I

## MEMORANDUM BRIEF IN SUPPORT OF MOTION TO DISMISS AND RETURN TO ORDER TO SHOW CAUSE

The court lacks jurisdiction over the person because the State of Michigan is immune from this action under the 11th Amendment of the United States Constitution.

Under the 11th Amendment of the Federal Constitution, a suit against the State of Michigan or its officers cannot be maintained:

"The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subject of any Foreign State."

In *Copper Steamship Company v Michigan* (1952) 194 F 2d 465, USCCA, this court held that a state cannot be sued in Federal court without its consent and that suit against officers of a state, even though the state itself is not made a party defendant, may nevertheless be in effect a suit against the state and subject to the defense of sovereign immunity.

In *Ottinger v Blackwell* (DC Ark 1959) 173 F Supp 817, the court said that even though an action is brought against individuals, it may be in substance a suit against the state where it seeks to restrain or otherwise affect actions of defendants as state officers.

An action in federal court against the Oklahoma Insurance Commissioner was held to be a suit against the state where brought in his official capacity. *Great Northern Life Insurance Co v Read* (1944) 88 L ed 1121.

This court in *Brown Bros. Equipment Co. v State of Michigan and Michigan State Highway Commission* (1967) 266 F Supp 506, held that the 11th Amendment to the Federal Constitution prohibits suit against a sovereign state in federal courts by foreign citizens, citizens of other states, or citizens resident in the state being sued in absence of state's consent.

In *Environmental Defense Fund, Inc. v Michigan Department of Agriculture, et al* (DC West Dist SD 5760, 1967), when a declaratory judgment and injunctive relief was sought, this court said:

"Under that amendment [11th] to the Constitution a suit in equity cannot be maintained against the State without its consent; and generally suits to restrain actions of State officials cannot be maintained if the suit directly or indirectly is designed to coerce or to prevent action by the State. This is a fundamental constitutional concept.

"And in this Sixth Circuit, in the *Copper Steamship* versus the State of Michigan, the late Judge Miller, Circuit Judge, has held that a suit cannot be maintained against the State of Michigan without its consent. And in that suit, there was an attempt on the part of the plaintiff to assert a waiver, in effect a consent by the State of Michigan, when it created the Court of Claims. And Judge Miller in the Sixth Circuit found in effect that that did not constitute a waiver insofar as suits in federal court were concerned; that the doctrine of governmental immunity prevailed; that the consent of the

State was only to be sued in the Court of Claims, that it did not go beyond that statutory statement.

"On Page 466 of 194 F. 2d, Judge Miller said:

"It is settled law that a State cannot be sued in federal court without its consent. Eleventh Amendment, United States Constitution.—and he cites a series of cases.

"It is equally settled law, 'that a suit against the officers of the State, even though the State itself is not made a party defendant, may nevertheless be in effect a suit against the State and subject to the defense of sover[e]ign immunity.'

"Now, the case of Copper S.S. Company versus State of Michigan, 194 Fed 2d 465, decided in 1952, is the controlling law in the Sixth Circuit. And I am bound by that decision, any other circuit court decision in the United States to the contrary notwithstanding. I therefore find that this court has no jurisdiction to entertain an action against the State of Michigan or the Michigan Department of Agriculture.

"I said before, if I were to even issue a restraining order, I would be presuming jurisdiction which just does not exist. And it would be a nullity, and I would be guilty of the same thing which the plaintiff accuses the officers of the Michigan Department of Agriculture of doing; namely, acting ultravires.

"For the reasons stated, defendant State of Michigan Department of Agriculture's motion to dismiss is hereby granted."

The plaintiffs contend that sovereign immunity does not apply to state officers where "there are threats of official actions and evidence of such action and where the named officers would individually or personally, commit or threaten to commit any injury to the plaintiff."

We point out, however, that Sec. 10 of the Comminuted Meat Act provides in pertinent part that "it shall be mandatory for the Director of Agriculture to summon to appear before him any licensee who shall have been convicted two times for violation of any provision of this act in any 12-month period." This mandate refutes any argument that an action against the officer was not in effect a suit against the State.

## II

### PLAINTIFFS FAIL TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED

(a) Plaintiffs do not allege any conflict between the Federal Wholesome Meat Act and Michigan law.

Plaintiffs' claim that a regulation adopted pursuant to the Wholesome Meat Act preempts a Michigan statute requiring that all sausage contain at least 12% protein. MCLA § 289.582(a)(1) states that the total percentage of protein in sausage shall not be less than 12%. Plaintiffs do not allege that the Federal Wholesome Meat Act contains a different protein requirement. Plaintiffs do not allege that Michigan's protein requirement is less stringent than any Federal protein requirement. Indeed, the plaintiffs do not allege that any Federal protein requirement even exists. To the defendants' knowledge, there is no Federal protein requirement.

Nevertheless, plaintiffs cite 21 USCA 678 (a section in the Wholesome Meat Act) and argue that a Federal regulation concerning the percentage of fat in sausage requires Michigan's 12% protein requirement to be ruled invalid.

21 USCA 678 states, in part:

" \* \* \* Marking, labeling, packaging, or ingredient requirements in addition to, or different than, those made under this chapter may not be imposed by any State or Terri-

tory or the District of Columbia with respect to articles prepared at any establishment under inspection in accordance with the requirements under subchapter I of this chapter. \* \* \*

Although the defendants reject the plaintiffs' claim that Section 678 was intended to preempt the field of meat standards, even if the above allegation were true, plaintiffs do not show where Michigan's protein requirement is "in addition to or different than" a Federal protein requirement. The plaintiffs do not allege the existence of a Federal protein requirement.

Plaintiffs refer us to 9 CFR, 8(c)(40) which is included as Plaintiffs' Exhibit A. That regulation sets forth a 30% limit to the amount of fat a producer can put in cooked sausage. The regulation does not require any fat in sausage, however. 9 CFR 317.8(c)(40) requires nothing and in no way conflicts with Michigan's 12% protein requirement contained in MCLA § 289.582 (a)(1). Even if a producer were to go as far as to put 30% fat in sausage, there would still be plenty of leeway to insert 12% protein in the same sausage.

Plaintiffs also argue that Section 4 of the Michigan Comminuted Meat Law, being MCLA § 289.584, is invalid because it is preempted by the Federal Wholesome Meat Act. Section 4 requires comminuted meat products to be marked with the name and address of the manufacturer on each package. Plaintiffs argue that Section 4 is "in addition to or different than" Federal requirements. Plaintiffs do not cite any Federal statute or regulation to support their position.

21 USCA § 607(b) states:

"All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this subchapter and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the Secretary may require, the information required under paragraph (n) of section 601 of this title." (Emphasis supplied)

21 USCA § 601(n) referred to above is an elaborate definition of the word, "misbranded." Among other things, Sec 601(n) states that meat or meat food products are "misbranded":

" \* \* \* (5) if in a package or other container unless it bears a label showing (A) the name and place of business of the manufacturer, packer, or distributor; \* \* \*

It should be mentioned, however, that the above section only applies to meat inspected at any establishment under the authority of subchapter I. Subchapter I provides that the following establishments are to be inspected: "Slaughtering, packing, meat-canning, rendering, or similar establishments."

The apparent purpose of the labeling provisions contained in §§ 607(b) and 601(n), cited above, is to ensure that those who process meats identify themselves on the face of the meat package. Therefore, in the case of the plaintiffs who are primarily manufacturers and processors of meat, the Federal act would require their name and place of business. The Michigan Act requires the plaintiffs to indicate their name and address. Unless we are to decide that the word "address" means something different than "place of business," the Michigan requirement does not appear to be in addition to or different than the Federal requirement as it pertains to the plaintiffs.

(b) Plaintiffs allege that a Federal regulation on one subject preempts a State statute on another subject.

Even assuming, arguendo, that plaintiffs' claim of Federal preemption is meritorious and that Michigan's 12% protein require-

ment is in addition to or different than a Federal ingredient requirement, plaintiffs state no basis for relief. This is because plaintiffs do not allege that any Federal statute sets forth ingredient requirements. Plaintiffs merely cite a Federal regulation.

Plaintiffs cite the Supremacy Clause of the U.S. Constitution as supportive of their position that a Federal regulation reigns supreme over a state statute. The Supremacy Clause, or Article VI, clause 2 of the U.S. Constitution states:

"This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

A Federal regulation cannot be construed as a law of the United States made pursuant to the Constitution. To give the Supremacy Clause such an interpretation would be to replace government by democracy with government by bureaucracy. This is especially true if we are to accept plaintiffs' argument that a regulation relating to one subject would preempt a statute on another subject.

In the instant situation, plaintiffs' claim that a stricter state statute dealing with protein requirements is preempted by a Federal regulation relating to the percentage of fat in sausage. The necessity of national uniformity is not present in this situation. The only valid claim for uniformity in the quality of meat is the need to set minimum levels of nutrition and wholesomeness. Nevertheless, plaintiffs would argue that a Federal regulation, adopted under a statute, that statute being pursuant to the Commerce Clause, which is unrelated to the need for national uniformity, must preempt a state statute enacted under and directly related to the police power of a state.

It is axiomatic that the police power under the American constitutional system has been left to the states. *Keeler v United States*, 213 U.S. 138, 53 L ed 737, 29 S Ct 470 (1909). We should not easily overturn a statute properly enacted under that police power.

Plaintiffs claim that in the instant situation a Federal regulation is a law of the United States made pursuant to the Constitution under the Supremacy Clause. The above argument is not a general legal principle. Defendants, however, do not maintain that a proper administrative regulation or rule is never to be considered "law." In some instances rules and regulations are said to have the force of law. This does not mean that the instant regulation is "law" or is a law made pursuant to the Constitution. Whether a Federal regulation is "law" depends on the particular circumstances of each case (see for example *Singer v United States*, 323 U.S. 338, 89 L ed 285 (1944)).

Defendants submit that a Federal regulation, purportedly adopted pursuant to the commerce clause, in a situation where national uniformity is not necessary, is not to be considered the supreme law of the land for purposes of invalidating a statute which is properly enacted under the police power of the State of Michigan.

### SUMMARY

Plaintiffs' claim for relief is based upon the grounds that certain ingredient and labeling requirements of the Michigan Comminuted Meat Law are "in addition to or different than" certain Federal requirements. Plaintiffs have failed to state what Federal requirements the Michigan law is "in addition to or different than." Even assuming that certain Federal regulations cover the

same subject as Michigan requirements, and that the Michigan requirements are in addition to those Federal requirements, plaintiffs are not entitled to relief because Federal regulations adopted pursuant to a statute which is pursuant to the Commerce Clause are not the supreme law of the land for purposes of invalidating a reasonable state statute adopted under the police power of that state.

## III

## PLAINTIFFS ARE NOT ENTITLED TO PRELIMINARY INJUNCTIVE RELIEF PENDENTE LITE

It is well settled that a preliminary injunction may be granted only when an applicant can establish a substantial likelihood of success on the merits, that without such relief he will suffer irreparable harm, and that the preliminary injunction, if issued, will be consistent with the public interest. *Virginia Petroleum Jobbers Association v. Federal Power Commission*, 259 F 2d 921, D.C. Cir (1958); *Hamlin Testing Labs, Inc. v. Atomic Energy Commission*, 337 F 2d 221, 6th Cir (1964); *Associated Securities Corp. v. Securities & Exchange Commission*, 283 F 2d 773, 10th Cir (1960). To establish their entitlement to preliminary injunctive relief, plaintiffs have the burden of establishing a threatened immediate and irreparable injury if that relief is withheld (*Hudson Pulp and Paper Corp. v. Swannee Paper Corp.*, 223 F Supp 617 (N.Y. Dist Ct. S.D. 1963); *Girl Scouts of America v. Personality Posters Mfg. Co.*, 38 Law Week 2230 U.S. Dist Ct (N.Y.) Oct. 9, 1969), and an unequivocal showing that they will probably succeed upon a trial on the merits (*Imperial Chemical Industries Ltd. v. National Distillers and Chemical Corp.*, 354 F 2d 459, 2nd Cir (1965)).

Plaintiffs are not entitled to the injunctive relief requested, particularly where the injunctive order of this Court may adversely affect the public interests of the state defendants. Where, as here, injunctive relief will interfere with state governmental operations, a greater burden is placed upon plaintiffs to establish irreparable injury than when only private interests are involved. *Yakus v. United States*, 321 U.S. 414, 440, 441 (1944); *Virginia Railway Company v. United States*, 272 U.S. 658, 672, 673 (1926); *Petroleum Exploration Company v. Public Service Commission*, 304 U.S. 209, 222, 223 (1938); *Virginia Railway Company v. Systems Federation*, 300 U.S. 515, 552 (1937).

Indeed, "courts of equity may, and frequently do, go much further both to give and withhold relief in furtherance of the public interest than they are accustomed to go when only private interests are involved." (*Virginia Railway v. Systems Federation*, 300 U.S. 515, at 552; *Pennsylvania v. Williams, et al.*, 294 U.S. 176, 185 (1935)).

The State Defendants point out that standards in the State Comminuted Meat Act are higher than those in the Federal Wholesome Meat Act and that if the State is enjoined from enforcing the Comminuted Meat Act against the plaintiffs, it would be inequitable not only from the public interest point of view, but also from the point of view of other processors both foreign and in Michigan who would be subject to the requirements of the Michigan Comminuted Meat Act.

This Court, sitting as a court of equity in a proceeding involving state officials, must have a deep concern for the public interest. As recently as 1969, the United States District Court (E.D. Kentucky) in *American Book v. Blount, et al.*, 295 F Supp 1189, has stated at p. 1191:

"This is especially true when the court is asked to give temporary or preliminary relief without the benefit of a full hear-

ing and the opportunity to be fully advised on all issues. In *Yakus v. United States*, 321 U.S. 414, 64 S. Ct. 660, 88 L ed 834, the Supreme Court said:

"The award of an interlocutory injunction by courts of equity have never been regarded as strictly a matter of right, even though irreparable injury may otherwise result to the plaintiff (citing cases). . . . But where an injunction is asked which will adversely affect a public interest for whose impairment, even temporarily, an injunction bond cannot compensate the Court may in the public interest withhold relief until a final determination of the rights of the parties, though the postponement may be burdensome to the plaintiff."

See also *Huard-Steinheiser, Inc. v. Henry*, 280 F 2d, 79 at 84, 6th Cir. (1960).

The doctrine is thus firmly settled that preliminary injunctions are meant to preserve the status quo as it exists at the time the lawsuit is filed. *Tanner Motor Livery Ltd. v. Avis Inc.*, 316 F 2d 804, at 808, 809, 9th Cir. (1963), cert denied 375 U.S. 821; *Miami Beach Federal Savings and Loan Association v. Callander*, 256 F 2d 410, 5th Cir. (1958). By their motion for preliminary injunction plaintiffs seek to alter that status.

The status quo in this proceeding is that meat processors are complying with the Michigan Comminuted Meat Act which the Department of Agriculture is enforcing. The challenge of the plaintiffs to the constitutionality of said Michigan act requires them to carry the burden of proof as there is a presumption that the said act is constitutional. A preliminary injunction should not be granted when it will give the plaintiffs all the relief asked for in advance of hearing.

In the instant case, the prayer of the plaintiffs ask for preliminary and permanent injunction. Preliminary injunction, at this time, would destroy the status quo and give plaintiffs all the relief asked for in advance of hearing.

In *Niedzialek v. Barbers Union, supra*, the Michigan Supreme Court cited with approval, at page 301 the following language from *Goldfield Co. v. Goldfield Union*, 159 F 500, 511:

"An injunction *pendente lite* should not usurp the place of a final decree. Neither should it reach out any further than is absolutely necessary to protect the rights and property of the petitioner from injuries which are not only irreparable, but which must be expected before the suit can be heard on its merits."

See also *Dunn v. Retail Clerks International Association*, 299 F 2d 873, 6th Cir (1962).

Nor have the plaintiffs met additional requisites for securing the injunctive relief requested of this Court. Rule 65 of the Federal Rules of Civil Procedure (28 U.S.C.A.) requires the furnishing of bond as a condition precedent to the issuance of any injunctive order by this Court. The state's rules of practice, adopted from their Federal counterpart, impose an identical requirement (Michigan GCR 1963, Rule 718), and decisions of the Michigan Supreme Court plainly contemplate that preliminary injunctive relief may not issue without the furnishing of such bond. *Barkovits v. Veres*, 254 Mich 543 (1931); *Wayne Colorplate Co. v. Wayne Circuit Judge*, 253 Mich 666 (1931); *Haire v. Charlevoix Circuit Judge*, 201 Mich 224 (1918). That principle is equally settled by Federal precedents in which ruling has been made that failure to make provision for the issuance of bond preliminary to entry for an injunctive order renders the order void. *Chatz v. Freeman*, 204 F 2d 764, 7th Cir. (1953) *Pioche Mines v. Dolman*, 333 F 2d 257,

9th Cir. (1964). See, also *Friedman v. Eight Judicial Dist. Ct.*, 399 Pac 2d 632 (Nev. 1965). Respectfully submitted.

FRANK J. KELLEY,

Attorney General.

MAURICE M. MOULE,

Assistant Attorney General, Attorneys for Defendants.

Dated: February 11, 1970.

UNITED STATES OF AMERICA, U.S. DISTRICT COURT, WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

[Civil Action No. 6250]

## COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Armour and Company, a Delaware Corporation, Wilson & Co., Inc., a Delaware Corporation, and Geo. A. Hormel & Company, Plaintiffs, vs. B. Dale Ball, Director of the Department of Agriculture of the State of Michigan and Ronald M. Leach, Acting Chief of the Food Inspection Division of the Michigan Department of Agriculture, Defendants.

Now come plaintiffs, Armour and Company, Wilson & Co., Inc., and Geo. A. Hormel & Company, and seeking a declaratory judgment together with temporary and permanent injunctive relief, respectfully allege and show unto this Court as follows:

## I

Plaintiffs, Armour and Company, Wilson & Co., Inc., and Geo. A. Hormel & Company, are corporations duly organized and existing under the laws of the State of Delaware and are qualified to do business in the State of Michigan.

## II

Defendant, B. Dale Ball, is the Director of the Department of Agriculture of the State of Michigan; while defendant, Ronald M. Leach, is the Acting Chief of the Food Inspection Division of said Department of Agriculture for the State of Michigan; and the duties of both defendants include enforcement of PA 1952, No. 228, [Stat Ann Section 12.964(1) et seq.] as amended, hereinafter referred to as the Michigan Comminuted Meat Law, together with any and all regulations promulgated thereunder.

## III

This is an action for declaratory judgment brought pursuant to Title 28 United States Code, Sections 2201 and 2202 to protect rights bestowed on plaintiffs under Article VI, Clause 2 of the Constitution of the United States of America; the Wholesome Meat Act, Title 21 United States Code Sections 601-691; and regulations promulgated thereunder, which were adopted pursuant to authority granted by the Federal Meat Inspection Act, formerly Title 21 United States Code Sections 71-91, and which were continued in effect when that Act was amended by Sections 601-624 of the Wholesome Meat Act. The matter in controversy exceeds, exclusive of interest and costs, the sum of Ten Thousand and No/100 Dollars (\$10,000.00).

## IV

Plaintiffs are engaged in the business of, *inter alia*, manufacturing and processing, at federally inspected establishments outside of the State of Michigan, sausage, including what are commonly known as frankfurters or weiners, bologna, and vienna sausage, which is transported into the State of Michigan for sale at wholesale and retail.

## V

In accordance with presently effective regulations (portions of which are attached hereto and incorporated herein by reference as

Exhibit A) contained at 9 CFR 317.8(c) and promulgated by the Secretary of the United States Department of Agriculture pursuant to authority granted him by the Federal Meat Inspection Act and the Wholesome Meat Act, plaintiffs manufacture and process sausage, as defined in such regulations, and otherwise conform to and comply with such regulations and all the statutes of the United States of America relating to marking, labeling, packaging, and ingredient requirements imposed on sausage transported and sold in every state of the United States, except Michigan.

## VI

Pursuant to Article I, Section 8 of the Constitution of the United States, the Congress of the United States entered and preempted the entire field when, in Section 408 of the Wholesome Meat Act (being also Title 21 United States Code, Section 678), it declared, in material part, that:

"Marking, labeling, packaging, or ingredient requirements in addition to, or different than, those made under this chapter may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any establishment under inspection in accordance with the requirements of subchapter I of this chapter. . . ."

A copy of said Section 408 is attached hereto and incorporated herein by reference as Exhibit B.

## VII

Since December 15, 1967, the effective date (for all purposes relevant here) of Subchapter I of the Wholesome Meat Act, plaintiffs have prepared all of their sausage, transported and offered for sale in Michigan, at federally inspected establishments in accordance with the requirements of said Act, and of the regulations adopted pursuant thereto and to the Federal Meat Inspection Act; the Secretary of Agriculture has made or caused the inspections required by law to be made from time to time by experts of the U.S. Department of Agriculture, both as to raw materials from which sausage is manufactured and the finished product, as well as to the factories or plants where such sausage is manufactured, packed or prepared for market.

## VIII

Notwithstanding the exclusive occupancy of this field by the United States of America, through its Secretary of Agriculture and other duly authorized agents, the aforesaid Acts of Congress, and the regulations promulgated pursuant thereto, the defendant, B. Dale Ball, as Director of the Department of Agriculture of the State of Michigan and the defendant, Ronald M. Leach, as Acting Chief of the Food Inspection Division of the Department of Agriculture of said State of Michigan have continued to enforce, as against sausage manufactured and processed by plaintiffs which has passed federal inspection and which would otherwise be saleable in every state of the United States except Michigan, certain marking, labeling, packaging and ingredient provisions pertaining to what is denominated as "Grade 1" sausage in the Michigan Comminuted Meat Law, which are in addition to or are different than those imposed under applicable federal statutes and regulations, including but not limited to, the following:

(a) A marking or labeling requirement that all sausage have applied to its package and container the designation "Grade 1".

(b) A marking or labeling requirement that all sausage have affixed to its package and container the name and address of the manufacturer even though the registered trademark, name and address of the distributor is revealed thereon.

(c) An ingredient requirement that all

sausage contain not less than twelve percent protein.

## IX

On or about January 26, 1968, one J. L. Littlefield, defendant Ronald Leach's predecessor as Chief of the Food Inspection Division of the Michigan Department of Agriculture, indicated, by letter addressed to each Plaintiff as well as other licensed comminuted meat dealers (a copy of which is attached hereto and incorporated herein by reference as Exhibit C) that the Food Inspection Division of the Michigan Department of Agriculture would continue to enforce the Michigan Comminuted Meat Law despite the provisions of Section 408 of the Wholesome Meat Act; that thereafter in June of 1968, a shipment into Michigan of Armour and Company's sausage, which had passed federal inspection, was cited by the Food Inspection Division of that state as not complying with the Michigan Comminuted Meat Law because of a protein content of less than twelve percent and, as a result, the criminal penalties of Section 10 of that Act were invoked against said plaintiff; and that defendants, B. Dale Ball and Ronald M. Leach, have indicated that they intended to continue the policy enunciated by the said J. L. Littlefield as evidenced by the attached statement of the said B. Dale Ball in a recent publication, incorporated herein by reference as Exhibit D, as well as the affidavit of Richard B. Foster, which is also incorporated herein by reference as Exhibit E. Said J. L. Littlefield did announce on or about February 10, 1969, as evidenced by a letter (copy of which is attached hereto and incorporated herein by reference as Exhibit F), that the "Grade 1" legend required by the provisions of the Michigan Comminuted Meat Law would not be enforced, but there is no assurance that such administrative determination will continue.

## X

Because Section 10 of the Michigan Comminuted Meat Law, a copy of which is attached hereto and incorporated herein by reference as Exhibit G; can also be invoked to suspend or revoke each plaintiff's license to sell sausage in Michigan if two or more violations of said Act are found to have occurred in any twelve-month period, plaintiffs intending to sell sausage in Michigan are forced to comply with the provisions of said Act which impose marking, labeling, packaging and ingredient requirements of the sort enumerated in Paragraph VIII in addition to or different than those imposed by federal statutes or regulations upon sausage prepared and processed at federally inspected plants; and all plaintiffs have thereby suffered irreparable injury either because of increased costs in complying with such additional or different state requirements or because of lost profits in deciding not to enter the Michigan market with respect to certain kinds of sausage.

## XI

Plaintiffs fear that defendants will, unless enjoined by appropriate Order of this Court, continue taking whatever action is necessary to determine whether sausage, manufactured and processed by plaintiffs and passing federal inspection, meets the additional or different requirements of the Michigan Comminuted Meat Law with respect to marking, labeling, packaging and ingredients; all of which will subject plaintiffs to great expense, annoyance, and inconvenience in and about their efforts to comply with such additional or different state requirements.

## XII

The aforesaid inspections, seizures, and actions of the defendants and all of the interferences with plaintiffs' businesses by

defendants and their predecessors herein complained of have been made by the defendants as officers, employees or agents of the State of Michigan under the alleged color or pretended authority claimed by them to be in the laws of the State of Michigan.

## XIII

This is an actual controversy existing between plaintiffs and defendants and no adequate remedy is available at law to plaintiffs.

Wherefore, plaintiffs respectfully request:

1. That this Court declare that the marking, labeling, packaging and ingredient provisions, including but not limited to those heretofore specifically referred to in Paragraph VIII, of the Michigan Comminuted Meat Law are in addition to or different than those imposed under applicable federal statute or regulation and are therefore violative of Article VI, Clause 2 of the Constitution of the United States of America, as applied to plaintiffs' sausage passing federal inspection;

2. That this Court enjoin defendants, as well as their agents and servants, during the pendency of this action and permanently, from enforcing the marking, labeling, packaging and ingredient provisions, including but not limited to those specifically referred to herein at Paragraph VIII, of the Michigan Comminuted Meat Law, against sausage manufactured or processed by plaintiffs which has passed federal inspection in accordance with federal statutes and regulations;

3. That this Court declare that plaintiffs have the right to sell their sausage in the State of Michigan for sale at wholesale or at retail so long as the same bears the mark of federal inspection unless it is found to have become unwholesome, or otherwise violative of law, since passing federal inspection; and

4. That this Court enjoin defendants, as well as their agents and servants, during the pendency of this action and permanently, from seizing, detaining or otherwise interfering with the transportation and sale of sausage manufactured or processed by plaintiffs and bearing the mark of federal inspection unless it is found to have become unwholesome or otherwise violative of law, since passing such federal inspection.

ARMOUR AND COMPANY,

*Plaintiff.*

HUGH COKE,

*Its Vice President.*

State of Illinois, County of Cook, ss.

On the 3d day of December, 1969, before me, a Notary Public in and for said County and State, personally appeared Hugh Coke, to me known to be the person whose name is subscribed on the foregoing Complaint, who made oath that he is a Vice President of Armour and Company, one of the plaintiffs herein, and is duly authorized to sign this Complaint in its behalf, that he knows the contents thereof, and that the factual allegations of the same, as they relate to Armour and Company, are true to the best of his knowledge and belief.

ARLENE C. WENBERG,  
Notary Public, County of Cook,  
State of Illinois.

WILSON & Co., Inc.,

*Plaintiff.*

HENRY S. AMALONG,

*Its Vice President.*

STATE OF ILLINOIS,  
County of Cook, ss:

On the 4th day of December, 1969, before me, a Notary Public in and for said County and State, personally appeared Henry S. Amalong, to me known to be the person whose name is subscribed on the foregoing Complaint, who made oath that he is a Vice-President of Wilson & Co., Inc., one of the plaintiffs herein, and is duly authorized to



sign this Complaint in its behalf, that he knows the contents thereof, and that the factual allegations of the same, as they relate to Wilson & Co., Inc., are true to the best of his knowledge and belief.

Notary Public, County of Cook, State of Illinois.

GEO. A. HORMEL & COMPANY,  
Plaintiff.  
LEE D. HOUSEWRIGHT,  
Its Vice President.

STATE OF MINNESOTA,  
County of Mower, ss:

On the 15th day of December, 1969, before me, Notary Public in and for said County and State, personally appeared Lee D. Housewright, to me known to be the person whose name is subscribed on the foregoing Complaint, who made oath that he is a Vice President of Geo. A. Hormel & Company, one of the plaintiffs herein, and is duly authorized to sign this Complaint in its behalf, that he knows the contents thereof, and that the factual allegations of the same, as they relate to Geo. A. Hormel & Company, are true to the best of his knowledge and belief.

GERTRUDE ANDERSON,  
Notary Public, County of Mower, State of Minnesota.

Attorneys for Plaintiffs: Foster, Campbell, Lindemer & McGurrin.

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Byron M. Crippin, Jr., of Counsel for Geo. A. Hormel & Company.  
Business Address: Austin, Minnesota 55912.

PROMISES—PROMISES—PROMISES

HON. JOEL T. BROYHILL

OF VIRGINIA  
IN THE HOUSE OF REPRESENTATIVES  
Monday, May 4, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, the other day I received a letter from RMC (SS) Louis H. Kropp, U.S. Navy, retired, who resides in my district, asking that I publicize his experiences as a retiree of the armed services. He believes, and I share his belief, that every Member of Congress should be aware of the plight of our retired service personnel and he reminded me of the promises we have made to them. Here are his comments:

PROMISES—PROMISES—PROMISES  
(By Louis H. Kropp)

I am 62 years of age now. I guess I might be classified as a senior citizen. I enlisted in the Navy in 1927, and retired in 1957. I spent 30 of the best years of my life in the service, practically all of it in submarines. I retired as a Chief Radioman, an E7. (E8 and E9 had not yet been authorized when I left the service.) After retirement in 1957, I didn't feel that I was through, actually. I felt that I had a critical skill, with a lot of training and experience, and was more or less on inactive duty. I was ready to return to

duty during the Cuban missile crisis. Had their been a National Emergency in Viet Nam, I was ready to return to duty. Fortunately, I was not called. There were no National Emergencies. But, I did stand on the sidelines trained and ready to go. I'm proud of this country and ready to defend it's policies at anytime. That is the life I lived, and that is the way I feel.

Now, what has 13 years of retirement done for me? I won't say it has made me bitter, but disappointed, yes. Seven times I re-enlisted, and seven times I was reminded of all the benefits that awaited me should I remain in the service, make it a career, and retire. Call them promises if you will. I believed this reenlistment talk and looked forward to a life of security after retirement. Now, I have been retired 13 years, and just what do I receive? Let's look at it.

My retirement check I receive regularly. I look forward to it and I don't feel guilty about accepting that, as I earned it for 30 rough years. The actual amount at present is 270 dollars a month after withholding and insurance deductions. Not enough to live on. So I went to work after retirement and have been working ever since. In the meantime, E7's in the service have received numerous pay raises that do not in any way reflect in my retirement check. I do get cost of living increases. An E7 retiring today, gets a better retirement check than I do although it costs me just as much to live.

Now, let's look at medical care for me and wife. Fortunately, I live in the Washington area and the Bethesda Naval Hospital takes care of us, and believe me, they have been wonderful. However, soon I will retire completely and go to Florida to live. Just as soon as I can get social security at age 62. I plan to live in the St. Petersburg area. There, I will have no Bethesda to take care of us, and I do worry a little. But, I am told that I can make use of Champus. A program where I pay a proportionate amount of the bills. This I can understand but, first I must find participating hospitals and doctors. It's not going to be easy with all the associated forms, but I will look for guidance from the Commandant of the district. I understand now too, that at age 65 for me and my wife, the Navy will no longer claim us, or aid us as far as medical care is concerned. We then must subscribe to Medicare. Understand, this is the service that guaranteed me medical security for me and my wife should I remain in the service for retirement. Then, to be real nice about it all, I understand that I must subscribe and pay for my medicare program.

Now, let's take a look at Commissary and Post Exchange privileges. First, let me give you a famous quote I heard for seven times on re-enlisting. "If you serve 20 years or more (I served 30) and retire you rate all the benefits and privileges an active man rates." Yet, when you begin to use these facilities, you'll soon find that everything for retirees is "as facilities permit," or "at the commanding Officers discretion." I have the feeling I don't rate these things as an active man does. True, as yet I have not been turned down but I have the feeling that I can be refused services any time the Commanding Officer wishes it to be that way.

One other quote as a retiree you will often run into is, "Active personnel first." This more or less rubs me the wrong way. One good 20 or 30 year man on retirement is worth 10 of the present enlistees who entered the service to avoid the draft. Retired people have proved their loyalty and did their service. In any national emergency they will be recalled. I fail to see why there is a distinction.

Retirees are a big body of trained personnel in reserve. Congress shouldn't undersell us.

I don't think, we are second-rate. If, on retiring we rate all the privileges I was led to believe, then it should be so—and if facilities are not available then they should be changed. If not, then the man in the service today contemplating a career, should be given a good picture of exactly what he can expect on retiring. There is no substitute for honesty. From my experience I received a lot of PROMISES which are falling short of what I was led to believe.

In closing I would like to bring attention to the talk I hear on abolishing the draft and having a "Volunteer" service. I even heard the word "Professional." I ask WHY??? Just what do the thousands of retired personnel represent. They were career men. They were your volunteers. The service today has a Volunteer force. The service as a career can be made very attractive. Groping for a new name won't do a thing. Making the service more attractive as a career will do just as much in cutting down the draft. But whatever answer is arrived at, keep your promises.

I have written this letter in the first person. Telling it like it is. Like I found it. I'm sure thousands of retired personnel will agree with my findings. Those of you who do drop a line to the Fleet Reserve Association. I think it is about time we were heard.

ETHICS AND DISCLOSURE BILL

HON. GEORGE BUSH

OF TEXAS  
IN THE HOUSE OF REPRESENTATIVES  
Monday, May 4, 1970

Mr. BUSH. Mr. Speaker, today I am introducing a bill that will amend the Rules of the House to require more complete disclosure by Members, their spouses, and staff members whose annual salary exceeds \$15,000.

Since coming to Congress, Mr. Speaker, I have annually made all my assets and liabilities a matter of public record. I have made total disclosure.

The behavior of public officials is of such importance to me that the second bill I introduced as a freshman Member of this body was one calling for the establishment of an Ethics Committee and disclosure by Members of Congress of their principal assets and liabilities, sources of income, and relationships with businesses which are beholden to the Federal Government. On February 27, 1967, the day I introduced that bill I was given a special order to discuss the importance of ethical behavior. Forty-three freshman Members of this body took part in that special order. Ethics is an important issue to those of us who were freshmen during the 90th Congress. The events of the past 4 years have proven that it is an equally important issue to the young people of this country.

When the ethics bill establishing a Committee on Standards of Official Conduct and requiring disclosure of certain assets passed the House I felt this was an important first step. This bill required disclosure of:

First. Interest in businesses doing business with the U.S. Government if the interest of the Member had a fair market value of \$5,000 or more or if \$1,000 income was derived from that interest that calendar year;

Second. Any connection with any organization from which \$1,000 income was derived that calendar year;

Third. Any income for services rendered exceeding \$5,000;

Fourth. Any capital gain exceeding \$5,000 from a single source other than the sale of a residence occupied by the person reporting;

Fifth. Reimbursement for expenditures exceeding \$1,000.

On August 24, 1967, I introduced a bill providing for further disclosure of assets and liabilities. Ideally, Mr. Speaker, I believe comprehensive disclosure requirements should be applied to Members of the House and Senate, judges and justices of the Supreme Court, and policymaking officials of the executive branch. On May 27, 1969, I cosponsored a bill that would require this. That bill is now pending before the House Judiciary Committee. In the hope that a bill pertaining only to Members of this body has a better chance for passage, I am today introducing a full disclosure bill for Members of the House of Representatives. A summary of the bill is as follows:

SUMMARY OF CONTENT OF ETHICS AND DISCLOSURE BILL

**A. Disclosure of Assets, Liabilities, etc.—**All Members of the House of Representatives, their spouses, and staff whose salary is in excess of \$15,000 per year, should annually file not later than January 31 of the next following calendar year with the Clerk of the House a report providing full disclosure of:

1. All assets having a fair market value of \$5,000 or more
2. All liabilities in excess of \$5,000
3. All capital gains exceeding \$5,000 realized from any source.
4. All other income in excess of \$100 from any source—such as gifts, honorariums, etc.
5. Any interest in a professional firm engaging in practice with the United States government
6. Any interest in any business operating under license, certificate, etc. of the United States government.

**B. Lobby Disclosure.**—All the above mentioned shall in the same report disclose any compensation paid by a business, etc., attempting to influence passage of legislation; in the practice of rendering advisory or public relations services to the United States government; or engaged, or seeking to become engaged, in any kind of work with the United States government.

**C. Nepotism.**—All Members of Congress and their spouses shall report any family member employed by the United States government or paid to attempt to influence legislation.

I believe the voters of this country are entitled to an accounting by each and every Member of Congress of all his financial interests. This should be a part of the decisionmaking process when they cast their ballot. The voter needs to know what a Member's assets are before he can accurately judge how much that Member's decisionmaking ability might be influenced. Disclosure would provide this kind of information.

Further, the public disclosure of assets and liabilities would encourage all of us to conduct our affairs with utmost scrutiny.

The basic strength of this Government, Mr. Speaker, is the faith that the people of this country place in their public offi-

cial. I offer this bill today in the hope that the House of Representatives will decide to set an example for the other branches.

No one likes to feel that everyone knows everything about their financial affairs, but in this moment in time, it is essential.

REAPPRAISAL OF INTERNATIONAL TRADE POLICIES

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. QUILLEN. Mr. Speaker, for more than 35 years, this country has had an open-door policy where international trade is concerned. We have encouraged the free exchange of goods with foreign countries because this has been in our best interest and in the interest of seeking peace and stability throughout the world.

This policy has served us well, but like all things of this nature, it must be evaluated from time to time. It must be reappraised in light of the circumstances of today.

Because widespread unemployment and underemployment exist in areas of our country, despite a long period of prosperity, we must take a particularly close look at what our international trade policies are doing with regard to our labor intensive industries—those which use the highest amount of labor per dollar of sales.

Three of our largest employers of workers at all skill levels are the textile, apparel, and footwear industries. Together they employ more than 2½ million people. In my own State of Tennessee, they provide employment for 117,000 people or one in every four manufacturing jobs.

In addition to the more than 117,000 Tennesseans directly employed by these industries, tens of thousands more earn all or part of their living from providing trucking services, cotton, manmade fibers, dyes, and other finishes used in our mills which produce everything from yarn to finished textile products for home and industrial use.

As large as this payroll is, it is even more important because it provides work for tens of thousands of people with limited skills.

The textile industry offers employment to hundreds of thousands of women. Nearly 80 percent of the employees of apparel industry and 43 percent of the textile industry are women. Many young people find their first manufacturing jobs in the textile industry and have an opportunity to learn skills which will help them advance.

This is the type of job-creating potential our labor-intensive industries offer, but by permitting unlimited growth of low-wage imports we are undercutting the very type of industry we need to be encouraging.

Last year, textile and apparel imports reached a record level of 3.6 billion square yards. This was better than double the amount we imported just 5 years ago, and already this year, textile imports are running at an annual rate of 4 billion square yards. It has been estimated that this level is equivalent to some 225,000 jobs.

This dangerous trend must be reversed. It must be reversed as quickly as possible and in a way that will enable our labor-intensive industries to grow as our economy expands.

Mr. Speaker, the textile import control bill, H.R. 17029, I have introduced will do just that. In addition, it is fair to all the countries engaged in international textile trade. It need not result in any major rollbacks in imports, but it will provide an orderly for sharing the future growth of our textile market.

This legislation authorizes the President to enter into voluntary agreements limiting imports of textiles, apparel and footwear. If any nation is unwilling to enter into any such agreement, the bill would establish a ceiling on imports in 1970 at the very high level of the 1967-68 average. In subsequent years, the ceiling would be adjusted up or down depending upon whether there were increases in domestic consumption.

Mr. Speaker, this is reasonable legislation, legislation which will further our broad goal of encouraging international trade, but at the same time it focuses on a basic domestic need, the need to provide employment in our basic labor-intensive industries.

POLISH THIRD OF MAY CONSTITUTION DAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. ROONEY of New York. Mr. Speaker, last Sunday, May 3, was a very important holiday to the many millions of Polish Americans and, like many things about that unhappy Communist dominated country, the holiday is a paradox of joy and sadness. May 3, 1791, marked the day of the adoption of the Polish Constitution—one of the brightest days in Poland's long history. It also sadly marks one of the most brutal acts of treachery and genocide of World War II—the murder of thousands of Polish leaders in the Katyn Forest near Smolensk 25 years ago.

America has always had strong ties with Poland and there is no more visual proof than the constitution of the two countries drawn less than 2 years apart. Just a little under 2 years after our Founding Fathers had ratified the American Constitution in 1789 Poland adopted one, without a revolution, that among other great precepts proclaimed "All power in civil society should be derived from the will of the people, its end and object being the preservation and integ-

city of the state, the civil liberty and good order of society, on an equal scale and on a lasting foundation." Poland had acted to correct internal weaknesses of her legislative and social systems.

But the idea of freedom and equality was repulsive to much of Europe then, even as it is now, and less than 4 years later Poland was overrun by Prussian and Russian soldiers. The country was once again partitioned and her people put to the sword. The true liberalism as expressed through the Polish Constitution could only be a threat to the repressive governments of Prussia and Russia, and therefore had to be eliminated. It is not strange then to find that given the opportunity to do the same thing in 1940, the Russians acted in the expected manner. Without hesitation they slaughtered the prime of Poland's manhood—officers, scientists, professors, religious, lawyers, and students. Some 4,423 graves were later unearthed in the Katyn Forest while 14,283 Polish prisoners of war undoubtedly came to the same tragic end their comrades did. There was only one reason for this slaughter, to eliminate the future leaders of Poland. The war for Poland at least, was over. The German juggernaut and Russian treachery had combined very efficiently to put out of action the comparatively small Polish armed forces. The deaths in Katyn were not combat deaths—they were not even reprisals. They were just plain murder. Is it any wonder then, Mr. Speaker, that the 10 million Americans of Polish ancestry constantly long for freedom for their former homeland? During the Polish Millennium 2 years ago, marking 1,000 years of Polish Christianity, I had the good fortune to meet with many of my Polish friends both here and in Poland and I can only say that the desire to be free burns as brightly in Poland today as it must have in 1791.

Mr. Speaker, we must encourage and help our friends in every possible way until such time, God willing, they are once again truly the masters of their own destiny.

#### POLISH CONSTITUTION DAY

### HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mrs. GRIFFITHS. Mr. Speaker, we are proud to count among the peoples of America over 10 million citizens of Polish origin who contribute to our country the strength, vitality and joy of life and individual freedom for which they are so well known. On Sunday, Poles and citizens of Polish origin and their numerous friends around the world joined in celebrating the 179th anniversary of the adoption of the Polish Third of May Constitution Day.

It was on May 3, 1791, barely 2 years after the adoption of the U.S. Constitution in 1789, that Poland succeeded in reforming her public life and in eradicating her internal decline without a bloody revolution or even without disorder.

Fundamentally, the Constitution of 1791 was an attempt to do away with the medieval and outmoded system of government in Poland and replace it with a modern constitutional monarchy and parliamentary type of government akin to the system existing in England. The Constitution discarded those aspects of the old system which contributed to the constitutional weakness of Poland. Like our own American document, the Polish Constitution pledged liberty and representation and a greater share in the nation's destiny to the people of beleaguered Poland. The Polish Third of May Constitution encompassed many of the principles of a free society that we in the West hold true today: the sovereign power and will of the people, the rule of law, and the protection of the individual from the smothering influence of an all-powerful state.

Regrettably, the May 3d Constitution was never given a chance to become rooted in the Polish political system. This failure was not due to any shortcoming on the part of the Polish leadership or of the Polish people, or indeed on the part of the document itself. But rather the failure of fruition was due to the Russian military intervention, their conquest of Poland, and the destruction of the Constitution. Fearing that the ideas embodied in the new Constitution would infect their subjects, the autocrats of Austria, Prussia, and Russia at once attacked Poland, overran it, and partitioned most of that country among themselves. This they did before the Constitution was effectively tested in Poland. A few years later Poland was overrun once more, and this time the rest of the country was parcelled out in the third partition of Poland in 1796.

But the spirit of that democratic constitution has lived in the hearts of the Polish people throughout their history of oppression and foreign domination and they are alive today. Although the Polish people have been suffering under Soviet-imposed rule for 25 years now, they are still vigorous in their personal opposition to the Communist system and have shown the courage which will enable them to overcome their Communist oppressors someday. Our participation in the observance of the Polish Third of May Constitution Day again this year dramatizes the support and interest of the peoples of the United States in the Polish nation and other peoples around the globe who are oppressed captives of communism.

Certainly, I am honored to join in this celebration and I fervently hope that the Polish dream of freedom will once again be realized.

#### 30TH ANNIVERSARY OF KATYN MASSACRE

### HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. PUCINSKI. Mr. Speaker, the Illinois division of the Polish American

Congress, Inc., adopted the following resolution at a 30th anniversary observance of the Katyn massacre held in Chicago on April 12, 1970.

The resolution was presented by the organization's president, Dr. Edward C. Rozanski, and adopted unanimously by the 2,000 people who attended the solemn observance.

The resolution follows:

#### RESOLUTION ADOPTED AT THE 30TH ANNIVERSARY OBSERVANCE OF THE KATYN MASSACRE

Assembled at the commemoration of a tragic event, which has become known throughout the civilized world as the Katyn Massacre, we submit the following:

1. In accordance with the Soviet-German treaty of August 25, 1939, the Russian Army invaded Poland on September 17, 1939, when the Polish Army was bleeding in its valiant struggle against the armored might of Germany.

After the complete occupation of Poland by the German and Soviet forces, approximately 250,000 Polish soldiers were made prisoners of war in the Soviet zone of occupation. 15,000 Polish officers were placed in the prisoner of war camps in Ostashkov, Starobielsk and Kozielec in Russia.

These officers were wantonly murdered on the orders of the Soviet government—4,500 at the Katyn Forest, the remainder in heretofore unknown locality.

The International Tribunal of Nuremberg punished Germans guilty of crimes of genocide, but failed to hold hearings and pass judgment on the crimes of genocide perpetrated by the Soviet Union, which to this date enslaves smaller nations.

Indeed, the Soviet leaders guilty of genocide were instead accorded wide ranging concessions at Yalta, where these Soviet war criminals were given the right of conquest in East Central Europe, which in turn enabled them to organize a vast empire, which today threatens the security of the free world.

2. According to press reports, confirmed by the State Department, NATO has worked out a strategic plan which provides for a nuclear attack on Poland and Czechoslovakia in case of Soviet aggression against Western Europe. Its purpose is to warn Soviet Russia of consequences of a nuclear attack and so induce them to discontinue their invasion of Western Europe. The plan precludes nuclear attack against Russia itself.

Thus a nation guilty of genocide and conquest of many peoples, a nation which wages war against this country in Viet Nam and which openly declared its intention to destroy America, is to be saved from nuclear attack at the cost of the people of Poland and Czechoslovakia, who have always demonstrated their friendship towards the United States of America.

The nuclear barrage across Poland and Czechoslovakia would be tantamount to complete destruction of both nations, innocent as they are.

Within this context, the nuclear strategy of NATO constitutes planned genocide, this time conceived by the nations which proudly proclaim the superiority of ethical values of our Christian heritage and Western culture.

3. We, Americans of Polish descent, assembled at the solemn commemoration of the 30th Anniversary of the Katyn Forest Massacre, request the President, the Senate and the House of Representatives of the United States of America, and the entire American nation:

To implement the Congressional Resolution of 1952, which established Russia's responsibility for the Katyn Massacre;

To disavow the NATO nuclear plan against Poland and Czechoslovakia; and

To initiate United States policy, which

would lead to the liberation of the people of Poland, Czechoslovakia and all other nations of East-Central Europe from Soviet enslavement.

#### UPWARD BOUND

### HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. MOLLOHAN. Mr. Speaker, I want to bring to the attention of every Member of the House the activities of the Upward Bound program. This pre-college program for low-income students has been responsible for allowing many students in central West Virginia to get college educations that are vitally needed. Central West Virginia is where the poor are a majority rather than a minority in many counties. There are counties that are served by the Upward Bound program that have less than \$2,000 per capita income where the national per capita is \$3,600.

This program takes students who have completed the 10th and 11th grades of high school and places them on a campus in a two-part program. The first segment is usually a summer session of 6 to 8 weeks where the student enrolls in specially designed courses, and participates in a variety of cultural and social activities. The second segment of the program takes place during the academic year and the student takes remedial, enrichment, or accelerated classes.

Usually, the program employs both high school and college teachers for faculty and college graduate students and undergraduates as tutor counselors. The purpose of this Upward Bound program is to help students who would not otherwise be able to attend college, to get started and make up whatever deficiencies they may have because of their previous high school training. It is important to remember that the quality of secondary and primary schools depends primarily on the ability of the local community to support them and in central West Virginia many of our schools cannot sufficiently prepare a majority of their students for further education because of the limits on their resources.

Since this program began on a pilot basis in 1965, nearly 70 percent of the students eligible to enroll in a 2- or 4-year college have done so. The retention rate of the Upward Bound graduates has been similar to that of other college students.

Mr. Speaker, this is a program, unlike many, that serves a very real purpose, for it encourages many students and helps them through the critical stages of catching up on those skills and the confidence that is necessary for advanced education.

And if this region is to progress, its people must have the skills that today's economy demands. Consequently, Upward Bound fulfills a vital role when it

takes a young man or young woman who has the ability to learn, but who has a deficiency in finances or previous education or both, and gives them the opportunity to upgrade their skills so that this deficiency no longer exists. The 70-percent success mark of this program shows its usefulness, and I think it is time that we allocated more funds to the area of endeavor.

For, if we wish to eliminate poverty in the coming generation, we have to invest in the education of the coming generation, and this form of education is one of the highest return investments that we can make.

#### QUO WARRANTO: UNIVERSITIES IN THE 1970'S

### HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. COHELAN. Mr. Speaker, I am concerned that the increased publicity being given to student activism will further obfuscate attempts to more clearly define the role of the university on our changing social system. Fortunately, sociologist Daniel Bell has attempted to analyze the present university system within a larger social context. His theoretical and speculative essay, "Quo Warranto: Universities in the 70's," represents, in my opinion, a thoughtful and provocative attempt to redefine the authority patterns within the university system.

During these times when charges and countercharges concerning student activism are rampant, it is well worth the effort to attempt to place the problem of the university system in a clear and less emotional context. Professor Bell's essay fulfills this need.

At this point, Mr. Speaker, I would like to insert Professor Bell's essay in the RECORD and I recommend the reading of this work to my colleagues and the readers of the RECORD.

[From the Public Interest, spring 1970]

QUO WARRANTO?—NOTES ON THE GOVERNANCE OF UNIVERSITIES IN THE 1970'S

(By Daniel Bell)

Quo warranto?—"By whose right?"—is an ancient legal challenge to authority. The controlling problem of the governance of universities in the 1970's will be the resolution of a crisis in legitimacy, in the definition of authority which justifies any use of power or command. Clearly, in the last two years, there has been an enormous erosion of authority. The cry of the angry student has been, "By what right—who gave you the right—to say so?"

To govern is to exercise authority. In *The Social Contract* Rousseau wrote, "The strongest man is never strong enough to be always master unless he transforms his power into right and obedience into duty. . . ." No institution can live free of the daily shadow of coercion without the freely given consent of its members. A university cannot rule by power. In fact, it has no power other than

the reluctant threat of expulsion; and if besieged it has to resort to civil authority, an action that serves merely to confirm a rupture rather than resolve a conflict. The lack of power makes the problem of winning assent much more a question of agreement than of vote, for if a minority finds a situation immoral, or intolerable, a majority vote does not of itself provide legitimacy for action. The problem then is twofold: accepting the challenge to deal with the morality of specific actions; and recreating a generalized trust in the institution. Morality involves the redefinition of accepted, and often unquestioned, judgments. Trust derives from a belief in the worthwhileness—in short, the character—of an institution.

The older authority of the university (and therefore a definition of its character) was in Max Weber's sense, of a "traditional" kind. It was rooted in the past and sanctified by its attachment to the central value system of the society. Its role was to exemplify and express those values. Those values were not, however, the ideology of any particular social body, but the maintenance of a tradition of free inquiry and of a consensus about what constituted civility. Recently, particularly the past twenty-five years, the university has sought, again in Weber's sense, a "rational-legal" authority—namely the assertion of a particular expertise (as the source of rational authority) and a willingness to serve society in its pursuit of socially defined goals (the basis of its claim to legal support). These rational-legal claims as well as the traditional authority are being challenged to day—first by the students and now in a growing voice by the faculty.

To say that the university must regain its authority is simply to say that the university must live. But live as what? True, there has been an erosion of authority in the society and, to the extent that the university is part of the society, it is subject to forces beyond its control; but there has been a loss of trust in the institution itself because something has happened to its character. I would suggest that the crisis of legitimacy in the university (to the extent that it is specific and not just societal) derives from its assumption of many new and contradictory functions and from its evident inability to fashion a structure appropriate to its purposes. For twenty-five years the American university has been a vast "dumping ground" for tasks that society could not fill elsewhere. The university did not resist—in fact, it often welcomed—the intrusions; but it failed to adapt its structure to the new tasks. Now the major question is whether the university can fulfill these functions; and if it can not, what tasks should it legitimately assume.

Thus, we have a double problem: to redefine the character of "the university," and to create a system of governance appropriate to that character. Universities have become part of a new system of higher education—yet that system itself has had no central authority to raise questions about the direction of the university, its division of labor, and its acceptance or rejection of specific functions (the irony is that the universities, which have been accused of being an Establishment, lack the first requisite of an Establishment—the readiness and the ability to provide authoritative leadership.)

Any forecasts of problems facing the universities in the 1970's inevitably derive from a set of judgments about the relevant issues, and sources of tension, in the society. Some of these are obvious, some less so; but five factors seem to me to be central.

#### The Vietnam War

The war is morally dubious to a large section of the society, particularly the youth in the elite universities. But beyond the ques-

tion of an immediate settlement of the war or the withdrawal of American troops is a deeper question of credibility. Was the decision to extend the American presence in Vietnam, and to undertake a leading role in the fighting, a mistake in judgment, an aberration of foreign policy, hubris about American power and omnipotence, or an integral extension of the character of the society? A significant portion of American youth questions American power and asks whether similar kinds of intervention, overt or covert, will be made in the 1970's. The nature of American foreign policy, the definition of national interest, the role of the United States as a world power, are all problematic today; and these ambiguities affect the judgments and commitments of young people.

A significant number are wary or skeptical about the nature of America's intentions as a world power; a smaller number are already actively hostile (because of their vague allegiance to the idea of a *tiers monde*, to anti-Yankee and anticolonial sentiment among the Latin American intelligentsia, or to pro-Maoist or pro-Castro sentiment), and translate this into campus action. (The question whether the Vietnam War was "integral" to the American system, whether this country is or not imperialist, will be one of the great ideological debates in the universities—and among historians and political scientists—in the seventies, particularly as the New Left generation moves up into the professoriate. This question surely will affect the debates on the nature of the university's service to the society (e.g. the appropriateness of government-related and military-related research).)

#### *The blacks*

In the last two years, the blacks have become the most explosive issue on American campuses. Although the tensions will continue and even, intermittently, increase in the next year or two, I think that insofar as the universities are concerned, the situation will ease off by the early 1970's. This prediction is based on the observation that, even now, in spite of some heavy rhetoric, the blacks want to be included, not excluded from, society. Particularly in the universities, there is every disposition on the part of the authorities to accommodate those claims. What we are now witnessing is the familiar sociological trajectory of every dispossessed group that has suddenly been enabled to move into a society from which it had been excluded: the ability to express hostility that has previously been suppressed; the reach of subjective expectations far exceeding objective gains; and the psychological need to assert a new group identity. Black studies and black control of segments of the curricula, it seems to me, are not, in the long run, fractious issues.

The last point needs some elaboration, particularly about the college blacks. It is a familiar sociological phenomenon that a second generation that has not experienced the travails and humiliations of its elders often will become more militant and assertive in its expression of its claim and right to leadership. This is an "expressive" phase that is often necessary for consolidating group pride and group progress (witness the sabras in Israel). The crucial variable is the objective change in circumstances: so long as gains are real, visible, and steady (it is the abrupt halt or reversal in social advance that tends to precipitate revolution), then subjective expectations and psychological manifestations eventually become congruent with reality.

In all this, there is a useful analogy with the labor movement of the 1930's, which also

had its sit-ins, its militant left-wing leaders, its wild rampages, and the like. But once the mechanisms of advance were institutionalized (in the labor contract), a process of accommodation developed. For the society as a whole, particularly in urban affairs, there is a need to create mechanisms of political bargaining (community control of schools is one such example) analogous to those of economic bargaining in the 1940's and 1950's.<sup>1</sup>

#### *The multiplication of social problems*

The most fractious and frustrating dilemmas of the 1970's will be the multiplication of domestic social problems: the environment, urban policy, housing, health, education, etc. These have come to a head for several reasons:

*The growth in numbers.* Since 1945, ninety million babies have been born in the United States; the net addition to population has been about 60 billion (or more than the total added from the founding of the republic to the Civil War). These individuals have demanded a level of services and amenities higher than that of any previous generation, owing to our rising expectation of a minimum standard of life, at a time when the costs of services have risen more rapidly (particularly in labor intensive areas like health and education) than any other economic sector.

*The creation of a national society.* In the last thirty years, the United States has become, for the first time, a national society. We have always been a nation, yet not, until now, a national society—one in which change in any one part of the society has an immediate and obvious repercussion in every other part. Social issues are thus more visible, and their impact more coordinated.

*The growth of "externalities."* Externalities, as economists define the term, is the unintended and often unplanned impact, in short the "fallout," on Third Party C (and D, E, and F, as well), of a private transaction between private parties A and B. The result is a social cost (though sometimes a social benefit, too). The most obvious example of a social cost is air pollution which is the result, in part, of the larger number of private automobiles. Externalities often call for public action and lead to the expansion of public, as opposed to private, goods. As the national society becomes more interconnected we can expect the growth of more externalities.

Yet all this comes at a time of triple failure. One is the failure, or the lack, of social knowledge. We just do not know how to cut into the system, how to decide which expenditures have a greater social-multiplier effect than others. We do not know how to organize an effective medical care delivery system. We do not know how to design an effective low-cost housing project (witness the extraordinary disarray of such projects as Pruitt-Igoe in St. Louis). Nor do we know (cf. the Coleman Report) how to organize a meaningful educational system.

The second failure is that of government. In the decade of the New Frontier and the Great Society, we have had many ideas and many programs (several hundred in the Great Society alone), but several of these (e.g. the housing program, and the welfare program) have been failures. In part they have failed because there is a shortage of capable administrators; because there are political pressures which distort the programs; and because there is a simple lack of social knowledge.

<sup>1</sup> For an exploration of these problems, see Daniel Bell and Virginia Held, "The Community Revolution," *The Public Interest*, no. 16, Summer 1969, especially pp. 173-177.

The third failure is the unwillingness to support a tax program adequate to social needs. The Vietnam War has only masked (or exacerbated) this failure. But in truth, as the present political agitation reveals, there is a great public cloudiness about the meaning of taxes, and the successive administrations have been unwilling to educate the public about the benefits of taxation. Most people view taxes as money taken from "me" by "them," as a subtraction from income, although actually taxes are the use of money for the necessary purchase of public services that individuals cannot buy for themselves.

In one sense, these are the failures of liberalism, of the easy pieties of liberal platitudes about "government planning" and "social change." These failures have contributed to young peoples' disillusionment about the ability of the society to provide social amenities and a livable environment.

All of this will come to a head in the 1970's in a major respect. A society that has become a national society must necessarily become self-conscious about its goals, and the means of reaching them. We know that while we can clean up the environment (at a cost), provide more houses (at least in quantity), spend more for schools, and underwrite ballooning costs of medicine, we cannot do all of these at the same time (cf. the National Planning Studies of Leonard Lecht in "costing out" the Eisenhower Commission projections on national goals). We must choose. The great political debates of the 1970's clearly will turn on the subject of national priorities. And the big problem, if we are not to yield simply to organized political pressures, or to the exigencies of the moment, is to try to specify why one or another set of needs must take priority, and for what social reasons. Otherwise we simply multiply the frustrations and the loss of faith in the ability of the system to function.

#### *The post-industrial society*

Whether one calls our future state of affairs a "knowledge society," or a post-industrial society, it is becoming increasingly clear that the future urgently requires a highly educated population. I have argued previously in these pages<sup>2</sup> that the post-industrial society will increasingly depend upon the university for the codification of theoretical knowledge. But largely, that is the role of the elite universities. It is also true that there will be a greater occupational need for college-education, the university has become a gatekeeper, issuing credentials that regulate entry into the places of privilege in the society; indeed, it has almost assumed a quasi-monopoly position in this respect. And like any other human institution that assumes a monopoly position, the university inevitably has become a target for attack.

To a considerable extent, this attack comes from the students themselves. They fear, as the German poet Hans Magnus Enzensberger has put it, "the industrialization of the mind." The metaphor is not too farfetched, so long as one remembers it is a metaphor. The industrial revolution brought with it a new discipline and a new rhythm of work, imposed on the recalcitrant bodies of a rural artisan and farm-labor class. Between 1814 and 1840, the reaction to this imposition took the forms of machine-breaking, wildcat strikes, pastoral romances about the superior and idyllic virtues of times past and an elaborately conspiratorial image of "The Thing"—William Cobbett's word for the Establishment.

<sup>2</sup> "Notes on the Post-Industrial Society," *The Public Interest*, nos. 6 (Winter 1967) and 7 (Spring 1967).

Recent student outbursts are, to some extent, the early class struggles of the post-industrial society, against the imposition of an "organizational harness" and the discipline of a particular kind of intellectual training and professional expertise. Over the last several years, this organizational harness has been dropped on young people at an earlier and earlier age. The anxiety about admission to college begins early in high school; pressure to choose a major starts in the freshman year; the following year, anxieties about graduate school appear. And the pressure to remain in school from the draft foreclosed any possibility of a moratorium, a breather between college graduation and graduate school. (Perhaps the recent influx of college graduates into secondary school teaching as a result of the draft will be productive.)

The recent agitation to depreciate the importance of college degrees, to eliminate grades to have freedom in curriculum, to seek interdisciplinary work and the like, reflects all this pressure. I argued in *The Reforming of General Education* that much of this is logically and educationally unsound and that we need a greater degree of coherence and training in disciplines already in the curriculum. But one has to recognize the latent reasons and anxieties underlying the agitation.

Most assuredly as the student cohort of the late 1960's moves into teaching positions in the 1970's the attack on the established curriculum will gain force. This can be a source of enormously fruitful debate, if it is conducted in positive terms; but, if linked, as it may be, to the larger political issues of the day it will certainly be one of the major problems facing university administration.

#### *The new sensibility*

The most diffuse, but in the long run the most potentially disintegrating force in the society is "the new sensibility" in American culture. The relationship between social structure and culture is perhaps the most complicated problem of all social analysis. A change in the economy or technology, constrained as these are by resources and costs, has a determinable time sequence in a society. But changes in expressive symbols and values, in statements about the meaning of experience and in the codes for the guidance of behavior—the dimensions of art and imagination—are unconstrained. At times, as Ortega has said, they foreshadow the social reality of tomorrow because they are played out in the mind; but at times they remain only in the realm of imagination. Thus it is difficult to specify the exact consequences of experiments in sensibility.

For the last hundred years the culture of the Western intelligentsia has been largely anti-institutional and even antinomian. In the celebration of the self and the individual it presented a polarity of the individual versus society. It exalted the idea of the genius, or the artist, above social convention. But these impulses, as expressed from the romantic poets to the surrealists, have been contained by the shaping discipline of form in art. Today one encounters a double movement: an attack on form itself and on any effort to find meaning in art—the breakdown of boundaries and the end of genres; and what Karl Mannheim called "the democratization of genius," the idea that self-expression and self-fulfillment, are open to all without regard for boundaries and limits. In the "cult of experience" all realms of experience must be open and explored. Everything is under attack: authority, because no man is better than any other; the past, because learning tells us nothing; discipline and specialization, because they constrict experience.

Primarily, what has been added to the anti-institutionalism and antinomianism of the past is anti-intellectualism. What is celebrated is expression rather than idea, improvisation rather than text, sincerity rather than judgment. The psychedelic experience and the drug culture, the search for the "high" and for extended awareness, are the mass manifestations of this phenomenon. In this fierce anti-intellectualism, feeling and sentiment, not cognition, are considered more important. Education becomes not the transmission of learning but a search for "meaningful identity" to be gained by "dialogue," "encounter," and "confrontation."

As the political issues recede, it is likely that this cultural radicalism, which preceded the political, and has deeper roots in the past, will be extended. The cultist aspects of these movements (the Living Theatre, Susan Sontag) may fade from fashion, but it would be a mistake to assume that the deeper impulses will pass. For the time being, all this is restricted to a relatively small number, yet they are the culturebearers of an age. Just as Rimbaud, less than a hundred years ago, prefigured the beat and hippie cults of the past two decades, so do the Beatles make waves for the decade ahead.

Any cultural movement is multifaceted, and some interesting new areas of creativity will probably emerge from the new sensibility. But the social question is not the character of the next kind of high culture, but the fact that, for the first time, a sensibility of this kind has permeated a larger mass which by itself is not creative, yet which presumes that its experience, its search for "the true self" is as relevant as all art.

For the universities, the problem will swell in the 1970's, particularly as the large next high school generation, in which many of these attitudes have taken a strong if inchoate hold, enters the colleges. The situation will be particularly explosive in the humanities where these new impulses find their widest expression.

What does all this add up to for the next generations of college youth, and for the New Left now coming of age? In any immediate sense, the ability of young people to act in an organized, disruptive way will depend, in large measure, on pressing political questions such as the settlement in Vietnam. The SDS itself is in disarray. But if one wants to assess the possible consequences for the 1970's of these attitudes, then one can identify three responses, though not perhaps, the actual extent and influence of each of them.

1. *Urban guerrillas.* Some small portion of the New Left, completely hostile to the society, has psychologically taken the steps toward becoming "urban guerrillas," ready to act as a revolutionary force.<sup>3</sup> Tom Hayden and those who acknowledge his leadership typify this position. In Uruguay and some other countries, these urban guerrillas have already organized "hit-and-run" raids in their effort to disrupt the society. These cadres will be mobilized to exacerbate problems, maintain conflicts, and incite disruptive actions.

<sup>3</sup> Witness, for example, the following argument for "resistance" by an SDS leader: "The institutions our resistance has desanctified and delegitimized, as a result of our action against their oppression of others, have lost all authority and, hence, all respect. As such, they have only raw, coercive power. Since they are without legitimacy in our eyes, they are without rights." From a paper given at an SDS meeting in November 1967, "Toward Institutional Resistance," by Carl Davidson, Interorganizational Secretary.

2. *The Crazies.* As mass frenzies recede, some small groups of *enrages*, becoming ever more frustrated at their inability to shape reality, will break out in nihilistic, sometimes senseless behavior. This has been the history of ebbing movements, from the Anabaptists to the Anarchists. One sees now, in such movements as the Weathermen and the Crazies, similar types of action. In any large sense, these are not serious. In a few specific places (Berkeley, Boston, New York), they may be responsible for serious incidents.

3. *The Alienated.* A large group of young people, puzzled, angry, alienated, constitute the "mass" for the radicals. While unwilling to act in a disciplined fashion (like the urban guerrillas), or in wild fashion (like the Crazies), they will find particular issues (the Columbia gym, the People's Park) which will be both symbolic and inflammatory.

How many young people are we talking about? We have little way of knowing though the *Fortune* polls give us some clues—in all, the three groups may reach as high as 30 per cent in the elite schools. A more important consideration, however, and a crucial one for all our problems, is less the percentage than the *charge of scale*. In an arena of a thousand students, the five per cent who are active radicals adds up to only 50 activists, and they may have little impact. In an arena of ten thousand students, five per cent comes to 500, and these can form a powerful striking force when the situation is favorable. Our problem for the 1970's is that we are living through a new change of scale.

#### THE UNIVERSITY SYSTEM IN THE 1970'S

The problem of governance is tied up with the question—increasingly an ambiguous one—of what a university is and, more broadly, what a *university system* is in the society. One can, for the purposes of analysis, identify four functions which have been and are being performed today by the university:

(1) Custodial of the traditions of Western culture and the evaluation of claims to membership in this "great chain of learning." This is the oldest function, and it centered in the humanities. But this function is in process of dissolution. Ten years ago, a serious debate could take place about whether Nietzsche belonged in the canon of great works to be studied in a Humanities course—it actually took place at Columbia. Today, almost anything goes. During one of the sit-ins at Duke University, a student complained (on camera, during a TV news program) that his modern literature course only went up to the 1950's and did not include the 1960's.

(2) The search for truth through inquiry and scholarship: the effort to assert the philosophical foundations of certified knowledge, the discovery of the laws of nature, the explication of the norms and rules that govern human behavior. These inquiries still go on, though they have become, necessarily, more technical and specialized.

(3) The training of a large number of people as professionals in specific fields. A hundred years ago, one learned on the job. Now, with knowledge increasingly dependent on theory, one learns in a school and then takes a job. This function has been combined in recent years, with mass higher education and technical training on the junior college level.

(4) The application of knowledge to social use. This includes, in earlier years, aid to agriculture; more recently it has been the service to military technology and to economic planning.

Since World War II, the third and fourth functions have expanded enormously, for many reasons: the fact that theoretical

knowledge has become more intimately entwined with applied research and development; the needs of government and industry, etc. Whatever the reason, one sees the fruits of this in the multiplication of research institutes, centers, and programs in universities, the expansion of research and the service functions.

But all this brings us back to the root question: what is a university? It is startling to realize that we have not really had any adequate definition of a university. The university is ordinarily likened to an extended family, a secular church, to a corporation, to a community, or it is simply described as a microcosm of the society. And the multiplication of functions in recent years leads to increasing ambiguity and amorphousness about the nature of the beast—and this is one of the central reasons for the failure to define adequate governance. If it is like a family, then one kind of standard applies; if like a political community, another set of standards; if like a corporation, a third, and so on. But the very fact that all these metaphors and analogies are possible only multiplies the confusion and makes more difficult the question of asserting some justification—and therefore legitimacy—for authority in the university.

There are, it seems to me, two distinct justifications possible, each (as ideal types) representing markedly different roles for the university.

The first might be called the classical model. This is to say that the university is that institution in the society endowed with the special function (and the extraordinary immunity) of searching for truth and evaluating the culture of its times. In this sense, it is free to question everything—in theory. If it is to be true to its purpose, nothing is exempt from its scrutiny. But if it is to have the immunity from reprisal that goes with this power, it must obey the self-denying ordinance of remaining at the level of theory, of speculative discourse. The question whether anything is to be put into practice is a question, not for the university, but for the society. In this model, the university stands outside the society, and contains within itself all varieties of creeds and beliefs, and all kinds of persons, subject to the one qualification of competence in the world of learning and scholarship. These qualified individuals, scholars, are free to explore any question, and test all areas of human experience—in theory.

The second might be called the pragmatic model. Here the function of the university is primarily one of service to the society: service in training large numbers of persons, service in the application of knowledge, service of the members of the university in government and elsewhere, etc.

The legitimacy of each type is clear: the first, knowledge for the sake of knowledge; the second, social benefits. But the limitations of each view are also apparent. If one chooses the first, then one is barred, in the role as scholar and researcher (though not as citizen) from political advocacy and active partisanship. If the second, the question becomes: "Who shall decide?" Should the universities serve the military? Or the urban poor? Or the radicals? Should the criterion be national interest, social need, the command of money, the influence of power groups, or what?

While my formulation of the types is extreme, and somewhat abstract, the division is nonetheless real, and some choices will have to be made.

One answer can be to continue what we have at present—in effect, a form of *laissez-faire*. Those individuals who want to work in an ivory tower can do so; those who want

to serve one or another group in the society are free to do what *they* want. This is possible, perhaps, from the point of view of the individual professor in the university. But what of the administrator, the foundation, the alumni, the government, and the various public claimants, those who give the money or make the demands. What choice can they make?

One way out of this difficulty is to realize that there need *not* be an either/or choice. If we are to fashion, as we must necessarily do, a national *university system*, then we can allow the different choices to exist within a differentiated system.

The difficulty, hitherto, has been that every institution of higher learning has sought to be, with few exceptions, like every other. What we need is greater variety, serving different aims in a differentiated division of labor. There is no reason why some institutions cannot be primarily in the service of scholarship and learning, with little need to take on added responsibilities. Some institutions can be oriented primarily to research, and others to training.

But in addition to differentiation we also need divestiture. The university has become a multipurpose institution taking on all the chores that a society cannot take care of elsewhere. When the military could not find disinterested sources of advice in industry, it created the Lincoln Lab and MITRE Corporation at MIT. When the Ford Foundation wanted to extend a system of public broadcast laboratories, it asked Columbia University to accept the responsibility, which at first it did, and then declined. When the AEC needed a manager for its Argonne Lab, it turned to the University of Chicago. But why should the universities take on all these functions? The problem for the 1970's I would predict, will be the effort of the universities to divest themselves of many of these tasks; and this is as it should be.

If there is to be a national university system, then we need to initiate more sustained thought about its desirable shape. Should graduate schools and their research preoccupations be linked with large undergraduate colleges? Should one not have two kinds of graduate schools, one for detailed research training and one for broader education? What is the optimal size of a single campus? What kind of division of labor can be created among universities as regards concentrations in different fields? Should some kinds of research be detached from universities and lodged either in government, in nonprofit institutions, or in some kind of academy structure (as in the Soviet Union)?

These are questions about structure and function. But if one goes further and links them to the question of legitimacy, one should, perhaps, grasp the nettle and make some further, broad distinctions. Can one give all universities—private and state, small and large, elite and mass, liberal arts and junior colleges—the same cloak of immunity and privilege that is worn in the classical model? What is "academic freedom" in a junior college and how does this differ from the citizenship of a corporation employee to speak his mind politically? Does membership in a "faculty" with all its privileges, extend to teaching assistants and librarians? In the present "Idea" of a university, we have a hollow ideology that is contradicted by a complex reality.

For the sake of argument, what would a national university system look like, if divided along the lines of legitimacy that I have proposed? In effect, we would have three different systems:

(a) An autonomous system of elite universities and liberal arts colleges whose justifications would reside in their allegi-

ance to the classic pursuits of truth and scholarship and also would be recipients of the traditional immunities of a university so conceived.

(b) A large-scale system of state universities and junior colleges whose functions would be professional and technical training.

(c) A large-scale research and service system which would be client-oriented—to the government, to industry, to the various minorities—and whose function would be primarily that of applying knowledge to technological and social problems.

The system I have outlined so schematically is open, of course, to the charge of elitism. It is subject, more serious, to the accusation that in the character of knowledge and its application such distinctions are false and unreal. Perhaps. Each of these arguments is debatable. But the simple point is that these issues have never really been debated. If one is to think seriously of a national system of higher education, serving various purposes in a meaningful division of labor, surely we must initiate this kind of debate.

#### THE IMMEDIATE ISSUES

This discussion has dealt largely with deep-rooted structural problems of the university system. Yet there are some immediate problems of governance ahead.

#### *The containment of disruption*

While it is unlikely that we shall see more student uprisings of the scope of those in the past two years—I believe the crest has been reached—obviously there will be many new and recurrent episodes. The problem to be considered is not the scope of these protests—this is hard to predict—but the altered character of the chief organizing force, the SDS, and what this portends for the universities.

The character of the SDS has changed. Early studies of student activists, such as those by Keniston, Flacks, and M. Brewster Smith, portrayed them as passionate, idealistic youngsters who, looking at the evident imperfections of the society, sought to redress these evils at a great personal sacrifice of time and even of careers. Whatever the truth of these characterizations—and I believe they were on the whole accurate at the time—the picture is vastly different today. What these earlier studies have failed to take into account is a situational logic. For one thing, the kinds of action employed—militant, boisterous, disruptive, personally aggressive—have attracted to the movement many unstable personality types for whom the attack on authority is a sanction for their own obsessive rages and the acting out of hostile impulses. The "paranoid style" has become a feature of the SDS. More importantly—and we see here the repetition of what Frank S. Meyer has described, in a Fund for the Republic study, as "*The Molding of a Bolshevik*," a "hardening" process which has also been graphically portrayed by Bertolt Brecht in his play *The Measure Taken*. The SDS organizational form has been transformed from its early open, spontaneous emphasis on participatory democracy to a closed, manipulative cadre form of organization, ready to use deceit and violence in order to gain its ends.

This trajectory of change is a product, in part, of being a harassed and hunted minority; more to the point, it is inherent in the political logic of a group that has become more determinedly revolutionary and finds that its older, anarchist mode is inadequate to its new aims.

The SDS picture is further complicated by a split in the organization that has now

May 4, 1970

produced three groups claiming the use of the name: one, the faction whose headquarters are in Boston, controlled by Progressive Labor, the Maoist wing of radicalism; the other two, wings of the Revolutionary Youth Movement. The PL faction emphasizes the need for a "working-class alliance," and tends to be anti-drug and anti-pornographic. The Weatherman faction of R.Y.M. which controls the Chicago national office, thinks of students as the adventurist spearhead of a revolutionary movement. R.Y.M. II has become an old-fashioned radical youth movement, with overtones of Castroism.

Both aspects—the splits and the change in organizational character—will reduce the size and effectiveness of SDS. Sectarian wrangling drives away many individuals, and is a diversion of energies. The kind of commitment now demanded by SDS is too extreme for most students. Yet the rivalry between the various factions, plus the desire of both to "prove" themselves, may in the short run provoke more disruptions, as the SDS groups seek to inflame existing issues and find new ones.

How can such disruptions be contained? We must realize that the issue of disruption and of the character of the university are one. The authority of a university is not a civil authority but a moral one. It can deal with disruptions—or the threat of disruption—not by invoking civil force but by rallying an entire community to establish common rules of common procedure. Disruptive students can only be contained by a faculty and other students, not by police.

This is not to say that police should never be used. But calling in the police is not a last resort or a first resort, but one that may be used only after an administration and faculty and students have been mobilized on the issues. The failure of the Columbia administration in April 1968 was its aloofness, not from the SDS, but from its own faculty and students. It was the SDS which initiated the violence at Columbia by insisting that the university was the microcosm of the society and challenging its authority. After some confusion, the administration in its actions, accepted this definition and sought to impose its authority on the campus by resorting to force. But in a community one cannot regain authority simply by asserting it, or by using force to suppress dissidents.

Authority, in this case, is like respect. One can only earn the authority, the loyalty of one's students, by going in and arguing with them, by engaging in full debate, and, when the merits of proposed changes are recognized, taking the necessary steps quickly enough to be convincing. During April 1968, the Columbia administration never explained its case on the issues, and it had a good one (as Roger Starr has shown in his article "The Case of the Columbia Gym," *The Public Interest*, Fall, 1968). The following year, when the SDS made a wild allegations about the role of the university in community evictions, they were quickly answered in a White Paper, and the agitation collapsed. At Harvard, it seems to me, President Pusey drew the wrong conclusions from the Columbia example by moving to call in the police soon rather than late, instead of first mobilizing the Harvard community to condemn the seizure of University Hall.

In short, the point at issue is not SDS, for SDS is not concerned any longer with redress of specific evils or with genuine reform, but the confused allegiances of the moderate students. Without the support of the moderates, the SDS actions begin to crumble, as they did at Columbia and Chicago in the spring of 1968.

On the question of containing disruption, a crucial variable is the *style of leadership*. In situations of conflict or stress, the university, like any institution, needs a rallying symbol, and this is, necessarily, the president of the institution. Clark Kerr's conjecture (in *The Uses of the University*) that the president of a university would have to be a mediator is not so. The president needs to be active and cool, and aware of the ideological currents that are running so swiftly in the schools.

#### Structure and representation

One of the immediate reforms that must take place in many of our institutions of higher learning is the creation of juridical and representational bodies to deal with policy issues of the university. The university, today, faces a special problem. The idea of a small community of scholars (with senior common rooms and junior common rooms to mark the differences in rank) on the Oxbridge model is clearly inapplicable in the United States. Given its size and varied functions, the university today mingles a political model (as regards faculty self-governance and self-selection) with a bureaucratic model (in the relation of an administration to the students, often in the organization of research, relation to the community, etc.). The clarification of these differences—how far the university must go in being a political community, and how much bureaucratization is necessary—is one of the most pressing problems in the explication of university governance.

Clearly the university must become, more formally, a political community. The making of policy decisions must be open, subject to debate, and to some form of confirmation by the relevant constituencies in the university. There are, it seems to me, three major areas which require exploration:

(1) *The structure of representation.* The problem will vary from school to school. In some unitary colleges there might be some kind of proportional representation between faculty as a whole, administration, and students; in other, federated institutions, there would be representation by federated unit, etc. So far as I know, there are no studies of the range of representational structures and the rationales for each.

(2) *The relevant constituencies.* Who is to have a vote, and of what kind (with vote or without), in university deliberations? The librarians are pressing for faculty status. The teaching assistant wants to be considered as having a faculty role, though usually he is also a graduate student. Do nontenured and tenured personnel have equal voice on all issues? Again, there is here a major area in need of research and clarification of principle.

(3) *The division of powers.* What decisions, if any, are reserved for the trustees, who are often the legal custodians of the corporation? What kinds of administrative action are subject to review, and by whom? To state these questions is to indicate again how little discussion there has been of these most crucial issues of university life.

Beyond all these problems, one crucial consideration—which most people accept as metaphor, yet rarely explore in practice—has to be observed: that all these problems take place within a change of scale unprecedented in the history of the university. A change of scale is not simply a linear extension of size. As Galileo once defined it in his square cube law, a change of size is a change in *form*, and consequently in institution. Most of our older discussions of rights and responsibilities, the allocation of powers and the devaluation of responsibilities, are modeled on an organizational form whose size is of a vastly smaller magnitude

than our own. It is this change of scale, in all its dimensions, and for all its consequences, that still has to be explored.

#### WHO IS GOING TO DO SOMETHING ABOUT WELFARE WASTE?

#### HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. GUBSER. Mr. Speaker, I recently received a letter from one of my constituents which clearly expresses the attitude of a great many hard-working Americans who do their best to pay their own way and yet resent seeing abuses of the food stamp and other programs.

Since I have not requested permission of the constituent to include her name, it is being omitted. Nevertheless, I strongly urge every Member of Congress to read this letter and contemplate on the emphatic point it makes. The letter follows:

APRIL 21, 1970.

HON. CHARLES GUBSER,  
Congressman,  
San Jose, Calif.

DEAR SIR: Enclosed is a clipping from this morning's *Mercury News*. Is it any wonder the middle-class taxpayer is getting mad, mad, mad? I personally know of the following cases:

1. A high school principal with a \$40,000 home getting food stamps.
2. A man and wife with joint incomes over \$20,000 getting food stamps.
3. Last week while grocery shopping, the lady in line ahead of me had a large box of cat food, she started a conversation with the clerk. The customer ended up saying, "I just bought my kids a pony." She then paid her bill with food stamps. She did pay cash for 2 cartons of cigarettes.

My husband has a full-time job and works weekends as a mechanic on cars and trucks. I work part time as a R.N. Our combined salary was around \$15,000 last year. We pay cash for everything—including cars—which we save for before we get the car. We do have a Standard Oil card, but our only other routine bills are utilities and house payments. We have two boys, one who starts college in the fall. We live from payday to payday and can save nothing. I put a certain amount in the bank each month to save for house taxes and extra income tax we have to pay. We don't have the boys deducted on our checks, but we always end up having to pay extra because we are *honest*. I save \$5 a month—half dollars and pennies which I bank for each boy for a college fund. The older one has about \$1,250 and the youngest \$700. I have to pay income tax on the interest on these accounts. This year we paid \$270 income tax to the state and \$92 federal. I know a family who make more on one income than we do on three. They have a mine claim, they take as business expense—even deduct for an office—which is supposed to be their bedroom as they have a desk there which was there before they had the mine. Actually it is his hobby. He is allowed depreciation on a big truck he bought—also a jeep which the kids use to ride around in when they go to the mine. He does more work remodeling a shack which was on the property than he does on the mine. They paid \$52 state tax and got a \$900 federal refund. Do you wonder that I'm bitter?



Another family I know. He drives his car on a county job. He gets mileage, but also uses it as an expense for deduction on income tax.

Another man drives his car on the job. He also gets mileage, but he takes \$1,000 a year depreciation on his family car.

We are in our middle 50's. Is it any wonder we worry about the future?

The following are wastes I know of personally in welfare:

1. Patients get \$15 a month for personal needs. This is retroactive. One patient told me she got over \$100 she didn't even know she was entitled to. This she gave to a daughter whose husband was working. I also could use \$100 extra. All personal needs are taken care of in the hospital. If they can't afford to smoke, they shouldn't. Many times the men go out on a pass and buy liquor which they hide in the bushes, etc. around the building. This is my taxes.

2. Cars for welfare patient. A man who works with my husband told him his mother was on welfare. She is a widow and needs it, but the social worker told her to go pick out a car. She picked out a '61, reported to the worker and was told, "You want a better car than that." She ended up with a '68. Who buys the gas for these cars? Our taxes.

3. A 14-year-old girl—broke her neck from diving in a swimming pool in her back yard. Part of the time her folks are on welfare. They had two cars. An attendant heard the social worker tell her mother to put in for an allowance for gas for coming to see her daughter.

The county of Santa Clara is millions of dollars in the red on welfare. Is it any wonder? They have taken from other funds to help make up this deficit. Personally I'm against striking, especially by public employees, but if they do not get a raise this year, I feel they are doing it justly if they do. They are paying twice—once with lower wages, and again with already high taxes.

Last year the County nurses got a 2.5% cost of living raise and according to the paper the cost of living went up 7.2%.

Who is going to do something about all these wastes?

Respectfully yours,

SUBSIDY HIT

EDITOR: In yesterday's Mercury (April 14) you carried an article about the food stamp program. In yesterday's mail I received a form from the food stamp office asking how much we contributed to our daughter's support; she was requesting stamps and is a state college student. We like many other parents, are more than able to pay our college student's expenses, but have refused to do so until said student conforms to her upbringing and our social values (not using drugs, living coed out of wedlock, etc.). This is, after all, the last weapon we as parents have to use to try to get these wayward students to do what, in the long run, is for their (the students') own good.

I wish to go on record that I object to the government subsidizing my child with my tax money when I have refused to do so because said child would not obey her parents. Furthermore, if these students would half try, they could put themselves through school, if they weren't so lazy and "up-tight," as they say, about our materialistic, capitalistic way of life. It's alright for me to work and pay taxes so they don't have to dirty their hands with the filthy money.

I have earned two degrees from the University of California and I did it without one cent from my parents who had five other children and could not afford to help me. Any young person who really sees the value

of a college education could get it if they really wanted it without resorting to welfare.

I would like to see the government stop subsidizing these young radicals and let them find out what it means to work for a living. Let's stop the give-away program and instead encourage our young people to be responsible, hard-working citizens of this great country of ours. As long as we continue the way we are going we are raising a generation of leeches. I have written my congressmen to this effect and hope others will join me.

J. GATES.

Sunnyvale.

FOOD STAMPS

EDITOR: Mr. Logan is not alone in feeling disgust at the misuse of food stamps. (Public Forum, April 14, 1970). I recently followed a 200-pound, 25-year-old girl through the check stand at the grocery store who paid for a basket full of cookies, her only purchase, with food stamps!

Welfare money is limited regardless of what the administrators may think. It should be used to benefit those in need, and few taxpayers would object to its use for humanitarian needs. To this end I suggest that a list of basic staple foods be prepared from which purchases can be made using coupons. Items such as caviar, cookies, candy, soft drinks etc. should not appear on this list!

F. KELLY.

BILL TO ATTRACT QUALIFIED TEACHERS FOR OVERSEAS SCHOOLS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, as a member of the Education and Labor Investigating Committee, I have become increasingly concerned over our failure to attract more experienced teachers to Department of Defense schools overseas. In our visits to overseas schools the Investigating Committee has found that present policy on salaries creates a major deterrent to more experienced teachers making application to these schools.

The current salary schedule allows a maximum of 2 years' credit for previous teaching experience and as a result the majority of applications are from teachers with minimum requirements. The majority of teachers selected each year have less than 4 years of teaching experience. A part of this problem appears to be the fact that the current salary schedule only allows credit for up to 2 years' teaching experience and, as a result, the master teachers would suffer a considerable reduction in compensation if they accepted a position in the overseas dependents' schools. Consequently, the current salary schedule is attractive mostly to the teacher who can meet the minimum requirements, which are a bachelor's degree and 2 years of experience. This applicant suffers no penalty, while teachers with more experience do not receive credit for their additional experience.

Additional credit for previous experi-

ence should be provided so that more experienced professional staffs will be attracted to teach in the overseas schools. Even though many teachers with the minimum of 2 years of experience do a fine job, it is only sound education policy that more master teachers who are recognized as such by school administrators in schools in the United States should be selected for teaching in the overseas schools. These master teachers will bring a knowledge of teaching techniques and educational expertise that comes only as a result of educational training and experience. Such master teachers are deserving of appropriate salary and should be given credit for at least 7 years of previous experience.

Therefore, I am today introducing a bill to require that in fixing a teacher's compensation, appropriate credit be given for prior teaching experience and not limited to only 2 years of experience.

EARTH DAY—LENIN BIRTHDAY COINCIDENCE

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. ICHORD. Mr. Speaker, on April 22 which was designated as Earth Day, teach-ins on the environmental crisis were held at some 2,000 colleges and universities and some 4,000 public schools across the Nation. Seminars, symposiums, lectures, and exhibits illuminated problems of pollution, population, land use, resources, and the perils of not repairing the damage done to our planet. The improvement of our physical environment is one of the most challenging problems of our times and we need to develop new means of attacking the problems. However, there are those radicals who endeavor to advance the argument that our Nation's ecological problems are the result of inherent evils in our system of free enterprise and that a Communist revolution must be the goal of the ecology in this country. This argument was recently analyzed by the nationally known and distinguished journalist, Jenkins Lloyd Jones, in his column which was published in the Washington Evening Star. His article points out that April 22 also happens to be the anniversary of Vladimic I. Lenin's birthday, and Mr. Jones also perceptively observed that:

The juxtaposition of Earth Day—Birthday was a happy accident for it gave Pravda a chance to report truthfully that on Lenin's anniversary many thousands of American students deserted their classrooms. If Earth Day catches on as an annual April 22 event, holidays on Lenin's birthday are assured.

This presentation reviews some reasons why pollution is a lesser problem in the Soviet Union. As part of my remarks, I insert Mr. Jones' article in the RECORD which follows:

[From the Evening Star, Apr. 25, 1970]  
**THE EARTH DAY-BIRTHDAY COINCIDENCE**  
 (By Jenkin Lloyd Jones)

By a funny coincidence Wednesday's "Earth Day," on which college students all over America held pleasant teach-ins on the spring greenswards in honor of the ecology, was also the 100th birthday of Nikolai Lenin.

This funny coincidence was unnecessary in parts of the world where large numbers of students are frankly Marxist-oriented. In Uruguay and Peru, for example, the 100th-birthday posters had been pasted on the walls for weeks and a good turnout was guaranteed for Lenin's memory alone.

But in the United States the juxtaposition of Earth Day-Birthday was a very happy accident for it gave Pravda a chance to report truthfully that on Lenin's anniversary many thousands of American students deserted their classrooms. If Earth Day catches on as an annual April 22 event, holidays on Lenin's birthday are assured.

This coincidence is happy for another reason. If Lenin's philosophies had prevailed in the United States we'd probably have a lot less pollution.

There is no exhaust-fume smog to amount to anything in any Russian city. There are no jammed freeways or mountains of junked cars. There are no parking problems on the Russian campuses. People go from town to town on trains, and in the cities they are served by trucks, buses and trains—all owned by the state. It's sort of restful if you can get a seat.

Nor is the Russian countryside desecrated by ranch-style suburbia, crawling over the once-beautiful woodlands. People in the cities are more likely to be neatly boxed in tall apartment houses, which the New Left would describe as tenements if they had been built over here. These apartments, with two or three families sharing a bathroom, save valuable space for nature.

There is less of a trash and garbage problem, too, under Lenin's system. There are not so many throw-away bottles or indestructible plastic containers. In many Russian towns if you want milk you bring your pitcher around to the government dispensing station, compared to Americans, Russians have become experts at learning how to use trash. This greatly simplifies the disposal problem.

Another good thing about the Leninist environment is the general absence of unwashed, naked-to-the-belly, hopped-up bomb-builders, their bodies sometimes painted with cabalistic signs. These people, gently tolerated as revolutionaries on this side of the Atlantic, are considered counter-revolutionary over in Lenin country and are handled firmly.

While in the United States any effort by the Establishment to make life uncomfortable for these social activists is likely to be denounced as overreaction, police brutality and even genocide. The Lenin system has no such hang-up.

On June 26, 1918, Lenin wrote as follows to G. Zinoviev:

"We have just learnt in the Central Committee that the workers in Petrograd wished to react to the assassination of Volodarsky by mass terror and that you stopped them. I decisively protest. This is impossible! One ought to encourage the vigor and the wholesale character of the terror against the counterrevolutionists!"

That sort of kept the dissidents in line. Indeed, to this day even dissenting poetry which doesn't affect the environment much one way or the other often means a quick trip

to a "re-education" camp or an insane asylum.

One thing that messes up the environment in many non-Leninist countries, particularly since the invention of spray cans, is the practice of festooning walls with crudely painted signs like "Vive le communisme!" or "Abajo capitalismo!"

These signs are unnecessary under governments that revere Lenin. Any deviant signs containing reactionary error like those "Svoboda!" (Freedom) scrawls that were to be seen on the walls of Prague before the tanks moved in, have not only been painted out but a great effort has been made to school their authors in correct attitudes.

The great thing about a totalitarian regime is its neatness. Unhappily, the neatness of the Hitler regime in Germany—the perfectly aligned phalanxes of youth with up-raised arms, the symmetrically laid out concentration camps, the efficiently arranged ovens—has passed away, and in West Germany today people go and come in unorganized confusion and there is a big trash problem.

But in Lenin country the magnificent masses march with precision through Red Square, junk cars perform usefully on the highways and a lot of garbage is eaten.

Happy neat-and-orderly Earth Day.  
 Happy Lenin's 100th Birthday!

**AMBASSADOR OEHLERT ON WEAPONS FOR PAKISTAN**

**HON. ROBERT L. F. SIKES**  
 OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. SIKES. Mr. Speaker, Ben Oehlert will be remembered as one of America's more capable Ambassadors. A successful businessman, he served effectively as Ambassador to Pakistan during the Johnson administration. He has a deep grasp of the problems of that area and in a recent letter published in the New York Times on April 19, he helped to clarify a question on weapons which exist in that area. I submit it for publication in the CONGRESSIONAL RECORD:

FOR AID TO PAKISTAN

To the Editor:

In a recent editorial page Topics column Chester Bowles, former Ambassador to India, opposed the sale of arms to Pakistan.

His views are entitled to consideration because he has long served our country in many capacities at great personal sacrifice. But there is another side to the story.

Pakistan has been called "the most allied of our allies" because of its membership in SEATO, CENTO and U.N. Commission for the Unification and Rehabilitation of Korea, our bilateral mutual-defense agreement, the U-2 base from which Gary Powers flew, and our communications base there.

At the time of the 1965 war between India and Pakistan, we cut off all military supplies to both countries. That had little effect on India, because only a small portion of its equipment was American. But the effect on Pakistan was devastating because nearly all of its equipment was American.

In April 1967 our Government notified Pakistan that it would resume the sale of ammunition and spare parts, and would look

with favor on the sale by third countries of second-hand end items under U.S. control. But no end items have yet materialized.

Pakistan's requirements are modest in terms of quantity and degree of sophistication. It expects to pay for what it gets.

India is heavily armed with modern, sophisticated equipment, mostly Russian. With that equipment came a degree of influence, if not control.

Russia stands ready to furnish Pakistan with everything it needs. It is not in our interest that it do so.

Pakistan's geopolitical position is extremely strategic, with its proximity to both Russia and China, with East Pakistan bordering on the Southeast Asian countries and with West Pakistan being at the end of an arc that runs from the Western European countries through Turkey and Iran.

With Russia's growing power in the Mediterranean Sea and in the Arab countries, we cannot afford to see Turkey and Iran outflanked by Russia in Pakistan.

Israel and the Arab countries fought each other much more recently and are still shooting, but we supply both because it is in our national interest.

It has been established over and over again, including by India and Pakistan, that every country, rich or poor, will get what arms it feels it needs for self-defense.

It is better for us to sell arms to friendly countries rather than for someone else, and particularly our enemies, to do so.

It is far better for us to sell arms to friendly countries for their own self-defense than for us to defend them.

BENJAMIN H. OEHLERT, Jr.,  
 Former U.S. Ambassador to Pakistan.  
 PALM BEACH, FLA., April 13, 1970.

**POSTAL REFORM FOR WHOM**

**HON. JOHN R. RARICK**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. RARICK. Mr. Speaker, the proposed postal reform act continues to generate more controversy than solution or public confidence.

People question why a reportedly defunct and destitute postal system announces plans to deposit its fund with minority-owned banks in various parts of the United States. The plan, according to the present Postmaster, is devised not to serve or benefit postal patrons but to provide cash loans to minority-owned enterprises. Many question the propriety of their post office funds being converted into a Freedman's bank subsidy where it can at best help create additional inflationary money through credit—see my remarks on page 13381, CONGRESSIONAL RECORD, April 28, 1970. This is the independent establishment that seeks \$10 billion bond authority?

Similarly, columnist William Willoughby announces objections are being raised by several religious bodies to compulsory unionization of postal employees. How will these postal reforms benefit the mail patrons? Postal reform for whom?

I insert the Post Office Department news release and the Religious News clipping as follows:

POST OFFICE GENERAL RELEASE NO. 47

The Post Office Department in cooperation with the Office of Minority Enterprises today announced that action has been initiated to establish postal bank accounts with approximately 25 minority-owned banks in various parts of the United States.

"By increasing the banks' available cash," Postmaster General Winton M. Blount said, "we hope to significantly increase their ability to provide more loans to enterprises owned by blacks, Mexican Americans, Puerto Ricans, and other minority groups."

The program will help implement what President Nixon called "one of the priority aims of this Administration—encouraging increased minority-group activity."

Edward E. Tillmon, President of the National Banking Association, a group of banks which are predominantly black-owned, called the Post Office Department's program "an important step toward enlarging our banks' lending base and increasing their ability to help minority group businessmen provide more jobs."

Mr. Blount said that post office in nearly every city in the United States deposit funds on a daily basis. The minority banks will serve specific postal areas. In many cities the deposits will come from stations and branches located near minority-owned financial institutions.

The Post Office Department, along with other agencies, has actively participated in President Nixon's program of supporting minority-owned enterprises.

Some of the current manufacturing contracts which are from the Post Office include:

A \$1 million order for canvas mail sacks and canvas inserts with the Watts Manufacturing Company, Compton, California.

A \$283,000 contract with the Iron Nations Corporation of Sioux Falls, South Dakota, for canvas inserts.

A \$16,300 contract with the B. & L. Metal Fabricating Company, Brooklyn, New York, for mail-handling equipment.

[From the Washington Evening Star, May 2, 1970]

CHURCHES OPPOSE POSTAL UNIONISM

(By William Willoughby)

A section in the postal reform bill which would require compulsory membership in a labor union by all postal workers is being opposed by the Seventh-day Adventist Church and a number of smaller evangelical bodies. They contend that such a provision violates one of their basic religious convictions.

W. Melvin Adams appeared before a special House committee and said that the Adventist church "has taught its members to stand apart from industrial strife even though it recognizes that labor unions have made valuable contributions to society."

Adams, whose statement was authorized by denominational officials in Takoma Park, said several members of his church purposely have sought employment in the Post Office Department because work there has been shielded against compulsory unionism by executive orders from Presidents Kennedy and Nixon.

He said thousands of Adventists under the bill, "would be forced to make a cruel choice between their jobs and religious convictions."

OTHERS AFFECTED

The compulsory unionism is a matter of conscience also with Mennonites and Plymouth Brethren IV, along with certain other fundamentalist groups which have been represented by the National Association of Evangelicals.

CXVI—887—Part 10

Each group takes the same line of reasoning it followed in 1965 when the fight over the 14-B Amendment of the Taft-Hartley Act came to the fore. Members of these churches want guarantees that they may stay exempt from union membership, but most are not averse to paying amounts in lieu of membership to charities of their choice.

The Adventist spokesman said his churchmen feel barred by conscience from membership in any management or labor organization which requires men of varying convictions to adhere to policies, comply with decisions or abide by restrictions which may be contrary to individual religious convictions.

The Christian and Missionary Alliance, one of the larger denominations affected by such a bill, holds that "believers should not be unevenly yoked together with unbelievers," drawing on an Old Testament dictum. Several other small groups hold to the same tenet.

Adams suggested that a plan similar to one followed in Australia and New Zealand be written into the bill. Under such an arrangement, the religious objector would pay the equivalent of dues and initiation fees to the government.

ALTERNATIVE OFFERED

In this way, the objector would not belong to nor would he help to support the labor union. By the same token, he would not receive any of the ancillary benefits which a union contract might win for its members such as sickness and death benefits.

The spokesman said that when the 14-B talks were going on in 1965, George Meany of the AFL-CIO assured the House Labor Subcommittee that he and the unions he represented would honor the religious objections of such persons, and that it need not be written into law.

"This was five years ago next Sept. 20," Adams said. "To this date, not one international in the United States that I am aware of has been willing either to put into operation the formula suggested or to work out voluntary agreements acceptable to the religious convictions of Seventh-day Adventists."

He said the denomination is not opposed to the reform bill as a whole, but "from sad experience, we urge that this protection be written into the law."

Several thousand Adventists, plus persons from other sects, are employed by the Post Office Department.

The Church of Jesus Christ, Latter-day Saints (Mormons) also take a stance contrary to compulsory unionism, but from a different theological perspective. They feel it violates free will and therefore can be a hindrance to the individual bent on accomplishing what God's will is for him.

FAIRMONT FOODS CO. OF OMAHA EMBARKS ON FLAG CAMPAIGN TO PROMOTE AMERICANISM

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. CUNNINGHAM. Mr. Speaker, in this day and time when we have demonstrations against this and demonstrations against that, let me tell you what one of the leading firms in my hometown of Omaha is doing.

Fairmont Foods Co. is embarking upon a most admirable promotion campaign in the coming weeks to induce the spirit of Americanism throughout this Nation of ours. The campaign will continue through mid July. As you well know, this includes Memorial Day, Flag Day, and Independence Day observances.

During this period, the company will be giving away 2.5 million free flag decals and large 3 by 5 American flags to grocery stores. In addition, there will be patriotic bunting and other similar materials to decorate all customers' outlets.

This firm, I feel, should be praised for diverting its normal advertising dollar to tell the public about the history of the American flag and our proud heritage.

Mr. Gordon Ellis, president of Fairmont Foods, has received several letters from veteran and youth organizations praising his firm's undertaking.

Mr. Speaker, in these critical times, Mr. Ellis and his company certainly stand tall for their program to promote Americanism. I wish them the utmost success and I express my personal appreciation to the organizations who have taken the time to say "thanks" in the letters that follow:

GIRL SCOUTS OF THE UNITED STATES OF AMERICA,

April 20, 1970.

Mr. GORDON ELLIS, President, Fairmont Foods Co., Omaha, Nebr.

DEAR MR. ELLIS: We have recently learned of Fairmont Foods Company's plan to reinforce positive feelings of national patriotism through a two-month campaign focusing on the American flag.

We commend such action by a business concern at a time when there is increasing need for all facets of our society to tangibly support the national beliefs and values on which this nation was founded, and of which the American flag is a symbol.

As a youth movement dedicated to the development of aware and responsible citizens, we share in this effort to foster greater understanding of both the meaning and respectful display of this symbol.

Our best wishes for the success of Fairmont Foods Company's effort.

Most sincerely,

MARGERY LAWRENCE, Director, Program Development Division.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,

Kansas City, Mo., April 2, 1970.

Mr. GORDON ELLIS, President, Fairmont Foods, Omaha, Nebr.

DEAR MR. ELLIS: I have just learned that Fairmont Foods Company is kicking off an outstanding patriotic program beginning mid-May and running through mid-July, during which time you will be giving away free decals and large American flags. I can think of nothing that has pleased me more during my term as Commander-in-Chief of the Veterans of Foreign Wars of the United States than your project.

I have long believed that one of the serious problems we face as a nation is the fact that too few business concerns bother themselves with actively supporting the very way of life that has made our nation great. There really is no need here to enumerate the recent bombings, destruction of private prop-

## EXTENSIONS OF REMARKS

May 4, 1970

erty, etc. because I do think that all of our fellow citizens are now very much aware of what a small, handful of people can do to upset any community.

The time is long gone when any of us can afford to sit idly by and ignore the great traditions and the great patriotic aspects of our nation. It was for that reason that the Veterans of Foreign Wars last November instituted "Operation Speak Out" which encouraged all of our fellow citizens to actively participate in their communities and challenge those who would destroy all that we hold dear. The average citizen did make himself heard but little or nothing was heard from the business community and this disturbed me greatly. Again let me congratulate you on your flag program and it is my sincere

hope that others in the business world will follow your lead.

Sincerely,

RAY GALLAGHER,  
Commander-in-Chief.

VETERANS OF FOREIGN WARS OF THE  
UNITED STATES,

Kansas City, Mo., April 2, 1970.

Mr. W. G. McNAMARA,  
Fairmont Foods Co.,  
Omaha, Nebr.

DEAR MR. McNAMARA: May I take this opportunity to congratulate you and the Fairmont Foods Company on your forthcoming flag promotion. Our nation needs more of this type of active participation by the great companies in our country. I am confident

that your flag program will bring great rewards to your organization, while at the same time helping to strengthen the institutions of the United States. For too long now there are those who have been willing to ignore the need for patriotic fervor. There are those who say patriotism is corny and out of date. Nothing could be further from the truth. Never in our history has there been a greater need to display our patriotism. Patriotism is what holds our nation together and makes us one.

Again let me congratulate you on this very worthwhile project. You are indeed making a contribution to our nation.

Sincerely,

JULIAN DICKENSON,  
Adjutant General.