

May of each year as "National School Safety Patrol Week"; to the Committee on the Judiciary.

By Mr. **LOWENSTEIN** (for himself, Mr. **ADDABBO**, Mr. **ANDERSON** of California, Mr. **BINGHAM**, Mrs. **CHISHOLM**, Mr. **DIGGS**, Mr. **EDWARDS** of California, Mr. **FARBSTEIN**, Mr. **HALPERN**, Mr. **HARRINGTON**, Mr. **LEGGETT**, Mr. **MIKVA**, Mr. **MOORHEAD**, Mr. **POLLOCK**, Mr. **POWELL**, Mr. **REES**, Mr. **REID** of New York, and Mr. **ROSENTHAL**):

H. Con. Res. 593. Concurrent resolution; State of the Federal Judiciary Address; to the Committee on the Judiciary.

By Mr. **PEPPER**:

H. Con. Res. 594. Concurrent resolution expressing the sense of the Congress in op-

position to the high interest rate policy; to the Committee on Banking and Currency.

**PRIVATE BILLS AND RESOLUTIONS**

Under clause 1 of rule XXII,

Mr. **LOWENSTEIN** introduced a bill (H.R. 17453) for the relief of Seikan Hasegawa also known as Katsumi Hasegawa, which was referred; to the Committee on the Judiciary.

**MEMORIALS**

Under clause 4 or rule XXII,

377. The **SPEAKER** presented a memorial

of the Legislature of the State of Hawaii, relative to retention of the existing ticket tax exemption afforded State and local employees traveling on official business, which was referred; to the Committee on Ways and Means.

**PETITIONS, ETC.**

Under clause 1 of rule XXII,

472. The **SPEAKER** presented a petition of the 32d Convention of the International Good Neighbor Council, Monterey, N.L., Mexico, relative to the United States-Mexico border industrialization program, which was referred; to the Committee on Ways and Means.

**EXTENSIONS OF REMARKS**

**AL DERR: HE DID IT HIS OWN WAY**

**HON. FRANK CHURCH**

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, May 5, 1970

Mr. **CHURCH**. Mr. President, on April 1, a remarkable individual—Alfred M. Derr—died in Boise. Mr. Derr, the Democratic candidate for Governor of Idaho in 1958, was an educator, farmer, and distinguished public servant throughout his long and varied career.

In this month's edition of the Idaho Democrat of Boise, Al's character was well summed up in these words:

Whatever Al Derr did was motivated from a firm inner conviction of what he believed was right regardless of any pressures that might be put upon him from the outside.

Al Derr was a fine man, and my State is the poorer for his loss.

I ask unanimous consent that the editorial from the Idaho Democrat be printed in the **RECORD**.

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

[From the Idaho Democrat, Apr. 1970]

**HE DID IT HIS WAY**

When the song "I Did It My Way" was sung for Alfred M. Derr, who died in Boise on April 1, it gave the key note to the character of a man who came closest to winning the governorship of Idaho on the Democratic ticket in recent years.

Whatever Al Derr did was motivated from a firm inner conviction of what he believed was right regardless of any pressures that might be put upon him from the outside.

Al was born in the classic background, of those of pioneer stock, in a log cabin in Clark's Fork 86 years ago. He was educated in public schools and received his bachelor's degree from the University of Idaho in 1925.

When he returned back to his home in Idaho's far north, he developed his farm and worked nights at a Clark's Fork mine as assayer and mill superintendent. Later he became science instructor at the former Farragut College. Later he became interested in the sawmill and logging business.

In all of these activities Derr showed striking individuality in his approach. This became more apparent when he entered politics in 1937 to be elected state senator from Bonner County. He served five terms.

After he lost the governorship in 1958 he returned to his greatest interest, that of

teaching. In 1966 he retired from this profession because of ill health and moved to Boise with his devoted wife and friend Hattie, a distinguished Idaho Democrat, who served as State Senator and State Receptionist. She survives him as do his three sons, Navy Cmdr. John P. Derr, Norfolk, Va.; Allen R. Derr and James Derr, Boise attorneys, and two daughters, Mrs. Elmer Shields of Clark's Fork, and Mrs. Janie Betts, Weiser.

Al Derr did it his way and it was a good way.

**ESCALATION IN SOUTHEAST ASIA**

**HON. JEFFERY COHELAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. **COHELAN**. Mr. Speaker, as the Nation is subject to the startling disclosures of the resumption of the bombing above the DMZ, the actions of the Nixon administration form a painfully familiar pattern: Search and destroy, cut off supplies, and bomb in an attempt to force Hanoi to negotiate. A person does not have to believe in historical determinism to see the fallacious assumptions underlying these decisions. This latest escalation has driven the United States further into the Vietnam quagmire. It has confirmed my deepest fears: Behind all the talk about Vietnamization, the desire for an American victory will dictate the President's actions.

Two recent articles, "Further Into the Quagmire," by Tom Wicker, and "Cambodia a Trap Nixon Evaded in 1967" by Josiah Lee Auspitz illustrate some of my concerns on this latest turn of events in Southeast Asia. I insert these articles into the **RECORD** at this point. I recommend the reading of these articles to my colleagues and the readers of the **RECORD**:

[From the New York Times, May 3, 1970]

IN THE NATION: FURTHER INTO THE QUAGMIRE

(By Tom Wicker)

WASHINGTON.—The invasion of Cambodia ordered by President Nixon makes it clear that he does not have and never has had a "plan to end the war." For this is another of those escalations of the Southeast Asian war that in every previous case had to be extended further than expected and still accomplished nothing.

Every such escalation by three Presidents has succeeded only in sucking the United States further into the quagmire, and all of

them notably the bombing of the North—have had to be abandoned; what, in fact, is the President's so-called Vietnamization policy, if it is taken at face value, but the slowest and most reluctant form of abandonment of Lyndon Johnson's military build-up?

**CAMBODIAN SANCTUARIES**

Since the Cambodian sanctuaries have existed for five years, for instance, it has to be asked why their strategic importance was not assessed before the Vietnamization policy was launched. These sanctuaries become the kind of wholesale, threat to American lives upon which Mr. Nixon insisted—if they do at all—only as overwhelming American troop strength declines through piecemeal withdrawals. Vietnamization, therefore, so far from being "a plan to end the war," bore within itself, from the start, the seeds of this escalation.

Even Mr. Nixon's description of the escalation as a temporary and limited effort is refuted by his own testimony. He described North Vietnam as being now engaged in "invading" Cambodia and said that if the attack succeeded "Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier." If such an invasion is in fact taking place, and if its success would pose the stated threat, then a quick one-shot sweep through the border sanctuaries would hardly prove a sufficient defense.

Nothing, moreover, distinguishes these new search-and-destroy sweeps into Cambodia from all the other bloody, useless, innumerable search-and-destroy sweeps of this war—into the Ashau Valley, the Iron Triangle, the demilitarized zone, into all those other "strongholds" from which the Vietcong and the North Vietnamese have been so often swept, only to reappear still fighting when the "victorious" Americans have departed brandishing their inflated body counts. Such a bitter history gives scant assurance that even if the invaders sweep through the Cambodian sanctuaries in a few weeks the sanctuaries will stay swept, the Americans will be able to go away for good, and the troop withdrawals can proceed undisturbed.

It is implicit in Mr. Nixon's remarks, therefore, and despite his references to Cambodia's alleged neutrality, that a great deal more may be involved than a quick, effective thrust—that, in fact, the tottering Cambodian regime of Lon Nol, like the South Vietnamese regime of Nguyen Van Thieu, is now being sustained on the battlefield by American troops, since neither could long sustain itself without them.

Why, then, did Mr. Nixon take such a fateful step and explain it with such cunning words and inverted logic (reminiscent of President Johnson) as, "We take this action not for the purpose of expanding the war into Cambodia but for the purpose of ending the war in Vietnam and winning the just peace we all desire"?

## TACTICS AND AIMS

The answer can only be that he has no "plan to end the war," much less win the peace, that Vietnamization by itself is not and cannot be such a plan, and that in the end Mr. Nixon like Mr. Johnson before him is pursuing the bloody chimera of striking one final overpowering military blow that will drive the North Vietnamese to their knees and thence to the conference table. The one President sent a half-million troops and fleets of bombers; the other has invaded the sanctuaries; the tactics are different but the aim is the same.

White House propagandists also insist that Mr. Nixon needed to make a show of strength in the world, lest the United States be thought to have gone soft. This sounds like typical White House thinking. It was much the same reasoning that led President Kennedy in 1961, after the Berlin Wall had gone up and he had been bullied by Premier Krushchev at Vienna, to increase the American commitment in Vietnam; and the same sort of considerations later contributed heavily to the decision of Lyndon Johnson, a new President elected in a peace campaign, to begin the bombing of the North.

But whatever his motives and his policy, Mr. Nixon relied heavily, in his appearance before the nation, on deception, demagoguery and chauvinism. It was misleading to fail even to mention that the Cambodian Government had recently been overthrown by a right-wing military regime, whose action led to the fighting and the atrocities in Cambodia; to speak of American respect for Cambodian neutrality as if Cambodia had not refused diplomatic relations with the United States for years; and to repeat the exaggeration first put forward in the Nov. 3 speech that "slaughter and savagery" followed the Communist takeover of North Vietnam in 1954.

It was cruel to play upon the hopes of American parents by saying that the war must be expanded to spare their younger sons not yet drafted and butchered in Vietnam. For how can that, or "a world of peace and freedom," be squared with fighting to avoid "humiliation," with making war in order not to be seen as a "pitiful, helpless giant," with the sheer jingoism of refusing absolutely "to see this nation accept the first defeat in its proud 190-year history"?

[From the Washington Post, May 3, 1970]

CAMBODIA A TRAP NIXON EVADED IN 1967

(By Joseph Lee Auspitz)

(EDITOR'S NOTE.—Auspitz is president of the Ripon Society, a Republican research and policy group with chapters in 11 cities.)

The contingency plan which President Nixon has now dusted off for a massive search-and-destroy mission into Cambodia is similar to those which he opposed courageously and publicly in November, 1967.

At that time, Gens. Dwight D. Eisenhower and Omar Bradley, on nationwide television, advised hot pursuit and an "end run" on Communist forces beyond the borders of South Vietnam. Within 24 hours, Mr. Nixon responded in careful but unmistakable language, dissociating himself from this suggestion.

An expansion of the war, he said, was not advisable at that time.

He was right in the fall of 1967, and the Ripon Society praised him for helping to prevent a possible escalation of the war, even at the price of differing with Ike. He is wrong to embrace this plan now, and the manner in which he has made his decision suggests that he is in danger of falling into the same kind of bureaucratic trap that caught President Kennedy in the Bay of Pigs and enmeshed Lyndon Johnson in Vietnam.

## UNDERESTIMATED FACTORS

The decision to go into Cambodia was doubtless presented to the President as a low-risk venture, as a quick surgical operation. American troops would clean out North Vietnamese base camps and then use this victory to gain a quick and favorable negotiated settlement.

But such a view of the Cambodian operation gives scant attention to the nature of the terrain, the problems of information flow into the White House, the implications for the Vietnamization program, the likely responses of other actors in Indochina, the global implications for American foreign policy and the consequences for American political institutions.

Mr. Nixon appears not to have considered these factors adequately. As a result, he has for the first time put himself in a position—which he can still reverse—in which he is the victim rather than the commander of his foreign policy bureaucracy.

1. The nature of the terrain: On the simple maps Mr. Nixon used in his talk, the operation looks very easy, but in fact the terrain is heavily overgrown. The area north of the Parrot's Beak is forest on both sides of the border.

The Communist headquarters (COSVN) that U.S. troops are seeking to destroy has in the past been moved around on both sides of the border between Cambodia and South Vietnam. When COSVN was thought to be located on the Vietnamese side, it was subjected to B-52 raids and major ground sweeps, but it was not destroyed. If U.S. operations were not decisive on the South Vietnamese side of the border, there is no reason to assume they will be more successful in finding the camps on the equally overgrown Cambodian side.

Even if the sweeps do succeed in producing high "body counts," they probably will not achieve their basic goal of improving permanently the American negotiating position. Suppose, for example, that U.S. forces succeed in killing half the top 100 officers of the North Vietnamese army. Communist activities would no doubt be disrupted for a time, but a disruption of a few months will not change decisively the aims or capabilities of a 25-year-old Communist organization bent on unifying Indochina.

2. Information flow: It is doubtful whether the President can get an independent estimate even of the success of the military operation. There will be scant press reports. The military reports will inevitably be biased by the high political risk to the President in undertaking this operation.

If the operation "fails," those who planned it can expect demotion, dismissal or retirement. Their response, if it follows human nature, will be to report success wherever possible and to find pretexts to get more time and resources if the results are inconclusive.

Press reports suggest that the Cambodian operation will be given six to eight weeks to succeed. By eight weeks at the latest, therefore, the President should abandon this operation—either as a success or a failure. An inconclusive result should be judged a failure, and he should take steps to assure himself of the accuracy of the information on which to base such a judgment.

3. Vietnamization: The areas adjacent to Cambodia (the Mekong Delta and Saigon) which the President now wants to protect have already been turned over to the South Vietnamese for defense. Indeed, the defense of the delta and Saigon by ARVN (the South Vietnamese army) has been publicly hailed by the administration as a sign of success of the Vietnamization program.

It is a contradiction of these past claims to suggest, as the President has, that the lives of American troops are potentially in

danger in these "Vietnamized" areas. If ARVN is strong enough to mount an attack across the border, it should be strong enough to defend the Mekong Delta and Saigon.

The U.S. public can only conclude either that it has been misled about the success of the Vietnamization program or that it is being misled now about the reasons for the Cambodian operation.

4. Possibilities of wider involvement: The risk of an all-Indochinese war is reduced by Mr. Nixon's unfortunate willingness to assume the far greater risk of nuclear confrontation. But should a wider land war develop, the roles played by Thailand, Red China and North Vietnam will be crucial.

The Thais: On April 21, the Thai premier announced that troops had been moved into position along the Thai-Cambodian border for "security" reasons. This suggests possible Thai occupation of the parts of Cambodia on which Thailand has a traditional claim, as well as Thai involvement in the lowlands of Laos, whose inhabitants are ethnically Thai.

The Chinese: They are building a road from Yunnan Province through northwestern Laos into Burma to give them an outlet to the sea for the export of raw materials. Should Thai or North Vietnamese armies move into this area, the Chinese might well occupy the territory needed to secure their road.

The North Vietnamese: Within the Nixon administration, two contradictory arguments seem to have been used to justify the Cambodian venture. On the one hand, it was argued that the North Vietnamese would be too weak to counterattack; on the other hand, it was asserted that Hanoi's forces were so strong that failure to move into Cambodia would lead to a rout of U.S. forces as they withdrew.

Both of these contradictory assumptions can be found in the President's address, and they give one an uneasy feeling of unclear purpose.

In fact, the North Vietnamese have a number of possible responses to the U.S. operation. They can take Phnom Penh; they can simply try to elude the Americans in the overgrown Cambodian terrain with which they are more familiar, or they can counterattack in areas of South Vietnam from which U.S. mobile units have been removed to free troops for the Cambodian operation.

The President's dark hints at the end of his speech about past crises in American military history suggest that he is planning to respond to North Vietnamese counterattacks by threatening a nuclear confrontation or a full-scale bombing of North Vietnamese cities, harbors and dikes. Should the Cambodian operation turn into a Bay of Pigs, Mr. Nixon may be drawn into a nuclear confrontation like that of the Cuban missile crisis ("Kennedy's . . . finest hour," the President called it).

5. Consequences for American democracy: Secretary of State Rogers had publicly assured the Senate Foreign Relations Committee that he would consult with it before any new commitment of American forces. He did, indeed, appear before that committee last Monday, but he gave it no clear notice of the ARVN invasion of Cambodia on Wednesday or the American search-and-destroy operation Thursday. He thus showed a serious disregard for the prerogatives of elected officials and for constitutional procedures.

Even if the Cambodian operation is "successful," it may subject Mr. Nixon to such bitterness that the Republican leadership will have to be extraordinarily resourceful to avert a permanent breach between the Executive and Legislative Branches.

6. The global perspective: The overriding defect in the President's three speeches on

Vietnam was that they failed to put the war into clear perspective in the global context of U.S. foreign policy. The President has perpetuated the notion that the United States and Hanoi are engaged in a contest of will and bluff—in a poker game—and that if Washington appears to lose, its commitments everywhere in the world will be in jeopardy.

In fact, the United States is engaged not in a poker game, but a chess game. Its major adversary is not Hanoi, but Moscow; North Vietnam is but a corner of the board. And while American resources and attention are occupied there, Moscow is able to pick up pieces in the Middle East, Africa, Europe and Japan.

#### UNDERSTATED LIMITS

The only way President Nixon can regain control over this situation is to impose strict limits on the incursion into Cambodia. White House briefings have defended the operation as focused on a target within 20 miles of the border—one which can be captured or destroyed within six to eight weeks.

But these specific limitations were not in the President's speech, nor, to all appearances, have they been made operational in orders to the military. Nor have they been made credible to foreign powers capable of widening the war.

This gamble has got to be sharply defined and limited, and its results coldly evaluated over the next eight weeks. If the President doesn't do this, the Congress should.

#### A COMMENDABLE ANTITRUST OPINION

### HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 5, 1970

Mr. METCALF. Mr. President, national attention is finally focusing on major monopoly activities in which the electric utility industry engaged, unchecked, for decades. We see, for example, the Justice Department moving with an antitrust suit against Otter Tail Power Co.; Senate hearings on electric utility monopoly begin in May before Senator HART's Subcommittee on Antitrust and Monopoly.

There is action in the courts, too. One recent decision involving Washington Gas Light Co.'s suit against Virginia Electric & Power stands out as a landmark decision.

This case involved payoffs to builders by Vepco to monopolize the area market for heating, air conditioning, refrigeration, and other household utility services.

Many Senators will remember the hearings held during the 90th Congress by Representative DINGELL's Select Committee on Small Business on the promotional practices by public utilities. These hearings documented widespread "payola" expenditures by major electric utilities.

It is encouraging to see a court move to curb the abuse of monopoly privilege. I ask unanimous consent to have printed in the RECORD the memorandum opinion and final judgment of Judge Oren R. Lewis, of the U.S. district court for the eastern district of Virginia, handed down on January 30, 1970.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA, ALEXANDRIA DIVISION

Washington Gas Light Co., Plaintiff, v. Virginia Electric & Power Co., Defendant, Civil Action No. 4544.

#### MEMORANDUM OPINION

The Washington Gas Light Company, hereinafter called the Gas Company, brought this private antitrust suit against Virginia Electric and Power Company, hereinafter referred to as Vepco, for injunctive relief treble damages.

The issues were severed. This phase of the hearing was limited to the determination of damages.

The Gas Company claims Vepco's underground electric service plans, as first adopted August 7, 1963, violates both the Sherman and Clayton Anti-Trust Acts.

Both companies are public utilities engaged in interstate activities. The Gas Company is the sole supplier of natural gas and Vepco is the sole supplier of electricity in certain parts of Virginia. Their respective franchises overlap in much of Northern Virginia where they compete in the sale of energy for space and water heating, cooking, air conditioning, refrigeration and clothes drying.

All residential buildings must have electricity. Builders need it for operating their power tools and for interior lighting. It is the only practical source of energy available for operating many of the modern-day home appliances, such as thermostats, vacuum cleaners, clothes washers, radios, televisions, and so forth.

Prior to 1960 practically all of Vepco's service connections were by means of overhead distribution lines. This service was furnished and installed by Vepco, at no charge to the builder.

Beginning in early 1960 many builders of new subdivisions became interested in underground electric service. Vepco made it available to those willing to pay the additional installation costs over and above the cost of overhead. Theoretically, a customer could furnish, install and maintain his own underground service; however, it is not feasible for him to do so. (Out of some ten thousand installed in Northern Virginia, all but five were installed and maintained by Vepco.)

Mortgage bankers, local governments and the general public became interested in underground electric service because of its esthetic and safety appeal—FHA and VA and most of the mortgage bankers now require it where feasible. It is now, and has been since the middle of the '60s, a competitive necessity for the builders of residential subdivisions.

In November of 1962 Vepco reactivated its Residential Subdivision Underground Committee with instructions to develop a more liberal policy of furnishing underground electric service—One which is liberal enough to promote the use of electrical service—One that will make such projects either all electric or as fully electric as possible. The committee recommended a new plan expressly designed to accomplish that purpose.

Vepco adopted the recommendation and put the plan into effect August 7, 1963. Under its terms Vepco agreed to furnish underground electric service without charge to those builders who would go all electric—If the builders went all electric, except for space heating, he was required to furnish his own trenching and back-filling—If he would not agree to do either, he was required to pay \$50.00 in addition to furnishing his own trenching and back-filling.

This plan remained in effect until 1964. Vepco then offered underground electric service without charge to builders agreeing

to go all electric—For a builder who agreed to go all electric except for space heating, he could either furnish his own trenching and back-filling or pay Vepco \$100.00. If he would not agree to do either, he had to pay \$275.00 for his underground electric service even though he furnished his own trenching and back-filling.

The \$275.00 charge was imposed to penalize builders if they used other forms of energy for water heating, cooking and so forth.

After these plans were put into effect Vepco substantially increased its total electric penetration in the new-house market in the overlap area.

Neither plan was ever approved by any regulatory agency. The Virginia State Corporation Commission disapproved the \$275.00 plan October 17, 1966 because the waiver of the cost for underground electric service was tied generally to the total electric concept.

Vepco shortly thereafter—February 1, 1967—promulgated a new underground electric service plan, the installation charge being the average difference in cost between underground and overhead facilities, with a credit based on anticipated revenue. The cost differential was computed to be \$280.00 per lot—A credit of \$40.00 against this charge was allowed for each two thousand kilowatt hours above the first six thousand annual kilowatt hours of electricity used. The anticipated consumption was determined from a table listing the annual kilowatt hours' usage of various electrical appliances in homes of different sizes. Reduced to simplicity, a builder under this plan had to agree to go all electric to obtain underground electric service without charge. If he agreed to go all electric except for space heating, the charge was reduced to around \$100.00. If he were to agree to neither his charge for underground service ranged from \$280.00 to \$200.00, depending on the size of the house and whether electricity was used for air conditioning or clothes drying.

This suit was filed July 28, 1967. In August of that year the North Carolina Utilities Commission held the \$280.00 plan unlawful and any charge Vepco makes for underground electric service must be in the form of a surcharge to the existing rates without any credit based on electric usage. Instead of following this procedure in Virginia, Vepco, on December 15, 1967, reduced its underground charge from \$280.00 to \$150.00 per lot, retaining the same schedule of credits based upon the same consumption tables as used in the \$280.00 plan.

Under the 1967 plan it is not necessary to use electric space heating in order to obtain underground electric service without charge. Absent agreeing to use an electric water heater, the builder still has to pay approximately \$100.00 per lot for installation of underground service.

When space heating ceased to be a requirement for the installation of underground electric service without charge, Vepco's total electric penetration in the overlap market dropped from 21.4 per cent to 4.5 per cent.

With the beginning of the 1963 plan the estimated charge for underground electric service has been somewhat wide of the actual installation costs. A Vepco official, in one of his interoffice memoranda, admitted Vepco started with the answer (\$270.00-\$290.00 cost differential) and justified this with engineering estimates. Even now there is some question as to some items included in the estimated charge and some question as to the amount of credit that should be allowed for the differential in the cost of maintaining the underground system as compared to the cost of maintaining the overhead system.

Vepco has always required the estimated cost of underground installations for all the

lots in the new subdivisions to be paid in advance.

Of the numerous builders who testified in this case, all felt underground electric service was a business necessity for the type of subdivisions they were then building—All said if given a free choice they would have used gas for space heating—Most said they would have used gas for water heating—Many said they would have given their customers a choice of using gas or electricity for cooking. All felt that they were induced—many thought they were coerced—into using electrical water heating in order to recoup a portion of Veeco's charge for installing its underground electrical system.

The statistical evidence in the case indicates that prior to 1963, 99 per cent of the builders used gas for space heating—95 per cent used gas for water heating—60 per cent used gas for cooking. After Veeco's '63 underground service plan and amended plans were put into effect, its share of space heating in the overlap area increased from one per cent to 21 per cent of the market—water heating, from five to 71 per cent—cooking: from 40 to 71 per cent—some 20.7 per cent of the homes using underground service went all electric compared with 3.2 per cent of the homes using overhead service. This percentage dropped to 4.5 in 1968 when the space heating requirement was eliminated.

Under the \$275.00 and \$280.00 plans the number of new homes using gas for space heating dropped to 79 per cent of the market. Those using gas for water heating dropped to 29.1 per cent. Those using gas for cooking dropped to 28.6 per cent of the market.

Section 1 of the Sherman Anti-Trust Act (Title 15 U.S.C.) declares:

"Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. . . ."

Although this section prohibits only unreasonable restraints, certain practices are unreasonable per se—that is, they "are conclusively presumed to be unreasonable and therefore illegal without elaborate inquiry as to the precise harm they have caused or the business excuse for their use." See *Northern Pacific Railway Co. v. United States*, 356 U.S. 1 (1958).

The stringency of the per se rule laid down in the *Northern Pacific* case was recognized by the Court of Appeals of this circuit in *Osborn v. Sinclair Refining Company*, 286 F.2d 832 (1960). The Fourth Circuit there said:

"The standard in *Northern Pacific* is a quantitative one. Just so the seller is of sufficient size to exert some power and the amount of commerce restrained is not insignificant, the standard is met. If all of the industry-wide economic data had to be shown for which (defendant) argues, it would convert tie-in cases to 'rule of reason' cases with the requirement of public injury. When facts, as here, reveal a per se restraint of trade, it is not necessary for the plaintiff to prove, by voluminous economic data, that the public generally has been injured."

In the *Northern Pacific* case, supra, the Supreme Court said:

"The vice of tying arrangements lies in the use of economic power in one market to restrict competition on the merits in another, regardless of the source from which the power is derived and whether the power takes the form of a monopoly or not.

"They (tying arrangements) deny competitors free access to the market for the tied product, not because the party imposing the tying requirements has a better product or a lower price but because of his power or leverage in another market. At the same time

buyers are forced to forego their free choice between competing products. . . ."

The foregoing requirements for the finding of a per se tying agreement were reiterated by the Supreme Court in its most recent antitrust case. See *Fortner Enterprises, Inc. v. United States Steel Corp.*, 394 U.S. 495 (1969).

Applying these teachings to Veeco's underground electric service plan, the Court finds Veeco had a monopoly in the installation of underground electric service, and was the sole seller of electricity in the overlap area.

From 1960 to 1963 Veeco made its underground electric service available to all builders on the same basis, without regard to the appliances used or the amount of electricity consumed—Builders were then only required to pay the additional cost of the underground installation. When the mortgage bankers, local governments, federal agencies and the general public all began to show great interest in underground electric service in the new subdivisions, Veeco used its monopoly in furnishing this service in order to promote the use of electricity. This was accomplished, first, by tying the cost of the underground installation to the use of certain electrical appliances; later, by giving credits based on the amount of electricity used over the first six thousand kilowatt hours. If the builder agreed to go all electric or all electric except space heating, Veeco furnished the underground service without cost or at a substantially reduced price, otherwise the builder was required to pay a much larger fee for the same service.

Such a tie-in not only deprives the builder of a free choice in selecting what energy (gas or electricity) he and his customers want to use for space and water heating—it penalizes him if he elects to use gas. If he goes all electric his customer is prohibited from using gas for any purpose even though the record here discloses that gas is more economical for space and water heating than electricity.

The Maryland Public Service Commission, in refusing to allow the Potomac Electric Power Company to install a similar underground electric service plan in Maryland, said:

The practice does, in fact, create a discriminatory pattern in that it gives the builder an improper incentive to elect "all electric" so as to save the undergrounding charge, whereas the builder who does not or cannot make such an election receives exactly the same service and must pay what amounts to a penalty of \$300 which is passed on to the purchaser in the cost of the house. The changing and waiving imposes unequal charges on the same types of customers for the same service. *Suburban Maryland Home Builders Ass'n v. Potomac Electric Power Co.*, 72 PUR 3rd 282 (1968).

The outlawed IBM tying arrangement which required all lessees of its business machines, except the United States, to purchase the necessary cards from IBM (the United States could use other cards if it paid a higher rental), embodies the same tying concept as employed by Veeco in this case; that is, a differential in the cost of the same service unless the user agreed to take the tied product.

The fact that the builder can retain his freedom of choice by paying Veeco's estimated charge for underground service is beside the point. Such option does not validate an otherwise invalid tying arrangement.

In the *International Salt* case the lessee was not obligated to buy salt from *International* if any competitor offered salt of equal grade at a lower price. The Supreme Court in that case—*International Salt Co. v. United States*, 332 U.S. 392 (1947)—held such an option:

"Does not avoid the stifling effect of the agreement on competition. The appellant had at all times a priority on the business at equal prices. A competitor would have to undercut appellant's price to have any hope of capturing the market, while appellant could hold that market by merely meeting competition. . . ."

Here the tied product—electricity—cost more than gas for space and water heating.

The Gas Company should not be required to subsidize the builders' payment of Veeco's underground installation charge in order to have free access to the new houses' space and water heating market.

Having determined that Veeco's underground service plans since 1963 are in fact and in law tying arrangements, the Court must next determine whether Veeco has sufficient economic power with respect to the tying product and whether it has used that power to appreciably restrict free competition for the tied product. The answer to both of these questions is yes. Veeco has a monopoly in the installation of underground electric service. It furnishes, owns and maintains practically 100 per cent of the underground service installed in the overlap area—It fixes the cost thereof, originally somewhat inflated. This charge is high enough, if waived or substantially reduced, to induce the builder to take electricity for space and water heating, and the evidence discloses that many builders in the overlap area have so done.

Next the Court must determine whether a "not insubstantial amount" of interstate commerce is affected. Measured by the yardstick laid down in the *International Salt* case, supra, and in *United States v. Loew's, Inc.*, 371 U.S. 36 (1962), the answer is yes. Veeco derives more than four million dollars per year in additional revenue from the new homes which have gone totally electric or totally electric except space heating under the underground service plan in question—more than seven hundred thousand dollars of which are derived from new homes located in the overlap area where the parties compete.

The necessary interstate aspect of the commerce affected by the challenged tying arrangement to bring this case within the Sherman and Clayton Acts is beyond question. The defendant so concedes.

In defending the charges brought against it, Veeco has produced considerable evidence enumerating the business and economic justification for its underground service plan—such as creating competition in the space and water heating market where none before existed; recovering its investment in the underground service; and to promoting safety and community beauty, and so forth—all of which is immaterial when the tying arrangement complained of is found to be a per se violation of the Sherman Act.

The United States Court of Appeals for the Fourth Circuit, in rejecting a similar contention made by Consolidated in the *Pennsylvania Water Power Company v. Consolidated Gas, Electric Light & Power Company* case, 184 F. 2d 552 (1950), said:

"The prohibitions of the statute apply even though the parties to a contract indulge the belief that the agreement may have beneficial results and actually show that in some respects the public is benefitted thereby. Congress has determined that the greater good is served by the maintenance of free competition and its decision in the field of interstate commerce must control."

Veeco further contends that this Court should not invalidate its underground service plan unless it finds that Veeco refuses to install underground service unless the builder makes certain uses of electricity—and that the tie-in carries with it the complete foreclosure of the Gas Company from the space

and water heating market in the overlap area.

This Court does not read the cases cited by Vepco as so requiring. The legal test for determining whether a tie-in exists is whether customers are deprived of their free choice between competing products and whether competitors are denied free access to the market for the tied product—not because the party imposing the tying product has a better product or a lower price but because of his power or leverage in another market. In *Northern Pacific*, supra (at page 6, see also *Loew's, Inc.*, supra, at page 45), it was held that the tying was illegal if the arrangement gives the defendant economic leverage sufficient to induce his customers to take the tied product along with the tying item.

Clearly, Vepco's underground service plan does not give the builder a free choice. Making him pay a substantial fee for the service unless he agrees to use certain appliances is not a free choice.

Although, technically speaking, the Gas Company may not be completely foreclosed from the heating market in the overlap area, it is effectively foreclosed from all or part of the heating market in those cases where the builders go all electric or all electric except for space heating.

Vepco next contends there can be no compulsion when a builder can recoup his cost by increasing the sale price of his house—that the undisputed testimony of the expert real estate appraiser expressed the opinion that a house served by underground electric wiring will bring at least \$300.00 more than an identical home served overhead. Although Vepco cites no authority that such would validate an otherwise invalid tying arrangement, the Supreme Court, in *Hanover Shoe, Inc. v. United Shoe Machinery Corp.*, 392 U.S. 481 (1968), rejected this so-called "passing on" defense in antitrust cases and held that a buyer who is overcharged by a monopolist is injured even though he can pass the overcharge along to the ultimate consumer.

This Court further finds that Vepco's underground installation contracts violate § 3 of the Clayton Act, 15 U.S.C. § 14. That section reads as follows:

"It shall be unlawful for any person engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies, or other commodities, whether patented or unpatented, for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, or fix a price charged therefor, or discount from or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies, or other commodities of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale or such condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce."

Vepco's underground service agreement in part provides for the sale of electricity to the builder and his successor, the home buyer. The builder indicates when he wishes to start using electricity—He pays for the electricity used until the house is sold and occupied—No new contract is then entered into with the home buyer—The name on the service agreement is changed in Vepco's accounting department. The agreement further provides a fixed price for the installation of underground electric service; that full credit will be given if electricity is exclusively used for all purposes or for all purposes except

space heating in all of the homes in the subdivision—The later agreements provide for a credit to the builder based upon the amount of electricity used over and above the first six thousand kilowatt hours. Unless he uses electricity for water heating he cannot recoup all of the charges for underground service.

Although this Court is not expressly ruling that these underground service agreements are binding on the builder's successors, the home buyers, it obviously is—for all practical purposes—because once a builder goes all electric the home buyer cannot use gas for any purpose; and in those cases where the builder goes all electric except space heating, the home buyer cannot use gas for water heating, cooking, air conditioning or clothes drying unless he rips out and disposes of all the electrical appliances that are in the house and replaces them with gas appliances at his own expense.

The credit allowances mentioned in the later underground service agreements are in fact discounts in the price of electricity; when used as here used—to induce exclusive dealing—they are prohibited by § 3 of the Clayton Act.

Agreements coming within the ambit of the Clayton Act are condemned without proof of an accomplished restraint of trade; it is sufficient that the agreements may substantially lessen competition or tend to create a monopoly in any line of commerce. The evidence in this case clearly establishes that Vepco's underground installation agreements have substantially restrained free competition in the sale of energy requirements to new-home builders, especially for heating purposes.

Finally, although Vepco does not now contend that the Gas Company's promotional programs are unlawful, or suggest that the defenses of unclean hands or a *pari delicto* are applicable, it has asked the Court to carefully review the voluminous amount of evidence introduced re the Gas Company's business practices before concluding that its underground service plans coerce builders and foreclose the Gas Company from competing.

Although this Court has so done, the Gas Company's business practices, even though illegal (and no findings as to illegality are here made), are not a defense to the antitrust violations charged to the defendant. See *Kiefer-Stewart Company v. Joseph E. Seagram & Sons*, 340 U.S. 211 (1951).

As hereinbefore stated in this memorandum opinion, complete foreclosure from the market or coercion by force is not a prerequisite to a finding of invalidity under the Sherman and Clayton Anti-Trust Acts. The vice of the tying arrangement here lies in Vepco's use of its monopoly power in the underground service installation market to restrict competition on the merits in the use of gas or electricity in the space and water heating requirements of the new-home building industry.

Upon these findings, the Court concludes that Vepco's underground electric service plans, beginning with the plan adopted August 7, 1963 up to and including the plan now in effect, and the agreements made in pursuance thereof, affect interstate commerce within the meaning of § 1 of the Sherman Act and § 3 of the Clayton Act; that said plans and agreements as administered are per se tying arrangements prohibited by § 1 of the Sherman Act and that said plans and agreements as administered constitute unlawful exclusive dealing arrangements prohibited by § 3 of the Clayton Act; and that the Gas Company is, therefore, entitled to damages and costs in an amount to be determined later.

Counsel for the plaintiff should prepare an appropriate order declaring Vepco's underground service plans and agreements to be

unlawful, together with an injunction restraining Vepco from continuing its underground monopoly to coerce or induce builders to use electricity, submit the same to counsel for the defendant for approval as to form, and then to the Court for entry.

The Clerk will send a copy of this memorandum opinion to all counsel of record.

OREN R. LEWIS,  
U.S. District Judge.

A True Copy, Teste:

W. FARLEY POWERS, Jr.,

Clerk.

BETTY MATOS, Deputy Clerk.

JANUARY 30, 1970.

THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA, ALEXANDER DIVISION

Washington Gas Light Co., a corporation,  
Plaintiff, v. Virginia Electric & Power Co., a corporation, Defendant, Civil Action No. 4544.

FINAL JUDGMENT

This action came on for trial before the Court, Honorable Oren R. Lewis, District Judge, presiding, and the issues having been duly tried, briefed, and argued, and the Court having rendered on January 30, 1970, an opinion containing its findings of fact and conclusions of law.

It is hereby ordered, adjudged, and decreed as follows:

I

The Court has jurisdiction of the subject matter hereof and of the parties hereto.

II

The defendant Virginia Electric and Power Company's residential underground electric service plans, beginning with the plan adopted August 7, 1963 up to and including the plan now in effect, and the agreements made in pursuance thereof, affect interstate commerce within the meaning of Section 1 of the Sherman Act and Section 3 of the Clayton Act, 15 U.S.C. §§ 1 and 14; said plans and agreements as administered are per se tying arrangements prohibited by Section 1 of the Sherman Act; and said plans and agreements as administered constitute unlawful exclusive dealing arrangements prohibited by Section 3 of the Clayton Act.

III

The plaintiff, Washington Gas Light Company, has been injured in its business and property by reason of the aforesaid violations of the antitrust laws, and is entitled to recover from the defendant the damages sustained by it, in accordance with Section 4 of the Clayton Act, 15 U.S.C. § 15.

IV

The defendant is hereby permanently enjoined and restrained from, directly or indirectly, in any manner:

A. Using its monopoly of residential underground electric service to coerce or induce any builder or developer or any other person to use or install electricity or any electric appliance or equipment for any purpose also capable of being served by natural gas.

B. Entering into any agreement relating to residential underground electric service upon condition that electricity or any electrical appliance or equipment would be used or installed on any premises for any purpose also capable of being served by natural gas; or refusing to enter into any agreement for residential underground electric service because of a refusal to accept such a condition.

C. Fixing or using any rate, charge, term, or condition for furnishing residential underground electric service, or offering any waiver thereof, or discount, rebate, or allowance therefrom, which is based in whole or in part upon the use or installation of, or the failure to use or install, electricity or any electric appliance or equipment on any

premises for any purpose also capable of being served by natural gas.

D. Enforcing any provision of any existing residential underground electric service agreement which is or would be in violation of this judgment; provided, however, that the defendant shall not be relieved from the full and timely performance of its obligations under any such agreement, and provided further that this Paragraph IV D shall not apply to any such agreement insofar as it relates to any section of any project in which the installation of underground electric service facilities is partially or fully complete as of the date of this final judgment.

E. Nothing contained in this final judgment shall be construed as passing upon the legality or illegality of defendant's non-residential underground electric service plans.

v

The defendant is ordered and directed, upon the entry of this judgment, to advise promptly, in writing, all persons with whom the defendant has wholly or partly executory underground electric service agreements, of the terms of this judgment, and particularly of the provisions of Paragraph IV D hereof.

vi

Jurisdiction is retained for the purpose of enabling either party to this judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this judgment, for the modification of any of the provisions thereof, for the enforcement of compliance therewith and for the punishment of violations thereof, or for further relief.

vii

The amount of plaintiff's damages shall be determined at a separate trial restricted to that issue. The clerk is directed to enter final judgment on the Court's order, the Court having expressly determined that there is no reason for delay in entry of final judgment on this order.

viii

The defendant herein is hereby ordered to pay all costs to be taxed in this case.

ix

The first sentence of Paragraph VII and Paragraph VIII of this final judgment are hereby stayed pending the final determination of any appeal herein.

x

This final judgment shall become effective March 24, 1970.

Dated: March 17, 1970

OREN R. LEWIS,  
U.S. District Judge.

Seen:

HERBERT A. BERGSON,  
JAMES H. SIMMONS,  
SAMUEL H. SEYMOUR,  
Attorneys for Plaintiff.  
LEWIS T. BOOKER,  
Attorney for Defendant.

A True Copy, Teste:

W. FARLEY POWER, JR.,  
Clerk.  
FARRIS R. COSIN,  
Deputy Clerk.

#### AN ANALYSIS OF SERGEANT THOMS' TESTIMONY

**HON. AUGUSTUS F. HAWKINS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. HAWKINS. Mr. Speaker, recently Sgt. Robert J. Thoms of the Los Angeles Police Department, in testimony before

a subcommittee of the U.S. Senate on subversion of the "New Left," stated certain "facts" which he knew or should have known to be untrue or highly irrelevant, derogatory, and unsupportable.

Since this testimony and subsequent documents tend to influence Federal agencies in withholding much needed funds from many deserving organizations in sensitive low-income areas, the danger to our communities and Nation is incalculable, and makes essential a disclosure of the quality of such testimony.

Mr. Speaker, for this reason I hope my colleagues will carefully weigh such testimony as that of Sergeant Thoms as analyzed by Mr. Julian J. Keiser in a presentation before a task force of the Los Angeles Urban Coalition. The text of the analysis follows:

#### AN ANALYSIS OF SERGEANT THOMS' TESTIMONY INTRODUCTION

I appreciate this opportunity to share with this Task Force on Law and Justice some concerns I have about Sergeant Thoms' testimony before Senator Dodd and his staff on January 20th.

I have been advised by several people that to do so would be a waste of time, that neither the Task Force nor its parent body would act on the matter, and that I would only subject myself and the Community Relations Conference to additional charges by Police Intelligence.

However, I would not be here if I did not have faith that citizens of your caliber would be as concerned as I over so serious an impropriety as Thoms' testimony reveals, when you have had the opportunity to study it and consider its implications.

I have no quarrel with the need for good Police Intelligence. I assume that to perform its difficult tasks the Police Department needs to be accurately informed concerning potential disorders. Thus, when asked to join others in a suit to be brought against the Police Department, challenging the right of the Police Department to prepare and maintain files on individuals who have no criminal record, I chose not to be a party to that suit.

After reading Thoms' Testimony I confess that I have little confidence in the quality, accuracy and relevance of much that is apparently in the police files. However, I am much more concerned about the Department's policies and procedures which determine the proper and improper use of whatever confidential material may be there.

I happen to be quite intimately acquainted with some of the persons and organizations Thoms' testimony tends to malign. In my chosen vocation, it is important that I be as well acquainted as I can be with such groups. With respect to these persons and organizations, I know that Thoms' testimony is loaded with errors of fact easily substantiated, and with derogatory, unsupported and unsupportable insinuations, innuendos and presumptions of guilt.

If you happen not to be well acquainted with specific persons, organizations and events cited by Thoms you will need to check out the accuracy of specific funding cited and gather your own documentation to be convinced of gross errors and distortions.

However, you do not need to know anything about the persons and groups named in the report to spot the insinuations, innuendos, unsupported assertions and allegations, sweeping generalizations and presumptions of guilt by association.

You already know the enormous prestige and credibility that the Los Angeles Police Department enjoys with most citizens and with most establishments in Los Angeles. Thus, if Thoms' testimony is in fact a web

of errors, unjustified insinuations and malicious propaganda you will be compelled to do something about it or allow innocent persons and organizations to be unjustly slandered. You will also want to consider whether it would have been a proper function of a Police Department to give publicity to any material in its files, even if the information were accurate.

Let me share with you now a few samples of the errors, distortions, insinuations and innuendos I have found in Thoms' report through a cursory study of it. My purpose in doing so is not to attack or embarrass the Police Department, but rather to hope that you can quietly but effectively raise some issues of policy and procedure with the Department concerning what I consider to be the grievous harm and impropriety of making public such unsubstantiated material from confidential police files, and secure appropriate redress.

#### ERRORS AND DISTORTIONS

1. The testimony appears to go well beyond the mandate of the Senate Subcommittee and to be totally unrelated to the subject matter of that mandate. On page 2 the mandate is quoted as follows:

"To undertake immediately a full and complete investigation of the activities of the National Conference for New Politics and any organizations and individuals affiliated or associated therewith . . ."

Nowhere does the testimony of Thoms even attempt to link any individual or organization named to the National Conference on New Politics, nor does this National Conference for New Politics appear anywhere in the entire 59 pages of Thoms' testimony, in the 8 page tightly printed Index, or in any chart.

Accordingly, the entire testimony should be stricken from the Senate record. But that is a problem for the U. S. Senate to deal with. I understand Alan Cranston intends to seek corrective action in the Senate.

2. On page 3, Thoms names 5 groups "considered to be violent or subversive in nature". No judicial, Congressional or other public body as made such a judgment after full hearings, nor do these groups appear on the U. S. Attorney General's list. The characterization by Thoms is utterly void of legal substantiation and completely beyond the mandate of the L. A. Police Department.

3. Also on page 3 Ron Karenga's US organization is branded because of the arrest record (not conviction record) of certain unnamed individuals purportedly members of US. That is the equivalent of branding the City Council corrupt because some of the Councilmen have been indicted (not convicted) of a crime, or the Mayor a criminal because some of his Commissioners have been indicted or even convicted of a crime.

4. On page 5 the Black Congress is declared to be responsible for the Manual Arts High School boycott. This has not been judicially proven, is simply an assertion, and to my knowledge is, in fact, untrue.

5. Also on page 5, Thoms further indicts the Black Congress for having sponsored a Rally at the L. A. Sport's Arena. He particularly objects to the speakers at the Rally as being violent or subversive. If the sponsors of that rally are guilty of anything, the City of Los Angeles is equally guilty since the rally was held in a city-owned and operated premise. The Sergeant could just as well have cited the Sports Arena Commissioners for fostering subversion and listed their names and that of the Mayor for complicity.

6. On page 9, TELACU is mentioned as an umbrella agency serving as a shield of respectability for groups which may be violent and subversive. Chief Davis has already publicly apologized for Thoms having so cited TELACU.

By implication the public may reasonably conclude that TELACU is the only group

worthy of such an official apology, and assume that if other organizations, equally or much more maligned by the report, do not receive a public apology from the Chief, it is because they don't deserve it. Might the Chief now be forced in good conscience, into the embarrassing position of having to repudiate a dozen, or all 46 other similarly unjustified organizational inclusions, or all 95 individuals unjustly included?

Will each group implicated in the report need to attempt to secure an appointment with Chief Davis (not an easy thing to do) present its rebuttal making the Chief a judge of the merits of each case, as he was for TELAUCU?

The Editor of the Santa Monica Evening Outlook, Mr. C. D. Funk, is named in Thoms report along with an economic development corporation to help poverty persons with which he is associated. He has attempted to clear his good name and that of the development corporation through articles and an editorial in his publication. That may satisfy him for the moment, but he is still implicated in the testimony of a credible Police Department.

You can be certain that Thoms' testimony will soon be reprinted in hundreds of right wing publications all across the nation as "gospel truth" from an unimpeachable source, printed in an authorized Senate publication (at government expenses) reporting on Subversion in the New Left.

7. The testimony against the Brotherhood Crusade (page 13) is totally specious and Thoms inadvertently reveals his bias concerning that organization which is Thoms magic key to linking a host of other people and groups to "violence and subversion".

Thoms names two persons on the Crusade's Board of Directors as being "violent and subversive"—Ron Karenga and Walter Bremond. Asked by Chief Counsel Sourwine if in his judgment the organization is subversive and violent in nature, Thoms replies:

"It would be difficult to classify it as that because they have not involved themselves in anything militant or subversive as an organization as yet."

Note the "as yet". This "as yet" takes on further significance when you happen to know that Karenga has not been on the Crusade Board for the past several years and that Bremond, while employed by the Los Angeles Council of Churches was donating his time attempting to raise funds for the Crusade and provide it with administrative leadership because it had no funds to pay a director. Furthermore, Bremond is no longer on that Board either.

Now, interestingly, Thoms fails to report the fact that there are Black business and professional men on that Board. Among them is Norman B. Houston of the Golden State Mutual Life Insurance Co., who incidentally was Chairman of the Crusade Board from the beginning, although Herbert Carter, Executive Director of the L.A. County Commission on Human Relations is Chairman of the Board now. He also fails to mention that from the beginning down to the present a Los Angeles Police Commissioner has served on that Board and is on the Executive Committee.

Thoms also fails to mention that two years ago, when Martin Luther King, Jr., was assassinated, and riots broke out in major cities across the nation, it was Ron Karenga, Walter Bremond and United Church of Christ minister James H. Hargett who led Operation Unity which Police Chief Tom Reddin publicly praised and credited with keeping the ghetto cool and averting a riot in Los Angeles. Operation Unity was made up of the Black Congress—labeled violent and subversive by Thoms—and a few other older, more established groups.

Now, if you trace all the ways in which Karenga and Bremond, and through them, the Black Congress, are linked, directly or indirectly, or by simply attending or speaking at some conference sponsored or co-sponsored or partially funded by some other group, you can, through guilt by association, indict about 50 other key persons and 40 other organizations concerned about overcoming poverty and racism. This is precisely what Sergeant Thoms has done in his testimony.

For example, this is how the United Church of Christ Conference and the United Methodist Churches in Southern California get involved in Thoms testimony. The only correct funding statement Thoms has in his report with respect to the United Church of Christ in Los Angeles involves a \$2,500 contribution to the Brotherhood Crusade. The United Methodists contributed \$105,000 from its Fund for Reconciliation. Both contributions were made when Karenga and Bremond, the two reputedly violent and subversive connections with the Brotherhood Crusade were no longer on its Board or connected with it. However, Norman Houston and the Police Commissioner were still on the board. Herb Carter was and is the Chairman. Yet Thoms says the Crusade has not involved itself in anything militant or subversive "as yet."

8. Other groups are included in this testimony, apparently because they have criticized some police practices. Thoms inclusion of the CRCSC's Task Force hearings on police activities in Venice must have been one of the latest additions to his manuscript. In fact, he reported on our hearings in Venice while the Police Department was still investigating our transcript of the hearings and had not yet drawn its own conclusions about the matter.

However, to be fair, I must admit the CRCSC is listed for other reasons also. For example, the Executive Director of CRCSC is Julian Keiser; this same Julian Keiser was formerly employed by the United Church of Christ Conference, which funded the Brotherhood Crusade.

Perhaps it is fair to expect that Thoms would have known that the funding took place 7 months after I was no longer in the employ of the UCC. In fact, I had to call up the UCC to confirm the funding since I knew it did not happen while I was employed there although I had recommended that the funding be made. Thoms could have checked his facts as I did.

9. A number of other groups are included in Thoms testimony solely because it is apparently considered by Police Intelligence to be a very bad thing to support farm workers' efforts to organize. There are several examples.

One is the California Migrant Ministry which Thoms cited in this report. He also cited it last Spring as evidence of church funding of militants in Los Angeles. It should be noted that while the Migrant Ministry headquarters is located in Los Angeles, its program funded by IFCO is located in the rural areas of the San Joaquin Valley, not in Los Angeles. After listing the California Migrant Ministry's having received a grant of \$54,000 from IFCO there appears the following description of this organization:

"This organization has involved themselves in the labor dispute between the migrant farm workers and the established farm owners in California. They exert pressure on the farmers in the grape industry, through boycotts, picketing and strikes. The NCC IFCO and the Council of Churches in Southern California have all endorsed the activities of the California Migrant Ministry" (page 19).

As a member of the California Migrant Ministry Commission, I want to say that the

statement is absolutely true. But what has it to do with the New Left, or the National Conference on New Politics or with violence and subversion in Los Angeles or anywhere else? Why was it mentioned at all? Nevertheless, the \$54,000 is added to the sum of funds aiding subversives. IFCO is cited as the umbrella agency diverting funds to subversives, the National Council of Churches, which also funds the regular CMM ministry program is indicted along with the Southern California Council of Churches which sponsors the program. In addition this accurate description of the activities of the CMM entitles it to have a special box on Thoms Chart on page 21, as an example of church funds being channeled through umbrella organizations (NCC, IFCO, So. Calif. Council) to violent and subversive groups (i.e. the California Migrant Ministry).

10. Another category of groups Thoms seems to indict are broad-based anti-poverty programs which seek to involve all elements in the poverty community, from the most militant to the most conservative. They are mostly funded by the Federal Government, but the Ford Foundation has often funded auxiliary projects which the government funds did not cover. UJIMA, sponsored by Congressman Gus Hawkins, is such a group which engages in economic development programs in the ghetto. The Congressman was rightfully disturbed when he read in the paper that Thoms had cited his group as being associated with violence and subversion. When he talked to me about it he had not yet seen a copy of the Testimony and didn't know that Thoms had cited UJIMA not only once but on at least 7 different pages of his report on subversion in the New Left.

11. Some groups seem to be included because they engage in indigenous art forms which Thoms considers related to the subversion of being anti-establishment in their views.

For example, consider the following exchange between Thoms and Chief Counsel Sourwine:

"THOMS. One of the latest presentations of the Inner City Cultural Center was Luis Valdez and Teatro Campesino.

"SOURWINE. Now, what is the significance of Luis Valdez and the Teatro Campesino?"

"THOMS. It is a propaganda arm uniting the black and brown movement.

"SOURWINE. Is this a subversive organization, Teatro Campesino?"

"THOMS. All the plays they offer are anti-establishment and some are racist.

"SOURWINE. Is Luis Valdez known for any connection with subversive organizations or violent organizations?"

"THOMS. I don't know. The next person we will deal with is Esther Jackson" and so the testimony continues.

Now, Dr. Alfred Cannon, founder of the Inner City Cultural Center (which produces plays Thoms considers to be "anti-establishment"), is also a member of the Board of Directors of the Constitutional Rights Foundation which received a \$50,000 grant from the Ford Foundation. Thus we link up another group in the subversive network and add another \$50,000 to the funding of subversion by the Ford Foundation. Thoms, of course, finds other links with the Constitutional Rights Foundation, such as others on its Board of Directors, one of whom is a sister-in-law of someone else who was connected with the Black Congress and also UJIMA.

As you can see, I have cited only a few examples of what I consider to be errors and distortions in the first part of this voluminous testimony. If there were time I could document many other similar blatant errors and twisted assumptions in the Thoms report.

## SOME POLICY QUESTIONS

Now consider a few policy questions which I feel need to be given careful consideration by this Law and Justice Task Force.

1. Is it a proper function of Police Intelligence to release, leak, publish or allow to be released, leaked or published, propaganda which tends to incriminate citizens who are not known to be in violation of the law and who are not charged with violation of the law?

2. Is it proper for police officers to take neutral, openly published and publically circularized funding facts, and then to interweave into those neutral figures a web of inferences, innuendo, suspected motivations and assumed associations which are unsubstantiated, linking names of reputable persons and organizations with other groups the police happen to think are "anti-establishment", "pro-labor", or "violent", "militant" or "subversive"? Is it proper for them to then add injury to insult by giving publicity to such a mishmash of fact and conjecture?

It is one thing for a private individual to say or print whatever malicious falsehood, innuendo or biases he wishes. While I consider it reprehensible, I prefer freedom of speech to suppression of stupid, false or malicious speeches. However, is it not quite another matter when the speaker carries with his statements the enormous prestige and credibility of the Intelligence Division of the Los Angeles Police Department?

3. Is it proper for a Police Department or any of its officers, on the basis of their own personal, social, or political philosophy, to conclude or infer that a particular minority poverty worker, or director is "antipolice", "militant", or "subversive" and then on that presumption bring pressure on federal or private agencies to cut off the project's funds or otherwise interfere in its program?

My concern in raising these policy questions is not to punish individual officers who do such things, or to subject the Police Department to public censure if there is any other way to correct the injustice and impropriety of Sergeant Thoms' testimony.

Prior to my knowledge of Thoms' testimony I wrote Chief Davis concerning the use of alleged pressure by police officers against certain community groups. Chief Houghton replied to my letter saying:

"It is not accepted procedure by this Department for officers to interject themselves into the financial, administration, or politics of community groups."

I think all of us whose reputations have been clouded by Thoms' testimony, and this Task Force on Law and Justice, have a right to know if such a procedure as Chief Houghton mentions, is stated in writing, and if not, why not, and if so, what is being done to enforce it. It would seem that Sergeant Thoms has violated that accepted procedure. I have substantial evidence in my possession—other than Thoms' testimony—that it is violated frequently by officers and even top officials of the LAPD.

While I believe this subject would make hot copy news for the news media, I have chosen not to begin with that route to secure redress for those aggrieved. I believe there is sufficient evidence of improper police conduct in Thoms' testimony to prod leaders like yourselves to make your own investigation and then to take appropriate action. I believe a group like this could do it quietly and without publicity. The primary reason groups resort to the news media against the police or other establishments is because they often have no other channels of access to power to secure redress of grievances.

I believe you have such access, and I

trust you will act thoughtfully and reasonably, but also quickly and firmly to secure appropriate apologies for the character damage which has occurred, and to secure adequate Police Department policies to prevent such unfortunate happenings in the future.

## BUSING—ANOTHER VIEW

## HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, May 5, 1970

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article entitled "Busing Is Popular Way To Retain Segregation In South, Study Finds," published in the Wall Street Journal of May 1. The article would be ironic if it were not so sad.

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

[FROM THE WALL STREET JOURNAL, MAY 1, 1970]  
BUSING IS POPULAR WAY TO RETAIN SEGREGATION IN SOUTH, STUDY FINDS; PRIVATE SCHOOLS ARE UTILIZING VEHICLES MORE THAN PUBLIC ONES, REGIONAL COUNCIL SAYS

ATLANTA.—A new study of busing in the South maintains that, despite an uproar over busing to achieve racial balance, it is a popular tool when used to maintain segregation.

That conclusion is drawn by South Today, a monthly tabloid newspaper published by the Southern Regional Council here, in an article that says "Southern 'segregation academies' are busing more of their students, and busing them further, than are public schools in the region."

The study found that eight Southern states bus 48% of the students attending public schools, and private schools in the same states bus 62% of their students. The public school pupils ride an average of 10 miles a day and the private school students ride 17, South Today says.

The range or students bused in 10 private segregated schools was from 40% at Wade Hampton Academy in Orangeburg, S.C., to 97% at Faith Christian School in Ramseur, N.C. Distances the students ride daily ranged from eight miles at the Autauga County Private School, Prattville, Ala., to 35 miles at Enfield Academy, Whitakers, N.C.

The article says, "Busing, like law and order, has become an emotionally charged code word. Yet the facts indicate that the mere act of busing is not the issue. Segregationists will continue to rail against the use of busing to achieve desegregation while quietly continuing, and oftentimes increasing, busing of students to maintain the racial status quo."

Several Southern leaders, the article notes, have taken strong stands against busing of late. In a recent speech backing a return to freedom of choice, Mississippi's Gov. Williams blasted a "merciless mandate" by the courts which "takes a little girl and sends her to the other side of town where she knows no one. . . ."

Louisiana's Gov. McKeithen said, "I won't allow my children to be bused . . . to be treated like cattle."

And Alabama's former Gov. Wallace said, "I say, and I've said all along, that it's against the law to bus children. The Civil Rights Act prohibits it."

## THE CAUSE COLLECTORS

## HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. MICHEL. Mr. Speaker, an editorial appearing in the May 3, 1970, edition of the Peoria Journal Star points out with clarity the condition in which the country might find itself if it had consented to the demands of certain individuals and groups who have been loudly espousing this or that "cause" with little apparent concern for the consequences of their demands.

I include the editorial, "The Cause Collectors," in the RECORD at this point: [From the Peoria Journal Star, May 3, 1970]

## THE CAUSE COLLECTORS

As time goes on and they plunge into more and more "causes" (as fast as one cools off), some of the folks in this country begin to take on a strange appearance.

And we certainly aren't talking about anything as superficial and unimportant as hair.

Causes burn out rather rapidly when surrounded with the circus atmosphere, as seems to be the urge these days. It shows itself to be a very short-term technique. Too much whoop-de-do and not nearly enough resistance.

We breed a surplus of promoters and a shortage of performers it seems.

As the same people become collectors of these causes, it gets pretty revealing.

The Charles Goodells and Eugene McCarthy-types are beginning to find themselves, along with campus radicals they keep chasing after, trying to twist and turn every event, every discovery, and every argument into a campaign to stamp out colleges, farms, factories, and any capacity to defend ourselves militarily on the one hand, and the only things they seem eager to defend, preserve, and hold sacred from any such massive "stamping out" are pornography and marijuana!

It's a kind of odd choice.

We hear the "Mustn't touch! It's a sacred basic freedom!" coming from them, but it only seems to come when they are demanding amnesty for attacks against their fellow man, or the right to obscenity, or the sacred freedom for children to experiment with the destruction of their mental processes.

Anything else is fair game for the most ruthless, direct, and arbitrary application of the law, or even more direct mob action aimed at destruction.

These folks are beginning to give themselves away more and more clearly each day.

If we had bought all their causes, where would we now be?

All southeast Asia would be Communist, greatly enhancing the ability of China to get food and put more attention on developing her intercontinental H-bombs.

Soviet Russia would have matched us in missile power while also developing a defense system, and we would have no future plans, no defenses, a deteriorating system, and no conventional capabilities. We would be at their mercy.

Meanwhile, we would be destroying the food-producing, shelter-producing, and industrial economy here at least as fast as Russia and China are building theirs.

Is this what cause collectors are saying now?

Wipe out pesticides which kill off the birds and poison the landscape, and wipe out fertilizers which run off and pollute the rivers



Don't find alternate answers. Just wipe them out!

Then, feed 200,000,000 people on this land, "the natural way," (which fed about 100,000 Indians), and abandon, certainly, all foreign aid seeking to save starving people around the world. Leave all those places, abandoned, a vacuum for the Communist expansionists to fill.

Impose confiscatory demands on our factories or "bomb them"!

Dismantle our defense establishment.

Wipe out all higher education that involves discipline to facts and turn them, instead, into "do-your-own-thing" playgrounds.

Eliminate police departments. Open the prisons.

Goodness, if we acted on all the whipped up propaganda pitches these same people have drummed at us, there would be nothing left in the U.S. but one giant entertainment industry cranking out mostly pornography, one giant drug industry specializing in their use also as "entertainment," and a stripped, cold, starving and unarmed population with the physically strongest unrestrained in their "freedom" to prey on the children, the elderly, and the sick.

From this, of course, we would have a much better base to build a better world!

Oh, that's a brilliant set of causes!

#### EXPULSION OF CRIMINALS

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. WYMAN. Mr. Speaker, the longer the deliberately insubordinate, the rabble rousers, and the rock throwers are allowed to remain among the student body of our various educational institutions the surer there will continue to be trouble—some of it of the tragic kind that has developed in the great State of Ohio. It should be firm and unexceptional university policy that all who break university rules, deliberately and openly, will be asked to leave the same day. They should be expelled forthwith for cause.

As for those who go from campus to campus—who are not students—who deliberately inflame and encourage younger persons to violence and virtual insurrection—it is the continuing obligation of State and local authorities to prosecute these persons under State laws. If they cross State lines with this purpose Congress has passed a criminal law under which the "Chicago 7" were convicted and Federal authorities should act.

What can happen when university heads virtually capitulate to militants is vividly described by William F. Buckley in yesterday's Washington Star:

THE CAPITULATION OF YALE'S BREWSTER

(By William F. Buckley, Jr.)

Kingman Brewster, the president of Yale University, is a prime example of what the mob can do to the leader. There he was, president of a large university whose militants adopt the position that the impending trial of Bobby Seale and other Black Panthers for the murder of ex-Panther Alex Rackley is an act of political persecution.

One would think that every student at

Yale was an expert on the circumstances that most indisputably led to the killing of Alex Rackley: but no, what comes out of Yale has been pure declamation, the height of which was Rev. William Sloane Coffin's dictum that the trial of Bobby Seale was "legally correct but morally incorrect;" and if, after he said that, he left the stage with an inscrutable look on his face, it was because neither he, nor anyone else, could understand what he was talking about.

But Brewster isn't supposed to talk like one of the confused divines who so often swamp our issues in confusion. He used to be a professor of law. Consider the statements he made beginning on the first day or two of the student turmoil, and that which he made at the culmination of the week's activities.

Brewster began the week by issuing a statement that included the words: "The essence of justice and goodwill is that people should give one another the benefit of a doubt . . . It would not be proper to assume that justice cannot be dispensed by the courts of this state."

That was a clear reproach to those student agitators who were demanding that we all accept the proposition that the prosecutors, the Grand Jury, and the presiding judge who have coordinated to indict Bobby Seale and the others, have done so in a spirit of genocidal vengeance. The reasonable alternative is that they believe that there is sufficient evidence pointing to Bobby Seale's guilt to present to a jury—that's all.

And on the second matter, Brewster was saying that by the same token it is improper to assume that a jury in Connecticut would hand down a verdict of guilty against Bobby Seale even if the evidence pointed to his innocence, or if it sustained reasonable doubts concerning his guilt.

Then, after much student pressure and presumably on account of it, a brand new Kingman Brewster emerges, sounding for all the world like the last days of Alexander Kerenski. He says, wooing the cheers of the mob, "I personally want to say that I am appalled and ashamed that things should have come to such a pass that I am skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States. In large part the atmosphere has been created by police action and prosecution against the Panthers in many parts of the country."

Now that is exactly what the kids wanted to hear: precisely the categorical prejudgment that only a few days earlier the same gentleman was denouncing.

As to the facts of the matter, the unintimidated Brewster was right, the intimidated Brewster wrong. The most conspicuous Panther trial thus far was the murder trial of Huey Newton of California two years ago. Such pressure as there was on the courtroom was not to hang Newton, but to free Newton. The jury turned in a second degree murder conviction, when in fact first degree was eminently justified. For all that Brewster makes it sound like a reign of terror, there hasn't been a single Federal conviction of a Black Panther.

And finally, ask yourself this: if you were called to serve on the jury of the forthcoming trial of Bobby Seale, where would you expect to feel pressures on you? From New Haven's Ku Klux Klan? Or—more likely—from the New Haven Establishment, which now makes common cause with the black revolutionaries in insisting that you, the juror, cannot act fairly because of the legacy of racial discrimination?

Add to that a few threats in the last few days against dissidents from the Seale-Coffin-Brewster line—and you get a surer feel of what might well stand in the way of the execution of justice in the Federal Court-house.

#### J. CORDELL MOORE WARNS OF UNITED STATES-CANADIAN ENERGY CRISIS

### HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. EDMONDSON. Mr. Speaker, a speech delivered recently by former Assistant Secretary of Interior, J. Cordell Moore to the Canadian Propane Gas Association is well worth reading by all Americans.

In his speech, Mr. Moore very accurately pointed out the tremendous improvements we must make in utilizing existing fuel resources and in exploration for new energy sources, if we are to meet the Nation's energy requirements in years to come. Mr. Moore's observations about the sizable expense involved in developing these methods in a manner which will preserve a healthy environment for future generations should be especially noted.

I want to commend Mr. Moore on his excellent speech, and for the very responsible and constructive suggestions he has set forth. Under unanimous consent I include his remarks in the RECORD, as follows:

#### THE ENERGY CRISIS

(Presented by J. Cordell Moore, Energy Consultant, Washington, D.C., before the Propane Gas Association of Canada)

Few days pass when oil, gas, coal, or nuclear energy are not in the news. There is usually an unfavorable connotation in this news—such as oil polluting the beaches and destroying waterfowl, or coal dust causing pneumoconiosis (black lung), or a natural gas explosion, or, perhaps, some possible escape of radioactive isotopes. The only form of energy recently to escape unfavorable mention is hydroelectric power which supplies only a minute part of our energy requirements.

And yet our nations, and at an alarmingly increasing rate other nations of the world, are demanding more and more energy to fuel the industrial complex, to heat the homes, to light the cities, and to supply the fuel for the insatiable transportation requirements of over 200 million people in the United States alone.

World energy requirements, expressed in terms of oil equivalent, currently amount to some 35 billion barrels per year. Thus annually, the world consumes more energy than that recoverable from the oil reserves recently discovered in Alaska at Prudhoe Bay. Of course, oil does not supply all the world's energy requirements, yet the total 1970 world oil demand alone, including the Iron Curtain countries, will be approximately 16 billion barrels and, by 1980, will be almost 27 billion barrels annually. And we should not forget that oil, natural gas and natural gas liquids supply over 75 percent of the total United States energy requirements.

By 1980, the total annual world requirements for energy will probably have risen to 58.8 billion barrels of oil equivalent, but the United States will be consuming only some 31.2 percent of this total compared to the 34.5 percent share today. This is due to the more rapid increase in consumption by the newly emerging nations of the world.

The 1970 figures will probably show the population-explosion has resulted in a world population total of over 3.6 billion people and, by 1980, that total will, if the current estimates are correct, reach almost 4.5 bil-

lion—all wanting a living standard as high as ours. The remarkable increase in the standard of living desired by other nations of the world can only be attained by greater consumption of energy to fuel the new factories, to develop the electricity, to harvest the crops, and to fuel the automobiles and airplanes considered necessary by our civilization.

Demographers and others considering this problem are, to say the least, "alarmed" and this, indeed, is a massive understatement. How this multitude will be fed is a problem of monumental proportions to food experts throughout the world. To the energy experts, the problem is equally serious. How will the huge demands for energy be supplied and still meet all the demands being made for the protection of our environment?

In North America we have been spoiled by low-cost energy and, even now, there is a "hue and cry" from consumer groups for price reductions even though other prices and wages are advancing. Simultaneously, heavy pressures are being exerted on public officials and our legislative bodies with respect to taxes, safety regulations, and pollution control measures—all necessary—but costly to the energy producing industries.

The pollution problem is currently the "hot issue" in both the United States and Canada. It might be of interest to review some of the recent incidents. The Santa Barbara, California, oil-spill has resulted in demands that the billion-odd barrels of oil located beneath the waters of the channel not be produced. The reason for the spill stems from a leak through a fault in the ocean floor which occurred during drilling operations offshore.

Crude oil came to the surface, and shore, fouling the beaches of Santa Barbara, Carpinteria, and elsewhere along the California coast; many pleasure boats in the harbor were coated with oil; and many waterfowl were drowned when their feathers became oiled. Everyone deplored this unfortunate incident, but some of the exaggerated claims of damage to fish, seals, and other sea life certainly did not help the public to make a cool, impartial appraisal of the situation. It is understood that the clean-up has now been completed at a total cost of about \$5,000,000 but, apparently, the beach is now in better condition than before the "spill".

It might be mentioned in passing that oil on the beaches at Santa Barbara is not a new experience. For centuries—long before Colonel Drake's discovery at Titusville, Pennsylvania—oil has washed ashore there from oil-seeps located in the channel near Coal Oil Point, just west of Santa Barbara. The amounts involved are estimated between 70 and 120 b/d. The latest incident, however, due to the much larger quantities involved, has caused a public reaction so intense that the impact has reached the Halls of Congress and has resulted in the introduction of legislation which, if enacted, would bar all drilling in the Santa Barbara Channel.

A few weeks ago a drilling platform containing several oil wells caught fire in the Gulf of Mexico. The fire initially consumed all the oil but, when the flames were extinguished, large quantities spewed from the wells on the surface of the water—and this has added more fuel to the pollution controversy. The wells are now capped and, apparently, there has been little proven damage to the environment even though large quantities of oil were involved, but there have been many lawsuits filed and arguments—pro and con—will rage for months or, perhaps, years. No one knows, at this time, what further drilling restrictions will be imposed as the result of this accident, but, as a minimum, it will provide impetus to the Santa Barbara legislation and a demand for stricter drilling and producing regulations.

In Tampa Bay, a Greek tanker went

aground breaking open the tanks and oil flowed ashore along the beaches. While far to the North, off Alaska, oil washed ashore from an unknown source but presumed to be from "tanker ballast" discharged at sea. Both situations described as creating an "unsightly mess" and, again, claims were made of damage to the environment. In Canada, too, a recent oil-spill off Nova Scotia caused furor in the Canadian press. As you all know, great concern has been expressed with respect to the dangers of crude-oil-delivery by tanker via the Northwest Passage. This is, to say the least, a "hot issue" in Canada.

There have been tankers sunk; there have been oil-spills from wells drilled or drilling in the ocean and there will be more. With the demand for oil growing by "leaps and bounds", it is a statistical certainty that there will be more oil-spills in the future because a high percentage of the oil consumed throughout the world moves by ship and the more tanker miles sailed the greater the exposure to the perils of the sea.

In addition, as more wells are drilled offshore, the chances of accidents multiply. We can, and should, take all the safety precautions science can devise but, too, we should be realistic. There will be future spills. If we recognize this fact of life, perhaps, we can better prepare to minimize the damage from these spills; to develop more effective preventive measures and more effective clean-up devices.

We have found oil in the Arctic. We need it in the "lower 48". To get it to market, it must either be transported by tanker, by pipeline, or both. The Humble Oil Company has and is continuing to explore the feasibility of delivery by tanker through the Northwest Passage, a difficult task at best, but there are those who say the risks of such tankers being sunk and the oil polluting the Arctic are too great to permit tanker transport of Alaskan oil. Some say a large oil-spill in the Arctic might even cause a melting of the ice of the Arctic Ice Cap, thus raising the sea level throughout the world and flooding cities like New York, London, Tokyo, New Orleans, Singapore, and others along the sea coasts.

In passing, I have to mention another school of thought which holds that the pollutants discharged into the atmosphere tend to filter the sun's heat and to cool the earth that vital two or three degrees which would start the next glacial age.

Any comment I might make on these conflicting views would be academic at best. But, for now, we can view the Arctic for what it is—a cold, forbidding land but containing a wealth of natural resources of great benefit to our civilization. We are faced with the problem of getting the oil located in the Arctic to the consuming public far to the South; if the tanker route falls, then all of it must move by pipeline or not at all.

Such a pipeline, or pipelines, have been proposed. One has been planned across Alaska south from Prudhoe Bay to Valdez on the South coast of Alaska and then by tanker to the United States and other world ports. But the pipeline construction could, in the opinion of some conservationists, disturb the ecology of the area. Disturbing the tundra of the Far North might ruin the environment, destroy the habitat of caribou, polar bears, millions of waterfowl and other wildlife; there are problems of rights-of-way, Indian claims, and many others. Secretary of the Interior Hickel even now is wrestling with the many problems presented by this massive pipeline construction project.

In the meantime, another pipeline has been proposed from Alaska through Canada to the U.S.-Midwest—the McKenzie Valley pipeline. This line also poses problems but it is probable that both the McKenzie and Trans-Alaska (or Tapline, as it is called) pipelines will be built if, for no other reason, than the fact that this oil must flow

to market one way or another. With all the delay on Tapline, one may well wonder which will be built first, Tapline or the McKenzie Valley line. The Northwest Passage may eventually prove to be a practical way of delivering oil from the Arctic, but there are problems here of great magnitude. If the reserves prove to be as large as some believe, both pipelines and the Northwest Passage may be used.

Large discoveries in the Canadian North will unquestionably expedite the building of the line through Canada. In fact, there has already been one very significant discovery at the mouth of the McKenzie River and there will probably be others on the Canadian mainland, the Arctic Islands, and in the Beaufort Sea.

Coal—no discussion of energy would be complete without mentioning this—the fuel that started the Industrial Revolution. Our North American reserves of this vital resource are estimated at over 1 trillion tons. For years the consumer enjoyed low-cost energy from coal. For years it was the dominant source of energy in the United States and in the world. The consumers were not particularly concerned where it came from or how it was mined. The mining methods of prior centuries undoubtedly left much to be desired. The United States was such a huge country, it appeared that the coal supplies and the lands were inexhaustible. Coal was often mined without much thought of what might happen to the land after the coal had been extracted.

As the years passed, the coal companies not only became more proficient in their mining methods but were concerned with the damage to the environment as well. Many of the better companies and unions became aware of the after-effects of mining and began to take corrective action before the public, itself, became aware of the problems. There were cases of underground mine fires, subsidence of the surface—sometimes beneath cities and towns with destruction of homes and other buildings—burning slag piles from which sulphur fumes rose to "pollute the atmosphere", and water from many abandoned mines became so heavily acidic that the streams, into which the sulphuric-acid-mine-water discharged, could support no life at all.

Suddenly, with the awakening of the public interest in pollution, and health and safety, the mining industry has been thrust into the spotlight with demands that all the problems which, in a sense, have accumulated for generations, should be solved overnight. Old abandoned strip mines should be leveled; acid-mine-water coming from mines abandoned for many years and which are polluting the streams should be neutralized; old mine fires extinguished; subsidence corrected; in fact, all aspects of mining, which are deemed unsightly or repugnant to the public, should be corrected overnight. Not too much thought has been given to the cost or the method by which this is to be accomplished; the public merely wants action.

There are, undoubtedly, some of these problem areas which could and should be corrected immediately. There are others where nature has already made all the necessary corrections. Commonsense indicates that corrective action should be taken only where such action would be truly beneficial—all things considered—a so-called policy of "comparative values".

Turning to air pollution attributable to coal and oil, we find another "hot-bed" of controversy. Much of the coal and oil, as it exists in nature, contains sulphur and, when burned, sulphur dioxide and trioxide are discharged into the atmosphere. This has been termed one of the principal and long-term sources of air pollution.

Another area of potential pollution of more recent vintage is exhaust from auto-

mobiles and aircraft engines—carbon monoxide, carbon dioxide, the oxides of nitrogen, unburned hydrocarbons, lead, et cetera. In the words of the public, these are things "we must do something about". The latest push is to "get the lead out."

Virtually all our modern automobile engines use gasoline containing tetraethyl lead. The reason is that modern automobile engines have high-compression ratios requiring high-octane gasoline. These high-octane numbers are obtained primarily by adding lead to the gasoline. There is, however, a limited quantity of high-octane gas available which contains no lead. The rating is attained by a rather expensive refining process through the use of alkylates, aromatics, et cetera. Thus such lead free gasoline will command a premium price at the pump.

At the present time, there appears to be a difference of opinion among the experts as to the health-damage caused by lead-gas, but there is *apparent agreement* that as long as the gas contains lead, after-burners cannot be successfully used as a device to minimize air pollution from automobile exhaust emission. We are not sure, even if we were able to obtain unleaded, high-octane gasoline through these means, that the aromatics, alkylates or what-not, might not produce pollution more serious than that from gasoline containing lead.

Suggestions have been made that we should develop steam cars, electric cars, or cars run on natural gas or propane. Full conversion to electric cars would probably create such a demand for lead that we would have a shortage of that element, or any other metal substituted for it, in producing the large batteries which would be required for millions of new cars each year. One of these suggestions for substitute engines may, after a period of study, prove to have merit but practicable replacement will take many years and at a high cost in capital investment.

Nuclear energy and a full understanding of it is shrouded in secrecy; yet, we can say that even this very promising source of energy is far from being pollution-free.

*Energy from the atom*, a dream of scientists for generations, became a reality beneath the stands of a stadium in Chicago during World War II, when *Nuclear fission*, on a practical scale, was first achieved. The first application of this form of energy was generously applied at Hiroshima and Nagasaki, Japan in August of 1945. These two incidents stopped a hot war—cold—and the lives lost there were compensated by the thousands of lives undoubtedly which would have been lost, on both sides, in the invasion of Japan.

Typically and oversimplified, energy is obtained by the fission (or breaking apart) of atoms of uranium 235 or plutonium. But, as with coal and oil, you get your energy but you have something left over that you neither need nor want—radioactive isotopes which emit gamma or beta rays and/or alpha particles. These are beneficial to man in certain medical applications such as cancer—but dangerous—if turned loose on an unsuspecting public.

In the process of developing nuclear fuel for power plants, and in the use of that fuel, certain waste radioactive isotopes are produced which must be disposed of safely. So far, the Atomic Energy Agencies of both our countries have been able to do this but, unlike many polluting substances which become harmless after a short time, some of the radioactive waste will remain dangerous to mankind for centuries—on a cumulative basis. Thus, the more nuclear power we produce, the more waste we accumulate. Because of the dangerous nature of radiation, this form of pollution—potentially the most insidious of all—must always receive priority attention as it has under our Atomic Energy Agencies and, as the use of nuclear plants

increase, so does the threat of pollution from this source increase and will have to be dealt with.

Everyone has heard the statements made of the huge reserves of hydrocarbons locked up in the *oil shales* of the Colorado Plateau; estimates have been made that these reserves could contain the equivalent of one trillion barrels of oil, or more. Lost in the headlines of the tremendous amounts of energy contained in the shales is the small print indicating the technical and economic problems which remain to be solved before the energy can be put to a practical use. It is true that there are tremendous reserves of oil shale and that they theoretically contain enough "kerogen" (the name given to the extracted product which is essentially an oil) to last the United States for several hundred years *if and when a means can be found to extract it economically.*

You, in Canada, know from your experience with the tar sands near Fort McMurray that, although the reserves are huge, the technical problems associated with the recovery of a fuel the consumer can use are many and that the cost of recovery is tremendous. The Greater Canadian Oil Sands Company has reputedly already expended over \$250,000,000 to attain a production rate amounting to approximately 45,000 b/d but, apparently it is not yet "in the black". The costs of a plant to extract the oil from the oil shales will undoubtedly be much higher. Thus, although the oil shales and the tar sands must be considered a part of the energy inventory of the United States and Canada, enjoyment of *large quantities* of usable product from these sources is more than a decade and a few billion dollars away. And here, too, there are potential pollution problems to be solved.

Individually, the various problems of pollution can be solved, many by known processes. Some of the sulphur can be removed from coal, sulphur can be removed from oil and we can have lead-free gasoline if a decision is made to go that route. Pollution from automobile exhaust emissions can be minimized; in fact, the pollutants have already been substantially reduced by engine changes made by the automobile companies. Internal combustion engines of the reciprocating type now in use can be redesigned to use lower-octane, unleaded gasoline. They will be less efficient—but it can be done. Or some new design such as the "Wankel" engine could be substituted for the engines now in use and such an engine could run very well on kerosene, or low-octane gasoline. Whether our power-hungry consumers will be happy with the "substitute" engines is another question.

The electric utilities and other large consumers can install electrostatic precipitators to remove particulate matter and, if a determined effort is made, it is probably possible to devise a method for removing sulphur from the stack gasses of the plants—making it unnecessary to remove the sulphur from the coal or oil. This approach would be a splendid one since then our huge reserves of high-sulphur coal could be used without relying on overseas energy sources. Some companies have developed systems which they claim will do this.

Industrial plants, city sewage systems, incinerators, can all be designed to minimize or eliminate pollutants discharged into our lakes, rivers and the sea. Our entire industrial establishment can be reviewed in minute detail with the ultimate goal of eliminating pollution from each and every source. This goal will not be easily or quickly accomplished—and the public must understand that all this is going to cost huge sums of money. The cost of the space program is going to look small by comparison.

Why the title—"The Energy Crisis"? In the foregoing words, it has been illustrated that the energy needed by a rapidly expanding population can be supplied only by the

superhuman efforts of those who have developed the technology to produce it.

The public apparently is not aware that an Energy Crisis exists or how serious it is. Utility plant construction has not kept pace with the demands for electricity. As a result, there is serious danger of a brownout in the Eastern United States before the summer is over. It is almost a certainty that consumers will be asked to curtail their use of air conditioners, lights, and other 20th Century conveniences. Hopefully, this curtailment will enable the power companies to meet a reduced-demand until plant construction can catch up with real demand.

Coal stocks at the utility plants are dangerously low and any extended interruption in coal shipments could complicate an already serious situation. The Eastern United States has become almost totally dependent on foreign sources for residual fuel oil. An interruption in the supplies of this vital fuel would force the consumers of residual fuel oil, particularly the electric utilities, to switch to an alternate fuel. Many of these facilities are no longer convertible to coal and the demand for large quantities of additional coal on short notice could not be met anyway; it simply is not available without opening new mines. Natural gas is in short supply and a switch to this energy source would only create shortages among regular gas consumers.

Fortunately, most of our residual fuel oil is imported from Venezuela, an old friend, but another Middle East crisis which denies oil from that area to the Western World would spread remaining supplies dangerously thin and the European residual fuel oil economy would undoubtedly be competing for the remaining supplies of residual in the free world, thus cutting into our supplies on this side of the Atlantic.

If everything runs smoothly, the anticipated electric shortage this summer will be handled with a minimum of inconvenience to the public. Certainly, the utilities are doing all in their power to anticipate where the shortages are likely to occur and have planned emergency measures designed to handle the problems.

We have had our warning. Now serious and intelligent planning is necessary to see that present sources of energy are wisely used. It is also necessary that we assure that there are sufficient incentives for the oil and natural gas companies to look for new reserves; that there are incentives for the coal companies to keep existing mines in the production and to open new mines.

There are adequate reserves of coal, natural gas and oil in our countries to last for many decades. Additional large reserves are located in the Western Hemisphere. All are relatively secure. But these reserves are not all *proven* reserves. In the case of oil and natural gas, we know where discoveries are probable but only with further *exploration* and *development* can these reserves be added to our *Usable Energy Inventory.*

With respect to coal, we have known reserves which could supply our nations for centuries. But it takes money and time to open a new coal mine. It cannot be done in six months or even a year. Furthermore, plants can consume this coal only if they have the proper equipment in place; grates, crushers, stokers, conveyers, et cetera. The installation of such equipment is quite costly and time consuming. You cannot switch from oil to coal by turning a switch unless a plant maintains true dual-fuel capability. There are some plants which have true convertibility from oil to coal or gas and vice versa but, unfortunately, they are all too few.

We are now on the threshold of a serious shortage of *natural gas.* Reserves in the United States have been depleted at an alarming rate. Because of its clean-burning properties, natural gas will be in increasingly

greater demand. In fact, there is not enough now to supply the demand for all the consumers who would like to have it and, unless prompt action is taken to increase the exploration rate, demand will continue to outstrip supply.

In the U.S. consumption has been greater than additions to reserves. In 1968 there was a net loss of 5 trillion cu. ft.; in 1969 the net loss was 12 trillion cu. ft. Unless this trend is soon corrected curtailment in the use of this fuel is inevitable. It is absolutely necessary to increase our exploratory efforts immediately.

You, in Canada, are fortunate in having such large reserves of natural gas. But all things are relative. You will need to find much more gas to meet the needs of an ever increasing market in Canada as well as the present and anticipated exports to the U.S. If these reserves are to be found, there will have to be added incentives to provide the exploration thrust. I hope these incentives on both sides of the border will be forthcoming—and soon.

I am sure the U.S. consumers appreciate the fact that you are sharing your reserves with them. I hope, as we march into the future, that our joint energy policies will become more and more in harmony as they have in most other respects over the past 100 years.

It appears that the public is finally "getting the message" with respect to the impending shortage of natural gas but they apparently do not understand the interdependency existing between the two. Any action which tends to discourage exploration for one results in fewer discoveries of both.

You in the industry know that when you drill a well you can never be certain whether you will get oil, gas or nothing at all. The public and our public officials should be made aware of this fact.

The natural gas industry and the oil industry are energy "Siamese Twins"; one cannot be isolated from the other. If one is sick both are sick; and, conversely, if exploration and development incentives are provided for one, both will benefit.

No mention of natural gas would be complete without mentioning Natural Gas Liquids and LPGs. One of these—propane—is the reason for this association's existence.

Specifically, I believe the future for propane is as bright as for any part of the barrel. With declining reserves of natural gas in the United States and a declining percentage of propane in that gas, more and more demands will ultimately be placed on Canada to supply this important material. Mr. D. N. McClanahan, in his very excellent article presented to the American Chemical Society in Houston on February 27, indicates that the propane supply in the United States is expected to increase at a rate of 2.5 per cent per year against a demand-increase of 4.3 per cent per year.

In Canada, the demand for propane will also increase but, due to the large amount of natural gas processed and sent to U.S. markets, there will undoubtedly be a surplus to help supply the U.S. deficiency. This same situation applies to butane and to condensate. As more and more natural gas is processed for the U.S. market, more and more LPG's and condensate will be extracted. It is fortunate for both our countries that your supply excess will complement the U.S. supply deficit.

It is not news to you that the largest increase in demand for propane is for petrochemicals. Due, however, to the drive against pollution, it seems to me that there will be increased demands for propane in other areas. It is already being used for peak-shaving by utilities in areas of periodic natural gas shortages caused by extremely cold weather.

There has even been some discussion of the possible use of propane as a partial sub-

stitute for gasoline in automobiles. Just how serious these discussions become is still a matter of conjecture. Certainly, internal combustion engines can use propane and it has been broadly "hinted" that it is possible, with minor engine changes, to use propane or gasoline interchangeably. The proponents of such a system claim that the use of propane in the cities in "stop-and-go" driving would materially reduce pollution.

There are problems; the cost of installing propane tanks in automobiles; supply tanks at filling stations; engine modifications; to mention a few. But, it is well to remember that the pressures to reduce pollution are strong and they are not going to diminish soon. As unlikely as it now appears, you may be dealing with a new set of customers before this decade is over.

The public, despite the fact that the United States and Canada have for generations enjoyed the benefits derived from the lowest-cost gasoline, coal, and natural gas in the world, have been led to believe that we are paying too much for gasoline, oil, et cetera; that the price should be less even though it means opening the gates to insecure, lower-cost overseas oil produced with lower-cost labor with consequent damage to our domestic petroleum and coal industries which have maintained world-leadership for over a century.

The oil industry has been attacked and berated for damage to the environment—polluting the air and polluting the water. It is true that pollution is a very serious problem and should be minimized where it cannot be completely eliminated. But, as far as our countries are concerned, each person in the United States and Canada must share a part of the blame for the pollution we have today. There are many industries contributing to water and air pollution; there are many segments of the Government contributing through inadequate sewage disposal plants, inadequate incinerators, and garbage disposal plants; and the public—you and me—we all make our small direct contributions which, collectively, represent a higher percentage of the total than we like to admit.

It is high time that we tell it the way it is;—yes—there is a problem but it did not just suddenly appear in 1968 or 1969. The problems of pollution have been with us since the Indians burned the prairies; and impure water supplies caused many typhoid deaths early in the century. It has been a problem since man began to congregate in the cities—long before the birth of Christ—and it has been increasing ever since. With the birth of the industrial revolution, pollution began to increase at a fantastic rate. Suddenly, in the sixties, the public at last began to realize how serious the problem can become.

The initial public reaction has been highly emotional. When some of the emotion has dissipated, I would hope that the appropriate authorities will be able to approach the various pollution problems more objectively and that they will have the support of industry and, hopefully, the people. But industry should not wait to be prodded into action; it should start immediately. Each new plant should be designed to minimize or eliminate pollution. If new sources of pollution can be eliminated, it will make the job of cleaning-up old sources much easier.

But, there is something we must all remember and which the public has largely overlooked, cleaning up pollution is going to cost MONEY—a lot of MONEY—and the people are going to have to pay for it through higher prices for energy and other goods and/or through higher taxes. There is nothing to be gained, and much to be lost, by trying to saddle any single industry or group with the blame for pollution. The fact is—it is a problem facing all of us and all of industry and the damage can be corrected only by the united efforts of all industry, Governments, and the people.

Unfortunately, the oil industry is bearing the brunt of the pollution criticism largely because the industry is so large and the pollution visibility is so much greater than in other industries. A dramatic event like the Santa Barbara incident or the wreck of the Torrey Canyon is far more likely to attract the attention and invite criticism of the public than the rather obscure mention of raw sewage from a city, or polluted water from a steel plant, a paper mill, or other industrial plant being discharged into our rivers and lakes. Yet, to the experts in the field, all these forms of pollution are equally, if not more, serious and all must be corrected.

And, while we are working on the job of cleaning up our environment, we must never lose sight of the fact that the public wants pollution eliminated with minimum of inconvenience to him or her—personally. It is doubtful that many people will be willing to turn down the thermostat to 60 degrees, give up one of their cars, or turn off the air conditioning even though such measures would result in a reduction in energy consumption and, to some extent, a reduction in pollution. No, they will want to continue living exactly the way they have been. So, the status quo probably will be retained and the cleanup will have to be super-imposed on the demands of our society for more gasoline, more oil, more jet fuel, and all the other comforts to which our civilization has become accustomed.

The oil industry, on its part, must accept this challenge. Individually and collectively, it cannot afford to sulk and indulge in self-pity because everything seems to have gone wrong during the closing year of the past decade. Pollution is an issue and must be faced. The oil industry should, and I am certain it will, be a leader in seeking a realistic solution recognizing that, at the same time, it will have to supply ever-increasing amounts of oil to a demanding public. It should have the courage to challenge mis-statements. And, if a presumed cure to a presumed problem would cause more problems in its wake than it would solve, the industry should say so. And, most of all, when the industry is wrong—it should admit it—take its lumps and forge ahead.

Ultimately, we will have to look for a renewable form of energy such as solar energy or, perhaps, nuclear fusion as a replacement for fossil fuels, but this is a subject for another paper at another time and the main impact will be on another generation. As far as we can see now, oil and natural gas combined will be the dominant energy source for many decades; but coal will not be far behind.

The oil industry which has met every fuel crisis of the past, has supplied the fuel for victory in two world wars and several smaller ones; and has survived several interruptions in supply from the Middle East, will meet the test of the current shortage, but a little sympathetic understanding on the part of the public certainly would be welcomed.

#### THE MARSTON-KOTZSCHMAR CLUB

#### HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. KYROS. Mr. Speaker, in observance of this National Music Week I insert in the RECORD a brief description of the Marston-Kotzschmar Club, which is an important organization for many of the Maine residents who appreciate fine music. This historical material has been assembled by Mr. William J. Foley and Mr. James J. Kearns, members of the Marston-Kotzschmar Club, and provides an excellent tribute to the two outstand-

ing musicians, both former residents of Portland, Maine, in whose memory the club continues to further a greater understanding of music among residents of my State.

**THE MARSTON-KOTZSCHMAR CLUB**

It would be impossible to speak of the Marston-Kotzschmar Club without briefly speaking of the two remarkable men in whose honor the club is named.

Although both men died in the early 1900's, their spirit of fellowship and the universal bond of music still unite the composer, the performer, and the listener.

The Marston Club was named after Portland's own music master and composer, George W. Marston. It was organized as a private musical club for women in 1887 by Mrs. Charles Bedlow who was also the club's first president.

Marston, was both teacher and composer. He began his study of piano at twelve years of age, and at sixteen he was organist at the First Congregational Church of Sandwich, Massachusetts. He taught piano in Waterville, Maine and after about a year there, he decided to move to Portland and advance his studies of piano and organ.

He began composing music while very young, and spent about five years in Europe where he worked and studied to perfect his art. Marston composed over sixty piano pieces, and about an equal number of songs. His deeply religious nature inspired him to write church music for which he is best known.

One early critic, commenting on Marston's songs and lyrics, said: "One of these days, when Mr. G. W. Marston's exquisite songs are collected, there will be formed in one charming volume the finest poems in the English language, set to music which shows in every phrase the most delicate appreciation of the well chosen words."

Marston was organist at St. Luke's Episcopal, Congress Square Universalist and State Street Congregational Churches, successively.

After Marston died, February 2, 1901, the Kotzschmar and Marston Clubs united in a memorial service held in the Baxter Building where they gave a musical program consisting entirely of Marston's works. This joint tribute of the two clubs was to foreshadow their eventual union over sixty years later.

The Kotzschmar Club was formed on January 11, 1900, by a group of thirteen musicians. It became one of Maine's most noted men's musical associations. The club was named in honor of Herman Kotzschmar who was one of the original thirteen founders.

Kotzschmar came to this country in 1848 and settled in Boston. Before he was twenty years old he had become an excellent pianist and organist. While in Boston, Kotzschmar was discovered by Cyrus L. Curtis who was very impressed by the young musician's talent and ability. A lasting friendship developed between the two, and in honor of this friendship, the son of Curtis, Cyrus Hermann Kotzschmar Curtis, donated to the people of Maine the Kotzschmar Memorial organ which enhances the newly re-decorated Portland City Hall Auditorium to this day.

Before Kotzschmar settled in Portland, he found himself stranded in Boston in 1848 when the Saxonia Band, with whom he had come to America from Germany, broke up and scattered across the new country. The men in the band didn't understand the language and customs of their new country, and the demand for foreign musicians was almost nonexistent.

Once in Portland, Kotzschmar became leader of the Union Street Theater Orchestra. He must have found this terribly boring because of the uncultivated tastes of the theater patrons of this period. So he submitted to the drudgery of playing over and over the

popular refrains that did not appeal to the true musician in him.

In 1850, Kotzschmar was engaged by the Portland Sacred Music Society as pianist for the sum of fifty dollars a year. A year later, he became organist for the First Parish Church of Portland, a position which he held for forty-seven years.

Kotzschmar became conductor of the reorganized Haydn Association in 1869 and under his direction they presented Haydn's *Creation* in Portland City Hall with the Germania Orchestra and a chorus of three hundred voices. Under the skillful direction of Kotzschmar the Association became one of the most noted in America for their oratorio performances.

Later he became conductor of the Weber Club, the Philharmonic Orchestra and the Orchestral Union in Portland, and he directed choral societies in Gardiner, Lewiston, and Brunswick.

His *Te Deum in F* has been sung in nearly every church of importance in this country.

The Marston Club and the Kotzschmar Club went their separate ways from their inception until 1965.

Actually they became "engaged" a year before when the membership of both clubs decided to participate in joint programs for a trial period of one year. This arrangement seemed to work out well and on April 26, 1965 the "marriage" of the Marston (women's club) and the Kotzschmar (men's club) Clubs was consummated officially.

The newly formed club has had four presidents since this time: Irma Fairbanks, Catherine O'Connor, Larry Berry, and William Eves.

In this thumbnail sketch of Marston and Kotzschmar and the Clubs that bear their names, it is significant that both Marston and Kotzschmar were teachers and that their heritage imparted to others lives on and gives them the immortality that all men hope for, but so seldom achieve. As many of the Marston-Kotzschmar Club members and officers are teachers, they too will be able to stretch their lives and influence into the future through the young people they inspire today.

The Marston-Kotzschmar Club has kept the fellowship of their founders alive to this day through the close knit relationship of its members. The active members not only provide talent by the performance of their art, but also open their homes and hearts to other members who share their love of music. This unique arrangement provides educational as well as social benefits to all its members.

The educational benefits for the performer is the doing, and the interaction with the audience. For the less sophisticated the learning experience is not less because it provides a varied program of music from all ages which enriches the listener and provides him with a better musical background and understanding.

**MAN'S INHUMANITY TO MAN—HOW LONG**

**HON. WILLIAM J. SCHERLE**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

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

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

How long?

**DO ARMS TALKS MEAN ABM IS NOT NEEDED?**

**HON. LESLIE C. ARENDS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. ARENDS. Mr. Speaker, seldom has mankind had more at stake than what is involved in the issues now under discussion in Vienna. These talks with the Soviet Union could well decide whether we shall have peace in the world, or mounting tensions, or perhaps even a nuclear holocaust. Directly linked to SALT are decisions which the United States must make on development and deployment of MIRV and ABM, which are our major bargaining points in Vienna. These issues are made clear in the May 4 issue of the Republican Congressional Committee's Newsletter.

Mr. Speaker, I insert the Newsletter editorial in the RECORD as a part of my remarks.

**Editorial follows:**

**DO ARMS TALKS MEAN ABM IS NOT NEEDED?**

Secretary of Defense Melvin R. Laird, in a recent thought-provoking speech to an Associated Press luncheon in New York, sought public understanding on what is at stake in the Safeguard ABM plan, particularly Phase II which is about to come before Congress. Said Laird:

"The most crucial aspect of national security is the strategic balance between nations that have competing interests in the world. The strategic balance has a direct effect on relations between the superpowers. It has an indirect effect on other nations both in terms of their own relations with each other and in terms of their relations with the superpowers. As one example, a situation of clear superiority on the part of the Soviet Union would have profound implications for any future political or military confrontation between NATO and the Warsaw Pact. In fact, a clear strategic superiority on the part of the Soviet Union would affect our interests and our obligations throughout the world."

The Secretary, comparing 1965 with 1970, pointed out that the USSR in that period more than tripled its strategic nuclear-weapon launchers—from 500 to about 1,700—and "virtually quadrupled the total megatonnage" of its weapons. The U.S. in the same period held its missile launchers unchanged to 1,710, cut its bomber force by more than 200, and reduced weapon megatonnage more than 40 percent.

In this situation, what is the U.S. to do? Should it place total reliance on SALT—the strategic arms limitation talks now under way in Vienna?

Those who are recommending a unilateral and unconditional moratorium on American development and deployment of MIRV and ABM would throw away the only major bargaining counter we have before negotiations begin—and so throw away the only chance of success for SALT.

Besides ABM and MIRV, what else does the United States have to trade with the Soviets to get them to cut back on their ICBM development? If we give our one trump away in advance of negotiations, we remove any incentive the Soviets have to talk in earnest.

In the last year alone, the Soviets deployed 122 additional ICBM's; the United States deployed none. Last year, the Soviets added eight nuclear missile-firing submarines to their Navy—the United States added none. At the current rate of deployment—by 1974

or 1975 at the latest—the Soviet missile-firing submarine force will be superior to that of the United States.

Last year, the Soviet Union deployed 40 new ABM's around Moscow; under the current rate of development and deployment the United States will not have a single ABM on the ground operating until 1974 or 1975.

If present trends continue, the United States a very few years hence will find itself clearly in second position—with the Soviet Union indisputably the greatest military power on earth.

The minute the word goes out to Europe or Japan that the Soviet Union is the first power in the world, the eyes of Europe and Asia will no longer look to the United States—but to Moscow.

The United States is interested in arms control; that is why we are at Vienna.

But the success of the talks at Vienna hinges on the U.S. having something to trade to the Soviets in return for restraint in their ICBM program. If we declare a moratorium on MIRV and ABM before arriving at Vienna—and without any commensurate concession—we will have nothing to trade and the Soviets will have no reason to concede a thing.

Peace between the big powers has been maintained for the last 20 years by this country's deterrent. Those who would ask us to declare a unilateral moratorium on MIRV and ABM would concede to the Soviets the position of supremacy in military power on the globe. Our experience with the Soviet—in Europe, the Far East and the Middle East—gives cause for pause as to whether that would be in the interest of the United States, of free countries, or of peace.

We are for limiting ABM and for halting MIRV—but we are for limiting it and halting it both in Washington and in Moscow. For the United States to stop and for the Soviets to continue along their crash program would not bring peace nearer but could well undermine it for a decade to come.

#### INTERNATIONAL LABOR ORGANIZATION TASK FORCE HEARINGS

### HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, on Monday, May 11 the Task Force on the International Labor Organization will conduct hearings on the work of the 53d session of the ILO Conference, held in Geneva, Switzerland in June of last year.

It was my pleasure to serve as chairman of the House of Representatives advisory group to the U.S. delegation to the conference, along with the gentleman from Michigan (Mr. O'HARA) and the gentlemen from Ohio (Mr. AYRES and Mr. ASHBROOK).

Witnesses who served as U.S. participants in the conference have been invited to summarize the deliberations and recommendations adopted by the conference. They are:

Hon. George H. Hildebrand, Deputy Under Secretary for International Affairs, U.S. Department of Labor.

Mr. George P. Delaney, Special Assistant to Secretary and Coordinator of International Labor Affairs, U.S. Department of State.

Mr. Edwin P. Neilan, president and chairman of the board, Bank of Delaware, Wilmington.

Mr. Rudolph Faupl, international representative, International Association of Machinists & Aerospace Workers.

Hearings will commence at 10 a.m. on Monday, May 11, in room 2257, Rayburn House Office Building.

#### OUR BRAVE PRESIDENT MAKES A COURAGEOUS STATEMENT

### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DUNCAN. Mr. Speaker, President Nixon's bravery in taking the right, though difficult, course in his decision on Cambodia is being praised widely across our Nation. While it would have been easier, and perhaps more politically expedient, to take a weaker stand, the President showed the world that this country would stand by its troops in a time of danger.

In one of the most courageous statements made by any political leader in recent years, the President said:

I would rather be a one-term President and do what I believe is right than to be a two-term President at the cost of seeing America become a second-rate power and to see this nation accept the first defeat in its proud 190-year history.

I commend an editorial from the Chicago Tribune, entitled, "The President Would Rather Be Right," to the attention of my colleagues:

[From the Chicago Tribune, May 2, 1970]

THE PRESIDENT WOULD RATHER BE RIGHT

"This is President Nixon's finest hour," said a Democratic congressman, Rep. G. Elliott Hagan of Georgia, Thursday night after the President had announced his decision to send American forces into Cambodia to attack the headquarters of the entire communist military operation in South Viet Nam.

Rarely if ever has an American President displayed greater courage than Mr. Nixon did on this occasion. In the face of a Republican senator's protest that a move into Cambodia would cost his party the congressional elections next November and warnings by others that it would make him a one-term President, Mr. Nixon said:

"Whether my party gains in November is nothing compared to the lives of 400,000 brave Americans fighting for our country and for the cause of peace and freedom in Viet Nam. . . . I would rather be a one-term President and do what I believe is right than to be a two-term President at the cost of seeing America become a second-rate power and to see this nation accept the first defeat in its proud 190-year history."

The President frankly acknowledged that there are deep and honest differences of opinion in this country about the wisdom of his course, but he justified it in terms of imperative military necessity, and he was most persuasive. It was "not an invasion of Cambodia," he said, but an operation against areas which are "completely occupied and controlled by North Vietnamese forces."

For years North Vietnamese and Viet Cong forces have occupied sanctuaries in Cambodia, from which they have conducted hit-and-run operations in South Viet Nam, heretofore with impunity. The enemy's high command headquarters, called COSVN [Central Office, South Viet Nam] was moved across the border into Cambodia after repeated American and South Vietnamese operations made its position in Tay Ninh province un-

tenable. The enemy has vast supply depots, training and staging facilities, and other installations in the sanctuaries. Once the enemy forces are driven out and their supplies are destroyed, Mr. Nixon said, the United States will withdraw.

"We take this action not for the purpose of expanding the war into Cambodia but for the purpose of ending the war in Viet Nam and winning the just peace we all desire," the President said. He reaffirmed his hope for a negotiated settlement, but he served notice on the enemy that "we will not be humiliated; we will not be defeated. We will not allow American men by the thousands to be killed by an enemy from privileged sanctuaries."

What American, what reasonable person of any nationality, could honestly quarrel with that sentiment?

The enemy, Mr. Nixon said, is testing not our military power but our will and character. "If when the chips are down the world's most powerful nation—the United States of America—acts like a pitiful, helpless giant," he said, "the forces of totalitarianism and anarchy will threaten free nations and free institutions thruout the world."

There are, of course, some men in Congress and some other Americans who seem passionately committed to the defeat and humiliation of the United States. We believe most Americans, however, have the will and character to support whatever has to be done to protect the lives of our men in Viet Nam until they can be withdrawn without the defeat and humiliation of the United States.

#### POLLUTION FOES, TOO, CAN BE POLLUTERS

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DERWINSKI. Mr. Speaker, a very intriguing part of Chicago Today's format is that it presents staff members the opportunity to express their views on current events independently of the paper's editorial policies.

On Monday, April 27, Chicago Today featured a very practical and timely observation by its assistant picture editor, Jack Pryde, which I insert into the RECORD at this point:

POLLUTION FOES, TOO, CAN BE POLLUTERS  
(By Jack Pryde)

I never thought I'd write anything except a "gee whiz" piece about the pollution fight. I have been preaching [and practicing] conservation since I was 13—that year I moved to within a half block of the Chicago river. If anything will start you worrying about the condition of our waterways, that will.

But now, in just a short time, conservationists have gone from being a minority—one that ranked somewhere between bird-watchers and string-savers—to an overwhelming majority.

Everybody has joined the anti-pollution force. The job ahead has unified our country as closely as a total war. And therein rests its danger.

It's not going to take the tub-thumpers, opinion-makers, politicians, and power-seekers long to realize that the man who captures this group is the man who runs the nation. It's better than taking a strong stand for motherhood because it hasn't become a gag line.

Already there are signs of a scramble for identification with the conservation movement.

Stock prices went up for companies whose names alluded to computer holdings. Before

computers, it was electronics. Remembering that, company boards, no doubt at this minute, are trying to figure ways to include "environment" or "ecology" in the names of conglomerate acquisitions.

It won't be long until we can buy stock in outfits like Environmental Data corporation. [It could be a grass-seed distributor.]

We Americans tend to look to technology for our answers. After all, it was technology that gave us our high standard of living. It is also being blamed for fouling our environment. [We tend to look for scapegoats, too.]

What we must not forget is that it is we—not industry, not government, not some insidious plot—who are souring our air and water. It's US as individuals.

Commonwealth Edison fouls the air because we wanted powered tooth-brushes, and we want the power cheap, too. Detroit turns out overpowered fume-belchers because we buy them.

As long as we can remember that it is we who have caused the pollution, and that it is therefore up to us to control it, we can keep some smooth-talking, cliché-blating, benevolent-sounding despot from leading us to an equally hideous form of pollution: Polluted leadership followed by a nation of polluted minds.

#### A REAL CHALLENGE FOR TODAY'S YOUTH

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. ZWACH. Mr. Speaker, Earth Day, a time devoted to calling the attention of our people to the ills of our environment, has come and gone. Throughout America, demonstrations were held in classrooms, in auditoriums, and on the streets.

This involvement of our young people is very commendable, but as Editor Gordon Duenow of the Little Falls Daily Transcript points out in an excellent editorial on the subject, the battle against pollution is a long, hard, and costly undertaking.

Mr. Speaker, I would like, at this time, to insert in the RECORD, Mr. Duenow's editorial, "A Real Challenge for Today's Youth":

#### A REAL CHALLENGE FOR TODAY'S YOUTH

"Too much talk and 'hellraising' are polluting the anti-pollution movement in this country," Roseville Mayor A. Donald Moll told an assembly in Alexander Ramsey high school as part of "Earth Week" activities. He also charged that there was "not enough 'doing' in the effort to improve man's environment." He added that "my conscience would not permit me to identify myself with the hysteria which is sweeping the land."

While it is evident from news reports that there was "too much talk and hellraising" along with not enough "doing" in some parts of the country but in other areas the youngsters could point with considerable pride to what had been accomplished.

In Little Falls, for instance, we noticed a good-sized pile of debris in the vacant area just north of the Little Falls Wholesale building. An exceptionally good job of collecting the debris in this area can be credited to the youngsters. There possibly are other areas that we have not noticed.

Now that the emotionalism of "Earth Day" or "Environmental Action" is past, maybe we can sit down and reflect what can be done to keep our parks and other public areas as clean as possible. And the youngsters cer-

tainly can be involved in this effort although it possibly won't be as dramatic—and there won't be any headlines.

We wonder how many people realize what effort many of the European countries make to keep their parks and public areas spotlessly clean. It always amazes Americans to see what can be done but it is almost impossible for us to realize how this can be done at home. How has it been possible in these European countries to educate people to use refuse cans instead of littering up the area?

They don't need a drive in these European countries to clean up the debris as there just isn't any to pick up.

We always will remember attending an athletic event at Oslo, Norway, where there was absolutely no debris of any kind to be seen anywhere even though 60,000 people attended. A short time later we took in a football game at the University of Minnesota attended by 60,000 people and had to wade knee deep through debris on our way to the parking lot.

Take a look almost anywhere in Little Falls and you'll see debris all over the place—yes even along areas near our schools and playgrounds and in the schools, too.

Wouldn't it be wonderful if youthful enthusiasm could be turned into a life-long effort to keep our country clean? After all it doesn't take much effort. All it takes is a little initiative to throw our debris into the nearest rubbish can—and there'll be more of them if our youngsters demand that this be done. If it is impossible to change the ways of those of us who are older, we can continue to litter up the place but when we finally die the youngsters who have made an effort to keep our country clean, and their children, can easily eliminate the ugly scene of debris from our country.

This has been done in other countries and it seems to us there is no reason at all why this can't be done here, too.

#### HIS EXCELLENCY HECTOR GARCIA-GODAY

### HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DE LA GARZA. Mr. Speaker, our neighbor and sister country of the Dominican Republic has lost one of its ablest and most noble leaders in the person of His Excellency Hector Garcia-Goday. He was a friend of all who knew him and I was proud to be able to call him my friend.

He served his country during one of its most critical moments as President—provisional—in 1965. He later served as ambassador to our country. At the time of his death he was a candidate for the presidency of his country.

In these times of turmoil and upheaval throughout the world, Hector Garcia-Goday was a rare gem: Calm, soft spoken, always the perfect gentleman—the perfect diplomat. We of the Western Hemisphere mourn his loss.

Mr. Speaker, I respectfully ask you and my colleagues in the House of Representatives to join with me in extending our condolences and our sense of grief to Mrs. Matilde Pastoriza de Garcia-Goday and her family and to the people of the Dominican Republic assuring them that we, as a people and a country—a part of the community of nations of the Western Hemisphere—share in their loss.

#### VIRGINIA PASSES SENATE JOINT RESOLUTION NO. 48 CONDEMNING THE TREATMENT OF AMERICAN POW'S IN NORTH VIETNAM

### HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DOWNING. Mr. Speaker, every true American must be concerned about the inhumane treatment of American prisoners of war in Southeast Asia.

The fact that our enemy has refused to treat these men and their families with the common decency normally expected of civilized persons is unbelievable and reprehensible. I think it is incumbent upon everyone to do his part to show the world the uncivilized inhumanity of this country called North Vietnam.

Recently in the General Assembly of Virginia, the Senate of Virginia, the house of delegates concurring unanimously passed Senate Joint Resolution No. 48 condemning the treatment of American prisoners of war in North Vietnam.

I include this resolution in the RECORD, as follows:

#### SENATE JOINT RESOLUTION NO. 48—CONDEMNING THE TREATMENT OF AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

(Patrons: Messrs. Pearson, Turk, Aldhizer, Barnes, Warren, Howell, Dawbarn, Manns, Hopkins, Cambell, Echols, Fears, Bateman, Andrews, Thompson, Stone, Babalas, Michael, Bird, D. W., Burruss and Robinson.)

Whereas, the Government of North Vietnam, the National Liberation Front of South Vietnam and the Pathet Lao have consistently refused to release the names of prisoners of war, have declined to release immediately sick and wounded prisoners, have refused to permit impartial inspection of their prisoner of war camps, have not guaranteed the proper treatment of all prisoners and have not permitted a regular flow of mail between prisoners and their families; and

Whereas, all of such actions are in violation of the Geneva Convention and offend all sense of human decency; and

Whereas, several hundred American servicemen are believed to be prisoners of war in North Vietnam, Viet Cong and Pathet Lao prison camps and some of these men have wives and children in Virginia; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring. That the General Assembly of Virginia, the oldest law making body in the Western Hemisphere, register its condemnation of the government of North Vietnam, the National Liberation Front of South Vietnam and the Pathet Lao for their failure to comply with the provisions of the Geneva Convention and for their inhumane treatment of American prisoners of war; that it express its grave concern for the health, safety and welfare of American servicemen imprisoned in North Vietnam, and that it urge such governments to be mindful of the nature of such conduct and to make the humane gesture of compliance with the provisions of the Geneva Convention.

Be it also resolved that a copy of this resolution be sent to the Secretary General of the United Nations, the Secretary of State of the United States; to Senators Harry F. Byrd, Jr. and William B. Spong, Jr., of Virginia; to the members of the United States House of Representatives from Virginia; to the Office of the President of the Democratic Re-

public of Viet Nam, Hanoi; to Xuan Thuy, Viet Nam Delegation, Paris; to Madame Nguyen Thi Binh, Delegate from the National Liberation Front of South Vietnam, Paris; to H. S. Nguyen Van Hieu, Ambassador of the Provisional Revolutionary Government of the National Liberation Front, Phnom Penh, Cambodia; and to M. Sot Petras, Representative of the Pathet Lao, Vientienne, Laos.

Be it further resolved that other State Legislatures be urged to pass similar resolutions, and that civic clubs and other community organizations be urged to join with this effort.

#### CLEANER AIR THROUGH SOUND FORESTRY

### HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. MEEDS. Mr. Speaker, during the month of April we have witnessed two major events, the flight of Apollo 13 and Earth Day. As the astronauts reentered the earth's atmosphere, they passed through a composition that has changed significantly over the last 100 years.

Not only did they travel through more filth and dangerous particles, but the atmosphere today has less oxygen than previously. Producing more carbon than oxygen is yet another factor in the decline of the environment. One method of increasing our oxygen supply is by growing trees.

To assess this process, Mr. J. H. Rediske recently wrote a fascinating article for his company's paper, "Weyerhaeuser World." I include the article in the RECORD at this point:

#### THE DILEMMA: INCREASING MAN, DECREASING FORESTS

(By J. H. Rediske)

Man in his relatively short time on this planet, just a few million years at most in the 2 or 3 billion year story of life, has turned out to be the most efficient predator yet produced. All living things are influenced by his presence. Those living things which enhance man's life are nurtured and cared for, those which interfere find it difficult to survive. The physical world is likewise being changed by man. If the changes became excessive in the past, one was admonished to wait awhile and nature would reclaim and renew its own. But man is finding that the tremendous pressure he exerts on his environment by his numbers makes it impossible for nature to reclaim and renew and thus is the dilemma of our times.

There have been other species of animals in the long chain of life which have completely dominated their time and seemed overwhelmingly powerful, only to disappear precipitously. True none has had the power of man, but all occupied a dominant role in context with their time, differing from man perhaps only in degree. All of these former dominants succumbed because they could not adjust to either a change in their environment or a change in their relationship to other species.

But man is different from his predecessors in that he can analyze his relationships and bring to bear a vast store of knowledge and technology, so that adjustment to change is not only within his means but even his pleasure. For the first time in the history of living things, this is so. But man requires

one other very important ingredient to survive, the will. Man must be willing to consider survival in his changing environment not as a political catch-phrase which yields to emotion, but with an attempt to understand this tremendously complex problem with carefully developed facts.

Most men have little appreciation for the complex problems inherent in the rise of our environment and natural resources, let alone what can be done about them. But they can feel the sting and smell the foulness of air pollution or see a stream they once fished in as a youth now a running open sewer, and know that there is a problem. Without adequate knowledge the reaction of many men is to insist we stop developing and using the resources of our environment without regard to the demanding pressures of an increasing population. This might stop the adverse changes in our environment at the expense of making a preserve of our world.

Melville Bell Grosvenor has artfully defined the difference between preservation and conservation. Preservation is the retention undisturbed and in a natural condition much as a museum. Conservation is the wise use of our environmental resources for the best interests of man and of necessity involves a sense of stewardship and responsibility in the use of those resources. We undoubtedly need some preservation. But it cannot be the answer to the control of man's environment, for we are an ecological part of that environment, and to preserve it makes us a museum-piece as well.

Conservation requires a sense of stewardship on the part of all men which can only come about through education and understanding. Fortunately this is being rectified in our primary and secondary education systems. Conservation is being taught in its broadest spectrum, a sense of stewardship and responsibility of our environment.

Education can perhaps rectify many of the serious misconceptions which now exist and are perpetuated in print. Because they are printed, they gain a credence of truth and are repeated. As an example on January 25, 1970, in the Detroit Free Press appeared an article indicating General Motors scientists had found that a giant sequoia gave off as much carbon monoxide as a car and indicted the tree as a polluter of our air. I have no doubt that the information was at some point garbled and the article was really referring to carbon dioxide. I know of no reference to significant quantities of carbon monoxide, if any, being given off by sequoias. The biological systems are much too efficient to allow for partial oxidation of carbon as an end product. But if the implication is that trees pollute by giving off carbon dioxide, then again this is a misconception. It is true trees give off carbon dioxide as do all living things by respiration. But it is also true that a growing tree during periods of sunlight will absorb as a part of the photosynthetic process all of the carbon dioxide given off during periods of darkness, and more in addition. A growing forest is a net absorber of carbon dioxide.

The role of the photosynthetic process in the development and maintenance of life culminating in man is not generally understood. The photosynthetic process is the next most important biochemical process to the life processes themselves and has made possible the development of higher forms of plant and animal life present on our planet today.

Prior to the initiation of life, the earth was a very different place than it is now. The land was warm and moist and subject to the competing processes of erosion and uplift much as today. The air, however, was different, so much in fact that it would have been completely inhospitable to at least all

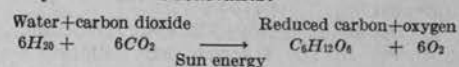
higher animal life. Strange gases were present such as hydrogen and ammonia for the atmosphere was reducing, which means there was little free oxygen. Other gases with which we are familiar, such as carbon dioxide, were present but in much larger quantities than today. Certainly gases such as nitrogen, perhaps carbon monoxide, and sulfur dioxide were likewise present with large quantities of water vapor.

Over long periods of time these gases under the constant agitation of heat and ultraviolet light formed a tremendous array of compounds of all types including wonderfully complex compounds of carbon. There was no life to degrade these compounds then, so they continued to increase in numbers and complexity. This chemical evolution finally developed to the point where sufficient organic compounds of proper complexity were present in close proximity to initiate and maintain the process of life.

Life in this primitive form involved a process of reproducing itself and a process of growth. These living processes required building material and energy which the primitive organism perhaps obtained by oxidizing carbon from the photochemically produced organic compounds in the environment. But these organic compounds were relatively few and slowly formed by present standards. Thus life would undoubtedly have remained simple and unimpressive if it had not been for the evolution of a tremendously important process.

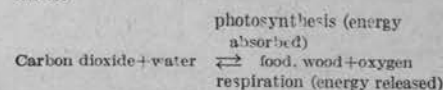
At some point very early in the evolution of living things some organisms developed the ability to make their own organic compounds, their own food. They did this by reducing carbon dioxide using water and the energy from the sun, producing reduced carbon compounds of a higher energy state. These compounds could be used by the organism as food for growth and energy to conduct its living processes. The byproduct of this reaction was oxygen which was released to the atmosphere. The key to this miraculous process was a catalytic green pigment called chlorophyll. It alone was able to take the energy of sunlight and reduce carbon in the living cell to produce the countless organic compounds we know today as a product of life and living systems, a product of photosynthesis.

The reaction often has been expressed as below, not because the reduced carbon product was a six carbon sugar but as a simple way to show the reactants:



with a common monomer of plant synthesis as a result. In today's higher plants the raw materials are absorbed from the soil as water by the roots, and carbon dioxide from the air. These are combined in the leaves of a plant by the green pigment chlorophyll with the energy of sunlight to produce organic compounds, above represented by sugar, and the release of free oxygen.

The photosynthetic reaction represents the storage of energy derived from the sun in reduced carbon compounds (organic compounds such as foods, wood, etc.). The release of energy from these reduced carbon compounds by all living organisms is called respiration and includes metabolism of higher animals and decay caused by the lower organisms. As seen by the following example it is the reverse of photosynthesis and is carried on by all organisms, plant and animal alike.



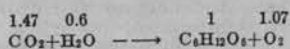
Respiration then is the oxidation of organic compounds (the combination of oxy-



gen with reduced carbon compounds) to produce carbon dioxide and water, as well as the production of energy. Burning of organic materials is similar to respiration in that oxygen is combined with reduced carbon compounds at higher temperatures to produce carbon dioxide (the fully oxidized form of carbon) and water directly without being mediated in a biological system. Thus on a global scale if photosynthesis is predominate, reduced carbon compounds and oxygen accumulate at the expense of carbon dioxide and water. If respiration and burning predominate, carbon dioxide and water tend to accumulate at the expense of reduced carbon compounds and oxygen.

An understanding of this relationship is vital if one is to visualize the ultimate outcome of the trends set in motion on our planet today which are constantly being accelerated by our rapidly increasing population. With the evolution of the photosynthetic process in the production of reduced carbon, it not only made possible the proliferation of living forms in number and complexity but made possible a new world. The animal kingdom was able to evolve based on the photosynthetic process in the production of reduced carbon, it not only made possible the proliferation of living forms in the plants they ate as food. For the source of all reduced carbon compounds in all organisms is the photosynthetic reaction.

As the biomass of the earth slowly began to increase, likewise the concentration of oxygen in the atmosphere increased. For the building blocks of biomass produced by the photosynthetic reaction had a similar production of oxygen. The amount of oxygen produced is somewhat dependent on the types of organic compounds synthesized. If the reduced carbon was in the form of glucose or its polymer, cellulose, the production of oxygen is nearly equal ton for ton as in the idealized reaction:



Little by little some of the organic plant remains began to accumulate in small deposits covered by sediments free from oxidation. As each increment of plant material thus became removed from the normal photosynthesis-respiration cycle, its increment of oxygen was likewise added to the atmospheric pool.

The oxygen concentration in our atmosphere over geologic time continued to increase as the biomass on our planet increased and part of that biomass was stored away as fossil fuels free from oxidation. It was probably during the tremendously lush carboniferous period when vast deposits of fossil fuels were laid down that the oxygen concentration in our atmosphere reached the present level of 21 percent.

But modern man has now arrived with his rapidly increasing numbers and his vast appetite for power. The photosynthetic-oxidation cycle is being reversed. For perhaps the first time since the beginning of the era of photosynthesis, initiated at least a billion years ago, more carbon dioxide is being produced in the biological cycle than is being consumed, and it is projected that at least three times more carbon dioxide will be released thirty years from now than was in 1960. If carbon dioxide is increasing in the atmosphere due to combustion, oxygen must be decreasing. The quantities may be small and as yet difficult to measure, but it cannot be denied that the process has begun. If the sea-level oxygen concentration was reduced by one half it would be comparable to that found at 20,000 feet. How much oxygen can we afford to lose?

It is not only the combustion of our fos-

sile fuels which is reducing our oxygen reserve, but it is also the reduction of the oxygen producing base itself. It is said that we are removing from photosynthetic production at least a million acres a year in this country alone by construction and paving. In addition we are seriously impairing the photosynthetic production on many millions of additional acres and much of our aquatic and marine environment by the release of manmade toxic materials. This at a time when we are becoming more dependent on current biomass for oxygen production.

Certainly the seas and our forests constitute a very significant portion of this current productive biomass. But how productive is this photosynthetic base? It is calculated that in the seas is fixed more than half of the total world's production of reduced carbon by the photosynthetic process. Thus by the relationships discussed previously, the seas presumably should produce more than half of the annual production of oxygen. But it is undoubtedly a fact that the organisms of the seas use more than half of the world's annual production of oxygen as well, so that the net annual production of oxygen from this biomass may be very small. These communities of organisms have evolved over tremendous periods of time to a relatively stable balance of respiration and decay with photosynthetic production. Thus the only net annual production of oxygen is represented by that portion of the current biomass which is removed from respiration and decay, free from oxidation as a rudimentary fossil fuel.

It is true that a significant increment of oxygen is represented in our atmosphere by the current biomass of the seas. But the annual production of oxygen, within the limitations of the ebb and flow of climate and the evolution of more or less productive organisms, will be very small in comparison. And the present impact of man knowingly or not is to reduce the current biomass and thus the increment of atmospheric oxygen attributed to it.

Thus, it is with the climax forest. These forests with time have developed into stable communities of plants where the annual photosynthetic production is closely balanced by respiration and decay. There is little net production of organic matter per acre per year, in the mature climax forest, perhaps none. If there is no net production of organic matter after equilibrium has been attained, there can be no net production of oxygen. The forest is no longer a producer for it uses as much as it contributes.

But if some of these forests were harvested, converted into long-lived products such as building materials, and replaced with vigorously growing young forests perhaps we can increase total productivity. The increment of oxygen represented by the usable biomass of the original forest would be preserved and an additional increment would be developed by the vigorously growing young forest. This increment of oxygen could be many times the productivity of the original forest especially by the use of intensive management and superior strains of trees developed for increased productivity. For as we have seen the more wood and other organic matter produced per acre per year the more oxygen is likewise produced. An intensively managed forest may easily produce three to four tons of wood for products per acre per year and at least three to four tons of oxygen as well during the same period.

Few opportunities exist for extending our photosynthetic base other than forestry in this generally destructive era of man. Agriculture is the only other photosynthetic based intensively managed renewable biomass. But the food shortage pressures of farm

to mouth subsistence found in a large part of the world have returned most of the photosynthetic production to carbon dioxide and water in less than a year. The oxygen increment from this production is of course lost in this same cycle.

Man must understand the possible consequences of his overwhelming influence on this non-renewable planet. He must be able to weigh his need or spiritual renewal in an old growth climax forest which better helps him understand from whence he came. But he must balance this with his look to the future, for he is not yet a museum piece, in using the limited resources of this planet in the true sense of Grosvenor's conservation. For this we must all develop a sense of stewardship over these resources and a sense of responsibility in their use. Man's alternatives are to squander them or tend them. Does man have the will to face his future now? If he does not, there may be no future.

## POLISH CONSTITUTION DAY

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. DINGELL. Mr. Speaker, the people of Poland have a great history of which they are deservedly proud.

Not only have they a reputation for diligence and skill as workers, but they are equally well known as accomplished masters in the arts and sciences. They are also famous as brave and courageous warriors for human causes. Innumerable Poles have staked their lives for freedom and liberty in many parts of the world. And of course there were Pulaski and Kosciusko fighting in our Revolutionary War.

Toward the end of the 18th century when part of Poland was under alien rule, Poland's leaders tried to save the remainder from sharing such a fate. Mostly for that reason they remodeled and overhauled their governmental machinery, hoping thereby to increase their power of resistance against aggressors. The Constitution of May 1791 was drafted and adopted with that in mind. By this Constitution the old abuses of nonarchical government were eliminated, and a type of limited monarchy was introduced. Parliamentary representation was expanded and the peasantry was placed under the protection of the law. The powers of the nobility were curtailed, and religious toleration was guaranteed. With such liberal provisions the Polish Constitution of 1791 was regarded as a very significant document. Unfortunately the Poles did not have the chance to live under its liberal provisions, for soon the country was attacked by its foes and then partitioned. But the spirit of that Constitution lived in Poland, and still continues to live even under Communist totalitarianism. May 3d was Polish Constitution Day, and as an American of Polish descent I was pleased to join with millions of other Americans with the same heritage in commemorating this event.

### WHAT IS A STRICT CONSTRUCTIONIST?

#### HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BURTON of Utah. Mr. Speaker, James Kilpatrick wrote a column recently entitled, "What Is a Strict Constructionist?" Because the phrase is so widely used these days, I bring Mr. Kilpatrick's observations to the attention of those who may have missed them:

[From the Deseret News, Apr. 28, 1970]

WHAT IS STRICT CONSTRUCTIONIST?

(By James J. Kilpatrick)

Almost a year ago, in his memorable press conference of May 22, President Nixon explicitly stated his intention to nominate "strict constructionists" to the Federal bench. He has used the phrase several times since then, most recently in reference to Judge Harry A. Blackmun, and the question arises anew: What do we mean by "strict construction" of the Constitution?

One workable definition might be derived from reading a recent speech by former Attorney General Ramsey Clark's position as due west on a compass; you could then locate "strict construction" as due east, or 180 degrees around to the right.

Clark is perhaps the most extreme exponent of the flexible school of constitutional theory. In his eyes, the Constitution is "an old piece of parchment," filled with "mere words" and "antique phrases." In truth, he contends, "there is no immutable words" in the Constitution; there are only general principles, to be broadly applied to the needs of each generation. The important thing in Clark's view is to divine the "spirit of the Constitution" and to move on from there.

The strict constructionist takes a very different view. In his talk with reporters last May, Mr. Nixon groped to explain his understanding of the phrase by recalling the late Felix Frankfurter. There was no question that in his social and economic philosophy, Justice Frankfurter was a liberal; but he regularly upheld State laws of a conservative character. He was unwilling to substitute his own notions of desirable social policy for the expressed will of a legislative body.

That is surely one hallmark of the strict constructionist—that he recognizes the dignity and authority of other branches of government. Judges are not the only ones, of course, who take oaths to uphold the Constitution. Congressmen, senators, presidents and state legislators take these oaths also. And while the nine members of the Supreme Court necessarily are the final arbiters in disputed cases, great weight ought to be given to the will and the intention of other public servants.

In the rulebook of the strict constructionist, "intention" counts heavily. What did the framers of, say, the Fourteenth Amendment intend to accomplish? What did the ratifying states understand they were accepting? If these things are to be changed, they ought to be changed, as the Constitution provides, by amendment only.

Alas, this old rule of navigation has been just about scuttled. The amendment process is too slow for the impatient innovators who ruled the Court in the years of Earl Warren. If the Ramsey Clarks of this world have their way (and they have had their way in the Senate lately), it no longer will be necessary to look for judges learned in the law. We will look instead for soothsayers, skilled in communicating with the "spirit" of the old piece of parchment.

Those of us who stand due east, on the side of strict construction, would prefer judges. We want men of self-restraint. We want Tenth Amendment men, who believe that the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states or to the people.

The Supreme Court, as Justice Black remarked recently, never was intended to sit as a constitutional convention, constantly in session. The Court's role is to interpret, not to amend. Permit us a small prayer, as Judge Blackmun comes on for confirmation, that he, too, sits on the eastern rim.

### LINK BETWEEN UNEMPLOYMENT AND CRIME

#### HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. NIX. Mr. Speaker, last Thursday the chairman of the Select Committee on Crime of this House, the Honorable CLAUDE PEPPER, delivered a cogent presentation to the Select Subcommittee on Labor on the link between unemployment and crime.

It has been my pleasure to serve on the Crime Committee with Chairman PEPPER and know personally of his concern for the frustrations and plight of those out of work, underemployed and unemployable.

Mr. Speaker, I wish to incorporate and make a part of my remarks the statement made by the distinguished chairman of the Crime Committee, the Honorable CLAUDE PEPPER, when he discussed the link between crime and unemployment. The statement follows:

#### TESTIMONY OF CHAIRMAN CLAUDE PEPPER

Mr. Chairman and members of the subcommittee, I welcome and appreciate this opportunity to testify today on the three manpower training bills before you. I am awed by the amount of work and the length of time you have spent considering this vitally important legislation. It is my hope today that I may convey to you the urgency which the Select Committee on Crime feels about these bills. My work as chairman of this Select Committee has given me a unique opportunity to observe the relationship of unemployment to costly crime.

The Administration must be commended for realizing that a more effective delivery system will result if the various manpower activities of the Federal government are centralized. A comprehensive approach, a gathering in of the various programs that spin around in the Federal bureaucracy, is an important step in making these programs work.

The problem which this legislation attacks—the problem of people without jobs or the means to acquire them—is one of our most pressing concerns. The unemployment rate in February reached 4.2 percent of the labor force. This 4.2 percent sounds small, a minor problem. But an unemployment rate of 4.2 percent means that 3.4 million persons who want jobs don't have them, that 3.4 million persons are without a means of supporting themselves or their families. Each of 27 of our States has populations smaller than 3.4 million—the number of people out of work in the whole country.

And, I might add, there is serious question that the official figure of 3.4 million

even begins to approach the actual situation. Some persons have been unemployed so long that they despair and drop out of the pool of those actively seeking jobs. And, by the magic of statistics, these persons no longer are counted as "unemployed." Last year there were about 600,000 of these "discouraged workers," according to the Labor Department.

Add to this those poor and transient persons who were never counted in the 1960 census—which the Labor Department uses to calculate the size of the labor force—and who are not counted as unemployed today, and you have a picture of gloom and desperation for millions and millions of citizens of the world's richest and most productive nation. The situation is such that it can only be labelled a national shame.

As if these arguments themselves were not sufficiently persuasive to demand a solution now—and I think they are—there are other arguments, dollars-and-sense arguments. I would like to address myself to only one cost of unemployment with which I am all too familiar: crime.

It has been estimated that organized crime costs this country about 30 to 50 billion dollars a year. That is a staggering sum. And while the nation is finally responding to the need to spend more to fight crime, the outlay for police, courts, corrections and related activities nowhere begins to approach the multi-billion-dollar loss.

I say to you that one of the most effective deterrents to crime is work. A man with a meaningful, well-paying job, a man with a vision of a better life for himself and his family, is a man not likely to become a criminal. On the other hand, a man who has repeatedly sought work and failed, a man who sees the future in terms of his desperation of the present, is all too likely to engage in criminal activities. In many cases, it is really quite simple: a man with nothing, and with no prospect of acquiring anything, steals. And how do we calculate the further cost—in terms of loss of self-respect, in terms of loss of initiative—of a man without a decent job.

It is no accident that there is a direct correlation between those population groups with the highest unemployment rates and those population groups with the highest crime rates. In urban areas in 1969, the unemployment rate was 3.1 percent. In poverty neighborhoods, the rate was 5.5 percent.

Teenagers—who commit a frighteningly high percentage of crimes, had an unemployment rate nationally of 13.8 percent, but in poverty areas the rate jumped to 19.9 percent. Yet even that figure hides the fact that among Negro teenagers living in poverty neighborhoods, the unemployment rate was 27.9 percent.

So it is clear that there is a relation between the tragic statistics of crime and the appalling statistics of unemployment. I feel most strongly, Mr. Chairman, that a massive effort in manpower training—coupled with jobs for the graduates of these training programs—would be a major force in the fight against crime.

While the public is clamoring for more funds for police and courts, there is, unfortunately, little public outcry for support for the kinds of manpower training programs that help people stay out of a life of crime. We in the Congress must be courageous enough to spend the necessary funds and to tell the public why they are needed.

Mr. Steiger's bill, the only one before you that includes an appropriation figure, proposes \$2 billion for fiscal 1970, rising to \$3 billion for fiscal 1974. I do not intend to suggest to the subcommittee a specific dollar amount. But I think we must all acknowledge that the program will be expensive. We are dealing with a major problem, one that assumes even greater urgency daily. But I

would point out that the expenditure for manpower training will reap large dividends, in both tangible and intangible ways.

And yet while it is patently obvious that we must not only improve, but also expand, these manpower training programs, a reverse philosophy seems to have taken hold.

In an excellent article on corrections in last Sunday's New York Times Magazine, I was distressed to read that an apparently successful manpower development training program has been closed because of fund cut-backs.

The center was in the prison complex on New York's Rikers Island. Permit me, if you will, to read a short excerpt from the article:

"Most depressing of all are the currently abandoned facilities of the Manpower Development Training program, established in 1965 to serve both adolescents and adults on the island. Six trades, from metal fabrication to furniture-refinishing and repair, were taught by a staff of 19 in the course of a six-hour day. About four months before his discharge, the inmate entered a related program of vocational and academic coursework. As soon as he was released, he was turned over to the M.D.T. in his own community and went on salary according to his family's needs until he had established himself in his own trade. Some 900 adolescents and adults went through M.D.T. with excellent results. Thanks to an infectious ebullient staff and a solid community follow-up, recidivism was cut at least in half; by some accounts it was down to 25 percent.

"This did not impress those in Washington whose budgetary priorities do not parallel those of slum dwellers and others who suffer from the antisocial behavior of delinquents. Three times now funds for M.D.T. have dried up. Since August, 1969, the rooms have stood empty—offset-printing equipment, \$30,000 lathes, 15 new typewriters and comptometers, arc and electric welding equipment, woodworking tools—while a few hundred yards away thousands of the frustrated and embittered mill about, waiting to be released to the streets where nothing awaits them but more of the same and an eventual return to senseless confinement."

Mr. Chairman, this kind of "economy" is neither economical nor prudent. Surely the cost of confining a man for even a short period of time is greater than the cost of training him so that he gets a job and becomes a tax-paying citizen.

Here was a program that was successfully breaking the jail-release-back to jail cycle, and now it is dead because of "economy." Economies of this kind can cost America its future.

Lest the picture seem to bleak, let me now turn to the work of the Opportunities Industrialization Centers, private, community-based programs to train persons for jobs. In just six years, the original center in Philadelphia has been expanded to 79 other cities. This program has received some Federal support, and I mention it as the type of private program our manpower legislation should recognize as successful. Our legislation must permit the Secretary of Labor to contract for the services of this type of center, as well as help promote other innovative measures. The old approaches have been tried and found wanting; the cost of experimentation is slight compared to the cost of failure.

Now, Mr. Chairman, it is my hope that this Subcommittee and this Congress will provide sufficient funds so that all who want and need job skills can acquire them. But if we do this, and no more, we have solved nothing. A skilled person out of work is just as hungry as an unemployed unskilled laborer. If the private sector of the economy cannot offer jobs to all who want them, then the Federal Government must do all in its power to fill the gap. As you know, Congressman O'Hara's bill is the only proposal which

meets this need, by permitting the Secretary of Labor to contract with public or private non-profit organizations to expand public service jobs for the unemployed. I submit that this is a useful plan because it looks beyond the training program.

It is fruitless to provide funds for job training, while taking no steps to ensure that there will be jobs for those who receive the training. Indeed, it is a cruel hoax perpetrated upon the poor and the disadvantaged of this country to challenge them to think in terms of a brighter future if, in fact, we do not make the necessary provisions for that future.

It is unacceptable that we should have chronic unemployment in this country when so much work needs to be done. Our hospitals and health facilities are under-manned, housing construction and urban renewal are only creeping forward, our schools need help, the environment needs cleaning up. Why can't the Federal Government help get these jobs done? I think we can and we must. Yes, the cost will be great, but so will the dividends. And one of those dividends will be helping millions of Americans feel they are making a valuable and necessary contribution to American life. This dividend alone can compound enormously.

There are several ways in which the Federal Government can help provide these public services employment opportunities. The important thing to me, however, is that they are provided. For unless there are jobs for the graduates of manpower training programs, we are not tackling the problem at its root.

And, as I said before, one of the major benefits to be reaped from an effective manpower training and public service employment policy will be a reduction in the crime rate. To me, after chairings of the Crime Committee across the nation, it is clear that there is a profound correlation between unemployment and crime. I ask you, then, to report out a bill that will be humanitarian, practical and effective. We have here a chance to make our people happy, our ghettos cleared, our streets safe. We owe America no less.

#### THE U.N. AND LENIN

### HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. GUBSER. Mr. Speaker, Mr. Julius Epstein, of the Hoover Institution on War, Revolution, and Peace, has requested that I submit for insertion in the CONGRESSIONAL RECORD his letter of April 20 to the editor of the San Francisco Examiner regarding the celebration of Lenin's 100th birthday on April 22 by the United Nations. The article follows:

#### THE U.N. AND LENIN

TO THE EXAMINER:

I want to call your readers' attention to the outrageous fact that the United Nations, largely paid for by the American taxpayer, will officially celebrate Lenin's hundredth birthday on April 22, 1970 and thereafter.

The United Nations' Commission On Human Rights adopted on March 13, 1969 a resolution relating to the forthcoming centenary from which I quote the following paragraph:

"The Commission On Human Rights welcomes the decision of the General Conference of UNESCO (United Nations Educational, Scientific and Cultural Organization) to make arrangements on the occasion of the

centenary of Lenin and notes the historical influence of his humanistic ideas and activity on the development and realization of economic, social and cultural rights."

In addition, the Human Rights Commission requested its chairman to consult the Director-General of UNESCO on the participation of a representative of the Commission in the symposium to be organized on the occasion of the centenary of V. I. Lenin.

This resolution was sponsored by Finland, India, Mauritania, Poland, Senegal, Ukrainian SSR, USSR, United Arab Republic, United Republic of Tanzania and Yugoslavia.

The vote was as follows: In favor: Finland, France, India, Iran, Lebanon, Madagascar, Mauritania, Morocco, Nigeria, Poland, Ukrainian SSR, USSR, United Arab Republic, United Republic of Tanzania and Yugoslavia.

Against: United Kingdom and United States.

Abstentions: Austria, Chile, Congo (Democratic Republic of), Greece, Guatemala, Israel, Italy, Jamaica, New Zealand, Pakistan, Peru and Philippines.

If there was ever a farce in the performance of the United Nations, it is this resolution which provides for the celebration of Lenin's birthday, the birthday of the creator of the most totalitarian and tyrannical society in the history of mankind, a society which has been noteworthy for more than half a century for its blood purges, the murder of untold millions of peasants, the man-made famine, the Katyn Forest massacre (which, by the way, occurred exactly thirty years ago), the perennial suppression of every single human right as well as the Soviet alliance with Adolph Hitler which sparked World War II.

To the best of my knowledge, there was no audible voice of the American Congress, protesting this outrage, partly paid for by the American people.

JULIUS EPSTEIN,  
Stanford University.

#### A SALUTE TO THE LEAGUE OF WOMEN VOTERS

### HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. PODELL. Mr. Speaker, this year marks the 50th anniversary of one of the most able and effective citizen organizations in the United States—the League of Women Voters. Over the years, their ranks have been filled with concerned and active women who have devoted their time and their effort to the education of the people in the ways of the democratic process. In the tradition of nonpartisanship, the league has done comprehensive studies of issues and candidates. They have been an important link between the citizen and his government.

We are living in a time when the knowledgeable citizen is a necessity—the issues are too important and the consequences too resounding for a poorly informed populace. The league has exemplified what it means to be concerned and knowledgeable, and they have helped others to be the same.

This week, the league is holding their 50th anniversary convention in Washington. I would like to take this opportunity to salute the women of the organization for their years of service. I hope that the next 50 years will see the league continuing in its successful endeavors.

LEGAL ASPECTS OF ENVIRONMENTAL PROTECTION AS THEY AFFECT THE ELECTRIC POWER INDUSTRY

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. MOSS. Mr. Speaker, the American Public Power Association held its 27th annual conference in Memphis, Tenn., on April 27-29, 1970. Hundreds of delegates of local public power systems reviewed the major issues facing the electric power industry in the 1970's. They devoted considerable attention to the increasing conflict between the need for expanding electric power generation and transmission, and the need to prevent environmental degradation which generating and transmission facilities often inflict on our water, air, land, esthetics, and quality of human life. Some of the legal issues facing the electric power industry as it tries to meet the skyrocketing demand for more electricity while endeavoring to minimize environmental damage, were explained in the speech at the APPA Convention by Phineas Indritz, who is Chief Counsel of the House Conservation and Natural Resources Subcommittee, of the Committee on Government Operations, on which I serve. I think his excellent speech has considerable information that will interest many Members of Congress and the public. I therefore insert it at this point in the CONGRESSIONAL RECORD:

SPEECH OF PHINEAS INDRITZ

The enormous increases in population, industry, technology, and living standards in this country create a voracious demand for electric energy. The consumer wants electricity instantly available whenever he flips a switch.

This demand requires the electric utility industry, already the Nation's largest, to double its capacity every 8 or 9 years. Indeed, there are some who estimate future doubling every 7 years. Meeting this demand in the next 20 years will require construction of many hundreds of new giant power plants, each 500 to 1,100 or more megawatts capacity, and hundreds of thousands of miles of high voltage transmission lines.

The power industry is striving desperately to build these facilities. Yet it seems pretty clear that this nation is on the verge of some critical power shortages for at least the next few years.

Reserve margins during peak load periods are frighteningly thin in many systems. Last year several systems reduced voltage, appealed for voluntary curtailment of air conditioning and other uses of electricity, and even shed some loads, in order to distribute available supply with least harm to the system and the community. We can expect to see more of the same in the years to come.

Until recently, the public generally welcomed construction of power facilities. They provided employment, increased the community tax base, improved standards of life, and brought the convenience and economy of electricity to home, farm and factory.

However, the very process of the electric power industry's geometric growth is now raising an even greater challenge, both for industry and for government. This challenge comes from the mounting concern about the harmful effects which proliferating bulk

power facilities have on our air, water, land, scenic view and wildlife.

By 1990, power generating plants and transmission lines in this country will occupy over 11 million acres. Their visibility will intrude upon many more millions of acres, including areas used for recreation, parks, historic sites, residences, wildlife sanctuaries, and other non-industrial purposes.

Fossil fuel plants already spew vast tonnage of sulfur dioxide, nitrogen oxide, and particulates into the atmosphere.

There are widespread fears being expressed about the amount of radioactivity emitted from nuclear plants.

Both nuclear and fossil fuel generating plants dissipate enormous amounts of heat into both the air and the waters of America.

Even hydroelectric plants, which do not pollute air and water, require dams, and involve drawdown practices, which change river flow, topography and ecology, and affect fish and wildlife.

As the national concern about contamination of the environment continues to grow, more and more people are asking—what will the electric industry do, 20 years hence when it is 5 times larger, to our air, water, land use, esthetics, fish and wildlife, and the quality of human life?

This challenge to the electric industry is very real. Let me cite a few of its impacts:

Environmental concern killed the Nez Perce dam project on the Snake River because it would have blocked fish returning to spawn in the Salmon River;

It stopped the Marble Canyon dam project because it would have backed water into the Grand Canyon National Monument;

The Cornwall "Storm King" pumped storage peaking plant has been involved in years of litigation by citizens who oppose its scenic impact on the palisades of the Hudson River;

The City of Woodside, California blocked construction of a transmission line needed by the Atomic Energy Commission until Congress stepped in to work out a compromise leading to a less visually intrusive line;

Citizens opposing the Calvert Cliffs nuclear plant point fingers of concern about possible harm to the Chesapeake Bay from discharge of heated water and radioactivity;

The State of Minnesota insists that the Monticello nuclear plant must conform to much more rigid requirements on radioactive discharges than are specified by the Atomic Energy Commission; and

Even the Secretary of the Interior, who as head of a department with several power marketing agencies certainly knows the importance of expediting the construction of more power facilities, has decided that it is more important to stop the Florida Power and Light Company from discharging waste heat from its nuclear plant into Biscayne Bay.

The electric utility industry can no longer plan its construction of generating plants and transmission lines solely on the basis of engineering feasibility and economics. It must now consider the impact of every new facility on the environment. Will it pollute the air? Will it overheat the water? Will it intrude on historic and recreational sites? Will it uglify and scar the landscape? Will the public view the harm to the environment as more serious than the threat of brownouts?

As you might expect, this rising tide of environmental concern has sparked much activity for law-makers and for lawyers, in legislatures, in administrative agencies, and in the courts.

The new attitude toward environmental protection in relation to more bulk power facilities was sharply emphasized in the *Scenic Hudson* and *High Mountain Sheep* cases.<sup>1</sup>

In the first case, the U.S. Court of Appeals for the Second Circuit stressed "as a basic concern the preservation of natural beauty and of national historic shrines, keeping in mind that, in our affluent society, the cost of a project is only one of several factors to be considered." (at p. 624).

In the *High Mountain Sheep* case, the Supreme Court admonished the Federal Power Commission and the electric industry (at p. 450) that:

"The test is whether the project will be in the public interest. And that determination can be made only after an exploration of all issues relevant to the 'public interest,' including future power demand and supply, alternate sources of power, the public interest in preserving reaches of wild rivers and wilderness areas, the preservation of anadromous fish for commercial and recreational purposes, and the protection of wildlife."

In both cases, the projects were sent back for restudy and reconsideration. Failure to consider environmental factors had, at the very least, caused additional delay for these two projects.

I do not mean to imply that the slippage in construction schedules for new power facilities is due solely, or even largely, to the opposition by environmentalists and other citizens groups. On the contrary, much of the delays in bringing major generating facilities on line are due to inadequate planning and forecasting by the electric industry, which has grossly underestimated electric load growth; unforeseen technical operational difficulties; and delays in the manufacture of equipment such as pressure vessels for nuclear power plants. However, the potential conflict between environmental values and the need for more generating and transmission facilities is becoming greater.

The *Scenic Hudson* case is also significant for its substantial expansion of the judicial doctrine of "standing" to sue. It ruled that citizens concerned about the environment—about aesthetic, conservational and recreational matters—have legal standing to file suits challenging the action of a governmental agency's ruling, such as the FPC's licensing of a hydropower project.

The *Scenic Hudson* precedent has been followed in many later court cases.<sup>2</sup> And less than two months ago, the Supreme Court, citing the *Scenic Hudson* decision, ruled that under the Administrative Procedure Act<sup>3</sup> any person who is "aggrieved by agency action within the meaning of a relevant statute" has standing to sue to change that action, and that his interest "may reflect 'aesthetic, conservational, and recreational' as well as economic values."<sup>4</sup>

These decisions forecast that there will be much greater opportunity, and likelihood, of challenge in the courts against the approval and construction of power facilities on the ground that they unduly impair the environment.

But even more drastic complications in the life of the power executive will come from the wide variety of legislation now being enacted as a result of concern about the environment. Legislation of this sort is flowing not only from Congress, but also from many state and local legislative bodies. Furthermore, administrative agencies at both Federal and State levels are adopting numerous regulations and policy statements intended to increase environmental protection against possible adverse effects of constructing new power facilities, or of operating existing power facilities. We could not, in the limited time we have here today, discuss more than a few of these new laws and regulations, or pending bills.

Perhaps the most significant of these new laws is the National Environmental Policy Act of 1969<sup>5</sup> which commands Federal agencies to administer all their activities with a keener eye toward their environmental

Footnotes at end of article.

effects. The Act established a statutory Council on Environmental Quality to give high level guidance to the Nation on dealing with environmental problems. In addition, the Act directed that "all agencies of the Federal Government shall" develop procedures which will "insure that presently unquantified environmental amenities and values" be given "appropriate consideration is decision-making along with economic and technical considerations."

The Act also requires "all agencies of the Federal Government" to prepare a "detailed statement" to be included in "every recommendation or report" concerning "Federal actions significantly affecting the quality of the human environment." That detailed statement must cover each of the following matters:

(i) The environmental impact of the proposed action;

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) Alternatives to the proposed action;

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The Act also requires the Federal official, before making the detailed statement, to first "consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved." Copies of such statement and comments "shall be made available to the President, the Council on Environmental Quality, and to the public . . . and shall accompany the proposal through the existing agency review processes." (Sec. 102)

In addition, the President issued Executive Order 11514 on March 5, 1970 (35 F.R. 4247) directing all Federal agencies to establish procedures for public hearings on their plans and programs which affect the quality of the environment, and to "provide the public with relevant information, including information on alternative courses of action."

Some of these requirements are already applicable to electric bulk power entities. For example, public hearings are held by the AEC on applications to construct nuclear power plants, and by the FPC on applications for hydropower licenses. Both the FPC and the AEC consult with other agencies concerned with environmental effects, such as the Interior Department with its Fish and Wildlife Service, Geological Survey and Federal Water Quality Administration, the Corps of Engineers, and others.

The National Environmental Policy Act of 1970 will undoubtedly result in revisions of agency procedures which will enable conservation and environmental groups to have a more substantial input into agency decisions. For example, on March 31, 1970, the AEC adopted a statement of general policy to implement the National Environmental Policy Act. That new AEC policy broadens the opportunities of Federal, State and local agencies to express their views on the environmental effects of licensing nuclear power plants and plants which reprocess fuel discharged by nuclear reactors. It also specifies that permits for constructing, and licenses for operating, such plants must require observance of all applicable Federal and State standards and requirements for protection of the environment, including control of thermal effects of release of heated waters from such plants. I can foresee conservation groups petitioning the AEC to enforce these new AEC requirements.

It is not easy to predict exactly what will be the impact of the National Environmental Policy Act on administrative and judicial decisions involving future electric power facilities. But it is certainly significant that the injunction issued only 2 weeks ago prohibiting the Secretary of the Interior from granting a permit to construct a 390 mile road in Alaska in connection with the trans-Alaska oil pipeline, was because he has not yet complied with this Act.<sup>6</sup> It thus seems evident that the viability of future electric bulk power facilities may depend on compliance with both the procedural and the substantive requirements of the Act.

Electric power generation requires tremendous quantities of cooling water to absorb the heat wasted in the conversion of energy from fossil or nuclear fuels to electricity. Experts tell us that within the next decade the electric power industry will require for cooling purposes more than one-sixth of all the available fresh water runoff in the Nation. Because warm water has less oxygen than cool water, fish suffocate, and waterborne organic wastes are less easily decomposed. This "thermal pollution" (some power companies call it "thermal enrichment" which "enhance" fish life) is now subject to at least two Federal Acts.

First, under the Water Quality Act of 1965 (33 U.S.C. 466-1, et seq.) all of the states are establishing water quality standards which include limitations on changes in temperature of interstate waters. About 15 states have not yet had their standards, for at least some of their interstate waters, approved by the Secretary of the Interior who is insisting on lower maximum temperatures than these states propose. When river temperature reaches the maximum allowed under the water quality standard, no more thermal power plants can be built on that river if they will further raise river temperature.

Second, the Water Quality Improvement Act of 1970<sup>7</sup> signed this month by the President requires (sec. 21(b)(1)) that any applicant for "a Federal license or permit to conduct any activity . . . which may result in any discharge into the navigable waters of the United States" must provide "the licensing or permitting agency a certification from the State . . . or interstate water pollution control agency . . . that there is reasonable assurance . . . that such activity will be conducted in a manner which will not violate applicable water quality standards," i.e., including the standards governing maximum temperature of the receiving waters. No Federal license or permit will issue, if the State or interstate agency denies such certification.

This requirement clearly applies to nuclear plants because they are licensed by the AEC.

It probably will also apply to most fossil fuel plants. Many will need permits from the Corps of Engineers to construct water intake or discharge facilities in navigable waters. Furthermore the Federal government's suit against Florida Power and Light Company to prevent it from discharging heated water into Biscayne Bay contends that heated waters (plus the dead bodies of micro-organisms and other simple plants and animals killed by the heated discharge) constitute "refuse" under the Refuse Act of 1899 (33 U.S. Code, sec. 407). That Act makes it unlawful to discharge any refuse into navigable water without a permit from the Corps of Engineers, and the Supreme Court has ruled that "refuse" means virtually all "pollutants"—only "sewage" and runoff from streets seem to be excepted.<sup>8</sup>

Another issue now being hotly debated is whether a state water pollution control agency can impose water quality controls

applicable to radioactive discharges from nuclear plants that are more stringent than the controls imposed by the AEC. The question whether the Atomic Energy Act preempted state authority in this area and made it the exclusive province of the AEC is now being litigated in *Northern States Power Co. v. State of Minnesota*. In either case, the nuclear power industry and Government will have to satisfy the country on the question of how stringent should be the standards applicable to radioactive wastes.

Still another challenge to the electric power industry is the snowballing concern about air pollution. The Office of Science and Technology has estimated<sup>9</sup> that fossil power plants now discharge almost 50 percent of the sulfur oxides, 25 percent of the particulates, and approximately 25 percent of the nitrogen oxides emitted from all sources in this country. These fossil fuel plants will certainly be affected by the Air Quality Act of 1967 (42 U.S.C. 1857, et seq.) under which the Department of Health, Education, and Welfare is now defining the boundaries of air quality regions throughout the country and issuing air quality criteria and control technique documents for sulfur oxides and particulates.

Furthermore, numerous states and localities are adopting more stringent air quality control laws and ordinances. Some, as in New York City, limit the sulfur content of fossil fuels used by electric utilities.

Such controls create a major problem for the electric utilities in view of the increasing scarcity of low sulfur coal and natural gas for fossil fuel steam plants, and the expense of altering boilers to burn subbituminous low-sulfur coals and lignite.

This concern about the environment is also spelled out in several major bills not pending in Congress.

The Electric Power Reliability bill introduced by John Moss and more than 50 other Congressmen, and by Senator Edward Kennedy and several other Senators (H.R. 7016, H.R. 7052 and S. 1071, 91st Congress), would establish a five-member National Council on the Environment, independent of the Federal Power Commission. That Council would review, and make recommendations to the FPC, concerning the environmental impact of power coordination plans, and proposed generating plants with 200 or more megawatts capacity and transmission facilities capable of carrying over 200 kilovolts, and FPC licensed hydroplants.

The bill would empower the Council to suspend action on the proposal until there have been hearings and a decision by the FPC, and to seek judicial review of the FPC's decision. In addition, the Moss-Kennedy bill would provide wider opportunities for members of the public to present their environmental objections in public hearings before the FPC and in the courts.

Another pending electric reliability bill, prepared last year by the FPC while Lee White was still FPC Chairman and introduced by Cong. Macdonald (H.R. 12585, 91st Congress) would establish an Advisory Panel on the Environment whose function would be very much like that of the National Council on the Environment of the Moss bill. However, the Macdonald bill's Advisory Panel could not suspend action on the proposal or seek judicial review of the FPC's decision.

Another significant bill is Senator Muskie's "Intergovernmental Coordination of Power Development and Environmental Protection Act" (S. 2752, 91st Congress) on which hearings recently began before his subcommittee of the Senate Government Operations Committee. This bill would authorize establishment of regional districts with boards whose members would be appointed by the Governors of the states within each region.

Footnote at end of article.

The boards would appoint intergovernmental advisory councils composed of representatives of regional, state, local and international government agencies, the public, and all segments of the electric industry.

The Federal Government would promulgate criteria for developing procedures for siting and construction of bulk power plants to comply with various requirements, including control of pollution, power needs, land use plans, preservation of environment, anti-trust statutes, etc. The regional boards would prescribe the procedures for complying with the criteria and for issuance of licenses. The electric utilities would propose reliability and adequacy standards, to be approved by the Federal Government, for planning, constructing and operating bulk power supply facilities. Thereafter no such facility (defined as generating plants of 400 or more megawatts and transmission lines of over 200 kilovolts) could be constructed or modified unless the regional board certifies that it complies with the approved standards and procedures.

Even more far reaching is Senator Jackson's bill (S. 3354, 91st Congress) to develop national land use planning by states and interstate agencies under grants administered by a Land and Water Resources Planning Council. All Federal agencies would be barred from approving any projects inconsistent with the state land use plans (sec. 408(b)), and would be required to coordinate their major land use planning activities with the plans of other Federal, state and local agencies (sec. 409(b)).

Sen. Jackson's bill is not limited to the electric industry and its siting problems. It would establish a framework for national land use planning and management to preserve the environment while promoting ecologically sound development of land and water resources. Sen. Jackson's bill would encourage states to set aside some shorelines and other areas for public use and recreation, while reserving still other areas for industrial use, including sites for nuclear and fossil fuel power plants and corridors for transmission lines.

These and other legislative efforts reflect the national concern to develop better mechanisms for minimizing the environmental impact of future power facilities. They help stimulate both government and industry to give further attention to these problems. Several excellent reports are now available.<sup>10</sup> These studies should help the electric industry plan, site, construct and operate its bulk power facilities so as to provide this country with the electricity we need while preventing further degradation of our air, water, land, aesthetics, recreation, and other important elements of our environment.

Thank you for listening.

#### FOOTNOTES

<sup>1</sup> *Scenic Hudson Preservation Conference v. Federal Power Commission*, 354 F. 2d 608 (CA 2, 1965), cert. den. 384 U.S. 941 (1966); *Udall v. Federal Power Commission*, 387 U.S. 428 (1967).

<sup>2</sup> *United Church of Christ v. Federal Communications Commission*, 123 U.S. App. D.C. 328, 259 F. 2d 994 (1966) permitted citizens having no "property" interest in the issue to challenge the Federal Communications Commission's renewal of a broadcast license, *Citizens to Preserve Overton Park v. Volpe*, Civ. Action C-70-17 (U.S. Dist. Court, W. Dist., Tenn., W. Div. Feb. 26, 1970) allowed citizens to challenge the Department of Transportation's approval of a highway route through a park in Memphis, Tennessee. *Gandt v. Hardin, Secretary of Agriculture*, Civ. Action 1334 (U.S. Dist. Court, W. Dist. Mich., N. Div. Dec. 11, 1969) allowed citizens to challenge the Forest Service's decision to change the Sylvania portion of the Ottawa National Forest in Michigan from a primi-

tive forest area into a managed recreation area.

<sup>3</sup> 5 United States Code 702.

<sup>4</sup> *Association of Data Processing Service Organizations v. Camp*, U.S. (No. 85, Oct. Term, 1969, March 3, 1970, slip copy, pp. 3-4).

<sup>5</sup> Act of January 1, 1970 (Public Law 91-190; 83 Stat. 852).

<sup>6</sup> *Wilderness Society v. Hickel*, C.A. 928-70 (D.C., District of Columbia, April 13, 1970). An injunction was issued for the same reason in *Texas Committee on Natural Resources v. United States*, Civ. A-69-CA-119 (D.C., W.D. Tex. Feb. 5, 1970).

<sup>7</sup> Act of April 3, 1970 (Public Law 91-224; 84 Stat. 91).

<sup>8</sup> *United States v. Republic Steel Corp.*, 362 U.S. 482, 490 (1960); H. Rept. 91-917, p. 15.

<sup>9</sup> Report of Dec. 1968, entitled: "Considerations Affecting Steam Power Plant Site Selection", pp. 29-30.

<sup>10</sup> Some of these studies are:

(a) "Considerations Affecting Steam Power Plant Site Selection," by Office of Science and Technology, December, 1968.

(b) "The Electric Utility Industry and the Environment," Report to Citizens Advisory Committee on Recreation and Natural Beauty, by Electric Utility Industry Task Force on Environment (1968).

(c) "Working Committee on Utilities," report to Vice President and to President's Council on Recreation and Natural Beauty (Dec. 1968).

(d) Joint Committee Print, "Selected Materials on Environmental Effects of Producing Electric Power," Joint Committee on Atomic Energy, 91st Cong. (Aug. 1969).

(e) Hearings on "Environmental Effects of Producing Electric Power," Hearings before Joint Committee on Atomic Energy, Part I (Oct.-Nov. 1969); Part II (Jan.-Feb. 1970).

(f) "Major Electric Power Facilities and the Environment," by Plant Siting Task Force, Edison Electric Institute Committee on Environment (Feb. 1970).

(g) "Problems in Disposal of Waste Heat From Steam Electric Plants", Federal Power Commission, 1969.

#### ABILITY STILL COUNTS

### HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BURTON of Utah. Mr. Speaker, occasionally there is an item or an editorial in the daily press that reassures us that all of our old-fashioned ideas and values are not misplaced. For example, I found the following editorial in today's *Christian Science Monitor* rather heartening:

[From the *Christian Science Monitor*, May 5, 1970]

#### ABLENESS STILL IN VOGUE

There is great encouragement in the Gallup Poll's latest survey. It showed that 86 percent of Americans polled felt that ability, not luck, was the key to success in life. This was a healthy 7 percent higher than 30 years ago.

These findings are significant. They show that people grasp that the course of success in their lives starts within them. Despite the circumstances of neighborhood, social ties, color (most blacks, the poll showed, also thought ability not luck the more important), or religion, the individual can better himself. Even young adults, whose discontent with older ways gets such notice pres-

ently, agree their fortunes will be measured by their ableness.

We of course believe all should be done that can be done to help the general lot of citizens. The government and all organized groups should press on to relieve poverty, improve schools, drop bars based on sex or age or color, even the lingering prejudices against certain nationality groups.

But it would be a mistake to think that the progress of individuals must wait on the advance of the group. Group-centered thinking usually is limiting. Intelligence to act and think rightly has nothing to do with a group. It wells up independently and spontaneously in the individual. And it can always lead him to better his own lot, and in so doing show the way for others.

#### MILITARY OPERATIONS IN CAMBODIA

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. WYMAN. Mr. Speaker, search and destroy operations to eliminate the facilities from which the North Vietnamese Communists direct military operations in South Vietnam from Cambodian sanctuaries are not invasions of Cambodia. The Government of Cambodia welcomes them. They help make the Vietnamization program of President Nixon possible, and they will protect Americans in their withdrawal from South Vietnam.

It is important that these basic facts be understood as the clamor against apparent further involvement in Southeast Asia rises in intensity. Actually what is being done is in the interest of getting us out of there faster.

In this connection the attached editorial in the *Armed Forces Journal* of May 11, 1970, is worthy of thoughtful consideration:

#### AT LONG LAST . . .

At this juncture in the muddled history of war in Southeast Asia, it seems that the President could win (or lose) a majority of the American people either by pulling out now—or by taking some decisive action to win, so we could pull out later.

What's divided America about this war is indecision.

What Americans won't tolerate is an indecisive war of infinite duration, incomprehensible, not understandable—a war that has neither a clear ending nor a clear objective.

What President Nixon has done in his speech Thursday night, it seems to us, is to make it clear to North Vietnam that the American people are more willing to back General Creighton Abrams' offensive spirit than they are willing to keep living in the chicken coop.

The President's goals are understandable: to save American lives, to enable Vietnamization to go on to a successful conclusion, to permit self-determination of the South Vietnamese to continue to fruition.

The Communist effort to broaden their bases in and actions from Cambodia could not go unanswered. As they come to realize that they won't be permitted to fight with impunity from a sanctuary in Cambodia, they'll realize they have to go somewhere else. Since the Gulf of Siam is to the South, perhaps now they'll get the word that they'd better go back North.

At long last, the President seems to be signaling a significant change in our military posture in Southeast Asia—perhaps even a change in our objectives: one that says we won't pull out while the Communists continue to dodge behind arbitrary, artificial lines of engagement, be they in Cambodia, Laos, or elsewhere.

We don't know if the President has constrained General Abrams with some arbitrary line—what will happen, for instance, if the North Vietnamese drift out of sight 20 miles or so inside the Cambodian border. But it's clear that some of the constraints are off. For the first time since 1961, it looks like American and South Vietnamese commanders on the ground are being given the courageous political backing they need to do the job they've been told to do.

We don't know what limits the President has set on the distance to which this new path leads. But we're willing to follow him for the sheer pride of accompanying him on the trip. The Nixon game plan beats the hell out of the scenario we've watched for the past nine years with men dying while their political leaders in Washington writhed in agonies of executive indecision.

The indecision has been expensive for this nation: 41,610 American dead, 274,727 wounded, 955 missing, 444 captured or interned. Plus 106,098 South Vietnamese dead (excluding civilians and paramilitary forces)—and 3,787 deaths among other free world forces.

More Americans are bound to give their lives before this war is over. But not because the President tied their hands, or listened to the diviners of grand strategy—and platoon tactics—who have had their heads buried for years in the Pentagon's 3½-inch-thick *Southeast Asia Statistical Digest*.

As the President put it, "The time has come for action"—not another statistical analysis, but a little maneuvering room for the guy who's under the gun: General Creighton Abrams and several hundred thousand other Americans whose necks are out in Southeast Asia.

The President laid his neck on the line for them.

He is now much more than a Commander-in-Chief. He is also a combat soldier in the truest sense. We could pay him no greater compliment.

We support the President in his decision. We think all Americans stand a little taller for it.

DIZZY PACE

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. GAYDOS. Mr. Speaker, I am aware we live in a pretty fast world today. Everything is going faster today, including money. However, I was not aware just how fast money was being spent until I noticed the following editorial which appeared in the Daily News of McKeesport, Pa., last week.

I believe the article, which follows, will be of interest to my colleagues and some members of the bureaucratic brotherhood here in Washington:

DIZZY PACE

We know for sure that the federal government is spending our money at an enormous rate, but we can't always comprehend just how fast.

But some people in Washington have taken the time to estimate that, based on

the federal budget for fiscal 1970, our government is spending \$22 million an hour, \$367,000 a minute or \$6,116 a second.

At the rate things are going, before you can buy an envelope and stamp to write a letter of protest, you may not be able to afford it.

VINCENT R. LOFTUS: AN OUTSTANDING POSTMASTER

### HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. PATTEN. Mr. Speaker, being the postmaster of a relatively large New Jersey city is not easy, for there are many challenges and problems. The public often takes its postmasters for granted, but I never have, for I know how difficult their jobs are.

I am proud of the postmasters of Middlesex County, but there is one of them who is truly outstanding—one of the best in the Nation—Vincent R. Loftus, postmaster of New Brunswick. A dynamic executive and a man of great dedication and leadership, he has compiled an outstanding record.

In the past few months, Postmaster Loftus was honored with a plaque from the National Safety Council in a nationwide National Fleet Safety Council Contest, and later, the U.S. Post Office Department's Academy Training Institute opened its first unit in New Brunswick. I am sure there were several reasons for selecting New Brunswick for that important program, but I believe that the fine record of Postmaster Loftus was also a factor. He also was presented with a Superior Accomplishment Award from the Philadelphia Regional Director, Jack B. Pentz. Vincent R. Loftus is a superior postmaster and also a superior man—often firm, but always fair.

I hereby insert two newspaper articles covering the National Safety Council plaque presentation, and the opening of the Post Office Department's Academy Training Institute—from the Home News, and the Spokesman, both of New Brunswick, N.J.:

POST OFFICE CAPTURES TOP AWARD

PERTH AMBOY.—Postmaster Vincent R. Loftus and the New Brunswick Post Office were honored last night with a plaque from the National Safety Council.

The New Brunswick Post Office finished in a three-way tie for first place in a nationwide National Fleet Safety Council Contest.

The plaque was presented to Loftus by Jack B. Pentz, director of the Philadelphia Post Office Region. The occasion was a meeting of the New Jersey chapter of the National Association of Postmasters held at the Bel Air Manor Restaurant.

Among those who witnessed this first time honor for the New Brunswick Post Office were Rep. Edward J. Patten, D-N.J., Perth Amboy Mayor James J. Flynn Jr., Postal Service Officer Frank M. Comer and Gerald J. Buchanan, Parlin postmaster and president of the state chapter.

POSTAL ACADEMY OPENS ITS DOORS IN NEW BRUNSWICK

The U.S. Post Office Department's Academy Training Institute was formally opened yesterday at ceremonies in New Brunswick.

Located in the new plaza building, the operation will serve as the nerve center for field training programs in six cities throughout the nation. The venture is aimed at motivating, educating and training school dropouts in the 16 to 21 age bracket as well as postal employees who have been unable to qualify for advancement within the department.

In May, the pilot program will expand to Newark, Washington, D.C., Atlanta, Chicago, San Francisco and Detroit.

The New Brunswick facility will serve as the clearing house for recruiting, selecting, training and evaluating all program personnel. Local volunteer postal employees will staff the academies on a full-time basis.

SEVENTY TRAINEES

The program presently embraces some 70 trainees. Prior to field assignments, they will receive instruction in management training, social systems evaluation and "street-work" concepts—which entails exposure to ghetto areas.

Program officials predict that about 2,000 dropouts will have gone through the ranks of the program by 1972. In addition, they project some 700 postal employees in lower-level positions will receive training for job advancement.

The six-day effort was unveiled in early January by Postmaster General Winton M. Blount. The cost of the new academy is estimated at \$1.1 million for fiscal year 1970, with the tab to be shared by the Post Office Department, Department of Labor and the Office of Economic Opportunity.

PRIME FORCE

Kenneth A. Housman, assistant postmaster general for personnel, was the prime force behind the effort. He enlisted the support of 1,660 volunteer postal counselors last summer to provide summer employment for over 8,000 inner-city youngsters.

After assessing the results of the fledgling program, the Postal Department will consider further expansion of the academies.

"The postal academy program in no way competes with established educational facilities," Blount said. "The thing to remember is that the youngsters we are going to train are those who have dropped out of the normal stream of education—they are living in the streets, largely unemployed, without the skills to satisfy their needs."

The quality for the program, a youth must be at least 16 years of age and not older than 21. He must also be recommended by a postal academy street worker.

PAN-AMERICAN COFFEE DAY

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. WOLFF. Mr. Speaker, as a member of the Committee on Foreign Affairs I would like to include the following statement regarding Pan-American Coffee Day in the RECORD at this point:

The economic and social significance of coffee—Latin America's most important export and our own country's most popular beverage—was highlighted in fiesta fashion on April 15, when Pan American Coffee Day was celebrated in Washington.

Pan American Coffee Day, a traditional observance of Pan American Week, was marked with a reception, sponsored by the Organization of American States (OAS) and the Pan-American Coffee Bureau, at the Pan American Union Building here in Washington.

A feature of the fiesta was the brewing and

servicing of coffee from every one of the countries of Latin America which produce and export coffee to the United States—18 in all. In addition, two coffees grown in our own country—from Hawaii and Puerto Rico—and a secret Latin American blend, prepared by the Pan-American Coffee Bureau's Coffee Brewing Center, were also available to the more than 500 distinguished guests.

Virtually every one of the 24 member countries of the OAS was represented by an ambassador or other high-ranking diplomat at the reception. Many Latin American envoys to the White House also attended with their wives. High Washington officials, including Henry A. Kissinger, Special Assistant to President Nixon for National Security Affairs, joined the fiesta celebration, together with members of Congress, representatives of the international institutions, and leading members of the press and other media.

On arrival, the guests were greeted by Mr. Galo Plaza of Ecuador, Secretary-General of the OAS; Dr. Bernardo Rueda, of Colombia, Pan-American Coffee Bureau Chairman; Ambassador Raúl A. Quijano, of Argentina, recently elected Chairman of the OAS Council; and Dr. René Montes (who flew directly from Guatemala to attend the affair), Council Chairman of the Pan-American Coffee Bureau.

During a brief interlude in the festivities, three short speeches were made to the audience and carried to all of Latin America through OAS and Voice of America radio and by the U.S. Information Agency television. All speakers called for continued support for the International Coffee Agreement.

Secretary General Galo Plaza said:

"Once again we celebrate Coffee Day in the House of the Americas, as a salute to a product that is of vital importance to the economies of fifteen Latin American nations and is the favorite beverage of the adult population of the United States.

"Important though coffee is to our economies, I feel that we will not be able to achieve our development goals and meet the challenges of unemployment and unstable foreign exchange earnings unless we diversify our production and establish new industries. Today coffee is the backbone of many of our economies, but we are working toward the day when Latin America will be identified not only with coffee and basic products, but with a dynamic manufacturing sector and a wide variety of advanced industries.

"At the same time, we hope that you'll still drink our coffee."

Dr. Rueda's remarks follow in part:

"On behalf of the executive board of the Pan-American Coffee Bureau, I am happy to welcome all of you to this celebration, marking Pan American Coffee Day. We have a special reason to be here today and to devote this day to coffee.

"For coffee is not only the favorite drink of America; it also represents the traditional link between the Americas.

"Coffee and coffee trade have brought our nations even closer together in recent years through a remarkable demonstration of international cooperation—the International Coffee Agreement.

"An unusual experiment in international trade relations, the Agreement has contributed greatly in bringing stability to the world market, thus allowing the coffee producing countries a successful long-range planning of their economies.

A response was made by Joseph John Jova, the U.S. Ambassador to the OAS:

"It is entirely appropriate that a salute to coffee should be an important part of Pan American Week because it is the United States' second major import, and the second largest export from the developing world, and also because coffee is a product whose earnings go to so many little pockets. Although it is second to petroleum it, unlike petrol, is

primarily produced by thousands of small entrepreneurs and the agreement which protects those producers is of fundamental importance to the economic and political viability of the coffee producing nations.

"There are 41 producing countries and 21 consumers.

"The goals of the coffee agreement are: To assure adequate supplies and equitable prices.

"To avoid the hardships caused by excessive fluctuations.

"To contribute to the development of productive resources and promote employment in the member countries."

Earlier, Pan American Coffee Day was officially proclaimed by Ambassador Raúl A. Quijano of Argentina, Chairman of the Permanent Council of the OAS. He declared:

"Whereas the strong bonds which unite the republics of the Western Hemisphere are being reaffirmed during this 80th Anniversary of the Inter-American System and during this annual observance of Pan American Week; and

"Whereas the vitality and prosperity of the entire Hemisphere are dependent upon a broad and stable trade between all the nations of the Americas; and

"Whereas coffee is the predominant commodity in inter-American commerce, the largest single import of the United States and the greatest agricultural export of Latin America; and

"Whereas coffee is also the favorite beverage of the Americas and the long-accepted symbol of good will and friendship among all peoples;

"Now, therefore, I, Raúl A. Quijano, Chairman of the Permanent Council of the Organization of American States, do hereby proclaim Wednesday, April 15, as Coffee Day throughout the Americas."

#### A SPECIAL TRIBUTE— CINCO DE MAYO

### HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BUSH. Mr. Speaker, today is Cinco de Mayo, a national day of celebration for Mexico, our great and friendly neighbor to the South. As a Congressman from Texas, a State which has a large population of Mexican-Americans, I feel that this holiday, commemorating the Battle of Puebla, fought May 5, 1862, deserves special acknowledgement. The victory of that battle gave the people of Mexico new faith that they could defeat the French invaders and gain their independence.

Particularly appropriate is that the Mexico-United States Interparliamentary Conference is being held in Washington, D.C. today in the Capitol Building of the United States. The opening plenary session took place in the historic Old Supreme Court Room which served originally as the Senate Chamber.

As the ranking Republican House delegate participating in the conference, it was a privilege for me to listen to the chairman of the Mexican delegation, the Honorable Senator Manuel Bernardo Aguirre, speak of the stirring gallantry of the Mexicans in their battle with the French.

The spirit of pride and independence

which resulted from that event is even greater in the people of Mexico today. They remember, as we all should, the able Gen. Ignacio Zaragoza who led the Mexicans against the French at Puebla. General Zaragoza was born in Goliad, Tex., and south of that city a State park has been named in his memory.

Others took part in today's opening ceremonies as well, pledging strong and growing cooperation between Mexico and the United States, which I also favor. The Honorable William P. Rodgers, Secretary of State, Senator MIKE MANSFIELD, and U.S. Representatives ROBERT NIX, also extended their felicitations to the members of the conference.

Cinco de Mayo—the 5th of May—today we all give special honor to an occasion of great importance to the people of Mexico.

#### POLISH CONSTITUTION DAY

### HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. PHILBIN. Mr. Speaker, it is a great honor for me today when the House again commemorates the birthday of the Polish Constitution to join with my colleagues in our observance of that great day in world history.

The history of Poland is a glorious one beyond measure.

For centuries the Polish people have struggled against virtually every form of tyranny.

Time and time again they have thrown off their oppressors, only to have others take their place to deny freedom to the great Polish Nation and its gallant people.

The history of Poland is one of almost continuous bloodshed and sacrifice for the cause of God and country, the sacred right of conscience, the moral, religious convictions of its people in their determined struggle to enthrone and defend freedom and personal liberty in their country and to live under a government of their own choice.

It would be impossible to recount, because they are too numerous, the instances throughout history when the Polish people spilled their blood and lost their lives by the thousands in their struggle for free religious worship, for freedom of the human spirit, the right of personal liberty, and a government dictated and controlled not by tyrants, but by free men and women.

One of the great injustices of history was the unconscionable, diplomatic consignment of the great, free, Polish people to the domination and ruthless dictatorship of world communism in the so-called agreements following World War II.

If the American people had been given an opportunity to vote on this question at the time, the proposed plan to turn over the Polish nation and its brave, God-fearing people to brutal Communist rule, it would have been rejected by Americans in an overwhelming vote of protest that this Nation should ever acquiesce in the



wholesale annexation of Poland and several other nations and people cherishing freedom to the ruthless rule of the Communist police state.

It is incredible that such an arrangement ever should have been made which resulted in turning over millions and millions of people in Central Europe and elsewhere to the control and ruthless exploitation of Communist governments.

Such a move was not sanctioned by any moral principle, nor could it be justified on any ground save that of the sheerest kind of expediency and defeatism.

This lamentable concession involved several aspiring nations yearning and struggling to be free and to enjoy the God-given rights and fruits of democratic representative government ordained and controlled by the people themselves and not the masters of a totalitarian regime.

Be that as it may, the day will never dawn in this country, or in many other parts of the world, when oppressed peoples, their sympathizers and allies will submit to the deplorable arrangements that force them against their will, and against their most sacred principles, to be arbitrarily shut out from the rest of the free world.

Their day of liberation will be assured by world public opinion and understanding.

The Polish people will never be resigned to tyranny, and people in this country who believe in freedom and democracy, and the rights of man, will never be content or satisfied until the Polish people and others like them who are behind the Iron Curtain will be released from the cruel bondage of political, economic, and religious slavery, wherever it may exist.

On this Polish Constitution Day, it is appropriate that this House representing the American people should express again its respect and admiration for Poland and its oppressed people.

It is an occasion when we must speak out boldly and send comforting and encouraging messages of hope and inspiration to these gallant people that here in this country they have friends who will stand by them and with them until they have regained the heritage of liberty, justice, and democratic ideals guaranteed to all men and women by their Creator.

So let this day be memorable in our history.

Let it again herald to the whole world, including the oppressors, that this House and the American people deplore and resent the iron chains that bind the people of Poland and that we will never be content or satisfied until these shackles are broken, and the Polish people can enjoy once again the blessing of freedom and justice that the Good Lord intended that they should enjoy.

It is curious, indeed, that Polish Constitution Day should coincide this year with the horrible Katyn Massacre which was one of the blackest instances of human debasement and treachery in the history of mankind when thousands of Polish leaders were bestially slaughtered in the Katyn Forest and buried in mass graves, and additional thousands of Po-

lish officers in another Polish camp disappeared from sight and never were heard from again.

It was estimated by reliable leaders who studied the facts of these mass slaughters that over 14,000 Polish officers and intellectuals were the victims of an unspeakable genocide at the hands of their oppressors, and notwithstanding the efforts of this great House, which conducted an extended investigation of these outrages, they were covered up and never fully revealed to the world in the starkness of their perfidy, bestiality, and inhumanity to man.

Some day the true facts of these terrible blood baths will be revealed for all peoples to read and to know in their diabolical nakedness.

If the American people, and other free peoples, shall not learn from incidents like this the nature and tactics of those, who promise cooperation to the world, and yield up treachery, conspiracy, and tyranny instead, there will be little hope for others, in time, to escape the same fate that has been dealt out to the pitiable, martyred victims of Polish genocide.

As we struggle for freedom and a world organized on the rule of law and peace, let us be realistic enough to recognize what the real, hard facts of the present world situation are.

It is time for those who preach world cooperation and peaceful coexistence to show by their actions that they mean what they say. It is time for them and all nations and people to join together and the world for universal peace before the world is destroyed by fire.

The world has had too much of mass murder, sorrow, deceit, and treachery, and now the time has come to let all peoples know what this Nation expects other nations to treat us with the same candor, good faith, and desire for friendliness and peaceful relations that we exhibit toward them.

Cooperation is not one-sided. Peaceful coexistence is not just a pious hope, preached and then ignored, but a goal to be zealously reached by all peoples in good faith, if true, world peace based on human brotherhood and love is to be realized.

So today, as we hail the great Polish people—their courage, their personal bravery, ideals of self-determination, and high resolve for liberty and justice—let us reaffirm our own faith for the ideals for which the Polish people fought and have given so much of their blood, because they are the ideals of free men and women the world over.

Let it be known to all concerned that we have in mind our own origins—that we will defend with our lives and resources, if necessary, our rights as free men and women—that we will never surrender them, and we will never let anyone take them away from us either by treachery or force. And we will stand for freedom and justice for all those who would embrace them.

That is the message we must send to the Polish people today, and I repeat: To all those to whom these high and determined purposes may concern, let it be known that this Nation was born in free-

dom, has grown great and strong in freedom, and proposes to live under freedom, God willing, to the end of time.

Hail and salute to gallant Poland, and her brave people. May her people be soon freed from tyranny, and restored to their rights as free men and women pursuing their God-given destinies under free institutions of their own choice. And may the good Lord bless, guide, and keep them.

#### WHAT WIRETAPS ARE DOING FOR THE UNITED STATES TODAY

**HON. LAWRENCE J. HOGAN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. HOGAN. Mr. Speaker, ever since the passage of the Omnibus Crime Control and Safe Streets Act of 1968, there has been criticism of the measure's wiretap provisions. The former U.S. Attorney General continues to say that wiretaps are neither necessary nor effective against crime. We now have had 2 years' experience with enforcement of that act. The results are quite different from the critical comments and prognostications. Assistant Attorney General Will Wilson, Department of Justice Criminal Division, now reports that "Wiretapping and immunity are the two best weapons against the illegal gambling syndicates whose cash-flow revenues are the life blood of organized crime." The May 4 Committee's Newsletter contains the full edition of the Republic Congressional story of the use of wiretaps and why they are necessary to law enforcement. I include the Newsletter excerpt at this point in the RECORD:

#### WHAT WIRETAPS ARE DOING FOR U.S. TODAY (By Will Wilson)

The decision of Attorney General John J. Mitchell to use the wiretap provisions of the Omnibus Crime Control and Safe Streets Act of 1968 marked the turning point in mounting what will be a successful assault against organized crime. Wiretapping and immunity are the two best weapons against the illegal gambling syndicates whose cash-flow revenues are the life blood of organized crime.

In 1969, the Department of Justice requested authorization for electronic surveillance in 33 cases under investigation. The results: 173 arrests in 12 of the cases; continuing investigation in which indictments are anticipated in 11 of the cases; only seven cases in which results were non-productive. In all of the cases, indications are clear that the evidence secured from the wiretapping was essential to the investigation and could have been uncovered in no other way.

Since none of the cases has been completed, being presently at either the trial or appellate stage, no specific statements can be made about them or about the extent to which the retrieval of overheard conversations contributed to the success of the investigations.

Why is it necessary to resort to wiretapping? To answer this requires an understanding of the nature of the type of crime in which electronic eavesdropping is principally used—organized crime.

Today, the core of organized crime in the United States consists of 24 groups operating as criminal cartels across the nation. Esti-

mated overall member strength of these core groups, called "families," is put at 5,000. Like any large corporation, but unlike the criminal gangs of the past, the organization functions regardless of individual personnel changes.

Each family is headed by a "boss," whose primary functions are the maintenance of order, through the family "enforcer," and the maximization of profit. Beneath each boss is an "underboss." He collects information, relaying messages to the "boss" and passing his instructions to his underlings. The lieutenants—"caporegime" or "capo-decima"—are the chiefs of the operating units. Below them are the "soldati" or "button men" who actually operate the illicit enterprise, using as personnel the professional criminals who directly confront the public.

Rarely are the leaders touched by police investigation. They maintain insulation within the organization through the underboss and the "caporegime," avoiding direct communication with the "soldati."

Until recently, no information was available about the structure of organized crime. Senate investigations were the first to uncover credible evidence of the existence of syndicated crime. But the general reaction was disbelief that large, highly structured, criminal conspiracies could operate continuously without being directly observable. Even the testimony of Joseph Valachi, a soldier in the family of Vito Genovese, a New York Boss, was received skeptically.

Today, much more is known about organized crime. Much information has resulted from electronic surveillance of figures involved in organized criminal activity. For example, in 1967, the "Patriarca tapes" were released in Providence, R.I. Raymond Patriarca's involvement as head of a New England "family" was discovered when the FBI placed a microphone in his operating office located in a vending-machine company (the National Cigarette Service). At about the same time, another electronic surveillance of the office of a Kenilworth, N.J., plumbing company, established Simone Rizzo de Calvalcante as boss of the New Jersey family and linked him to "legitimate" businessmen, lawyers, and even police officials. These are only two examples of the utility and need for electronic surveillances.

But knowing of the existence of such organizations and of the identity of those who compromise membership is not sufficient. The organization must be destroyed and in order to destroy such an organization with criminal prosecutions it is necessary to attack it at all levels. Because the leaders are insulated, rarely can their criminal activity be proved by conventional processes. Instructions to the caporegime, and, in turn, to the soldati, flow through buffers. Rarely are there witnesses to any overt criminal act. Even more rarely are there any who are willing to talk about it.

Between 1961 and 1966, only 185 indictments were returned against members of La Cosa Nostra, as the criminal empire is known. Convictions were obtained against 102, only 2 percent of the hard core. And, without electronic surveillance techniques, prospects for improvement were not high. A significant proportion of the convictions were obtained through tax-evasion prosecutions. But because of the increased attention paid to tax returns of racketeers, they have been declaring larger incomes, listed as "miscellaneous income." Thus, the prime figures remain free of the law.

The result of all of this was summed up by the President's Commission on Law Enforcement and Administration of Justice in these terms:

"In many ways, organized crime is the most sinister kind of crime in America. The men who control it have become rich and power-

ful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hardworking businessmen, by collecting usury from those in financial plight, by maiming or murdering those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying upon a few.

"In a very real sense, it is dedicated by subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. . . ."

In 1963, Attorney General Robert F. Kennedy observed that, to make major inroads against organized crime, new weapons, including electronic surveillance techniques, would have to be obtained, and that, until then, the job would not get done.

In 1968, Congress passed into law the Omnibus Crime Control and Safe Streets Act of 1968, which gave the Government the needed new weapon, authorizing the use of electronic surveillance in cases involving racketeering. Philosophical opposition to this weapon, however, by LBJ's Attorney General, Ramsey Clark, prevented its use until the Administration of President Nixon when it was ordered to be used by Attorney General Mitchell.

Today, as the files of cases will eventually show, the use of electronic surveillance has changed the balance. An increasingly higher proportion of investigations are resulting in indictments and convictions of organized-crime figures.

#### THE CASE FOR DRAFT REPEAL

### HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the need for a full and open debate on how this country is going to raise and maintain its Armed Forces in the decade of the 1970's is imperative. Congress shortly must decide whether to reform and extend the present Selective Service Act along the lines requested by President Nixon or move toward a volunteer Army.

The draft as presently conceived is unfair and unjust and even with reforms, will remain at heart inequitable. A recent study by the National Council to Repeal the Draft argues convincingly that the draft must be eliminated entirely, not merely reformed. The study, entitled "The Case for Draft Repeal in 1970," is timely and I commend it to your attention:

#### THE CASE FOR DRAFT REPEAL IN 1970

##### INTRODUCTION

The draft has again become onerous to the American people. The long tradition in this country of volunteers may soon be restored after more than twenty years of a costly, undemocratic, chaotic and unnecessary experiment in peacetime conscription. For the first time since 1948, a Louis Harris poll in January, 1970, showed a clear majority of Americans now favor the volunteer military. In addition, some 67% felt, "a volunteer army is good because only young men who want to serve will be in it." Clearly, the war in Vietnam has forced a confrontation with that very issue of individual freedom of choice. The draft has produced a crisis of the first degree in our society, with

more than sixty thousand young men seeking political refuge in foreign countries, and with perhaps thirty thousand remaining here in open resistance to the draft law. Discontent with the draft, however, is more than Vietnam. Many who do not oppose American involvement in that war nevertheless oppose the draft. They point out that the draft is directly counter to the American tradition, that it is undemocratic, and that without a declaration of war it is unconstitutional.

Although America was proud not to have a draft in peacetime before 1948, little opposition materialized until recently. Aside from a few diehards on both sides of the political spectrum, most Congressmen as late as last year were unwilling to talk about ending the draft. By the fall of 1969, practically everyone was agreed that the existing system should be changed, but still the thrust was for reform. The lottery was one attempt in that direction. As late as early February, 1970, the Administrative Practice and Procedure Subcommittee of the Senate Judiciary Committee under its chairman, Senator Edward M. Kennedy (Mass.), recommended a host of reforms and stated in the preface to its report that it assumed we will "have to live with the draft for some time to come."

Yet more and more prominent Americans are coming to agree with General Hershey's statement, "No draft can be fair." President Nixon remarked during the election campaign of 1968, "It does not work fairly, and given the facts of American life, it just can't. The only way to stop the inequities is to stop using the system." Senator Barry Goldwater (Ariz.), co-sponsor with Senator Mark Hatfield (Ore.), Senator George McGovern (S. Dak.), and others of a bill to end the draft, said, "Conservatives want to end the draft—period." David Hawk, co-chairman of the Vietnam Moratorium Committee, called on political leaders to help restore the faith of youth in democracy by ending the draft entirely. Dr. Ralph Abernathy referred to the draft in any form as "the other slavery." Among dozens of national groups endorsing repeal of the draft are the Young Americans for Freedom, the Americans for Democratic Action, the Methodist Church, the Ripon Society, and the American Civil Liberties Union.

Perhaps of greatest importance is the exhaustive study of the volunteer force by the Commission on an All-Volunteer Armed Force appointed by President Nixon and headed by former Secretary of Defense, Thomas S. Gates. They are reported to assert that the volunteer force is economically feasible and militarily preferable, that it will not present political problems for a democratic society, that it could be instituted within one year, and that the draft could be ended with a minimal stand-by system which Congress would have to reactivate in case of emergency.

#### PROBLEMS WITH THE PRESENT SYSTEM

Those who favor reforming the draft have primarily emphasized that the existing system is full of extreme injustices and abuses. As Daniel P. Moynihan put it, "If the Selective Service System did not exist, it would be impossible to invent it." Critical problem areas have been the lack of a national standard and the varying competence of local boards, inequities in deferments, particularly against the poor, and the conscientious objector provisions.

In the first place, the appointment of the local boards through State Directors with the approval of General Hershey has proved unsatisfactory. Primarily older men and often retired military serve on these voluntary boards, and they often know little about the youth they classify or the complex system under which they operate. The deference pattern has provided a haven for practically all those who were intelligent enough or rich enough to learn to use it as a dodge, and it

proved to be a tool for insuring that the burden of the draft fell upon the poor. The blanket deferment of students, occupational deferments which primarily affected skilled jobs "in the national interest," and even hardship deferments which rescued not the poor, but the middle class who could prove that they were in fact supporting dependents—all conspired to create a force of men below officer rank chiefly from lower and lower middle income groups. As late as 1968, only 6% of the entire enlisted ranks were college graduates. The conscientious objector situation likewise provided glaring injustices, with local boards ruling in quite arbitrary fashion and with the anomaly of U.S. government agents obliged to rule on matters of religious faith despite the clear injunction in the Constitution against such activity.

These and other problems prompted nearly 100 Congressmen to propose legislative changes in the draft. The Burke Marshall Commission appointed by President Johnson proposed sweeping changes, as did other groups sponsored by the Congress and the Pentagon. Almost no changes came, however, with most bills bottled up in the Armed Services Committees. A Supreme Court decision in the Seeger case forced a change in the C.O. statute but the new wording proved no more satisfactory since religion remained a necessary test. Finally, in the fall of 1969, President Nixon suggested—as Senators Jacob Javits (N.Y.) and Edward Kennedy had previously—that the order of induction be changed to call nineteen-year-olds first and by lot in a random order of birthdates. The President asked for permission to do this himself by executive order, and a repeal of one sentence of the Selective Service Act was passed with only thirteen negative votes in the House and one in the Senate. There were no genuine hearings and debate was limited to the lottery despite attempts by many Congressmen, including some on the House Armed Services Committee, to open the whole draft law to discussion.

The opposition pointed out that although taking nineteen-year-olds first was helpful to young men seeking to plan their futures, it created new injustices in taking primarily those who could not vote, and in taking non-college youth in the middle of their job training periods. It was also pointed out that the lottery could not be applied fairly or on a national level so long as no changes were made in the local board structure or in the deferment situation. These latter criticisms proved valid when the lottery was put into effect. Men who had been assured their numbers meant virtual safety from induction soon found there was great variance from one area to another. The fact that, despite a total draft pool of nearly thirteen million and a draft call of only 200,000, very high numbers would be called, made clear that deferments to college students (1.7 million) and to fathers (over 3 million) far outnumbered those technically 1A. The impossibility of choosing a very few men from a huge pool with fairness became increasingly apparent.

Major reforms were proposed in both Houses to take care of some of these problems. Most recent of these proposals is the panel report from Senator Kennedy's Subcommittee on Administrative Practice and Procedure. It proposes overhaul of the draft board pattern with firm national control over a few hundred regional and area offices, an end to virtually all deferments, and a very broad rule for conscientious objection no longer based on religious belief, but rather on a moral position, and allowing objection to specific wars as well. There seems to be wide agreement on the problem of deferments, with support for ending them coming from Southern Democrats, black community, Secretary of Defense Melvin Laird, from many liberal Congressmen, and

from almost all student leaders. Although student deferments were once the basis of our draft system, many are arguing they are no longer necessary if connected with a national lottery. Some politicians assume that college protest would in fact be reduced, after an initial outburst from those whose deferments were terminated, because men would be taken before going to college rather than having to spend the whole college period in fear of future draft. End of most deferments seems quite likely in this Congressional session.

#### OBJECTIONS TO THE DRAFT WHICH LEAD TO REPEAL

All of the problems above have involved the form of the draft now used. At least a dozen books have been written to codify the abuses of that system, but most of the arguments lead to the conclusion that some reform is needed. There are, in fact, much deeper reasons for opposition to the whole idea of a peacetime draft. These objections lead to the conclusion that no draft can be tolerated in a democratic society. Most basic to such opposition is the compulsory nature of the institution. At a time when only some—not all by any means—of our youth must serve, a few are forced to do so. No one has argued that such compulsion allows for individual freedom, and the recent rise of conscientious objectors (115% increase from 1965 to 1968) and resistance (twice as many court cases in 1969 as in 1968), shows that this is a severe problem for many young people. The situation is particularly intolerable when a war requires young men to fight and die for a cause they may not favor, yet that war is not sufficient threat to the national interest to demand sacrifice from all alike.

Daniel Webster warned in 1803 that adoption of military conscription was a first step to tyranny. In World War I, Congressman Carl Hayden of Arizona remarked, "Let us not play Prussian militarism, which we are seeking to destroy, the compliment of adopting the most hateful and baneful of its institutions." Senator James Frazier of Tennessee declared just before World War II, "Pass this conscription bill, Mr. President, and we will have forged the first link in the chain which will drag down America to the same militaristic level of communistic Russia, fascist Italy, and Nazi Germany." Senator Robert A. Taft said, "The theory behind it leads directly to totalitarianism. It is absolutely opposed to the principles of individual liberty. . . ." In 1967 and 1968 Dr. Benjamin Spock and other leading educators and religious people called for resistance to the draft as "illegitimate authority," thus providing the most serious challenge to our political system aside from racial injustice.

The volunteer principle has been central to the whole concept of our American political experiment. Every institution which denies freedom of conscience erodes faith in the government and frustrates the individual in his desire to participate freely in a free society. It is difficult to believe that involuntary servitude would be tolerated today in any other matter or for any other segment of the population, yet we go on enslaving young men in the military. It has been pointed out that this is an insult to those who would volunteer to serve their country, and an admission of deep division in our society. Prof. Jerome Davis of Yale has suggested that rather than tax the poor young men by exacting underpaid labor in their prime, we conscript needed material at cost from the armaments and other heavy industries. It is easy to imagine how quickly such a measure would be defeated. Finally, forced obedience to the state becomes a political burden as whole groups arise which define their loyalties in more or less than national terms. Such aggravated groups in-

clude blacks, Indians, and other ethnic groups; the now self-conscious student group; and religious and cultural communities.

A second basis for opposition to the draft is its effect on American foreign policy. When the Executive can escalate military manpower to any level without seeking Congressional approval, he has in fact received the war-making power reserved to Congress by the Constitution. The war in Vietnam is a case in point. Long before the Gulf of Tonkin, the almost infinitesimal draft calls (as low as 3,000 in some years) were systematically raised to more than 150,000. Undeclared wars can continue to be waged so long as the draft provides an "easy" military solution to political problems. The effect of this power in the Executive has been to upset the balance of power between the branches of the federal government, to tempt the military to increase manpower as the least difficult option open to it, and generally to increase the power and influence of the military in American life. It is no accident that the twenty years of peacetime draft have seen the rise to prominence of the military in public policy until more than half of every tax dollar is spent on military or military-related projects. The draft itself including compulsory registration and the classification of individuals by number into rigid types—leads to a non-democratic mentality which contributes to the assumption that military solutions are appropriate for our concerns abroad and for problems even in our city streets.

These very serious challenges to the draft, along with the conviction of many economists like Milton Friedman and Walter Oi that conscription is the most inefficient means of raising and maintaining an army, do not lead to reform. Obviously no system so basically unjust and erroneous can be improved—it must be abolished entirely.

#### OPPOSITION TO ENDING THE DRAFT CONTINUES

Until recently these basic challenges to the draft were seen by most as correct in theory, but impossible to implement within the real world of political and economic fact. Today the experts are unanimous and the public increasingly united in believing that draft repeal is both realistic and necessary. There is much evidence that a continuation of the draft will produce a domestic crisis more serious to our national security than any foreign threat. The very fact that the Vietnam war has required relatively few men seems indicative of our strong position internationally. One Senator asked, "If you do not have to call the reserves in Vietnam, when will you have to call them?" Nevertheless there are still many, especially among those now involved directly in military and defense leadership, who say we cannot end the draft. Their arguments fall primarily into these categories: (a) the volunteer system will cost too much; (b) we need the draft to carry on Vietnam and to defend America in future emergencies; and (c) the draft democratizes the military, whereas a volunteer force would isolate it from public opinion and create a professional military elite dangerous to our system of government. Related to this belief is a fear that a volunteer force would produce an army of the poor, including many blacks, to do our fighting for us.

Critics of repeal in the first group range from economic conservatives to liberals and radicals who seek to cut military expenditures in every area. Those in the second category are primarily those most worried about external threats, including those from Communism, to the United States. The final group is made up mostly of liberals who are genuinely worried about a military take-over in this country, or who seek to curb what they feel is already a dangerous trend toward militarism and military isolation.

## THE COSTS OF THE DRAFT AND THE VOLUNTEER MILITARY

Critics of draft repeal often assert that a voluntary system based on an army of 2.7 million men could cost as much as \$17 billion per year. This figure stems from a Pentagon report that was never completely made public, but which was reported by Assistant Secretary of Defense for Manpower, Thomas D. Morris, before the House Armed Services Committee in 1966. Morris said that payroll increases would require "from four to seven-billion a year." Jean Carper in her book, *Bitter Greetings*, asked how the board of directors at Ford would have reacted if Mr. McNamara had given a report so uncertain in cost estimation. Professor Walter Oi of the University of Rochester testified before Congress in 1966 and has written widely on this problem. He was employed at one time by the Pentagon to figure manpower costs and has recently worked with the Gates Commission. In 1967 his estimate, based on a peacetime army of 2.65 million men, was that the total cost per year would not exceed \$4 billion. Dr. Harry Gilman, who participated in research for the Pentagon in 1964 and 1965, and was also on the Gates Commission staff, suggested the real cost might be less than \$1 billion per year. Reliable sources indicate that the Gates Commission, whose report will be made public in late February, now estimates a military of that size would mean added costs of about \$2.75 billion in increased salaries and other incentives. Even these figures do not take into consideration tremendous savings to the military. According to Robert Lekachman, who has studied the problem of manpower efficiency in the military, the productivity of a draftee or "pseudo-volunteer" (one who volunteers to avoid the draft) is at least twenty per cent lower than that of the true volunteer. This means that an armed force with 30% draftees (as our present military) requires about 300,000 more men than necessary under a volunteer program. The Gates Commission is said to expect that the volunteer military will have only about 3/4 the present turn-over rate in personnel. Savings in veterans' benefits based on such a turn-over reduction would amount to almost \$250,000,000 per year, according to a study by the National Council to Repeal the Draft based on Veterans Administration figures. Savings in training and other personnel costs have been estimated in 1966 in the book, "How To End the Draft" by five Congressmen, at about \$1.7 billion per year. Bringing these figures up to date, for a military of 2.65 million, the estimate would be closer to \$2 billion. Total savings would thus approximately equal increased costs, even if the present war-time level of manpower were maintained. Add to these figures the cost of maintaining Selective Service and the increasing burden of expense to courts and law-enforcement agencies in connection with the draft, and the draft becomes an expense rather than a savings.

Senator Mark Hatfield and others have pointed out that the real costs of the draft are greater still. In the first place, we deprive the economy of the proper market value of a large segment of prime labor and deprive the government of taxes. He also points out that "... under a voluntary system all taxpayers would share the true cost of supporting our armed forces. Under the draft system the young men we force into the military subsidize their own service." Professor Oi indicated in 1964 that the average subsidy per soldier was over \$1,000 per year in the form of loss of income. Furthermore, those who are concerned about increasing military spending should welcome fair salaries to enlisted men, since the free labor of draftees hides the actual cost of military manpower. In the book *Why the Draft*, James C. Miller III, ed. (Baltimore, Md.: Penguin Books Inc. 1968), the author asserts, "The volunteer army forces

taxpayers to recognize the true cost of military activity. If they would be unwilling to pay this cost, it must be because the benefits from such activity are less than its cost. In such a case, the activity should be curtailed, and not, as under a draft system, merely have its cost concealed . . ." If the military budget must be increased to pay decent wages to those who do the fighting, then more pressure could be placed on effecting decreases elsewhere in that budget.

An argument related to cost is that not enough volunteers could be found. In a press release in February, 1969, Acting Assistant Secretary of Defense Vice-Admiral William Mack admitted that very little had been done to improve recruitment and that most recruiting methods have simply assumed the draft. Despite this, about one-third of the current military requirements are met by genuine volunteers, and more than one-third by draft-motivated volunteers. Recent Pentagon manpower studies, including one undertaken by the University of Michigan, have shown that nearly 80% of these latter "volunteers" and about 20% of the draftees, would have volunteered for an all-volunteer force if salaries and other incentives had been sufficient. The studies mentioned above which suggest a \$2 to \$4 billion yearly increase have included such incentives as a first-term enlistment salary of \$5,000 or more, considered competitive on the open labor market. Remembering that a volunteer force requires fewer men for the same work, the Gates Commission studies and others indicate that a 2.65 to 3 million man military could be recruited under such increased incentives. No publicly revealed study undertaken to determine the feasibility of the volunteer military has proved that an army of this size cannot be recruited with the minimal costs mentioned above. Recently, Secretary of Defense Melvin Laird indicated his feelings that a force of 2.4 million would be the largest possible under voluntary recruitment. No figures have been made public to substantiate that claim. In fact, all evidence is to the contrary.

## DO WE NEED THE DRAFT IN VIETNAM OR TO DEFEND AMERICA IN EMERGENCY?

The cost and recruitment figures above should indicate that even the present level of U.S. commitment in Vietnam and elsewhere could be maintained with volunteers if the public would allow the real costs. It is true that repeal of the draft would make necessary public and Congressional approval of such military involvement as Vietnam. Surely those who favor such involvement would not suggest that it be undertaken without thorough debate and ratification by the legislature. If the involvement in Vietnam is necessary, then its supporters have nothing to hide by concealing the costs of the war through the use of draftees.

More serious is the criticism that the volunteer military would not be flexible enough to meet the needs of sudden changes in international affairs. The report of the National Advisory Commission on Selective Service (*In Pursuit of Equity: Who Serves When Not All Serve?*) in 1967 used this fear as its chief and "uncontested" reason for not supporting the volunteer plan. There is now ample evidence from military and foreign policy experts to indicate that attacks and invasions on the scale and of the type of World War II, which need a sudden manpower increase, have ceased to be a realistic threat. Major General Leroy H. Anderson, an expert in military strategy, said in testimony before the Senate Judiciary Sub-Committee on Administrative Practice and Procedure:

"The military power of the United States is sufficient to make extremely unlikely a sudden or direct invasion. It is almost inconceivable that massive land warfare with a requirement for millions of soldiers will ever again develop. In modern warfare, including

nuclear attack or guerrilla and counter-guerrilla engagements, sudden escalation of manpower is not a requirement at all. On the other hand, the kind of flexibility which allowed the Executive to steadily increase military commitment over a long period by using the draft is precisely that which should be avoided. Crises like those in the Lebanon, Berlin, the Congo and Suez do not involve a need for already trained troops like the Reserves. Even in a situation like World War II, the most immediate need is not a draft, but methods of procurement and training."

Even the need for a stand-by draft is questionable, since modern computers could provide for registration and classification more quickly than was done in World Wars I and II. If the country were clearly under attack, Congress could easily be persuaded in the spirit of national unity which would result, to reinstitute a draft. In the face of Hitler's sweep across the Low Countries in the spring of 1940, Congress in August passed a draft law effective for five years.<sup>1</sup> Immediately after Pearl Harbor Congress and the country united to implement speedily all measures necessary for the common defense.

## DOES THE END OF THE DRAFT THREATEN OUR DEMOCRATIC SYSTEM?

There are many who argue that a volunteer force means a "professional" one, and thus a threat to our democracy. Those who fear a "professional military" mistakenly connect that threat with the means of recruiting the common soldier rather than with the structure and power of the officer corps and with the relationship of the military to the rest of the society. There is no proof whatsoever that a draft, on the one hand, or a voluntary military, on the other, either produce such a military elite or keep it from developing. If there is danger of isolation, corruption or even misuse of military power, then it exists today within a military where well-paid officers retire early to go into defense industries. The matter is related, if at all, to the draft only insofar as the draftees provide forced labor for military designs and discipline.

Related arguments suggest that (a) the voluntary force will be made up of the poor and the black; (b) public opinion is stirred by the draft to oppose militarism and might be satisfied to let a "professional force" fight unjust wars; and (c) men in a voluntary military will be more likely blindly to follow their officers into militaristic adventures. The first suggestion belies the fact that a greatly disproportionate number of blacks are now dying in Vietnam under the draft, and that virtually all draftees and forced volunteers are from poor or lower middle class families. A volunteer force, by increasing pay and other incentives, would in fact attract more college graduates and men from other income groups, thus providing greater diversification of the force. Increased technology would also require higher quality for enlistees. Congresswoman Shirley Chisholm (N.Y.), Congressman John J. Conyers, Jr. (Mich.), and other black leaders are unanimous in condemning the draft itself as unfair to blacks, and in urging the voluntary military. Finally, Professor Thomas Schelling of Harvard, an economist and defense expert, says that even if black men found the military four times more attractive than whites, they could only represent 20 per cent of the armed forces. They now account for more than 13 per cent. Even this is extremely unlikely since black students and even working youth are becoming increasingly conscious of racial pride and correspondingly

<sup>1</sup> The commonly held belief that in September 1941 the draft was extended by a one-year margin is untrue. Actually, at that time only the period of required military service was extended (from 12 to 18 months).

unwilling to "fight the white man's wars." Black recruitment and re-enlistment figures are dramatically down for 1969, a reduction for the first time in many years.

The second argument, that the draft aids public dissent against militarism, also does not hold up. A recent study at the University of Chicago indicated that student dissent was motivated by the draft in only 1% of the cases either as an issue or as a personal problem. Instead the draft directly involves more people in the military, and thus reduces the likelihood of objective criticism.

The third argument, concerning democratization of the military, also proves false. The slave mentality is hardly a proper environment for "democratization." Recent studies of anti-war groups, deserters in Canada, and men convicted of participating in war atrocities, have shown that the true volunteer and the second or third term enlistee are less involved in what might be considered violent and undisciplined acts (such as the My Lai massacre), but more involved in rational and peaceful dissent. Existing models for soldiers' rights in the volunteer militaries of Canada and England indicate that the first step toward some democratization is voluntary enlistment. Senator George McGovern (S. Dak.) has suggested that the volunteer can and should be trained to view himself as a citizen of a democracy first and a soldier second. The draftee has already abandoned involuntarily the privileges of a democracy.

In fact, the draft has led us into military adventures. Senator Hatfield has said it well in his article in *The New York Times Magazine*, on March 30, 1969:

"The Government's authority to draft young men into uniform should be ended and it should be possible to reinstate it only by an act of Congress upon the recommendation of the Commander in Chief. . . . The assured ability to put young men into uniform is vital to any major commitment to war. One man—the President—now has this ability and there exists no effective check on it. The Executive Branch of Government has declared that the President, as Commander in Chief, has the power to send American men, in any number he chooses, to any spot in the world without the approval or even consent of Congress. A volunteer military would force the President to rely on persuasion rather than conscription in committing us to long-term conflicts. Since the armed services would fill their ranks with volunteers rather than draftees, it would be difficult for the President to commit us to an unpopular war—such as the one in Vietnam—and still induce the necessary number of young men to volunteer. Before intervening in a conflict, the President would be forced to consider very carefully whether our involvement could be justified to the public.

"... Peacetime conscription is essential to the President's self-proclaimed, singular ability to involve our country in war by administrative decree. The draft allows him to bypass and nullify the constitutionally defined role of Congress to declare war."

#### DRAFT REPEAL IN 1970

With major sections of the public, the Congress and the Administration moving rapidly toward a position favoring repeal, it is time to push for complete abolition of Selective Service.

With hearings promised in the Senate Armed Services Committee by the end of March (after postponement from February for procurement hearings) and with the Gates Commission and Kennedy Subcommittee proposals, action is practically guaranteed this year before election time. Danger of pre-emptive action exists on three levels: that certain pro-draft forces in the Congressional committees will prevent action as in the past; that such thorough reforms will be undertaken that an "improved" system

will make less obvious the deeper faults and thus prolong the draft; that the President and others will support the volunteer concept, but insist on maintaining the President's power to draft when he sees fit. This might be coupled with an extension of the induction power beyond its present expiration in June, 1971. Americans opposed to the draft—conservatives, liberals, radicals, Congressmen, churchmen, students, labor leaders and businessmen—should now combine their efforts to block any of these three alternatives to outright repeal. The case for complete abolition must be made clearly—that nothing short of taking away from the Executive the power to draft now will correct the basic evils of this major threat both to our political stability and to our freedom.

Pressure is now at a high point, and the Vietnam War in fact increases that pressure. It is time to support draft repeal legislation. S503, sponsored by Hatfield (R.), Cook (R.), Dole (R.), Goldwater (R.), McGovern (D.), Nelson (D.), Packwood (R.), Prouty (R.), and Schweiker (R.), is the best legislation now before Congress. It demands complete repeal except for registration and allows the draft to be re-established only by act of Congress. In the House, a measure has been introduced by Lowenstein (D.), Steiger (R.), Lukens (R.), Chisholm (D.), and others, which is similar except for certain added elements which are unrelated and may divide support. These bills must be considered in the hearings and reported to the floor. Above all, any attempt to revamp the draft so that it will be continued beyond 1971 must be stopped. It is urgent that groups and individuals ask now to testify before both the Senate and the House Armed Services Committees, that every Congressman receive visits, telegrams and letters (copies of which should be sent to newspaper editors) from constituents supporting repeal, and that the public and Congress be informed of the need to end the draft and of the feasibility of a volunteer force.

A minimal goal for this session of Congress is to keep half-way measures from confusing the basic issues and to keep the draft from being extended. If the draft cannot be repealed in this session, the fight must be taken to the Congressional elections and bills reintroduced in early 1971. But all indications are that a majority of the American people and an amazingly wide spread of American leaders in every field support repeal now. The Hatfield bill—perhaps amended to abolish registration as well—is a realistic possibility for 1970. If the confusion is cleared away and if archaic Congressional machinery does not become an obstacle, the draft can be repealed this year.

#### THE HOLDOVER PROBLEM

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. ASHBROOK. Mr. Speaker, in the employ of the Federal Government there are many, many sincere and impartial civil servants who do their best regardless of which of the two political parties occupies the White House. To them it does not matter that perhaps their own private political preferences do not coincide with the administration in power; it does matter to them that, as public servants, they owe their true employers, the American people, the best of their talents. However, as I have noted in the past, some Federal workers are

not above using their positions to work for a change of administration in 1972, with their prime responsibility, the service of the tax-paying public, superseded by their political allegiance.

It is true that a certain number of Federal jobs are of the political-appointee type, policymaking jobs which are awarded to incoming administrations. These positions are usually filled by individuals who agree with the administration's policies and can be relied upon to carry them out. More numerous, of course, are those with civil service status whose jobs are protected by civil service regulations. Political subterfuge by employees in this class pose a problem for the orderly conductance of the Federal machinery. In both cases, important policymaking positions should be staffed by people who are in accord with the administration's overall policies.

Walter Trohan, the Chicago Tribune's experienced columnist of many years standing, cites one example of a "holdover" problem in the Chicago area, in his column of April 29. Mr. Trohan is not alone in his contention that President Nixon has not adequately cleaned house of those who owe allegiance to another party and should be counted on to "sandbag" the present administration with increasing intensity as we draw nearer to 1972.

I submit for the RECORD at this point the column, "Nixon Still Fails to Clean House," as it appeared in the Chicago Tribune of April 29:

#### NIXON STILL FAILS TO CLEAN HOUSE

(By Walter Trohan)

WASHINGTON, April 28.—President Nixon was elected in 1968 because many Americans devoutly desired a change. Now, after 18 months, these same Americans are generally saddened because he has failed to throw the rascals out.

It must be clearly understood by "rascals," these Americans don't necessarily mean Communists, fellow travelers, saboteurs, or traitors. They mean the socialist, welfare-state liberals who are still sitting behind the desks they occupied in the Kennedy and Johnson administrations.

These workers are constantly pushing for programs of socialist coloration. Furthermore, it is obvious that they are not working to elect Republicans next fall or for the reelection of Mr. Nixon in 1972.

One of the more flagrant examples of so-called liberal self-perpetuation is in the Chicago office of the department of housing and urban development. The incumbent is Francis D. Fisher, who occupies the \$35,500 a year post of regional administrator. He has close personal and political ties with Adlai Stevenson III as he had with the Democratic senatorial candidate's father.

Covertly and overtly, Fisher is supporting young Adlai altho he is not primarily a Democrat and certainly not a Daley Democrat. Fisher launched his political career by opposing Mathias (Paddy) Bauler, the long-time Democratic leader of the 43d ward.

While a nominal Democrat, Fisher is primarily a new or welfare state Democrat. His political philosophy is at the left of his party. He is past chairman of the Committee on Illinois Government, the action unit of the left-wing Americans for Democratic Action. Two of his top assistants, Edward Levin and Robert Tucker, are both affiliated with the American Civil Liberties union, which rarely mobilizes to march for liberty except to the beat of distant drums on the left.

The retention of a man like Fisher in the

Chicago HUD office is a tremendous boost to the fortunes of Adlai III in November. Correspondingly, it is something of a milestone around the neck of Sen. Ralph Tyler Smith (R., Ill.) who is seeking his first elected term. Fisher's father was rewarded by the elder Stevenson with post of head of the Illinois Commerce commission.

The name of the game is politics and it should be played boldly and coldly to advance the party and its friends and supporters. Those who may not care whether Stevenson or Smith is elected might give a thought to the fact that the Chicago HUD office is giving the green light to projects calculated to advance socialism.

The so-called liberals, who are being maintained in offices around the country, are hamstringing the Nixon administration wherever they can. If one should be eased out or removed, his comrades, including bleeding hearts in the press, weep and wail that this or that operation or the nation is headed for disaster.

In the Chicago HUD office a substantial percentage of the staff has been recruited from the A. C. L. U., the A. D. A., and the city's Democratic machine. This situation is not unique but general around the country and in its capital.

There are some Republicans in government service and some conservative Democrats, even in Chicago. Now and then some speak up, but they generally have to hide if they do for fear of loss of promotion or even of their jobs.

After 18 months it is business as usual for the so-called liberals, even in the Nixon administration.

#### MIKE HUDOBA

### HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. SIKES. Mr. Speaker, Michael Hudoba is well known in the Congress. His friends here are very proud of his fine record as a conservationist, an author, and an editor of the outstanding sportsman's publication "Sports Afeld." He has recently been elected president of the National Press Club, and this is a highly important achievement. A profile has been done on Mike by Felix Belair, treasurer of the National Press Club. I am confident the Members of the House will welcome a reprinting of Mr. Belair's statement in the CONGRESSIONAL RECORD:

MIKE HUDOBA—A PROFILE

(By Felix Belair)

The important thing to know about the new president of the National Press Club is that he has devoted half a lifetime to promoting the cause of conservation. Because if ever the Club needed to conserve, that time is now.

Conservation and conservatism are not entirely synonymous. But Mike also could be considered a conservative in the sense of the definition given off the cuff by Henry A. Wallace back in the 30's when he was Secretary of Agriculture. He said: "A conservative is a man who can change his mind soon enough to save what he has left." However you look at it, the Club is fortunate in having Michael Hudoba.

Mike is also an innovator. He can take credit without blushing for such departures as Theatre Nights, State Nights, International Nights, Jazz Nights. He also achieved the present system of keeping detailed records

and reporting monthly to the Board of Governors on the Club's financial situation—or predicament.

Although he has been a member of the Club only since 1947, when asked recently how long I had known Mike Hudoba, I almost said, "Why, all my life I guess." To me, Mike is the nice kid down the block with whom I walked to school on the other side of the tracks. He's the boy in the big house on the hill who was never quite accepted because of his Buster Brown collar until the day he pitched in and helped the class runt beat hell out of the neighborhood bully.

Courteous to a fault and a gentleman to the core, Mike Hudoba is many things but most of what he is can be covered by the phrase, "tough mind and soft heart." He's a cattleman and breeder of horses. He's an expert huntsman and an even better fisherman. But I couldn't recommend either sport in his company.

I've known him to stalk a deer for hours on end only to "shoot" his quarry with a camera. I've also been there when he landed a small mouth bass as long as your forearm and then toss it back in the river with the remark: "Think how much bigger he'll be next year." When I wanted to keep a couple not as big because his lovely wife, "Fran," told me to bring home some fish, Mike said, "She was kidding; she doesn't like fish."

From a dedicated conservationist—including 25 years as a regular columnist for Sports Afeld—Mike branched off naturally into art collecting and working for the preservation of historic sites. Eventually, he bought "Leeds Manor" in Fauquier County, Va., which John Marshall gave to his son, James Keith Marshall, and where the Fourth Chief Justice of the United States arranged to spend his declining years following the death of his wife in 1831.

Mike likes to call his place near Hume, Va. "a working farm" and it is. But the old house is a veritable art gallery. The walls of every room abound with oils and water colors by famous artists. Even his den in the basement, where he keeps more fishing gear than most men own in a lifetime, is decorated with original Remington lithographs of the early West.

The art collection—including many busts and statuettes—is a story in itself. Mike says some of these came from an out-of-the-way antique shop where he would go to pick up an occasional picture frame. The blackened oil painting, covered beyond recognition with dirt and grime, usually was thrown in with the price of the frame. Only after days of painstaking sponging and cleaning did the owner know what he had bought for a song.

A working farm it may be but when Mike and his wife, Frances, are in residence—usually with a couple of house guests—Leeds Manor is the epitome of gracious living. Two more devoted people would be hard to find than Mike and the girl from Waco, Texas, whom he married in November 1941 and who, before that, was known as Frances Ellen Dunken.

For a man who has devoted most of his adult life to the conservation movement, Mike can get more out of a financial statement than some auditors. That may be because he's looking for things most auditors know nothing about and may care even less. Mike looks at the figures not only for what they show but what they could and ought to show.

His first move usually is to reduce the monthly totals to per capita figures. He wants to know what they mean to each of the 3,000 resident members of all categories. From there he goes to the financial results of special events like speaker luncheons or state nights and from there to the profit or loss on individual covers. Thence, to whether losses on food were made up from bar sales.

Mike's agility with figures has surprised even his close friends on the Club's board. But then, they didn't know he was an examiner for the Reconstruction Finance Corporation from 1939-1946 and was awarded its meritorious service certificate when he quit to become an Associate Editor of Sports Afeld.

Most people think of the new president as a Virginia because he's lived there so long. Actually, he hails from a town called Struthers, Ohio, where he was born August 1, 1913. He came to Washington in 1935 without a job. Except for a couple of flings at hometown politics, he has been here ever since.

Hudoba says without hesitation that he never went to college. He graduated from high school in 1930. That was at the depth of the nation's worst economic depression. And this writer should know because I graduated from college that same year. Instead, he read his way through two public libraries while working at menial odd jobs including one in a steel mill that closed down along with many other things.

But Mike always wanted to be a writer. He bought a portable Underwood typewriter in 1931 and paid for it in installments of 50 cents a week. It must have been a sturdy product. He still uses it for much of his writing—including his column when at the farm. His first job in Washington was with the Railroad Retirement Board and then the Bituminous Coal Commission. His decision to leave that agency was made for him when its basic law was declared unconstitutional by the U.S. Supreme Court.

Figuring he had nothing to lose, Mike went back to Ohio in 1938 to run for the State legislature. He lost by 483 votes of about 40,000 cast. Then came the job with the RFC. He had tried free-lance writing when the Coal Commission folded but without much success, until he hit on the subject he knew best, the great outdoors.

Invited to do an outdoors column for the Washington Daily News three times a week, his copy clicked this time and he continued it for two years. The same year he offered a series to Sports Afeld. This time he hit his stride and was invited to do a regular column for that publication. It was in 1946 that he was named Associate and Washington Editor of the magazine.

Why Mike held on to the column in the face of more lucrative offers from various conservation societies has long puzzled his closest friends. A combination of factors is responsible. For one thing, he thought he could be a more effective force for conservation by staying put. Also, the column left him enough time for lectures and for running the farm. Another was the associations he had formed as an active member of the National Press Club.

His reputation as the best informed writer on conservation in the nation brought him twice under active consideration for Assistant Secretary of the Interior. But on each occasion he lost out to a less knowledgeable candidate with more political muscle. The dozen testimonials and awards scattered among the art objects that decorate the informal rooms of Leeds Manor testify to a reputation well earned.

Mike Hudoba's record of achievements in his chosen field with his column "Report from Washington" in Sports Afeld reads like a progress report of the conservation movement in the past 25 years. Some of his editorial analyzing conservation bills have been incorporated in Congressional Committee reports on the legislation.

His editorial campaign for a national water and resources policy resulted in President Truman's creation of a National Water Policy Commission and a Material Resources Policy Commission. The ultimate upshot was the first Pollution Abatement law in 1948 and its expansion in the years following.

Another editorial crusade resulted in the first Congressional legislation of wilderness concept in 1948 establishing a roadless area for the Quetico-Superior country of Northern Minnesota.

During his first year with the outdoor magazine Mike warned in a feature article against the dangerous consequences that could flow from widespread use of DDT. This predated Rachel Carson's "Silent Spring" by a dozen years. And his predictions proved an accurate portrayal of what actually took place in the chain effect of DDT accumulation from watershed to water supplies and food chains of nature and humans.

It was ten years later that Mike received the supreme accolade of the conservation movement from the Campfire Association of America, the most distinguished of all groups devoted to that cause.

The blue ribbon club selected Mike Hudoba to be the guest of honor at its 50th Anniversary Dinner, a signal honor extended to such earlier conservationists and outdoorsmen as Theodore Roosevelt, "Buffalo Bill" Cody, Rex Beach, Zane Grey, Ernest Thompson Seton and Karl Runge, the artist.

Even at the risk of gilding the lily, it is a matter of record that before becoming active in affairs of the National Press Club, Mike had been secretary and conservation director of the Outdoor Writers Association of America.

It was Club President Lu Warren who first spotted Mike Tudoba as a comer and named him to the membership committee in 1955. He served in that capacity until elected to the Board of Governors in 1962 for a one-year term. He was reelected for three year terms in 1963 and 1966 and was elected Chairman of the Board in each of the following three years. He was elected Vice President in 1969.

Mike doesn't mention it but it's a fact that in his eight years' service on the Club's Board of Governors he has never missed a single regularly scheduled meeting of the group. It's also a fact that no other member of the board can make that claim—if only because none of the others have been there that long.

To make any predictions about the administration of any Press Club President, a man has to be a knave or a fool. But the writer is one member who feels a lot easier in his mind about Club finances and management under Mike Hudoba.

#### POLLUTION: A NATURAL APPROACH

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. RARICK. Mr. Speaker, for many years sportsmen, farmers, naturalists, and conservationists have been concerned with the disregard for damage to nature resulting from the advancement of civilization.

All religious individuals who believe we are entrusted with a stewardship over God's creation have taught personal discipline and self-restraint against careless and irresponsible pollution of our environment; not only pollution of air and water, but also pollution of our peoples. But, like many, I am alarmed at the sudden emotional fanaticism—"a cause celebre"—to exploit the pollution crisis by recruiting youth and civic-minded people into "progress-retarding"

polls through the use of fright tactics, distorted facts and mass communications.

The great majority of Americans have long recognized the existence of pollution crisis in some areas—especially where it affects them. Most agree that something must be done to remedy and reverse the trend. Many feel that by honest discussion and fair use of statistics, the public can be made intelligently aware of the threat to our physical safety. This done, existing and presently unused vehicles of protection can be successfully employed, first to curtail the pollution causation, and second, to undertake compensatory relief to restore the natural purity.

The pollution problem is just as much a matter of maintenance of law and order today as any other crime against the individual or society. The appropriation of vast sums of money or the recruiting of masses of well-intentioned but misinformed people will not in themselves accomplish constructive solutions. The pollution problem did not occur overnight or in a matter of years—there can be no easy or immediate solution.

#### CIVIL RIGHTS

Civil rights of the individual should certainly extend to and include the right of all American people to have a clean and wholesome environment.

In school desegregation and labor disputes, the Justice Department of our Federal Government has obtained bureaucratically desired results by court action through the use of injunctions and threats of contempt.

The taxpayers have an entire army of Justice Department attorneys on call, awaiting objectives or offenders.

The Justice Department should play an important function in combating the pollutants' violations of man's basic civil rights.

Each State has an attorney general with a legal staff, as does every city and municipal government. These legal officers should join in preventative and compensatory action to curb and correct pollution violation.

#### LAW AND ORDER

If reckless driving, speeding, intoxication, or running a traffic light can subject an offender to liabilities for fine or imprisonment, including the threat of losing his driver's license, having the automobile impounded, all legal theorists must agree that pollution offenders are a greater threat to society—individually or collectively—than an irresponsible automobile operator.

As far as individual sources of pollution—that is, sewage, garbage, trash—every community has a sanitation code which again has not been rigidly enforced nor has the sanitation engineer had the support of the informed communities to enforce the various codes. With public opinion aroused, the sanitation officers can be encouraged to pinpoint the offenders, giving them written demands for corrective action and in lieu of compliance—initiate criminal proceedings. Or, the municipal authorities could perform the corrective action

and assess the property just as we have seen them do with paving costs, the removal of noxious weeds, and other services.

The "Johnny come lately prophets of doom" could better serve humanity by converting their attacks to appeals directed to the various groups, businesses, and elected officials, outlining specific objections. Thus giving free enterprise and the existing antipollution machinery a chance before demanding more Federal centralized laws and calling for massive outlays of tax dollars for intellectual "think tank" dream solutions.

#### FAILURE OF ENFORCEMENT

Most State and local governments already have public nuisance, sanitation, and pollution control regulations in addition to established public health officers. The breakdown or failure of positive action from existing law enforcement and regulatory agencies can be attributed to "populist politics"—giving the people what they want. The public has been saturated with political theme songs such as "If elected, I pledge to bring in more industry with more and more jobs for the people." Invitation to industrialization became a mania—a rage of the 1960's. Little or no effort was made to regulate or supervise these new industries. In some instances, the political fathers ignored existing regulations rather than run the risk of losing a prospective industry. In other instances—because of the high cost of relocation or construction, taxpayers' funds were freely utilized for industrial inducement. Pollution problems or concern over environmental effects were popularly disregarded as being "against progress" and labeled the mutterings of fright peddlers.

Overnight the pendulum has swung in a fervor to do war on pollution. Announced pollution goals have become so extensive they threaten to curtail, if not seriously impair production.

Should the war on pollution become militant, it will polarize and fail to gain mass public support. There would be no concerted unity into a mere war against any so-called decadent capitalistic society.

The mountains of Africa may abound with unpolluted air and water—but where are the jobs?

#### FEDERAL INDUCEMENT

One constructive means of relief is to encourage industry—free enterprise—to correct its own pollution problems by amending the existing internal revenue code to allow immediate and full tax write-offs to industry for approved pollution correction and remedial activities. This would induce industry to want to join in the expensive crusade for a better environment and would help free the cost burden from the taxpayers.

#### POPULATION EXPLOSION

Accompanying the current antipollution fad are the expressed fears of overpopulation. So great is the emotion generated by some that we are overpopulating our "living room" they would resort to a program of murder of unwanted children before birth.

Consider that 39 percent of the land in the United States is public land owned by Federal, State, or local government. Statistical abstract, U.S. Bureau of Census 1969, page 191.

Thirteen Western States contain public lands on the average of two-thirds of their total acreage, owned by the Federal Government; that is, 99.8 percent in Alaska, 29.4 percent in Washington, 52.2 percent in Oregon, 64.5 percent in Idaho, 29.6 percent in Montana, 48.2 percent in Wyoming, 67.3 percent in Utah, 36 percent in Colorado, 44.5 percent in California, 44.7 percent in Arizona, 34.3 percent in New Mexico.

Humanity would seem more appropriately served by a program of home-steading Government-owned lands than abortionization.

As our young people are penalized from a full enjoyment and challenge of living with talk of limited families, silence prevails on the number of immigrants who each year enter the United States. Immigrations admitted here total as follows:

	1951-60	1967	1968	1969
Immigrants...	2, 515, 479	361, 972	454, 448	313, 632
Nonimmigrants.....	2, 608, 193	3, 200, 336	1, 759, 608	

Source: Justice Department Immigration and Naturalization Service; 1969 figures, State Department.

But no suggestion from the population control people that foreign immigration should be suspended to insure "living room" for our native born.

#### BIRTH CONTROL

The number of illegitimate births estimated for the entire United States has risen annually since 1940 with only one exception. During the 25-year period 1940-65, the estimated total more than tripled, from 89,500 in 1940 to 291,200 in 1965.

For example, although the illegitimacy rate has remained fairly stable during the 1960's, the number of unmarried women has been increasing and more illegitimate children are being born. Simultaneously, there has been a general decline in marital fertility associated with the delay of births by married women. Therefore, there has been a substantial rise in the illegitimacy ratio. From 1959 to 1965, the illegitimacy ratio increased by 49 percent. The corresponding percentage increases among white and nonwhite women were 79 and 21, respectively. From Trends in Illegitimacy, U.S. Department of Health, Education, and Welfare, February, 1968.

Thus, any intelligent consideration of the population explosion must acknowledge that the problem stems not from the family unit but instead from the increase of illegitimate births.

Are we to understand that the population control alarmists will now demand enforcement of the State illegitimacy laws which have been all but repealed by inaction by the tolerance of an undisciplined permissive society?

#### FOOD SUPPLY

Fear of a food shortage or starvation in our country is sheer idiocy. Our

Government is and has been for years diligently planning methods to retard food production to prevent an overabundance. We have never utilized our full food production capability in the United States.

#### REASONED DISCIPLINE

Even those most vocal in their denunciation of pollution act in confusion. Rubbish is unsightly as well as unsanitary. Its immediate removal is demanded. When it is burned it pollutes the air; when it is dumped or even buried it pollutes the water. The purification of the air necessarily contaminates the land and water; the cleaning of the waters despoils the land or the air.

Civilization is the art of environmental improvement—to the benefit of man. Beyond all doubt, the undisciplined activities of modern man have brought about radical changes in his environment. We must be careful of our stewardship of nature as well as our goals. If the fumes from our automobiles are a total disaster, it is relatively simple to return to the horse and buggy. We can stop factory noises, smoke, and pollution by stopping the wheels of production, but unemployment would soar. We would sacrifice much in any retrogressive goal.

The answer is balance—intelligent limitations on the changes made in the environment, with due regard having been given to the priority of necessity and advantages of each activity which alters the natural state of our world.

Man's progress with civilization and his reckless disregard of nature are revealed. What man has done—man can undo and can correct—in time and with reason—but never by chaos.

#### MARINER-MARS 1969 MISSIONS AMAZING SUCCESS

### HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, the American people should congratulate NASA and our U.S. scientists, engineers, researchers, technicians, business, and workers for the outstanding progress and success on unmanned space missions as well as the Apollo programs.

Hearty congratulations on Mariners flight VI and VII.

I include the following letter:

NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION,  
Washington, D.C., May 5, 1970.

HON. JAMES G. FULTON,  
House of Representatives,  
Washington, D.C.

DEAR MR. FULTON: It is my pleasure to send you this framed, five-picture mosaic of a portion of the planet Mars taken by the NASA spacecraft Mariner VII on August 5, 1969.

The view is a spectacular and scientifically important one of the south polar cap of Mars, including the pole itself. The edge of the cap is visible from longitude 290° E to 20° E. The five wide-angle pictures were taken 84 seconds apart, from left to right. Four narrow-angle frames (high-resolution)

show small areas within the mosaic. Craters are visible both on and off the polar cap. In the small frame at the lower left, the cap edge is seen in very fine detail. The bright deposit is believed to be principally frozen carbon dioxide, or "dry ice."

As you know, the Mariner-Mars 1969 mission included two spacecraft, Mariners VI and VII, in what was the most ambitious and successful planetary reconnaissance yet attempted by NASA. The spacecrafts were launched from Cape Kennedy, Florida, on February 24 and March 27, respectively. As the mission investigators have reported in great detail, the flights proved highly rewarding. Both spacecraft transmitted a treasure of scientific data some 60 million miles back to earth.

In 1971 NASA will launch two Mariners to orbit around Mars, this time to send back detailed photos of the entire globe from which the first authoritative maps of that planet will be prepared. And in 1975 the Viking mission will send automated landers to Mars to transmit information on what their biological and other sensors perceive about surface conditions.

Sincerely yours,

JOHN E. NAUGLE,  
Associate Administrator for Space  
Science and Applications.

#### CINCO DE MAYO

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. ANDERSON of California. Mr. Speaker, today is "Cinco de Mayo," an important day in the history of our Mexican neighbors to the south.

One hundred and eight years ago today a small, courageous band of Mexican patriots victoriously repelled a superior, well-prepared force of French troops led by Napoleon III. We recall the Battle of Puebla and the heroism and valor of the Mexican people in repelling the French who had greedy designs on the homeland of the Mexican people.

To the 2 million Mexican Americans in California and some 20,000 in the 17th Congressional District, this is a day of national significance. It recalls the courage and spirit of that brave group of defenders and symbolizes a victory of the human spirit over all military odds.

Mexico's independence was not easily won, for the powers of Great Britain and Spain also were interested in Mexico. After gaining emancipation from Spanish control in 1822, the government was unstable, bringing bloody and violent changes of government. Foreign powers continued to look greedily upon the struggling nation.

The pretext for intervention came with the establishment of the liberal government of Benito Juarez in the early 1860's. The financial difficulties of his government, accentuated by inner disenchantment, led to a refusal to acknowledge foreign debts contracted by his predecessors.

The objective of Napoleon III of France was the development of an operation which would result in increasing French foreign influence. Although his motives were complex and somewhat confused,



he wanted to establish French authority in Mexico and to placate Catholic opinion in France by favoring clerical interests in Mexico.

In October 1861, the powers of Britain, France, and Spain joined in the occupation of Vera Cruz. In 1862, Spain and Great Britain, having no such far-reaching designs as France, withdrew their forces and left the French to pursue their grandiose schemes alone.

About 6,000 French soldiers set out from Vera Cruz to what they thought was a sure victory in capturing Mexico City. Yet, on May 5, 1862, they encountered a courageous band of Mexican patriots at Puebla, a strategic city between Vera Cruz and Mexico City. When the French general reached Puebla, he sent his men into the center of the Mexican fortifications, over a ditch and a brick wall and up the steep slopes of the Cerro de Guadalupe.

The Mexicans, under their great leader, Ignacio Zaragoza, flung the French back to Orizaba and the coast. Their value and heroism in the face of superior odds led to the creation of Cinco de Mayo as a national holiday for Mexico.

The 5th of May commemorates a day upon which courage and love for their homeland enabled Mexicans to triumph over troops of a foreign power. I am sure my colleagues join me and our Mexican friends in paying tribute to the valor and patriotism of those men who fought so bravely on that day in Puebla 108 years ago. In doing this we also pay tribute to all the citizens of Mexico who have the same love of country. In memory of that great day, we extend greeting, and best wishes to our great neighbor—Mexico.

**THE POLISH PEOPLE REMAIN UNDAUNTED CELEBRATING THEIR INDEPENDENCE DAY**

**HON. WILLIAM B. WIDNALL**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WIDNALL. Mr. Speaker, today, the people of a great Slavic nation of north central Europe have reason to celebrate. For May 3, 1970, Poland commemorated the 179th anniversary of the signing of its Constitution; a Constitution which declared Poland a free and independent nation.

However, there is little joy in the hearts of these people. For as we know, they and their land are dominated by a foreign power, Soviet Russia, who saw fit to simply "annex" Poland when that country was at its knees following the Second World War.

From its very inception, in the mid-900's, Poland has been a country plagued by its more powerful and politically ambitious neighbors. Time and time again, Poland has thrown off the yoke of a foreign aggressor, only to fall victim to the selfish ambitions of another.

However, through it all, the Polish people have kept a strong sense of na-

tional loyalty. Though oppressed, they have remained undaunted, steadfastly maintaining their spirited and independent nature. Nor have they lost their taste for freedom, as evidenced by the confrontation at Poznan, 1956, and subsequent freedom demonstrations. Poznan. Where 50,000 workers struck, in the face of communist threats, demanding only an end to communist rule and Soviet occupation.

An end to foreign rule and occupation—demands not unlike those uttered by our patriots during the Revolutionary War; a war in which, incidentally, two Polish patriots played no small part in winning:

Thaddeus Kosciuszko, brigadier general and bulder of the Military Academy at West Point; Casimir Pulaski, brigadier general and founder of the U.S. cavalry—Pulaski was mortally wounded during the siege of Savannah, 1779.

Kosciuszko, Pulaski, Madame Marie Curie, Nicolaus Copernicus, John Sobieski, Ignace Jan Paderewski, Stefan Cardinal Wyszynski, Frederic Chopin, Arthur Rubenstein—great Polish leaders, scientists and artists representative of a people ingrained with the idea of personal freedom.

In 1966 the people of Poland commemorated 1,000 years of Christianity and on May 3, they commemorate the signing of their constitution. But until they are granted the religious and civil freedoms inherent to a free society, these will remain hollow celebrations.

From an organization which represents part of the nearly 6 million Americans of Polish descent, I record the following resolution in observance of Polish Independence Day:

Whereas we, the Bergen Ampols, an organization of Americans of Polish descent, shall on May 3rd mark the 179th anniversary of the constitution which at that time indicated Poland as an independent state, and Whereas since that time the country of Poland has been subjugated by an aggressive and overpowering neighbor, and

Whereas we wish to let it be known that Red Russia has been defeated in battle only one time, and that in the battle of Warsaw in 1920 when the Polish forces drove the Russian invaders out of the countryside, and also recaptured lands correctly parts of their territory, the only defeat Communist Russia has suffered, and

Whereas some world dictators, in World War II positively decided to apportion Poland and satisfy the greed of one of its neighbors, thus opening the door for the subjugation of eastern Europe in general, and now therefore

Be it resolved that we of the Bergen Ampols together with upwards of ten million Ampols in this country shall continue to fully pray for and fight for the freedom of a betrayed Poland, now under the red heel of Russia.

Be it further resolved that May 3, 1970, be marked in this country not only as Polish Constitution Day, but also that it be designated as the fiftieth anniversary of the defeat of the Communist forces by the gallant Poles in the battle of Warsaw, 1920, and

Be it further resolved that copies of this resolution be sent to President Nixon, Governor Cahill, and our representatives on the State and National level.

Approved March 15, 1970.

PAUL BORUTA,  
President, Bergen Ampols.

**STANDARDS FOR PLASTICS**

**HON. JOEL T. BROYHILL**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, during the early 1950's, as a member of the House Committee on the District of Columbia, I heard testimony from our esteemed colleague, the Honorable CHARLES E. BENNETT, of Florida, and others, in behalf of his bill to restrict the use of thin plastic wrapping by drycleaners, dress manufacturers, and others, which posed a danger to young children. We learned that young children, always interested in new playthings, often became entangled in such wrappings and suffocated. Even infants had suffocated when the wrappings had been used by careless parents as makeshift mattress covers.

Also appearing as witnesses were representative of the plastic and drycleaning industry, who defended the use of the bags and said safety measures would be taken, including use of perforations and other devices to reduce the adhesive characteristics of the plastic.

After hearings our committee deferred further action because we were told that the House Committee on Interstate Commerce was considering nationwide legislation, also sponsored by the gentleman from Florida (Mr. BENNETT), which would require standards for transporting such plastic in interstate commerce.

Unfortunately, when the Interstate Committee heard witnesses, the same representatives of industry appeared, again with assurances of corrective measures, and no legislative action resulted.

Mr. Speaker, I do not deny that steps have been taken to make these wrappings less dangerous. In many instances, dry cleaners and other users have voluntarily, at some cost to themselves, converted either to use of heavier nonadhesive plastic or to a combination of plastic and paper which poses less of a danger. But the plastic is still in use by large numbers of dealers.

Another step which has been taken in some cases is the perforation of the bags, and in at least some cases this has resulted in less danger. But the major thrust of industry action has been the printing on the wrapping itself that it is dangerous and should be discarded immediately after use. Unfortunately, as we all know, small children, and especially infants, cannot read.

Mr. Speaker, even today no national standards exist which are applicable to the use of plastic wrappings by industry. No standards exist in the District of Columbia. At the beginning of the 91st Congress I introduced legislation which would authorize the District of Columbia City Council to act in this field. The report of the Commissioner of the District of Columbia to our committee indicated that he felt the Council already had such authority. But no action and no standards has resulted.

Likewise on November 24, 1969, I introduced H.R. 14939, to authorize the Secretary of Health, Education, and Welfare to prescribe standards governing the design of plastic bags and other commercial articles utilizing plastic sheeting with dangerous adhesive characteristics. This legislation is now before the House Committee on Interstate and Foreign Commerce.

Mr. Speaker, I believe there is still a need for this legislation. Since the gentleman from Florida (Mr. BENNETT) first brought this subject to the attention of the Congress, hundreds of children have suffocated because of these wrappings, either carelessly discarded or improperly used. I believe that the American consumer is entitled to a built-in guarantee of safety in any product he uses, not to warnings about steps he, himself should take to provide minimum safety. Mr. Speaker I intend to press for action on this legislation, and I urge my colleagues to join me in obtaining its enactment.

#### SOCIAL SECURITY

### HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. MINISH. Mr. Speaker, the announcement yesterday by the Ways and Means Committee that social security benefits should be increased by only 5 percent effective next January 1 is disappointing to me and, I am sure, to the 25 million social security beneficiaries across the country. Such a small increase is clearly inadequate at a time when the cost of living is rising annually by approximately 6 percent.

Certain of the committee's decisions are worthwhile and deserving of support. For example, the liberalization of the retirement test and the decision to alter requirements for disability insurance for the blind. However, taken as a whole the decisions hardly confront the basic problem of our senior citizens—existing on a low-fixed income while prices continue to rise.

Inflation exacts its harshest toll on our elderly citizens. It will surely wipe out the most recent benefit increase which merely permitted beneficiaries to catch up to the rest of the population. If a more meaningful increase is not provided for next January, the Country's retirees will find themselves worse off than they were 5 or 10 year's ago. Sadly, more than 40 percent of older Americans are at or below the poverty level—the most poverty stricken group in our country.

A solution to the dilemma of inflation for older persons is contained in legislation I introduced last year. Under my measure an automatic reappraisal of social security benefits would be required every 3 months. Whenever prices in such a period have risen above a certain point, there would be a parallel increase in social security benefits. Such a cost of living mechanism is necessary to prevent the

erosion of benefits by rising prices which force the elderly to fall further and further behind in the race with living costs.

Mr. Speaker, social security is a misnomer—a cruel hoax—if it does not enable beneficiaries to keep pace at least with the cost of living. More than 25 million Americans who depend on social security must look to the Congress for an adequate increase in benefits.

#### LITTLE LEAGUE DEDICATES A FIELD

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. WOLFF. Mr. Speaker, a week ago I participated in a most touching ceremony. This was the dedication of the Stuart Schechtman Memorial Baseball Field named for a young man who died 3 years ago at the age of 15 after being hit in the chest by a baseball.

I have the great privilege of knowing Stuart's parents, Mr. and Mrs. Albert Schechtman of Douglaston, N.Y., and know the great joy Stuart brought to them in his all too brief life.

It is appropriate that a little league baseball field was named for Stuart who loved the game so dearly. Many civic leaders, including my friend City Councilman Mike Lazar, who arranged for this dedication, turned out with Stuart's parents to honor his memory.

Under leave to extend my remarks, I would like to include in the RECORD a brief newspaper story written in anticipation of this auspicious event.

#### LITTLE LEAGUE WILL DEDICATE A FIELD TODAY

The Stuart Schechtman Memorial Baseball Field for Little Leaguers will be dedicated at 1:30 p.m. today at the field, Springfield Blvd. and 73d Ave., in the Alley Pond section of Queens.

The field was named in honor of Stuart, 15, who died after being hit in the chest by a ball during a practice game in June 1967. He was playing as third baseman for the Marathon Little League All-Stars of Douglaston-Little Neck.

He was the son of Mr. and Mrs. Albert Schechtman of 245-51 62d Ave., Douglaston.

Among those expected to attend the ceremonies are Parks Commissioner August Heckscher; Assemblyman Martin Rodell; Councilmen Matthew Troy and Michael Lazar; Queens Borough President Sidney Levis and Queens District Attorney Thomas Mackell.

The field was built by the city's Parks Department after the Stuart Schechtman Memorial Ball Park project was started by Sy Seplove, a neighbor and Little League commissioner in Queens, and Lazar.

#### OFFICIATING CLERGY

The invocation at the ceremony will be offered by Rabbi Henry Dicker of the Marathon Jewish Center of Douglaston, and the benediction pronounced by the Rev. William Smith of St. Anastasia Church, Douglaston.

At 2:15 p.m., immediately after the dedication, the 18th annual season of the Marathon Little League of Douglaston-Little Neck will open with an exhibition game.

#### NEEDS FOR OUR VA HOSPITALS

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. TEAGUE of Texas. Mr. Speaker, as Members are well aware, our committee has been conducting an intensive investigation of the critical situation in which the Veterans' Administration hospital system finds itself today. The system badly needs better funding and improved staffing ratios; much of the latter can be accomplished if the funding is adequate.

The Committee on Veterans' Affairs has received thousands of letters on the difficulties which veterans are experiencing in VA hospitals. I want to quote from a few to cite, on an individual basis, the needs which, in some instances, VA employees have reported and, in others, recently discharged patients. From a hospital in the South it is reported:

The lack of necessary finances has been a problem for years, but recently it has reached crippling proportions.

Wards of 41 patients, many of whom are quite ill, are staffed by one nurse on two of the three shifts daily.

Vital signs are not recorded as often as ordered by the physicians;

Call lights may go 15-20 minutes before they are answered;

We have beds which are closed because there are no nurses available.

Much equipment stands idle today in VA hospitals because of a lack of money and a lack of personnel. At one station it is reported:

There is at least \$130,000 worth of recently acquired diagnostic and patient care equipment laying idle.

There is an inadequate number of nurses and technicians.

All plans for the general intensive care unit and a coronary intensive care unit were shelved in April of 1969.

Ratio of clinically oriented physician to patient is so critically low.

Not infrequently we have the potentially hazardous situation of one registered nurse and one nurse's aide working an 8-hour shift and caring for 43 to 45 acutely ill medical or surgical patients.

Members know, of course, that as the service hospitals, such as Walter Reed and others, fill up the Department of Defense transfers these patients as quickly as possible to the Veterans' Administration facilities. From an eastern station comes this report:

Daily we turn down requests from Walter Reed, Valley Forge, Fitzsimons, and other army hospitals to take spinal cord wounded. Our doctor has asked Washington for more money, but we get the same answer—make do with what you have.

A considerable drop in the quality of patient care is indicated by the report of a registered nurse describing the situation and what it does to her personally when she cannot give the patients the care which they are entitled to:

It is not pleasant to go home knowing that Patient X has laid in a wet bed for over an hour because four other patients were in the

same condition and you had no one to help you change them.

It is not pleasant to go home knowing that the doctor wanted Patient Y to have his IPPB treatment once each hour and you gave it to him only three times in an eight hour shift because you simply did not have time to give it more frequently.

A totally disabled, service-connected veteran, who has made a wonderful readjustment to life and who is earning his own way, reports:

I will not, definitely not return to a VA facility as long as I have reason left in my head and money in the bank. VA rules and VA service is such that I cannot get the assistance I need and as a result my work, my life itself is jeopardized whenever I might turn in.

The VA cannot do what must be done without ward-men, at least 3 and 4 ward men should be on a 30 patient spinal cord injury ward.

Mr. Speaker, these conditions are from letters in the files of the committee. Hundreds of similar complaints could be documented with just as much validity. The decision is ours; we must meet it, and we must meet it now in a liberal and responsible fashion.

#### PHILADELPHIA'S FORWARD-LOOKING FIRE DEPARTMENT

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. EILBERG. Mr. Speaker, earlier this year the Philadelphia Fire Department was honored for the 13th time for making Philadelphia the Nation's most fire-safe city.

Philadelphia, thanks again to its outstanding Fire Department, also leads the Nation in reducing building fires with a rate of 2.3 per thousand population as compared to the national average of 4.1.

Fire Commissioner James J. McCarey and the Philadelphia Fire Department succeed because of a determined spirit to try new techniques. My fellow Philadelphians and I applaud that spirit. With the unanimous consent of my colleagues, I enter in the RECORD a press release from the city of Philadelphia which details another effort by our Fire Department to save lives and serve:

#### PHILADELPHIA FIRE DEPARTMENT

The Philadelphia Fire Department has added a new dimension to its rescue squad operations.

Fire Commissioner James J. McCarey announced that the Department has begun giving specialized training in closed heart compression and emergency breathing techniques at its Fire Training College, Ridge Ave. and Cinnaminon St.

He added that in addition a refresher course on first aid practices, which are utilized on rescue calls, is also being given to personnel taking the course.

Commissioner McCarey said, "The reason for the specialized training in closed heart compression and emergency breathing techniques is that the majority of 24,000 rescue calls the Department answered last year

were directly related to breathing and heart failure problems."

This new training in rescue procedures, he stated, will enable firemen to better aid the people that they must treat on a call. It could very well be the difference between life and death, he noted.

The Fire Department hopes to train its full complement of 2,800 firemen in this new rescue operation over the next two years. The new rescue training program is a two-day course at Fire College.

The course has been certified by the American Heart Association. Doctors from the Philadelphia County Medical Society along with Dr. S. F. Brunetti, chief Police and Fire surgeon, taught the course to the instructors and staff at Fire Training College.

McCarey stated that the Fire Department is also training the Park Police and Bridge Police rescue squads in this new rescue operation. He added that all new recruits in the Fire Department will be taught this course during their nine-week training period.

#### MACARTHUR, GREAT SOLDIER— GREAT AMERICAN

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. MICHEL. Mr. Speaker, an editorial appearing in the Sunday, May 3, edition of the New York News recommends approval of a commemorative stamp to be issued in honor of the late Gen. Douglas MacArthur. My friend and colleague, Mr. COLLIER, has proposed that such a stamp be issued on or before September 2, 1970—the 25th anniversary of General MacArthur's acceptance of the Japanese surrender aboard the U.S. battleship, *Missouri*, in Tokyo Bay.

I commend Congressman COLLIER for this effort and offer my wholehearted support for his endeavor to honor this great soldier and, more importantly, a great American.

I include the editorial in the RECORD at this point:

#### GREAT SOLDIER—GREAT AMERICAN

Four months from now—on Sept. 2, 1970—many of us will be noting the date with gratitude as the 25th anniversary of Gen. Douglas MacArthur's taking of the Japanese surrender aboard the U.S. battleship *Missouri* in Tokyo Bay.

The MacArthur episode marked the end of the Pacific phase of World War II, in a complete victory for the Allied cause.

Gen. MacArthur and Adms. Chester Nimitz and William (Bull) Halsey were the principal architects of that triumph.

Gen. MacArthur went on to supervise the postwar U.S. occupation forces in Japan, and to turn that great nation from an enemy to a friend of ours. From that achievement, he went on to fight the Korean War for the United Nations—a war which he could have won if President Harry S. Truman had not been talked into firing the giant general.

All of which is leading up to the fact that Rep. Harold Collier (R-Ill.) proposes issuance of a commemorative stamp in honor of Gen. MacArthur, on or before next Sept. 2.

If any American soldier ever deserved this signal-and-then-some honor, we believe MacArthur does.

We second, in spades, Rep. Collier's motion.

#### CAMBODIAN DECISION FUELS NEW ECONOMIC UNCERTAINTY

### HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. HAWKINS. Mr. Speaker, in the May 3, 1970, edition of the Washington Post, Mr. Hobart Rowen outlined his views of the impact of the war in Cambodia on the economics and financial conditions on our country.

It seems clear to me, as Mr. Rowen points out, that widening the Indochinese war means increasing the cost and that either more taxes or a less balanced budget must result.

Further, it seems equally true that this fact has not been clearly presented to the American people any better than the reasons for our involvement in Vietnam.

If Cambodia is essential to our position in Vietnam, why is the latter essential to our national security? And if it is, why then should we not be directly taxed to pay for the war without diminishing the amounts we spend on education, health, social security, and other domestic needs?

I seriously question if Americans are willing to be taxed any more for the war, and if asked, they would decide that Vietnam and Cambodia are not so essential after all.

The entire text of Mr. Rowen's article follows:

#### CAMBODIAN DECISIONS FUELS NEW ECONOMIC UNCERTAINTY

(By Hobart Rowen)

Now that President Nixon has widened the Indochinese war by invading Cambodia, all bets on economic conditions are off.

One need only recall the early days of the Vietnam war, and especially, the escalation of hostilities in 1965. Promises then were that expenditures wouldn't rise very much—promises that are likely to be repeated now.

On Oct. 5, 1965, Henry H. Fowler, then Secretary of Treasurer in Lyndon Johnson's cabinet said in a speech in Chicago: "If I thought defense was going to add \$10 to \$15 billion to our fiscal 1967 budget, I'd be back in my office now considering proposals for tax increases to pay for it."

On Sept. 9, Gardner Ackley, then Chairman of the Council of Economic Advisers, said in Philadelphia that such figures were "pure figments of someone's imagination. The estimates we at the council have put into our tentative projections do not even approach that order of magnitude."

But the "pure figments" turned out to be highly accurate: defense spending skyrocketed \$13 billion in fiscal 1967 and another \$10 billion in fiscal 1968, creating the massive deficit responsible for today's inflation problem.

The simple fact about our new involvement in Cambodia is that it too is an escalation, however Mr. Nixon described it, and one escalation leads to another. The "surgical" strike of an American-aided South Vietnamese force at Parrot's Beak was quickly followed by sending U.S. troops into an area called the Fish Hook.

Therefore, when the administration goes to Congress in mid-May—as it must in connection with debt limit legislation—and lays out revised estimates for fiscal 1971 expenditures and receipts, it will have one of two choices:

It can bring in a realistic budget, which would allow for major changes in the Southeast Asia situation, and with it proposals for tax legislation to cover the contingency of greater spending.

Or, it can blithely assume that there are no changes necessary on the fiscal front to match the altered situation on the war front.

It's probably too much to hope that the administration will be candid enough to tell the American people where the new war policy can lead. Mr. Nixon himself doesn't know where his big gamble will take us.

More likely, there will be a papering-over of the potential costs, and whatever changes in the budget are announced will instead be a consequence of the declining economy which has reduced receipts, and pressures from Republicans on Capitol Hill to relax tight budget pressures which might cost G.O.P. seats in November.

The budget deficit figures Mr. Nixon announced on Feb. 1—\$1.5 billion in fiscal 1970 and \$1.3 billion in fiscal 1971—are already ancient history. Sen. Jacob Javits (R-N.Y.) estimates the fiscal 1970 deficit at \$3 to \$5 billion. In New York and on Capitol Hill, financial experts were estimating—pre-Cambodia—that the fiscal 1971 deficit would be \$6 to \$8 billion. (One expert guesses the calendar 1970 red ink total at \$6.5 billion.)

The original fiscal 1971 budget shows a drop of \$6 billion in projected defense spending. Thanks to Charles L. Schultze's fine analysis published by Brookings, we can see that the entire decline can be traced to the projected troop withdrawals.

But as Murrey Marder pointed out in this newspaper on Friday, the President's Cambodia action is a concession that the Vietnamization program on which the troop withdrawals are based is not succeeding.

If there is a delay in troop withdrawals, the real defense budget will go up in fiscal 1970. A bunching of withdrawals at the end of the fiscal year, for example, would cancel out perhaps half of the \$6 billion saving. And if troop withdrawals were canceled, not merely postponed—which is certainly a possibility—not only would the whole defense budget for 1971 be in the ash can, but longer range considerations would not be pleasant to think about.

Whatever Mr. Nixon does about facing up to the fiscal problems that may stem from his gamble to take the war into Cambodia, it will still be true that the United States is suffering from a bad hangover in terms of inflation.

Against the hope that by this time the hangover would be gone and our heads clear of inflation, business and labor are still out to get all that the traffic will bear. Any reader of these financial pages knows that there has been a rash of price increases over the past many months, the latest offered by Bethlehem Steel Corp.—in the face of declining steel production.

On the labor side, tough negotiations are ahead in many industries; for example, Walter Reuther is reported to be readying a record wage package demand in this year's bargaining.

What we come down to is that Mr. Nixon's anti-inflation policy, relying exclusively on broad, classic monetary and fiscal tools has succeeded in cooling down the economy, but not in curbing inflation.

The beginnings of a small recession are at hand, and as the Chase Manhattan Bank observed crisply this week, "big recessions can, after all, grow out of small ones."

Since November, 1968—following Mr. Nixon's election—the Dow Jones industrial index has plummeted from 985 to 734 at the close on Friday, a drop of 251 points. Mr. Nixon's response to the rapid declines of last week was:

"Frankly, if I had any money, I'd be buying stocks right now."

That was an unhappy echo of meaningless similar assurances by John D. Rockefeller as the market crashed in 1929.

It takes action, not Presidential rhetoric to instill confidence in financial markets. Wall Street is in a bearish mood because of the recession in the economy, and especially because of the uncertainties about our policies in Southeast Asia.

Industrial production is down about 3 per cent so far, and 1,000,000 more persons are out of work than was the case in February 1969. Over-time hours—the source of much consumer spending for autos, TV sets, vacations, and other luxuries—are down sharply. So are corporate profits.

Now, this is not yet the picture of a serious recession. It's not the biggest downturn this country has ever experienced. But it is a recession of some dimension—not just the "painful adjustment" that the administration prefers to call it.

Moreover, all of the promises of easier money haven't brought interest rates down very much. Businessmen are more and more anxious to see the Federal Reserve System make good on its open commitment to a less restrictive money policy.

But the budget deficit that seems to be generating—and on top of that, the new Cambodian crisis—may make it impossible for Fed Chairman Arthur Burns to deliver everything he had planned to.

Let's face it: the budget has gotten out of hand since early this year, in part because of a shortfall in revenues and in part because of fears that the economy might be slipping downhill faster than anticipated. In Dallas last week, chief economic adviser Paul W. McCracken promised a better deal for those who could be patient: economic recovery—plus a reduction in inflationary pressures.

But now comes Cambodia, and while no one can be sure at this point of the extent of the economic impact, it seems clear that McCracken's Dallas assessment should be placed in the category of a pious hope, not a probable reality.

#### KENT STATE INCIDENT

### HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. COHELAN. Mr. Speaker, a terrible malaise has come over this country, a sickness that is spreading through the body politic as a cancer.

This is a strong country, strong in the sense of its institutions and in its capacity for rejuvenation. Now, however, the polity is being strained to the breaking point and I fear for the worst as our national leadership centered in the White House is not bringing us out of this wilderness, but rather, is throwing gasoline on the fires of our discontent.

The murder of four young students at Kent State University last night by units of the National Guard is in a way the direct responsibility of the President of the United States. I am physically sickened by this incident, and my sympathy goes out to their families and friends, but more than sympathy is needed. We must turn the country around. We must stop this slide to oblivion now.

Obviously investigations of the Kent State incident must be held. This must be quick and thorough investigation,

as preliminary reports indicate that the Guard fired without the provocation of so-called sniper fire. I cannot fathom how officers of the Guard would order their men to fire blindly into a group of retreating students—volley after volley of shots into a crowd moving away in disarray. This was not a response to so-called snipers. It was an act of blind retribution, a striking out against those who would dare to protest, against those who would dare to confront an armed establishment. The President did not order this action directly, but the temper of administration statements, the tone of its attacks on dissent, the demeaning of the office of the Presidency by its present holder led to it. The characterization of dissenters as "bums" has polarized our people. The President has attempted to cut off the students from the country, to stifle their cry by ridicule and scorn. The illogical extension of this attempt to silence dissent is death, and that is what occurred at Kent State yesterday. Death of human beings, death of students, death to the opposition.

Congress must assume its role at once. We must act to bring the people together. The President voiced these words in his campaign. To say that he has not followed through is a cruel joke. It is up to us to act now—at once. Four young people have joined the permanently silenced majority. We must speak out for them.

#### IT'S UP TO YOU

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DERWINSKI. Mr. Speaker, the Lansing, Ill., Sun Journal is a community newspaper noted for its vigorous editorial policy on national events. Its editorial Saturday, April 25, directed to Earth Day observances, I believe, was most effective and objective in its commentary. It follows:

#### It's Up To You

Now that the smoke has cleared from Thursday's "Earth Day" demonstrations it may be worthwhile to review just what happened.

Predictably, every political figure from the lowest elected official in our nation's smallest town to the President hopped on the now fast-rolling pollution bandwagon to satisfy their constituents. Never before has our already-polluted air been filled with so many slick phrases and pleas.

More importantly, people across the country, regardless of their position on the political spectrum, banded together to voice their concern over the sorry state of our environment. School children used "Earth Day" to study and discuss the gradual decay of our natural resources; businessmen left their offices to take part in environmental seminars; housewives joined neighborhood forces to clean up vacant lots and nearby parks.

Unfortunately, as in most severe problems, a villain was chosen. Big business, with its factories daily belching soot and smoke into the air and sewage into the water, was a logical "heavy" for Earth Day performers. Clearly, business is responsible for some of the pollution we suffer through every day. But to shift the blame solely on private enterprise is irresponsible.

All of us, unknowingly or not, make significant contributions to pollution every day of our lives. We litter, we burn leaves, we smoke cigarettes, we burn high-octane gasoline, we throw containers into lakes and rivers, we use enzyme detergents that foul our waters. And our governments are among the worst polluters around.

In the words of that immortal philosopher, Pogo: "We have met the enemy and they is us!" As much damage as industry has done to our atmosphere, they are at least trying to change. Millions of dollars have been spent on anti-pollution measures by business in an effort to curb their discharge of noxious fumes and slime. But what have you done about it? What have your local, state and national governments done to clean their own houses?

If we are to have clean air and pure water once again, each of us must make a conscientious effort to do whatever we can to fight pollution on our own level. Massive marches and demonstrations are not needed. The public is now well aware of the disaster our country faces. The time has arrived to stop talking about doing something and to start rolling up our sleeves, and asking our government units to do the same. We are all on the same side, fighting a common enemy. If the work is done today, tomorrow we can sing "America The Beautiful" and really mean it.

**MISS IDA CASTILLO—EXEMPLARY PRODUCT OF TODAY'S YOUTH AND NATION'S VOCATIONAL EDUCATION PROGRAM**

**HON. ELIGIO de la GARZA**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DE LA GARZA. Mr. Speaker, Mr. David Alex, manager of the Harlingen, Tex., Chamber of Commerce, sent me a note about a young lady who works part time in the Harlingen Chamber of Commerce under the vocational education program. I was so impressed by Miss Castillo's accomplishments that I wish to share Mr. Alex' note with my colleagues. I think it is an inspiring testimonial of what one young person can do given a proper opportunity.

DEAR CONGRESSMAN: As a point of interest, we have a young lady in our office who works part-time under the Vocational Office Education program. This young lady has been a tremendous asset to our organization. She is a Senior in high school, the oldest of nine children of a migrant family, and is determined to attend college to continue her education.

In area competition she won first place in shorthand, and upon competing in the state competition, she placed third, thereby qualifying her to go to national competition. Last week at the national competition in Fort Worth she carried away first place honors in shorthand in competition with 130 contestants from all over the United States. This is the first time that anyone from the Valley has won first place in national competition in the Vocational Office Education program. In fact, I believe this is the first time anyone has even placed on the national level.

This young lady was also awarded a \$2,000 scholarship by the Baptist Convention in Dallas and will attend college at Hardin-Simmons in Abilene.

The performance by Ida Castillo in her everyday life and her determination to better herself makes her a prime example to

others whose financial circumstances would tend to crush enthusiasm and discourage personal achievement. This girl deserves top recognition, for her example could be an inspiration to many.

**BROADENING THE SUPPLY BASE: A PROPOSAL TO ELIMINATE PRODUCER PRICE REGULATION**

**HON. GEORGE BUSH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BUSH. Mr. Speaker, on April 28, 1970, the Honorable Carl E. Bagge, Commissioner, Federal Power Commission, spoke to the American Association of Oilwell Drilling Contractors on "Broadening the Supply Base: A Proposal To Eliminate Producer Price Regulation."

Commissioner Bagge's address was a thorough examination of the regulatory and market forces which control the natural gas industry in this country and their suitability for the future. The beginning of this new decade is a good time to stop and look at these forces. So that all might have the benefit of Commissioner Bagge's remarks, I would like to insert them in the CONGRESSIONAL RECORD at this point:

**BROADENING THE SUPPLY BASE: A PROPOSAL TO ELIMINATE PRODUCER PRICE REGULATION**

(An address by Carl E. Bagge, Commissioner Federal Power Commission)

There is something about the emergence of a new decade which generates introspection and concern about whether one's actions are relevant to one's goal. It is, indeed, a time when even one's goals are reappraised to determine whether they are relevant to the challenges of the new decade. This is as applicable to institutions as it is to individuals. John Gardner contends that this process of self renewal must be a continuing one if the individual or the society is to keep from becoming unhinged. But for those of us who cannot afford the luxury of continuing introspection, however, the appearance of the chronological milestone of a new decade affords us an opportunity to pause, catch our breath, and project ourselves into the decade ahead.

Government policy and those of us chosen to define and administer it should not be exempt from this process. Indeed, we have a greater burden to reexamine both our actions and our goals because of both the pervasive and irrevocable nature of our activities. And so it is in this context of re-examining our goals and appraising the relevancy of our actions toward the achievement of these reexamined goals that I offer these thoughts concerning what I believe to be the emerging goals of the decade of the 70's, in the regulation of business generally and in the regulation of the gas industry specifically.

When we step back and analyze the forces which led to the establishment of the independent regulatory agencies, it is fair to conclude that the purpose of governmental oversight of those sectors of the economy subject to federal regulation was to protect the citizen in his role as a consumer—as a purchaser of goods and services—as an economic man. The concept of the public interest as forged in the regulatory enabling statutes was directed toward an economic goal—prices, rates, and charges—for the protection of that economic man. Indeed, the body of law which evolved from these stat-

utes confirm this. In the intervening decades since the establishment of this federal oversight of business enterprise, a new role for government regulation has now emerged. Economic man is still a consideration, but our concerns today extend more deeply and more pervasively. Today's environmental ethic sees the purpose of regulation in a far broader perspective—a perspective which extends beyond the economic man and encompasses man in relation to his total environment against the background of an increasingly complex, urbanized and interdependent society. Indeed, it may be said that our regulatory concerns now extend beyond economic man to ecologic man. President Nixon in his State of the Union address characterized this new national goal as a concern for the "quality of life". The goals, therefore, of regulation are now different both in kind and in scope from those which initiated the regulatory process. The sooner we define these new goals in each area of regulatory oversight, the sooner we can make our actions relevant to their attainment.

As part of this assessment, it must be recognized that we can no longer even think about our problems in the framework of the past. Contemporary regulatory problems call for responses within the context of a far broader perspective than that which has been employed in the past. Transportation policy for the Nation, for example, if it is to be relevant to contemporary needs, cannot be formulated with continuing conflicts between maritime policy, surface transport policy, highway construction programs and air transport policies. The transportation crisis cries for resolution in an integrated, comprehensive fashion to serve the new goals of a mobile and urban society. This policy must evolve by giving substance and meaning to the quality of life in contemporary society. And so it is in every other area of government regulation of business.

To deal with these problems in a broader context and in a more relevant manner we must devise new means for their resolution. The adversary hearing process based upon combative economic interests which has characterized the regulatory process will become increasingly anachronistic in the decade of the seventies. Even now, it can no longer cope with many of the vast policy issues which confront regulation today. Rational regulatory policy cannot be forged in bits and pieces, based only upon glimpses of reality as they may be chosen by the parties and the staff to be spread upon a record. New goals must be defined and implemented through the establishment of a formalized consultative process between government and business and through that, the achievement of increased joint planning and joint action, increased use of rulemaking in place of adjudication, the employment of investigatory proceedings and by joint action between government agencies both federal and state which share responsibility for the oversight and regulation of the same sectors of the economy. Regulation as we have known it in the past will be increasingly displaced by such joint efforts based upon a more mature relationship between government and industry and between federal and state governments. Evidence of this is apparent in many areas. Illustrations of this in our regulatory concerns exist in the National Power Survey, the proposed National Gas Survey, our present approach to the problem of electric power reliability and our approach to the need for a more rational construction of off-shore gas transmission facilities in South Louisiana. These illustrations of contemporary problems require regulatory oversight but do not lend themselves to traditional regulatory methodology.

What have these general observations to do with the gas industry? The gas industry provides a dramatic illustration of the need

for reexamining our national goals and providing responses which are relevant to the achievement of those goals. An examination of the gas industry within the time frame of the next decade and through the prism of the new goal of a concern for the quality of life, reveals that this industry provides a potential contribution far greater than we may have realized.

The gas industry provides, through the technological development of the fuel cell, a potential alternative to central station power generation. The increasing difficulties confronting the electric utility industry in the siting of both nuclear and conventional generating plants and transmission facilities underscore the need for such an alternative. The gas industry also provides the Nation a unique weapon in our battle to combat air pollution. Indeed, entirely new markets employing gas as a means of propulsion constitute a revolutionary potential unknown only a few years ago. Our national ethos includes an unquestioning faith in the efficacy of competition as the ultimate means of assuring protection of the consumer and efficiency in our use of resources. The gas industry provides an effective competitive force which provides the power consumer with a truly competitive choice. If that choice is to be preserved for the American public, if gas is to be made available for the revolutionary new power technologies to alleviate the urgent problem of air pollution and to contribute to several other environmental goals, and if we want to provide an alternative to central station power generation, then it is clear that the gas industry must, as a matter of national policy, be stimulated to serve not only as a viable but as an aggressive force in our energy economy. Our national goals have therefore changed since the enactment of the Natural Gas Act. Governmental responses must accordingly be made relevant to these goals. It cannot be circumscribed by more limited objectives. A blind adherence to the "exploitation of the gas consumer" mentality of the thirties and to the legal precedents which have been entrusted upon that limited objective may well be contrary to the achievement of contemporary goals.

It is when we compare the gas industry's potential contribution to the quality of life in the 70's with the effect of existing government policies that the basic inconsistencies become discernible. Today, we observe an industry experiencing, in varying degrees throughout the Nation, substantial difficulties with gas supply, an industry forced to turn to higher cost increments of gas from foreign sources to meet demand, an industry confronted with a new level of demand stimulated, in part, by regulation which at the same time has, in part, inhibited expansion of the base supply. There is no governmental commitment of federal funds for research and development in the gas industry such as exists with respect to electric power. Outdated legislative policies prevent the benefits of gas industry technology from accruing to consumers and producers in the non-contiguous states and prevent the economic transportation of gas in liquid form to domestic consumers. And a new LNG technology designed to serve unconventional markets is being shackled into the conventional utility mold by the extension of the Natural Gas Act.

This discrepancy between reality and existing government policy is precisely the problem to which the recently released Annual Report of the Council of Economic Advisors was addressed. In urging a greater reliance by regulatory agencies upon market mechanisms, the report states:

"The American experience with regulation, despite notable achievements, has had its disappointing aspects. Regulation has too often resulted in protection of the *status quo*. . . . Competition can sometimes de-

velop outside the jurisdiction of a regulatory agency and make inroads on the regulated companies, threatening their profitability or even survival. In such cases, pressure is usually exerted to extend the regulatory umbrella to guard against this outside competition, so that the problems of regulation multiply and detract from the original purpose of preventing overpricing and unwanted side effects.

"\* \* \* As quasi-judicial bodies, the regulatory commissions tend to give much weight to precedent. As a result, change of any kind becomes hard to justify and even harder to allow when some affected group can claim immediate harm, whereas the potential beneficiaries are widely diffused and usually not represented. Yet innovation and adaptation are the dynamics of economic progress.

"There is no clear safeguard against these dangers, but more reliance on economic incentives and market mechanisms in regulated industries would be a step forward.

"\* \* \* Industries have been more progressive when the agencies have endeavored to confine regulation to a necessary minimum and have otherwise fostered competition. When regulation has stifled competition, performance has deteriorated. The clearest lesson of all, however, is that regulation should be narrowed or halted when it has outlived its original purpose."

I submit that these observations are relevant to the discrepancies which now exist in several important areas between the potential of this industry in serving our new goals and existing government policies. All of them should be reexamined as we enter this new decade. I will attempt here to deal with only one—producer price regulations.

An examination of producer price regulation in the context of the next decade reveals problems of an entirely different character than those with which we have dealt in the past. Discernible cracks are evident in the regulatory dike which was constructed to protect the interstate gas market from the forces of the market. Indeed, several breaches in this regulatory dike are already clearly discernible.

My proposal in an address last spring at Oklahoma State University to base producer pricing upon indices and my colleague Commissioner O'Connor's proposal in an article in the *Public Utilities Fortnightly* to predicate price regulation upon a basing point method both reflect a growing body of thought that there is an urgent need to give weight to market realities in producer price regulation. These proposals both reflect an effort to make FPC price regulation effective in competing with the intrastate market and in responding to the supply and demand dynamics of the interstate market.

Each proposal was intended to initiate a public dialogue regarding the need for the Commission to extricate itself from the strictures of the existing cost based area rate methodology. Commissioner O'Connor's basing point concept is incorporated in the recently rulemaking proposal concerning the establishment of area rates in the Appalachian-Illinois Basins. In that proceeding, it is proposed that the field price of gas be based on the adjacent pipeline gas rather than producer costs.

The adoption of indices giving weight to market forces has not been implemented by the Commission. I am grateful, however, to Mr. Stanley Learned for contributing to the public dialogue regarding this proposal by his response before the INGAA meeting here in Colorado Springs last fall. I believe there is an immediate need, based upon existing circumstances, to establish such indices for an effective and responsive method of producer regulation. This is essential now because existing market forces must be recognized and given weight in arriving at a just and reasonable rate.

The problem of producer regulation in a

period of short-term gas surplus which was characteristic of the decades of the fifties and sixties is of an entirely different dimension than that of a period of tight supply. It is clear that the Commission must be appraised more fully and more quickly of the supply and demand dynamics of the interstate gas market. Functionally effective prices relate more directly to economic factors than accounting costs no matter how sophisticated the costing method. Broadening the rationale of producer regulation by reflecting market realities is a response to only part of the problem. The methodology of producer regulation must also be changed to permit an effective and timely response in order to avoid serious national consequences. The Commission cannot continue gathering multitudinous volumes of cost data during unduly time consuming rate proceedings. Alternatives must be adopted to the existing controversies regarding cost analysis and cost methodology—and they must be adopted quickly.

It is essential that we recognize, however, that the adoption of such alternatives would provide only a response to the problem in its present dimensions. The need for such alternatives is based upon the impact of existing market forces and their present effect upon the supply of interstate gas. We must recognize that the adoption of such alternatives merely provides a short-range solution to the problem. For as we look further into the decade of the 70's several even more substantial fissures in the regulatory dike become apparent.

The most immediate threat of a breach lies in the proposals for substantial imports of gas from Canadian sources to Midwestern markets at higher prices. Farther west another breach may be caused by long-range proposals for Canadian imports at still higher prices. In less than three years, further breaches are threatened by the proposed imports of base load LNG from Algeria at substantially higher prices. Evidence of additional breaches is also discernible as a result of proposed imports from Venezuela and several other sources. Should the existing available supply and demand imbalance require, in the public interest, the importation of these substantial quantities of gas in both vapor and liquid form at significantly higher prices than those which presently prevail, we must then acknowledge that the market will have effectively and irrevocably swept away the dike of producer regulation.

When this occurs, regulatory policy cannot continue to operate as it has in the past with or without more rational alternatives to cost based pricing. Regulation cannot then escape the unpleasant fact that it will have been deluged by the very market forces for which it was intended to substitute.

Can regulation effectively respond by acknowledging the existence of the higher priced alternative sources and basing the domestic producers' price upon those sources with an appropriate discount for the cost of transportation? Can regulation effectively respond by instituting a basing point form of regulation predicated upon the market price of the highest or the average price of the alternate increment of gas? Can regulation effectively respond by employing indices to reflect the impact of these intrusions of the market? Is there any rational way in which producer pricing may continue to be effectively regulated when, for reasons of continuity of service, the market not only is acknowledged but is affirmatively sanctioned by the Commission in the form of imports of substantial quantities of higher priced base load gas?

I submit that the process of producer price regulation would no longer be viable with a competing market-oriented gas supply introduced into the present fabric of the regulated interstate gas market. Any response which regulation would attempt to make

within this context can no longer honestly be regarded as "price" regulation. We can continue the incantations and express the search for a price in the litany of regulation, but we delude only ourselves if we believe that the ritual has any meaning. Once we are required to acknowledge that the inexorable laws of supply and demand require our sanction of market prices in the public interest, we can no longer characterize the process as price "regulation". Although other public purposes may be served by the continued regulation of producer contracts, we must face up to the reality, in that event, that regulation cannot effectively encompass price.

What then is the alternative for national policy in the decade ahead as it seeks to provide continuing protection for the public and gas consumers. The Supreme Court held that regulation must substitute for the lack of competition in field sales of natural gas. But neither that decision nor regulation nullified the long-term forces of the market. The impact of the market may have been delayed, but it is the market that is controlling in the end.

Hence, unless an alternative policy is developed we are on the verge of entering into the worst of both worlds. We are confronted on the one hand by a demand stimulated in part by regulation which at the same time has inhibited in part expansion of the base supply. And we are confronted on the other hand by a market that is bringing forth alternatives into the supply vacuum at prices much higher than present regulated levels.

Since price regulation will be ineffectual in this context, the challenge is to harness the market so that it will work for the consumer. To meet the challenge would require a reversal of government policy—of the role originally ordained for regulation. When federal price control was imposed, the base supply was surplus to short-term demand. Even at unregulated prices, gas had been a devastating competitor, rapidly taking over markets long dominated by other space-heating and industrial fields. Regulation substituted for the lack of competition among sellers of gas at the wellhead. But that is academic if those sellers do not have an available supply with which to compete for incremental business. And the overriding fact today is that the available base supply, being inadequate to meet current potential demand, can no longer perform its competitive function.

It appears that gas is not presently available in sufficient quantities, for instance, to moderate the market price of new supply sources that are moving in to satisfy unmet demand. In this situation, therefore, the role facing government policy in the seventies is not so much to nurture the competitive vigor of base suppliers which was the goal of regulation in the fifties and sixties as it is to reinvigorate the base supply itself. Without a dynamic base supply of natural gas, the interstate market will not be able to compete for supplies with the unregulated intrastate market. Nor will there be any effective price competition for the unconventional higher-priced supplies that are knocking at the market door. But a base supply, reinvigorated, can be the key to the price levels at which these new sources enter and can place the consumers less at the mercy of the supplementary sources.

It is significant that even now the existing proposals for innovative government policy for producer regulation see a solution to the present dilemma in moving toward a situation where more freedom is allowed to competitive market forces—through indices or basing points—one in which government intervention is flexible and designed to stimulate a greater dependence on the market to provide an equitable balance between supply and demand, in the future, if the present trends continue, government

policy should consciously seek out ways to strengthen the elements of a free market and reinvigorate the base supply by attempting to insure that there are many competing sources of gas supply, that the supply base is broadened, that entry into the supply phase of the industry is both unrestricted and affirmatively encouraged and that price levels are permitted to be responsive to demand. A government policy implemented along these lines would provide an effective alternative to producer price regulation in the long run, while holding forth the promise of relief for the present supply-demand imbalance at the lowest possible cost to the public.

Given a governmental policy of encouraging the greatest degree of market participation by the greatest number of suppliers of gas, where will new and supplemental sources of gas supply be found? The Potential Gas Committee in its 1969 report estimated the potential supply of natural gas in the United States at 1,227 trillion cubic feet. Areas of significant reserves include the continental shelf, where to date less than one percent of this area has been subject to exploration activity. Moreover, geologic indications are that the offshore area could also hold major reserves and become a major source of future gas supply. Additionally, geographical factors such as the proximity of such reserves to major markets have favorable economic implications.

New sources of supply also exist in the deeper onshore formations. While present United States production of natural gas has been essentially limited to shallow wells of 5,000 feet or less, geologic information indicates that gas bearing formations in some areas of the country may lie up to 40,000 feet below the surface. These formations represent a virtually untapped reserve.

The Prudhoe Bay discovery on Alaska's North Slope has drawn attention to the potential of Alaska as a major new source of gas supply. The promise of this area is indeed staggering as evidenced by figures released by the Potential Gas Committee which place the potential gas supply of Alaska at over 400 trillion cubic feet, one third of the potential supply of the United States.

Projects Rullison and Gasbuggy are the first steps in a process that could unlock some 320 trillion cubic feet of natural gas held in tight formations. These potential reserves as estimated by the Bureau of Mines represent an amount greater than the present proved recoverable reserves of the United States.

The dramatic announcement by El Paso in July of last year that contracts had been negotiated to purchase one billion cubic feet per day of LNG for import to the U.S. from North Africa underscores the coming of age of the LNG industry. The worldwide reserves of natural gas now enter as a factor in the dynamics of the U.S. energy market.

Methods of converting coal to pipeline quality gas are in the R&D stage. The implications of successful development of such a process are staggering. Conversion of coal to synthetic gas has the potential of providing 12,000 trillion cubic feet of reserves. This is about 40 times the present proved recoverable reserves and compared to the present consumption level of around 20 trillion cubic feet per year represents a virtually inexhaustible supply.

The important fact underlying all of these potential sources of gas supply is their dependence on technological advancement for any significant exploitation of these reserves. The present level of technology allows the drilling of exploratory wells offshore at depths greater than 600 feet, but such depths exceed present production capability. Some underwater wells in deep water are capped and await technology advances that will make recovery from them profitable. Eco-

nomically recovery of natural gas from deep formations onshore would be enhanced by the development of novel drilling methods now in the research stage. This area of drilling research is one in which minimal support for research and development has been evidenced.

The newly developing LNG industry that may provide the basis of bringing to U.S. markets natural gas from Alaska, North Africa and other countries is entirely dependent on advances in the technology of LNG transportation and storage if major projects are to become economically feasible.

The feasibility of producing pipeline quality gas from coal has been demonstrated in small scale plants. Pilot plant demonstrations of large scale feasibility of synthetic pipeline gas production are nearing the operating stage. All indications are that commercial utilization of coal conversion processes in the middle 70's could be realized if an adequate level of support to advance this technology were forthcoming. The critical period, it seems to me, in the developmental history of this process is near at hand when as in any developmental process the major jump from pilot plant operation to commercial scale demonstration is attempted. In the case of regulated industries, the realization of a project of this magnitude is particularly difficult. This is one area where the potential of this process should prompt a re-appraisal of present policy toward support of gas related technology by government and industry.

The concept of total electrification is gaining public acceptance and many believe that the energy system of the future will be supplied by nuclear energy with breeder reactors and ultimately controlled thermonuclear fusion providing unlimited power. Why then this concern regarding gas supply for the future? I submit it is in the interest of the American public to maintain strong, competitive gas and electric industries. In a recent study of energy models, the Bureau of Mines concluded that the theoretically optimum energy system for the U.S. would be one based on natural gas with fuel cells used on site to provide electricity requirements. It costs about one-fifth as much on a B.T.U. basis to transport energy to the consumer in the form of gas than as electricity. The present investment of electric utilities per annual unit of energy delivered is ten times that of gas utilities. To capitalize upon the inherent favorable economics of gas transportation, energy conversion technology must be developed to allow gas to compete for the full spectrum of U.S. energy needs. What are these needs? The end uses of energy are heat, mechanical power, electricity and light. In the typical home, for example, 85 percent of purchased energy is used as heat and 15 percent in the form of electricity. Fuel cells now in the developmental stage could supply the electrical requirements providing a pollution-free source of power. Lighting devices utilizing gas directly providing high intensity lighting systems rivaling the electric bulb have been demonstrated. Environmental control giving year-round comfort control an entirely new concept when compared to present heating and cooling systems can be developed.

The question of adequate supply takes on added significance in the light of the new uses of gas made possible through liquefaction. The announced conversion of the state of California government fleet to LNG and present tests being carried out by the federal government underline the importance of this development. It is clear that instead of an industry slated to be supplanted by modern energy supply systems, the gas industry can be the wave of the future in the forefront of new and innovative uses of energy and providing standards of quality and service.

The federal government which supports

research and development activities to provide methods of developing our primary energy resources—petroleum, gas, water power, coal and atomic energy—has apparently failed to recognize the potential role that could be assured by natural gas in this decade and beyond. Recently, the Office of Science and Technology released a study prepared by the Energy Policy Staff which described the major civilian energy research and development programs funded by the federal government for fiscal year 1970. This study showed that \$368 million will be spent on civilian energy research and development through programs supported by federal funds. The research and development effort for atomic energy received over 84 percent of all the federal funds for energy R&D. Indeed, the study concluded:

"It is also significant that virtually all of the federal R&D expenses (about 90 percent) are addressed to the problems and opportunities of the electric power industry."

Less than two percent of these expenditures are directed toward advancing the technology of the natural gas industry. The level of investment in research and development is highly significant as future energy utilization patterns will be determined by the level of technology in the respective industries. It is here where governmental policy must strike a balance between the lure of unlimited energy through atomic power and the continued development of our other primary energy sources which, because of their own unique characteristics, can with imagination make invaluable contributions to the quality of life in the decades ahead—contributions which even atomic energy cannot provide in the foreseeable future. The relative costs of developing technology is also an important factor in decisions on resource allocation. There are obviously greater costs involved in developing a new technology, such as nuclear fission or fusion, compared to improving existing systems based on our other primary energy resources. The effect of past governmental policy in writing off fossil fuel sources as major energy contributors in the decades ahead is short-sighted and falls short of an optimum allocation of our resources. Development of production, transportation and conversion technology for fossil fuel utilization will open up needed alternatives of energy sources necessary to our new goal of protecting the quality of the environment and in the continuing effort to ensure the availability of energy supplies at reasonable costs to meet the Nation's growing energy requirements.

The Commission is increasingly concerned by the level of investment in research and development by jurisdictional companies. Responses to Order No. 322, "Annual Reporting of Research and Development Activities," showed that for the three reporting years subsequent to the effective date of this order, 1966, 1967 and 1968, jurisdictional gas companies invested 0.1 percent of operating revenues in research and development. Of more significance, thirty-seven jurisdictional gas companies reported no research and development activity in 1968. The National Science Foundation compiles statistics on nationwide research and development activities. Comparable statistics for other industries in 1967, the most recent compilation by the National Science Foundation, showed a range of investment in research and development of 1.5 to 4.1 percent of net sales. Comparison of investment levels by industry showed the largest investment levels in those industries characterized by rapid technological obsolescence. The wide disparity between jurisdictional company investment and that of other industries indicates the heart of the problem lies in the fact that, unlike the non-regulated sectors, the impact of investment in R&D on the financial position of the utility in many cases

is unknown at the time of such decisions, and the accounting options are distinctly limited.

The incentive needed for greater R&D activity by jurisdictional companies lies in providing a greater degree of certainty regarding the effect of R&D investment on the financial position of the company and in enlarging the area of managerial discretion with regard to the accounting treatment of such expenditures within the regulatory framework.

Consequently, just last month the Commission issued in Docket No. R-381 a proposed rulemaking delineating proposed amendments to the Uniform System of Accounts intended to clarify Commission policy on accounting for R&D expenditures. These amendments recognized the need to establish a greater degree of certainty in the Commission's ratemaking and accounting policies, the need to allow a return on significant expenditures for special research and development projects amortized over a period of years and the recognition that so-called "unsuccessful" projects pave the way for "successful" projects and as such should be regarded as part of the total research and development effort. This policy should place jurisdictional companies on a more equal footing with the non-regulated sector in competition for capital investment in R&D, particularly where projects involving significant expenditures are concerned. At a time when the utilities are faced with major problems of gas supply, power generation and environmental concerns, the contributions of technology to the resolution of these problems should be fully explored and the Commission should not hesitate to adopt further measures to stimulate activity in a crucial area.

The fragmented nature of the industry's response to the technological challenges facing the industry and the need for a forum where the impact of changing technology on the industry as a whole can be assessed and an effective solution to these problems cannot be formulated solely by one segment of the industry, nor can the industry by itself respond effectively to this challenge. These questions indeed encompass the future role of the gas industry in a Nation committed by allocation of research dollars to other methods of energy supply for the future. A Gas Research Council embracing all segments of the industry with governmental participation could work toward formulating effective national solutions to these problems. The Council could establish as its highest priority the development of adequate support by industry and government for R&D programs needed to stimulate the domestic supply base and maintain the industry as a major supplier of the Nation's energy requirements.

A decade ago, after a period of similar introspection and reexamination of its goals, the Commission initiated an innovative proposal. It conceived it to be the solution to the monumental problem of producer price regulation. It rejected a pricing methodology based upon the costs of individual producers. It proposed instead that prices be derived from the financial requirements of the industry as a whole. Its characterization of this process as area rates. This policy resulted from the realization that the traditional rate base method of utility regulation did not lend itself to the determination of the rates of independent producers.

Today, after a decade of industry-wide cost-based area rates, the regulatory process is equally as frustrated as it was in 1960. If we are candid, it must be acknowledged that we have failed the "practical test" which we established for ourselves in Permian. Indi-

vidual company rate making having been determined to be unworkable and cost based area rate making having been demonstrated to be unworkable, the necessity for squaring producer prices with the market should now be clear. In the short term this overriding fact must be reflected in the adoption of indices which at least recognize market realities. In the long run, however, the market will inevitably prevail and regulation will be totally ineffectual to influence price.

We are obliged, therefore, to establish the policies now which will permit the inevitable ascendancy of market forces to operate in such a way as to work for the public just as they do in most other areas of our economic life. This, in the final analysis, can only be achieved if the market can operate unfettered by regulation and if, prior to that time, government policies are evolved which will affirmatively enlarge the supply base by broadening the base supply and increasing the supply sources. This, I submit, is the new goal of this new decade. It must be achieved by a national commitment which insures that the potential which this industry offers to the quality of life will be fully realized in this decade and in the decades to come.

#### NATIONAL COLLEGE OF ECOLOGICAL AND ENVIRONMENTAL STUDIES

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BUSH. Mr. Speaker, on April 8, I introduced H.R. 16847, a bill which would create a National College of Ecological and Environmental Studies. This college would be supervised by the National Science Foundation and would provide an opportunity for students interested in our environment and ecology to participate in constructive, problem-solving planning in these areas.

Dr. Lee A. DuBridge, Director of the White House Office of Science and Technology on April 27 wrote of his support for the legislation. At this time, Mr. Speaker, I would include the letter in the RECORD:

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF SCIENCE AND TECHNOLOGY,  
Washington, D.C., April 27, 1970.

MR. CHARLES F. DUCANDER,  
Executive Director and Chief Counsel, Committee on Science and Astronautics, House of Representatives, Washington, D.C.

DEAR MR. DUCANDER: Thank you very much for sending me a copy of H.R. 16847.

I think the idea of establishing a National College of Ecological and Environmental Studies will be very worthwhile. The fact that you anticipate having this College function as a kind of summer school is an excellent way to provide the interdisciplinary contacts which are so vital in this area. The usual structure of colleges and universities tends to compartmentalize the students and isolate them from the breadth of contact with other fields of study. This "College" should provide an excellent mechanism with which to overcome a tendency toward isolation.

Sincerely,

LEE A. DUBRIDGE,  
Director.



THE VIETNAM WAR AS SEEN BY A  
TEACHER WHO HAS WAITED FOR  
HER LOVED ONES TO RETURN ON  
FOUR OCCASIONS

**HON. CHARLES S. GUBSER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. GUBSER. Mr. Speaker, recently I received a very fine letter from Mrs. Mary Lou Lyon, who is a high school teacher at Homestead High School in my congressional district. I admired the tone in which it was written, its logic, and its lack of bitterness, coming from one who has suffered while her loved ones served in three different wars. I have requested permission of Mrs. Lyon to insert her letter in the CONGRESSIONAL RECORD and commend it to the attention of my colleagues. The letter follows:

CUPERTINO, CALIF.,  
March 20, 1970.

Congressman CHARLES GUBSER,  
House Office Building,  
Washington, D.C.

DEAR CONGRESSMAN GUBSER: This is the fourth time that I have been called upon by our United States government to serve by sitting at home and waiting. It doesn't get any easier. As a bride during World War II, I could "wave the flag"—we all did. When my husband was recalled to serve in the Korean Conflict, from the Inactive Reserve, I could be annoyed at the injustice of those who were paid for playing "soldier" on weekends and summertime getting to stay home, while those who had severed relationships had to serve overseas again. But I accepted my responsibilities as a patriot and played both Mother and Father to my two sons.

Three years ago, my younger son entered the service upon graduation from high school. He volunteered for Vietnam and seemed to care about the "Papa-sans" who worked for him, for their families and the Vietnamese people. He said that we were needed and felt strongly about shouldering his responsibilities.

Last year, my older boy exhausted his college deferments after 5½ years and volunteered for the Army—with plans to return to finish his masters and credential as soon as his obligation was met. True, his attitude was different from that of his brother, but he did not burn his draft card, flee to Canada or take any of the other alternatives. I am enclosing a copy of his last letter. His brother was belligerent about the draft card burners and defended our position—this letter which seems to be a cry of pain at having to participate in something that he cannot believe in, knowing that by and large, his countrymen do not support his being there, that he is participating in a war that cannot be won—knowing that whoever does go out to die today, dies for no reason, but futility.

He is not the only one from whom I have heard like complaints. A friend's son who is a captain and flies a bomber in the Air Force (and whose father is retired Air Force) has also complained of the problems on his base between the Army and the Air Force. This pettiness and bickering are types of behavior one does not expect from adults who are supposed to be reasonably intelligent and educated.

Perhaps it grates even more on our educated young. But as a High School Teacher dedicated to helping students understand our nation's history, and political environment—selling them on the importance of involvement and participation in democracy—trying to teach them to think—to be able to make intelligent decisions based on

the evidence which bombards us on all sides—viewed as realistically as possible, life becomes increasingly more difficult. I find it upsetting to see, feel and try to combat the apathy of the younger generation which is heavy on the air this year for the first time (and for other teachers I've talked to from other areas and other states.)

I don't know what the answer is—but something must be done about this political position which has poisoned our nation internally. We can't afford to lose the hopes of our society—our young. They are capable of a great deal—more than any other era, but give us back our reason or change our course.

Sincerely,

MARY LOU LYON,  
Homestead High School.

VAN BRODE BREAKTHROUGH

**HON. PHILIP J. PHILBIN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. PHILBIN. Mr. Speaker, I was designated some time ago by the Massachusetts Division of Employment Security to present an award for high achievement in the field of rehabilitating emotionally handicapped persons to my friend of the Van Brode Milling Co., Inc., of Clinton, Mass., my home town.

I had the great pride and distinction of presenting this epoch-making award at a meeting held in Worcester, Mass., where every segment of the concerned area community dealing with rehabilitative problems was represented, and where the principal speaker was that outstanding young man known to us here in this House and in the country for his invaluable contributions to the Nation, to the cause of the veterans and the cause of handicapped persons throughout the Nation, our esteemed friend and great American veteran's leader, Hon. Harold Russell.

My valued friend, Hon. John F. Shea, then outstanding Mayor of the City of Worcester, and a host of dedicated leaders devoted to humanitarian causes were present, including representatives of labor, industry, city and State government departments, the social services, charitable and religious officials, who constituted a very impressive consortium of humanitarian, community leadership highly qualified by training, motivation, and experience admirably to serve the cause of the afflicted handicapped.

Our great friend, Harold Russell, as usual, delivered a brilliant, eloquent speech dealing with every facet of the problems involved in this field, evidencing once again the complete mastery, intense concern, interest, and activity which for many years he has demonstrated so effectively for so many people, who otherwise could not have been so miraculously helped.

The outstanding head of the Van Brode operations in Clinton, Mass., my dear friend, Mr. Eric Fritsch, was in attendance and very graciously and modestly received the award for the company. It was with great pride that I had

the privilege of presenting him, to accept for his company, and for his faithful employees, this very much cherished award in an important field in which for the first time important ground has been broken.

Many of us firmly believe that this breakthrough will lead ultimately, and I hope in the not too distant future, to the further solution of the problems of this unfortunate, emotionally impacted group, which heretofore has had but limited advantages in the direction of rehabilitation.

I believe now, however, that we are on the right track, and that this Congress must move along the path we have mapped out for ourselves to broaden and deepen interest in the problems of the handicapped, the emotionally disturbed, and all those people in our society, who up to this time have not always been able to cope with the problems of life and provide some means of livelihood and happiness for themselves and their families.

I think this is a great mission and a great mandate for the Congress, and I propose that the hour is at hand to move across a broad front to try to provide encouragement, help, and assistance to the dedicated group which is working in my hometown of Clinton, in Worcester County, and in the State of Massachusetts, and also the great State of California, where the basic features of this program originated, to press forward with their great humanitarian work, so that we can increasingly help more and more people who are emotionally handicapped to take their place in our American society, to earn their livelihood, and to live fruitful, rewarding lives free of the compulsions, restraints and circumscribed environments of former times. This is indeed a liberation for many afflicted people in the Nation.

The techniques perfected by the Van Brode Co., implemented by the leaders and officials of the Massachusetts Division of Employment Security, and our State hospitals for the care and treatment of emotionally afflicted people, have broken new ground bringing fresh hope for those who are suffering untold illness and hardship.

Thanks to this new program, the day of their release from their darkness may soon be at hand.

The officials at Van Brode Co., under the leadership of the talented William E. Burgwinkle and his associates have done a masterful job in putting together a therapy package in the field of emotionalism that bids well to work near miracles.

They are already transporting patients from State hospitals to the Van Brode factory to do regular work, and also bringing materials to the hospitals, where some of the patients work on them, acquire fine skills, and achieve success in this work, and at the same time improve greatly in their emotional health.

I believe from reports I have at hand concerning these programs that they are doing a great deal of good for many unfortunate people who could not otherwise be helped so materially, and it is entirely possible that these modest experiments and this program have great promise, and

many interested people throughout the Nation are watching it, because it may well be the answer to the use of extensive industrial therapy of this and other kinds in the treatment of emotional illness.

I am anxious to congratulate all of the principals involved in this outstanding project, whether they be members of the Van Brode Co., State, city, or other local officials, or other dedicated persons interested in this wonderful work.

The success to date indicates that this project may have completely broken through the barriers that heretofore have standardized, and sublimated the care of the emotionally disturbed people in very narrow compartments of confinement with the result that many fine techniques were either overlooked or not utilized.

I take pleasure once again in heartily congratulating all those who have had anything to do with this project.

This appears to be a great breakthrough, a new lease on life, a bright new star of promise and deliverance for the emotionally handicapped.

The town of Clinton, my great home town, with its flair for great things is pointing the way. It is for the Congress to follow up by providing more support and more funds for this great, new venture.

And it is for all of us to hail and salute the Van Brode Co., its farsighted leaders, and especially its inspired, innovative, talented personnel, like Mr. Burgwinkle, his associates, and the men and women of the State Employment Security Division and their civilian and industrial supporters for their great work for this most worthy humane and compassionate cause, so close to the hearts of all of us.

We seem to have arrived at a historic juncture in the struggle to relieve the helpless and the weak who are imprisoned by grave emotional illness.

The Van Brode experiment augurs their liberation, thank God.

#### RUMANIAN INDEPENDENCE DAY

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. WOLFF. Mr. Speaker, on May 10 we mark a most important date in world history—we mark the national holiday of the Rumanian people.

This day is the commemoration of the achievement of Rumania's independence. But as we know, these courageous people cannot celebrate this date for they remain under the shadow of the Iron Curtain.

It is therefore even more important that we pause and pay tribute to this tiny yet bold country which still struggles for the day when they will once again know freedom. For those behind the Iron Curtain, both in Rumania and elsewhere, the West must assure them that they will not be abandoned in their moral fight to remain spirited and ultimately taste the joys of freedom.

Each one of us here, I believe, has the

obligation to reaffirm that Western support to Rumania and other captive nations will never end, until the day when all nations of this world are free.

#### AMENDING THE FOOD, DRUG, AND COSMETIC ACT

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DINGELL. Mr. Speaker, the members of the Federation of Homemakers are firm and continuing advocates on behalf of American consumers.

The federation recently adopted a resolution urging continued support for the so-called Delaney amendment to the Federal Food, Drug, and Cosmetic Act which the federation made available to me, along with copies of two editorials from the Washington Post and a letter to the editor of the Washington Star. I found the resolution and the items from the two papers to be of considerable interest, and I insert their text at this point in the CONGRESSIONAL RECORD:

#### RESOLUTION OF FEDERATION OF HOMEMAKERS

Whereas, the paramount objective of the Federal Food, Drug and Cosmetic Act is protection of the consuming public, and

Whereas, Congress has recognized that, since it is impossible to establish safe levels for carcinogens, that objective will be realized only if the Food and Drug Administration takes all action that is necessary to protect consumers from the ingestion of substances and additives that are established to be carcinogens in either humans or animals (the so-called Delaney Amendment), and

Whereas, from the recommendations of both the White House Conference on Food, Nutrition and Health, and the Mark Commission on Pesticides and their Relationship to Environmental Health, and the recent public statements of Secretary Finch, it appears that the Administration is about to launch a concerted effort directed at watering-down that Congressional statement of national policy, Now Therefore

Be it resolved that the Board of Management of the Federation of Homemakers declares its unalterable opposition to any changes in policy which would sanction the ingestion by American consumers of carcinogens and urges the Congress to reject any such proposed changes.

In witness whereof, we, a quorum of the Board of Management, have hereunto set our hands at Alexandria, Virginia, this 20th Day of April, 1970.

RUTH GRAHAM DESMOND,  
MAME V. GLASCOCK,

Treasurer.

VIRGINIA FAGG SINGER,

Secretary.

DOROTHY TUGGLE,

Board Member.

JANET DESMOND COBB,

Board Member.

[From The Washington Post, Oct. 25, 1969]

#### BANNING CANCER-PRODUCING CHEMICALS

The country seems to have taken in stride the sudden abolition of cyclamates from its food supply. Commercial users of these artificial sweeteners as well as consumers promptly recognized that a potential menace to health had been identified. With remarkably little fuss and friction, cyclamates have been consigned to outer darkness even without

any indication that they have caused cancer in man. The finding that they had produced cancer in rats, when taken in large doses over a long period, was enough.

The experience suggests a new sensitivity in commercial as well as official circles to potential hazards to health. If this attitude prevails, the elimination of cyclamates may be only the first of many steps to safeguard the public from chemicals that have previously escaped suspicion. Secretary Finch has ordered a review of other food additives heretofore deemed to be safe. And what about the vast number of substances known to be harmful to health which do not fall into the category of food additives? HEW's action in this case has opened a wide field of inquiry which may lead to new legislation as well as tighter administrative actions.

One immediate question is whether the Food and Drug Administration will act against DDT. This widely used insecticide has a long residual life and is known to produce cancer in mice and rats. Some scientists who have probed deeply into the hazards of DDT insist that the case for banning its use is much stronger than the case against the cyclamates.

The Environmental Defense Fund and California Rural Legal Assistance, representing five pregnant or nursing women, have petitioned the FDA to lower the tolerance limits on DDT residues in human food to zero. Their case is based on the provision in the Federal Food, Drug and Cosmetics Act which led to the undoing of the cyclamates. It says that "no additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal." Since the cause of cancer is not yet known, Congress decided not to take chances with substances known to contribute to it.

Most of the present tolerance levels for DDT on raw agricultural commodities were established on the basis of hearings in 1950. The certain recognition of DDT as a carcinogenic agent is of more recent origin. Scientists now know, not only that DDT causes cancer in some animals, but also that it accumulates in body tissues after being ingested. In part the petition now before the FDA in regard to DDT rests on the finding that reservoirs of DDT accumulated over months or years will appear in a woman's milk after she has borne a child. So, it is said, a breast-fed baby may ingest three times the quantity of DDT considered safe by the World Health Organization and five to seven times as much as is tolerated in cow's milk sold on the market.

As in the case of the cyclamates, DDT is not known to have caused cancer in any human being. But a study at the University of Miami School of Medicine showed that human victims who died of cancer had twice as much DDT in their fat as did the victims of accidental death. If the FDA is ready to apply its sound rule against cancer-producing chemicals—that they are "guilty until proved innocent"—a ban on the use of DDT in its present form may well be in the making.

[From the Washington Post, Nov. 13, 1969]

#### OFFICIAL WAR AGAINST DDT

The doom of DDT has long been overdue. For some years scientists and others concerned over the increasing pollution of our environment have been demanding that use of this pesticide be abandoned. Their efforts have been resisted by some because of the effectiveness of DDT in controlling agricultural pests and various organisms that are deadly to man. As use of the stuff has increased, however, it has become clearly evident that the cure is worse than the pests it is used against.

The public should realize, however, that no government action can suddenly elimi-

nate the DDT from our environment. Its use has become pervasive. More than 100 million pounds of DDT have been released into the environment each year. Even if its use could be suddenly cut off, residual amounts of the poison will remain in the soil, water and food supplies and indeed in human tissues over extended periods because of the extraordinary chemical stability of DDT.

What is now in the works is a governmental movement against DDT on a broad front. Some weeks ago the Environmental Defense Fund asked the Food and Drug Administration to reduce the tolerance of DDT in raw agricultural projects to zero. The law seems to require such action. But if the Department of Health, Education and Welfare acted alone, it could well produce a crisis of another sort, since DDT residues are found in nearly all human foods. Environmental Defense also moved against the Department of Agriculture.

Agriculture is undoubtedly the key agency in the fight, for it has permitted the use of DDT as a pesticide. Presumably the announcement yesterday of a multiagency agreement to outlaw the use of DDT within two years, except for "essential uses" for which there is no suitable alternatives, means that Agriculture will withdraw the registration of DDT, at least for general use. HEW can then move progressively toward his elimination in our food supplies.

The necessity for action under the law seems clear enough. The Federal Food, Drug and Cosmetics Act provides that—

No additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal.

In recent years many scientists have produced unimpeachable evidence that large doses of DDT cause cancer in mice. That seems to give HEW a mandate to move against food containing DDT as promptly as is feasible. The danger to human life is said to be more than marginal because the reservoirs of DDT built up in the human body may release their poison in concentrated volume in the milk of women who have recently given birth.

We think the whole country will be relieved that a broad program to eliminate this new man-made menace in our environment has been launched. We hope that action will not be lost in interdepartmental bureaucracy. A new enemy recently supposed to be a friend to mankind has been amply identified. The country must devote extraordinary efforts to the elimination of this cancer-producing agent which was mistakenly supposed to be harmful only to insects.

[From the Washington Star, Nov. 16, 1969]

#### FDA AND TESTING

SIR: What is the purpose of our Food and Drug Administration? As a consumer I was under the impression it was to "assure" the purity and safety of our foods and drugs. But apparently it is not so. I was surprised to learn they have a "GRAS" list of 600 or more food additives that are "generally regarded as safe," any one of which can be added to our foods without testing. How nice!

Suppose an aircraft manufacturer put a brand new plane on the market that was "generally regarded as safe" without the usual exhaustive testing. Would you be willing to go up, up, and away? It certainly wouldn't be any way to run an airline, would it?

FDA has been getting bad press and publicity for many months from Judith Randall, James J. Kilpatrick, Ralph Nader, judges, housewives and consumer groups. Perhaps it is time for someone to step up and take FDA's pulse and temperature—and ask it to say "ahhhhhh." (They should be warned, however, to stand way back—it may have bad breath.)

CONSUMER.

#### ANTI-INFLATION DRIVE TERMED A FAILURE

### HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. EDMONDSON. Mr. Speaker, I wish to call my colleagues' attention to a very fine article written by Mr. Hobart Rowen which appeared in the Washington Post for April 26, 1970.

Mr. Rowen's analysis of the current lag in business productivity, coupled with the increasing rates of unemployment, demonstrates that President Nixon has failed in his task of slowing inflation. Since President Nixon took office, nearly a million workers have been added to the rolls of the unemployed, and in the words of Mr. Rowen, "economic growth has been slowed to a crawl." Yet despite these tactics which have been generated by the President and his advisers, the consumer price index has continued to rise, and stands today over 6 percent higher than when Mr. Nixon came into office.

The plain fact is the President's economic policies have been a general failure on nearly every front.

I commend Mr. Rowen on his very perceptive analysis of the worsening economic conditions in our country, and I include his article in the RECORD for the benefit of all my colleagues:

#### NIXON POLICY SLOWS DOWN ECONOMY, BUT NOT INFLATION

(By Hobart Rowen)

Presidential Press Secretary Ronald Ziegler told reporters the other day that the Council of Economic Advisers was "somewhat encouraged" by a slight decline in the pace of inflation in March.

#### Baloney.

The fact is that throughout the Administration, the whopping advance in the consumer price index was greeted with shock and dismay. The index rose 0.5 per cent (or 6 per cent at an annual rate), the same jump as in February.

The "slight decline" to which Ziegler alluded represents a so-called seasonal adjustment, which is probably meaningless. Even on that basis, the rise for the month was 0.4 per cent (4.8 per cent annually), or still far beyond the level of increase that anyone in the administration had expected at this stage of the game.

The consumer price index stands more than 6 per cent higher than it did when Mr. Nixon took office—and the peak hasn't yet been reached.

The plain fact of the matter is that after making all possible allowance for time "lags," prices should have yielded more than they have to the Administration's combined fiscal and monetary curbs. And so should have interest rates, which actually are starting up again after receding from peaks.

Although economic growth has been slowed to a crawl—the real Gross National Product rate in the first quarter of this year dropped back to the level of the second quarter, 1969—prices still storm upward. The best that can be said is that the pace in the last few months has been fractionally less hectic.

Meanwhile, the slow-down in GNP growth has resulted in a sharp increase in unemployment. The seasonally adjusted rate in March, 1969, was 3.4 per cent in March, 1970, it was up a full point to 4.4 per cent, repre-

senting a jump in the jobless total of 900,000 persons—from 2.7 million to 3.6 million.

The implication of all of this is painful for Mr. Ziegler and other Administration officials to acknowledge economic policy has slowed down the economy, but hasn't slowed down inflation. We are experiencing, simultaneously, higher unemployment and high prices—recession with inflation—and that sort of double economic jeopardy hasn't been suffered since 1957-58 during the Eisenhower years.

To Wall Street, it is all very clear: sharply lower first quarter profits, combined with continued inflation and revelation of war involvements in Laos and Cambodia have accelerated the tallspin in the stock market. Moreover, the President's dilution of his originally stated strong fiscal policy has led to fears that the Federal Reserve will not be able to ease tight money to any significant degree.

When the President released his fiscal 1971 Budget proposals February 2, it was evident that the \$1.3 billion surplus was too skinny to be a certainty; there were too many debatable assumptions underlying the surplus—and that fact was pointed out here and elsewhere.

At least, though, Mr. Nixon's intention was firm: he wanted a credible surplus. But since then, in part due to questionable decisions, and in part due to circumstances beyond his control, the budget plan has disintegrated. The proposed postal and general federal pay raise; the unfreezing of state and local construction; and the dimming chance of significantly lower interest rates will more than wipe out the surplus—unless the President does the unexpected and takes a big new whack out of Pentagon spending. Moreover, some Washington experts think that the cooled-off economy makes 1971 revenue estimates suspect (the stock market drop does not help at all).

Since Wall Streeters now believe that there will be a deficit in the federal budget next year, instead of the planned surplus, they wouldn't be surprised by a turnaround in Fed policy, aborting the easier money trend.

There were rumors last week that the banks, which just lowered the prime rate, may decide that lending rates must be boosted again to keep pace with market developments. This was part of the reason for the slide in stocks.

Critics of Administration policy have been saying for many months that reliance on fiscal and monetary policy—and nothing else—wouldn't do the job; if the screws were turned tight enough to crack down on inflation and high interest rates, a serious recession and sagging business profits would result. But if the policy were tempered to prevent a disaster on the jobs and profits side of the equation, not much progress would be seen in the cost of goods and money.

The answer, as many observers have seen it, is to supplement a cautious fiscal-monetary policy with other measures to dampen excessive wage hikes, price rises and interest rates. This would require reliance on selective controls, and Congress has given the President authority to apply them.

But Mr. Nixon shrinks from this strategy, although it has been pressed on him by respected Republican politicians as well as Democrats.

Businessmen and the public, faced with the evidence of persistent inflation, appear willing to try some version of controls. Labor officials, of course, are not anxious, but they would have no choice if controls restrained prices and interest rates as well as wages.

Valuable time has already been lost. In view of the widespread concern being heard in many Government departments, one wonders whether it is getting through Mr. Nixon's tight inner White House circle to the President himself.

Basic policy of exclusive reliance on broad monetary and fiscal policy should be reconsidered; for if we have many more consumer price boosts of the kind Mr. Ziegler says is "somewhat encouraging," we'll all be in the soup. That includes Republican congressmen running for reelection.

### THE CONTINUING PROBLEM OF IMPORTS

#### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. WYMAN. Mr. Speaker, of continuing interest to those of us concerned about the rising tide of cheaply produced foreign footwear and textile imports are the cogent remarks made by the president of Baxter Woolen Co. before a recent symposium of the New Hampshire Council on World Affairs dealing with the question of "Import Competition—Fair or Unfair?" This thought-provoking thesis deserves the attention of the membership of this House that will shortly consider legislation presently before the Ways and Means Committee.

#### IMPORT COMPETITION: FAIR OR UNFAIR?

My name is Charles Baxter—I am the President and Treasurer of Baxter Woolen Co., Inc., East Rochester, N.H. My son, Charles Baxter, Jr., is the President and Treasurer of our affiliated company, Strafford of Kezar Falls in Kezar Falls, Maine.

We presently employ close to 400 people. Our combined annual sales recently exceeded eight million dollars.

Our mills are modern, well-equipped; our company is progressive; our organization is comprised of talented people who have few peers in their respective positions.

We have experienced the effect of exports. In the early 1950's we specialized in the production of low-priced fabrics for the ladies sportswear market. For a period of seven years we ran our mill 3 shifts, 6 days, 52 weeks a year and made a profit in each and every year. During the last of those years, imports came into the market in unprecedented amounts; eighty percent of which were directed to our customers.

After two disastrous years of attempting to compete, we decided that if there was any future for us it was in the styling, merchandising and manufacture of better fabrics. By the time we were able to upgrade our people at the mill level and put together the kind of selling organization required, our annual sales declined from three million to one million seven hundred thousand dollars. We were virtually in bankruptcy. Fortunately, we managed to turn the company around and, for a while, even better the performance of our earlier years. During this period, several other companies, far more able than we, but not as fortunate, were forced out of business.

This experience made me painfully aware of the effect that imports can have. When we first encountered this problem, textile imports roughly equaled exports. Last year they exceeded exports by one billion three hundred million dollars. As a result, we again

find ourselves confronted with this problem but in substantially greater dimension and as of right now with no acceptable solution subject of imports because all my energies in sight. I have not previously examined the were required to preserve, protect, and further the welfare of our company.

Since being accorded the honor and privilege of becoming a member of this panel, I have done such reading as time would permit and discussed this matter with some of my colleagues. The Northern Textile Association, at my request, graciously provided me with background material—I say graciously because I am not a member of this association. It is their figures that I will necessarily be referring to in the majority of instances.

I think you should know that I have never done anything of this sort before, although I am sure that this admonition will prove unnecessary as time passes—it may be helpful for you to bear in mind today's date.

I shall try to be objective and express my own views. When I knowingly express someone else's, I will attempt to give you the source.

I have a deep concern for the welfare of our industry, including that of our own mills, at a time when we are engaged in a "life and death" struggle for survival. I am also concerned not only about the fate of other industries, who are "enjoying" a similar experience, notably my many friends in the shoe business, but also about the effects that the present policy of our Government will have on too many of our industries should this policy be allowed to continue.

Most of the industries requesting assistance (contrary to what you may have read or heard) are not advocating anything even remotely resembling a return to the high tariff walls of yore. Nor are they seeking to ban all foreign goods from the United States market or put foreign competitors out of business. What they have requested is an agreement, fair and reasonable to all concerned, which would allow these items to continue to come in at a rate commensurate with quantities shipping for an appropriate period during recent high-level years. All this in keeping with this country's desire and ability to continue and expand World Trade—a concept which they understand and to which they subscribe. None of these proposals have been acceptable to the countries to which they were made. They all believe that our country should have a policy of unrestricted trade while they deny themselves the same "privilege"; each invokes protective measures in its own behalf.

If we continue to accept these premises and continue past policy, their technologies, low-wages, and ever expanding production will soon result in the creation of problems of the same magnitude for many of our industries: automobiles, computers, aircraft, steel—you name them—you tell me where it stops.

I have been told by some economic students and equally "well-informed" friends that there is "no business like show business"—show business being free trade—that it really doesn't matter if the textile apparel industry, or any industry unable to meet foreign competition, is forced out of business; that the substantial amount of money in consumer savings to be realized as a result of this will be spent on other products, which will create a sufficiency of new jobs to readily absorb the people displaced and revenues more than ample to duplicate their contribution to the local and national economy. I regard this as economic theory. Theory is great when you can afford it. I say neither our industries nor our country can afford it. They must concern them-

selves with practical economics—Facts—something our industries have been dealing in for years.

Getting back to my friends theory, the way things have been going, it appears that if the consumer really did realize any savings, they would quite likely go to purchase other imported products. If his philosophy is valid, maybe someone can tell me why, with apparel imports at their highest levels, consumer apparel prices are continually rising, and just where these alleged savings are.

The textile apparel complex employs two-and-a-half million people. It is the second largest employer in this country. Can you put an industry like this out of business without creating serious social and economic problems? I doubt it.

The vast majority of the workers would not respond to, or benefit from, job training. (There are approximately one million workers within a 50 mile perimeter of the Appalachian area.) Some of these companies constitute the sole support of many small communities, particularly in New England. If they went out of business, what would happen to these towns, their schools, merchants, municipal services, etc., etc.?

Another important item, which never seems to get mentioned, is the tremendous investment in plant and equipment—what would become of the assets of these industries, which today approximate thirty billion dollars—what would be the fate of their many stockholders?

Each person losing his job would be obliged to immediately go on relief—many will receive job training at the Government's expense. These "benefits" will also be passed on to the consumer. I hope our Government will learn to recognize them for what they are—additional costs of imports.

This modern, efficient industry, with its refined and sophisticated technology, the ultimate in manufacturing facilities and equipment, that so magnificently responded to the challenges of World War II, the Korean War, the Vietnam War, and the multifaceted desires of the American consumer; and important, proven, essential industry, better able to produce the proliferation of items required than anyone, will be forced out of existence simply because our standard of living, envied by all the world, has made it impossible to compete with other countries strictly on a price basis—some of whom pay their workers 10%, most less than 20%, and none of whom pay 33%, of this industries average hourly wage—all of whom have been recipients of this country's extreme generosity which enabled them to rebuild and re-equip their factories in style; a style that, in most cases, is the equivalent of, and in some cases superior to, the best we have.

They have also been the recipient of the benefits of our enormous defense expenditures. This substantial measure of protection, though seemingly appreciated at the outset, ultimately resulted in a curtailment of their own defense organizations with subsequent substantial reductions in their expenditures.

It is no secret that Japan, perhaps the greatest beneficiary of our generosity, has been totally free of any such expenditures.

I know these countries do not enjoy some of our great "privileges"—they don't have to comply with our laws regarding fair competition, fair pricing, consumer protection, product liability, etc., etc.—they don't have to fill out the multitude of Government forms we do. They are not subject to the Wool Products Labeling Act. (They don't have to worry about substantial expenditures to enable them to meet pollution requirements.) They do have to "suffer" their Government's subsidizing many of their exports, particularly to this country. They are also frequently

"obliged" to cope with tariffs and quotas imposed by their Government's to protect them.

Our Government's policy appears to have been formulated largely by people who, for some reason, seem unable to fully grasp the full significance of these matters—who, for some reason, seem to prefer accepting the biased, often distorted, presentations of representatives of foreign countries to the well-documented case histories presented them by members of Congress and industry—and who,

for some reason, not unlike my friends, subscribe to economic theory as opposed to practical economics.

Our society, and many of its institutions, have recently experienced profound changes. This has resulted in a reshuffling of priorities accompanied by change in attitudes and perspectives. In short, it's a brand new "ball game". For this reason alone, I think this important matter should be properly examined in the light of the realities of today

by a high-level committee, appointed by the President, with provisions for adequate representation for concerned industries and labor: One of these realities being the possible social as well as the economic consequences of any such policy at a time when the expanding labor market will require higher levels of employment, the communities increasing tax revenues, and the country has more social problems than it can presently cope with.

## SENATE—Wednesday, May 6, 1970

(Legislative day of Tuesday, May 5, 1970)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, with aching heart and agony of soul we come to Thee this day. Not in any worthiness of our own, but in deepest need we plead for the higher wisdom which overrules our human frailties and our national sins. Draw us all closer to Thee that we may be closer to one another in understanding and in love.

O God, heal the brokenness, the disorder, and the dispeace of this Nation. Forgive the rancor, the hate, the vindictiveness, the violence, the selfishness, and the pride which poisons our common life and obstructs our doing Thy will.

Be with the youth of this land that their flowering idealism and dreams of a new world may not be crushed or displaced by disappointment, cynicism, and fear. Give us ears to hear their message and hearts to understand their yearnings. Be with all the young, on campuses, on missions of mercy throughout the world, and in the Armed Forces, guarding them in moments of temptation and strengthening them in hours of peril. Give comfort to those who mourn victims of violence.

To the President, to the Congress, and to all our leaders give that higher wisdom, that deeper insight, and that loftier courage which enable them to act not alone for today but for the coming day of Thy kingdom. Give us faith to see beyond the turbulence of today the working of Thy providence in the changing tides of time and eternity.

Make us worthy of Him who in the agony of His cross could commit His spirit to the care of the eternal.

Amen.

### DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., May 6, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HARRY F. BYRD, JR., a Senator

from the State of Virginia to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,  
President pro tempore.

Mr. BYRD of Virginia thereupon took the chair as Acting President pro tempore.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, May 5, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RAIL PASSENGER SERVICE ACT OF 1970

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. S. 3706, to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

The Senate resumed consideration of the bill.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

### ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO

Mr. MANSFIELD. Mr. President, in view of the fact that the distinguished manager of the pending bill is necessarily and officially absent at this time. I ask unanimous consent that the distinguished Senator from Ohio (Mr. Young) be allowed to proceed, apart from the consent agreement, for not to exceed 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SENATE RESOLUTION 404—SUBMISSION OF A RESOLUTION RELATING TO TRAGEDY AT KENT STATE UNIVERSITY

Mr. YOUNG of Ohio. Mr. President, the entire Nation was shocked over the recent mindless and tragic slaying of four students at Kent State University.

I report, Mr. President, that three other students are critically injured. One is paralyzed from the waist down, so there may be other deaths.

All this, on a peaceful campus just 30 minutes from where I live in Shaker Heights, where there had never been any violence before.

Students met to demonstrate. This was following the time the President of the United States referred to demonstrating students as "bums."

Unfortunately about 800 Ohio National Guardsmen were sent in. I hold the National Guard in admiration. Many years ago, I was a member of the Ohio National Guard. But, in recent years, the Ohio Guard outfit that was at Kent State University has accepted high school graduates and some high school dropouts 18 and 19 years of age.

There were approximately 100 guardsmen in the area of the shooting incident. Each guardsman had been supplied with 16 rounds of live ammunition. Those young men had not had adequate anti-riot training. Suddenly, there were crowds of demonstrators and the National Guard hurled tear gas canisters at them. I have received reports that one youthful demonstrator hurled back a half filled canister of tear gas which struck a guardsman on his shoulder, or his rifle, and immediately that rifle was discharged accidentally. Instantly, his companions, trigger-happy National Guardsmen, shot down and killed four