

EXTENSIONS OF REMARKS

DORIS FLEESON—ONE OF THE TRULY GREAT FIGURES IN AMERICA

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, August 3, 1970

Mr. YARBOROUGH. Mr. President, one of the truly great figures of American journalism, Doris Fleeson, died Saturday, August 1, 1970. All journalists would do well to study the career and the writings of Doris Fleeson. She combined a natural talent for writing with a keen perceptive view of politics and Government. Taking these talents, and with a strong devotion to her work, Doris Fleeson earned the respect of her readers—from the man in the street to the men in the White House.

All people in public life should also study the writings of Doris Fleeson. She called herself a "nonpartisan liberal." She had sharp incisive comments to make on the American political scene. Her observations, while frequently biting, bit with truth and logic.

In addition to being an outstanding professional in a frequently difficult career, Doris Fleeson was also a most devoted wife. We must also note that she died just 36 hours after her husband, Dan A. Kimball, the former Secretary of the Navy, died.

Mr. President, I ask unanimous consent that there be printed in the extension of remarks of the RECORD this fine tribute by Mary McGrory entitled "Doris Fleeson: An Appreciation," published in the Washington Sunday Star of August 2, 1970, and also the article entitled "Columnist Doris Fleeson, 69, Dies 36 Hours After Husband," published in the Sunday Star of the same date.

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

DORIS FLEESON: AN APPRECIATION

(By Mary McGrory)

Doris Fleeson made a speech to the Women's National Democratic Club in 1959, in which, having characteristically chided the President and the Congress for their lapses, she gave her own credo:

"But in the end there are no wonder men and no wonder women. There are only you and me and others like us who believe in freedom to do these things. There are only those of us with vision to see the world as it is and the courage to try to do something about it."

She was surely one of the most clear-seeing women ever born, and as for courage, she was lion-hearted. Her prose was a true blade which cut through the fraud, pettiness, egotism and male supremacy which were her daily fare during the 20 years she prowled the Capital, watching politics and politicians.

"NON-PARTISAN LIBERAL"

She was a small focused woman, with large, luminous hazel eyes and a wide smile. She was fierce. Fierce in her opinions, fierce in her affections. She called herself a "non-partisan liberal" and while she could be objective in her columns and distill her

monumental rages to burnished, cogent, biting paragraphs, she never concealed her feelings. She would seek out an erring statesman and, with tears of indignation in her eyes, berate him for his folly.

She was, decades before the Woman's Liberation Movement a militant feminist. While she was incomparably the first political journalist of her time, she took on the battles of her lesser sisters, and never forgot a slight to her sex.

Nor did she ever waver in her defiance of the established order.

The night of her death, she received a visit from the editor of The Star, Newbold Noyes. With heroic forbearance, she refrained from mentioning his recent entertainment of the President at the paper at a stag lunch—an incident which had ignited her feminist fires.

He told her, "Doris you must write a book so that the young reporters on The Star will know that they did not invent rebellion at the Establishment."

It delighted her soul.

When, in the 50s, she was leading the fight for a ladies' room in the male enclave of the Senate press gallery, she accosted her dear friend and colleague Frank Kent.

"If you laugh at us," she warned him, "I will never forgive you."

Nothing infuriated her more than to be told that she wrote like a man.

"What man?" she would inquire witheringly.

Frank Kent did not, understandably, laugh at her. Few did. She was formidable and the few who did not like her had the healthiest respect for her power and her pen.

COMBATIVE

Her happiest days, professionally, came during the Roosevelt era. She had known Franklin D. Roosevelt as governor of New York, and Eleanor Roosevelt was her ideal of womanhood . . . committed, caring, indefatigable and effective. The excitement and enlightenment of the New Deal gave her opportunity for the expression of rare and unqualified approval. Subsequent presidents never measured up. She regarded Adlai Stevenson, whose mind and spirit, while less combative, matched her own, as a man totally qualified for the White House. His two defeats caused her to mutter bitterly about the "Yahoos."

"I hit people hard sometimes," she said once, "but they seem to take it because they know I do that to everyone."

It was an understatement. In her prime, she could be disembowling and her infrequent appearances on television panels caused strong men to cringe in fear. But while she was relentless towards her peers—among whom she counted the world's leaders—she was capable of positive tenderness towards the weak and the unruffled. A great professional, she cared deeply for her craft, and her kindness to young reporters was legendary and prodigious.

HAPPY MARRIAGE

She gloried in the achievements and honors of her career. But the pride of her later life was her triumphantly happy marriage to Dan A. Kimball, a huge, bluff, generous business genius who shared her passion for Democratic politics and doted on everything about her, including her sputtering rages.

To him, the scourge of statesmen was "my little bride," an appellation that never failed to melt her.

She was intensely feminine and brought the perfectionism of her writing to bear on her person and her household. She could

brood over the placing of a China closet as heavily as over the course of the Vietnam War, of which, she said, she was a casualty. She suffered her first stroke in 1964.

In 1968, no longer writing, she participated in the McCarthy campaign by feeding the volunteers, of which her daughter, Doris O'Donnell, was one. Three times a week, splendid trays of sandwiches, prepared by her own hand, were dispatched to headquarters.

MACAULEY'S WORDS

She and Dan Kimball worried endlessly over each other's health, and neither could face the prospect of life without the other's devotion. When word of his death was brought to her bedside Thursday afternoon, she reached down into that beautifully arranged and handsomely stocked mind and brought up the words to tell her grief. In a choking voice she recited lines from Macauley:

"The house that was the happiest within the Roman walls

The house that envied not the wealth of Capua's marble halls

Now for the brightest of thy smile must have eternal gloom

And for the music of thy voice the silence of the tomb."

Thirty-six hours later, she was dead.

COLUMNIST DORIS FLEESON, 69, DIES 36 HOURS AFTER HUSBAND

Doris Fleeson, nationally syndicated political columnist, and her husband, Dan A. Kimball, a former secretary of the navy, will be buried tomorrow in Arlington Cemetery after 10 a.m. services in the Navy Chapel, 3801 Nebraska Ave., NW.

Miss Fleeson, 69, died at her home here early yesterday after a massive coronary thrombosis, just 36 hours after the death of her husband. They would have celebrated their 12th wedding anniversary yesterday.

As a newspaper columnist and reporter, she was longtime advocate of women's rights and an astute, competitive observer of politics who elicited both the friendship and anger of five Presidents.

ANSWERED WITH QUIP

During the administration of President Harry S. Truman, Miss Fleeson, who described herself as a "non-partisan liberal," had been criticizing the President for mushrooming tax scandals. At a press conference Truman said he did not like the way Miss Fleeson was looking at him. Afterwards, she quipped: "As for as how I was looking, I thought I looked pretty good. I had a new Sally Victor hat on."

She once visited President John F. Kennedy, who signed a picture of the two of them taken at the White House: "Dear Doris, There are many Presidents who can read your column, but it is only a happy few who have it delivered to them in person."

She was born May 20, 1901 in Sterling, Kan. Her first newspaper job was on a suburban Chicago newspaper in the 1920s, followed by a job in Great Neck, N.Y.

After daily trips to the office of the New York Daily News, Miss Fleeson finally landed a job as a police reporter and established her reputation by covering the investigation of local political scandals.

From 1927 to 1942, she was the News' Washington political correspondent, writing the "Capitol Stuff" column for eight years with the late John O'Donnell, whom she married, then divorced in the 1940s. They had one daughter, Doris, who lives in New York City.

For two years, she was a war correspondent for Women's Home Companion Magazine. In 1945 she began writing her syndicated column, at the Star.

Miss Fleeson was a founding member of the American Newspaper Guild and a delegate to its first convention in December 1933. She was elected a member of its national executive committee.

During her career she won many top journalism prizes, including the Raymond Clapper Award, Theta Sigma Phi Headliner Award and the Missouri Journalism Award.

As one of the first women political columnists with a national audience, Miss Fleeson repeatedly faced and fought instances of male prejudice. In one of her more celebrated battles, she and May Craig, now retired correspondent for the Portland (Me.) Press-Herald, obtained Senate and House approval in the 1940s for installation of restroom facilities for women reporters in Congressional press galleries.

In 1967, she went into semi-retirement, ending the five-day-a-week column she wrote for 22 years for the United Features Syndicate.

On Aug. 1, 1958, Miss Fleeson married Mr. Kimball, who retired recently as head of the Aerojet General Corp. They lived here and in Palm Springs, Calif. The cause of Mr. Kimball's death has not been determined. He was 74.

Visiting hours have been scheduled today from 2 to 4 and 7 to 9 p.m. at Joseph Gawler's Sons, 5130 Wisconsin Ave. NW.

MORMON 140TH ANNIVERSARY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. HOSMER. Mr. Speaker, one of the most unique and admirable organizations in America today is the Church of Jesus Christ of Latter-day Saints, popularly known as the Mormon church.

Established just 140 years ago, the Mormon church has grown from a persecuted, isolated sect to one of the most vigorous and respected denominations in America. Although the Mormon church is young in comparison to the more established denominations, it is the oldest of America's native Christian denominations.

All of us know of the trials of the Mormon pioneers who crossed America to settle Utah under the leadership of Brigham Young. When they reached what is now Salt Lake City, they found a barren, forbidding valley inhabited only by a few lizards and one lone "tree" about the size of an Easter lily. With the vigor, industry, and enterprise that has always characterized this hearty people, they settled in this wasteland and built one of the country's most beautiful cities. Adopting the beehive or "deseret" as their symbol, the Mormon pioneers established not just a city, but a religious movement of vital importance to the economic and social development of the old west.

"The Saints," as they are affectionately known to today's Mormons, somehow found the time and the energy during those first difficult months in the Utah territory to establish one of the west's first colleges, Brigham Young University. BYU has always been open both to Mor-

mons and non-Mormons. It is one university that has never witnessed the sorry spectacle of violent upheaval.

As a native of the Southwest, I have had contact with Mormons and the LDS church for most of my life. Knowing them as I do for their admirable qualities of dedication and enterprise, I am pleased to call attention to the festivities now being held near Palmyra, N.Y., to celebrate the founding of the church by the Prophet Joseph Smith in 1830.

This pageant is being attended by thousands of Mormons and their friends from all over the world. Last week, I had the honor of paying host to a group of 30 fine Mormon teenagers while they stopped off in Washington on their way to the Palmyra activities. This group, representing the East Long Beach Stake of the church, had worked and saved for more than 2 years to finance its journey and it was a pleasure and privilege to meet with such outstanding young Americans. For all of these reasons, and more, I take pleasure in placing in the CONGRESSIONAL RECORD an article from the New York Times of July 29, 1970, describing the Hill Cumorah Pageant. I extend to my Mormon friends and my several Mormon colleagues in Congress heartiest congratulations upon this important event in their religious experience.

The article follows:

MORMON PILGRIMS HAIL CHURCH'S 140TH YEAR

(By William E. Farrell)

PALMYRA, N.Y.—Hundreds of Mormon pilgrims from over the country have gathered this week in this area of undulating fields of wildflowers and seemingly endless rows of corn as part of a commemoration of the 140th anniversary of the founding of their church.

In cars and campers bearing license plates from Utah, Alaska, Michigan, Ohio and Arizona—to mention a few of the states—they are visiting homes and fields that were worked by the 19th-century founders of a denomination that, after years of struggle, finally found sanctuary in the heart of the Rocky Mountains.

As they have in the past, the 3,400 residents of the village of Palmyra have absorbed this year's onrush of visitors with courtesy and aplomb.

An information center for those unfamiliar with the area has been set up in the village park and is being managed by members of the Cracker Barrel Club, composed of senior citizens. Many of the Mormon school-girls who are participating in the church's annual pageant are being housed in the tree-shaded residences.

"It's such a beautiful spot, and it means so much to us," said Diane Thomas, a 25-year-old junior high school teacher from Orem, Utah, who is making her second visit to Palmyra.

"DEVOTED TO CRUSADES"

Each night between now and Saturday, the Mormon pilgrims and thousands of curious vacationers in the Finger Lakes region will see the Hill Cumorah pageant, a dazzling religious play, studded with theatrical effects, that portrays the rise and fall of a civilization the Mormons believe existed in the Americas six centuries before the birth of Christ.

The places the Mormon faithful are visiting are all in upstate New York, which gave birth in the 19th century to an unusual array of religious movements, some short-lived.

In his book, "The Burned-Over District," published by Harper & Row in 1965, Whitney R. Cross describes upstate residents in the

second quarter of the 19th century as "a people extraordinarily given to unusual religious belief, peculiarly devoted to crusades aimed at the perfection of mankind and the attainment of millennial happiness."

The term "burned-over district," which Mr. Cross says is an "analogy between the fires of the forest and those of the spirit," was initially one that many of the sects in the area disapproved of.

In time, however, many of the groups adopted the term.

There were sects such as the Shakers in New Lebanon, guided by Mother Ann Lee, who was believed to represent in human flesh "the feminine spirit of a bisexual God." And there was the Oneida Community, established by John Humphrey Noyes, whose doctrine of "perfectionism" denounced monogamous love as a wickedness that precluded members from loving one another equally.

None of these sects have survived the way the Mormon Church did. It left New York State shortly after its formation, and its 80 members now number three million, most of them living in such Far Western states as Utah and California.

Although the Mormon impact in the "burned-out district" has been slight, members of the church come here to see the Sacred Grove, where they believe God communicated with their prophet, Joseph Smith. The visitors walk quietly through the Smith farmhouse, taking pictures.

Cumorah Hill, where the pageant is being held, has significance for the members of the Church of Jesus Christ of Latter-day Saints because it is here, they believe, that Prophet Jones met a heavenly messenger named Moroni, who showed him where a history of ancient America was buried.

CHURCH FORMED IN 1830

The prophet unearthed the golden plates and translated them, the Mormons say, into the Book of Mormon, which, along with the Bible, is the Mormon Church's doctrinal foundation.

On the basis of this chronicle and other revelations, the prophet, who was killed by an anti-Mormon mob in Carthage, Ill., in 1844, organized the Mormon Church in the log home of Peter Whitmer in near-by Waterloo on April 6, 1830.

Last Sunday evening more than a thousand members of the denomination gathered in a field at the site of the Whitmer home and dedicated a new visitors' information center.

Despite the stultifying heat and the assaults of gnats, they were a pleasant, reserved gathering: boys with neatly cut hair, girls with hardly a trace of make-up and dresses that reached the knee, men in jackets and ties, carrying cameras, and women who sang "Praise to the Man Who Communed with Jehovah."

ADVANCEMENT OF MINORITY EMPLOYEES IN GOVERNMENT SERVICE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, August 3, 1970

Mr. SCOTT. Mr. President, a column published recently in the Philadelphia Evening Bulletin points up the fact that the Nixon administration has exceeded its predecessors in placing minority people in Government's top leadership jobs. I ask unanimous consent that the article be printed in the RECORD.

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

MINORITY EMPLOYEES IN GOVERNMENT GET AHEAD FASTER THAN NON-MINORITIES

(By Nick Timmesch)

WASHINGTON.—It hasn't done them any political good, but the Nixon Administration has exceeded its predecessors in placing minority people in Government's top leadership jobs.

By installing more blacks, Spanish surnamed, Indians and Orientals in the upper echelons, the Administration is not only following the inevitable course of our times, but it also helps deny the validity of the cheap charge that it is "anti-Negro," and "disinterested in minorities."

Of the 2,235 high-ranked officials appointed by the Administration, 140 or 5.3 percent, are classified as "minority." Their jobs, in the \$22,885 to \$35,505 pay bracket, are described as "of a top-policy determining character or having a close and confidential working relationship to a top-policy determining official." In a corporation, labor union or university, these would be the very top people.

APPOINTMENTS EASIER

Small as 5.3 percent seems, it is a larger figure than compiled by any previous administration.

And this 5.3 figure contrasts markedly with the 2.2 percent minority people holding top-grade Civil Service jobs which have the same pay rate as the appointive positions. Just as it seems easier for a minority member to work his way up in a corporation than it is in a labor union, so it is also easier for him to get appointed to a top Government post than to wait it out in the Civil Service system.

President Nixon, by executive order, in August, 1969, prodded the Civil Service Commission to upgrade minority members to middle and senior level jobs. The latest commission figures show that between November, 1967, and November, 1969, the number of minority employees in middle-level jobs increased at a rate three to five times the rate for non-minorities. In the upper levels, the number of non-minority employees dropped while the number of minority employees increased. But Civil Service has a long way to go.

REAL INFLUENCE

Several of the presidentially-appointed minority group members have considerable influence in Government. Men like HUD's Assistant Secretary Samuel Jackson, who oversees \$1 billion in funding a year, and Assistant Labor Secretary Arthur Fletcher, who designed the "Philadelphia Plan" guaranteeing black hiring quotas, have made impact.

So has Ronald Lee, Assistant Postmaster General, and Benjamin Holman, director of Community Relations Service at the Justice Department.

The biggest black "name" James Farmer, Assistant Secretary at HEW, scored one notable win in the Mississippi Head Start decision.

There are less celebrated people holding important jobs. Among black appointees are Lutrelle F. Parker, examiner-in-chief of the U.S. Board of Patent Appeals; Abraham S. Venable, director, Office of Minority Enterprise, at Commerce; John Wilks, Deputy Secretary of Labor; Stan Thomas, 28, HEW's deputy assistant secretary for youth and student affairs; Samuel Simmons, assistant secretary, HUD; Mrs. Elisabeth Koontz, director, Women's Bureau, Department of Labor; John Blake, Deputy Manpower Administrator, Labor Department; and George Haley, chief counsel of the Urban Mass Transportation Administration, Transportation Department.

Arthur J. Gajarsa, a Mexican-American, holds a top job in the Bureau of Indian Affairs, and Carlos Villarreal, holds a \$40,000 job at Transportation. Justice has a \$38,000

a year assistant attorney general, Shiro Kashiwa, of Japanese descent.

THE LESSER JOBS

These officials are in the acres of people in lesser jobs—2.6 million all told. Some 15 percent of them are minority members, and gains in this group continue. President Nixon once said that in the area of advancing minorities, he would rather be judged by deeds than "fancy speeches."

With the way some black leaders are yelling, it might be time for the President to give some "fancy speeches" as well. Last week, black Democratic Congressmen Louis Stokes, William Clay and Augustus F. Hawkins proclaimed that the President's course "is destined to destroy all possibilities of unity and brotherhood." A few weeks ago, Bishop Stephen G. Spotswood, NAACP's board chairman, also characterized the Nixon Administration as "anti-Negro," and "worse" than any since Woodrow Wilson's.

These men know better or should know better. The aforementioned congressmen are peeved maybe because they weren't given private audiences with the President. Spotswood should check with Clarence Mitchell, director of NAACP's Washington Bureau.

MAJOR CHANGES

Mitchell could tell him how, as a federal employe in Democratic administrations, he had to eat lunch in the kitchen of the building where he worked, or how the armed services were segregated in FDR's time, or how blacks were required to sit in the balconies of Washington movie houses until President Eisenhower became incensed and had it changed; or how John F. Kennedy appointed a startling number of segregationist Southerners to federal judgeships.

As far as minorities are concerned, this Administration suffers not so much from bad deeds as from bad image. Vice President Agnew could lead a tank battalion into Montgomery, Alabama, to rout out George Wallace, and Democratic black congressmen here would complain.

ADJUSTING THE TAX RATES ON CIGARS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. PRICE of Texas. Mr. Speaker, this afternoon the House is considering H.R. 1002, a bill to adjust the rate of tax on cigars. As will be remembered, this matter was scheduled for action 3 weeks ago, but the press of business necessitated its carryover.

On an earlier occasion, I urged the membership to give this legislation unequivocal support. At the time I observed its passage would have three major beneficial effects: It would equalize the tax burdens presently unfairly borne by purchasers of the less expensive cigars; it would simplify cigar dealers' payment and administration of the tax; and, it would foster a more direct relationship between tax rates and the prices of cigars.

Mr. Speaker, these salutary effects are just as compelling today as they were when the House Ways and Means Committee reported out the measure. Accordingly, once again I urge my colleagues to support H.R. 1002. Justice in the administration and collection of the cigar tax demands it.

DORIS FLEESON: AN APPRECIATION

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. BOLLING. Mr. Speaker, Mary McGrory's appreciation of Doris Fleeson says nearly all of it. I was lucky enough to know Doris well during some of her finest years as both reporter and columnist. In my opinion Doris Fleeson was the best political reporter and the best political columnist of our time.

The article follows:

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(By Mary McGrory)

Doris Fleeson made a speech to the Woman's National Democratic Club in 1959, in which, having characteristically chided the President and the Congress for their lapses she gave her own credo:

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Franklin D. Roosevelt as governor of New York, and Eleanor Roosevelt was her ideal of womanhood . . . committed, caring, indefatigable and effective. The excitement and enlightenment of the New Deal gave her opportunity for the expression of rare and unqualified approval. Subsequent presidents never measured up. She regarded Adlai Stevenson, whose mind and spirit, while less combative, matched her own, as a man totally qualified for the White House. His two defeats caused her to mutter bitterly about the "Yahoos."

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JOHN C. KUNKEL: GENTLEMAN,
SCHOLAR, STATESMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. ESHLEMAN. Mr. Speaker, it was not my privilege to serve in the House of Representatives with the Honorable John

C. Kunkel. He and the Honorable Paul B. Dague chose to retire at the end of the 89th Congress after long years of distinguished service. I have the pleasure to represent a district which encompasses part of the district served by both of these extremely talented former Members.

Everyone coming to the Congress wants to do the very best job he possibly can and to serve his constituents at least as ably as his predecessors. Mine is not an easy task. When I first sought a seat in the House of Representatives to represent the new 16th Congressional District of Pennsylvania, I was delighted to have the strong endorsement of John Kunkel. It meant a lot to me then and his support and encouragement continued.

I was shocked and saddened by the death of this fine man. I think perhaps Mr. Kunkel might be most pleased to be remembered as a gentleman. He always was. He had the advantage of a splendid education which obviously taught him that one never ceases to study, to learn, and to grow. He was a scholar—an avid reader with a tremendous interest in every single aspect of this country and he had a thorough knowledge of world affairs which did not cease when he left this body. He was a tireless worker and no problem of a constituent was too small to receive his earnest attention.

John Kunkel was an outstanding Member of the Congress. Few who have served here have had the tradition of public service which was his heritage. One or more members of his family served in the Congress from its beginning until he retired with the exception, I am told, of one generation. He was proud that his forebears had helped to shape this country which he loved deeply. He was determined to follow the family tradition and make his contribution. Those in this body who knew him can attest to the fact that he accomplished his goal in abundant measure. Probably one of the achievements of which Mr. Kunkel was most proud was the important part he played in the study which laid the groundwork for the Marshall plan following World War II. His career of public service covered such a long period and his efforts were so extensive it would be difficult to enumerate his many accomplishments. He was loved, admired, and respected by the people he represented which, I am sure, was to him the greatest reward of his lifetime.

America is a better place because of John C. Kunkel. We mourn his passing and extend heartfelt sympathy to his devoted wife and the members of his family.

NEED FOR PUBLIC HEARINGS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. BURTON of Utah. Mr. Speaker, I would like to add some further comments to the bill I introduced on July 31, 1970, concerning the lack of adequate

public hearings prior to a recent decision by the Civil Aeronautics Board that airline fares be increased. On July 9, a court invalidated the CAB order approving the fare increase, on the basis that the Board had acted illegally in allowing a fare increase without public notice. The Board also contended that if the court order prevails, passengers still will be unable to collect the extra fares paid. The Board said there is no statutory provision for reparations to the public in such a circumstance.

I would like to draw the attention of my colleagues to the 1967 case of the United States against Charles Pfizer & Co. This case involved the price fixing of five major U.S. drug companies found guilty of conspiracy in restraint of trade. Settlement followed in 1969 of \$121 million and ads were placed in various newspapers inviting people to put in claims for all overcharges by these companies. This case seems to set a precedent for the CAB case at hand.

However, the U.S. Court of Appeals Thursday granted the Civil Aeronautics Board 90 days to come up with a new domestic air fare schedule that meets the requirements of full "public notice and hearing." I would hope that during this period an equitable agreement can be reached and that any further instances where a regulatory agency is caught usurping public power be met with more than disciplinary hand-slapping.

SPIRIT OF OUR VOLUNTEER FIREMEN EMBODIED IN STIRRING POEM "TO A VOLUNTEER"

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. BEALL of Maryland. Mr. Speaker, the spirit of our volunteer firemen is embodied in a stirring poem by Mr. Del Malkie appropriately entitled "To a Volunteer."

Poet Malkie captures with words the enthusiastic dedication of our volunteer firemen who provide protection to citizens in hundreds of American communities.

The text of the poem was delivered to me by Mr. Leroy Koch of the West Lanham Hills Volunteer Fire Co. It was in the form of a reprint from the Maryland Independent Publishing Co., which publishes three distinguished Maryland weekly newspapers—the Clinton Star-Leader, the Maryland Independent of La Plata, and the Saint Mary's Beacon of Leonardtown. Mr. Malkie is the editor of these Maryland papers.

The poem was illustrated with a photograph by Mr. Max Farrington which poignantly demonstrates the dangers and stress our volunteer firemen face to provide protection to the towns they so unselfishly serve.

As we seek to honor our volunteer firemen by enactment of the joint resolution authorizing the President to establish National Volunteer Firemen's Week from September 19 to 26, 1970, this poem gives

eloquent testimony to the traditions embodied by their service:

TO A VOLUNTEER

The whistle sounds out about quarter of two
And you know that it's crying for fellows
like you
You listen and see if it's one blast or three—
But you know all the time what it's going
to be
You know there's a family, with fire in their
mind,
And you're fearful, you know what you're
liable to find
You wish you could stay there
In comfort, and sleep
Wish you could shut down
Cover up tight and deep
But the whistle is sounding, it's wailing
for you
And you know just what you are going to do.
You ease out of bed, making no noise
Get into your clothes, trip over the toys
Don't wake up the kids or the wife will raise
cain
For you chasing fires in the night once again.
The car is right cold, is hard to get going
The roads are like glass and the sky is still
snowing
But the whistle is crying, for fellows like you
And you know just what you are going to do.
You get to the house, the engines are turn-
ing
For somewhere close by, there's a home there
is burning
They shift into gear, before you're quite
ready
They scream out the drive, and the siren is
steady
You cut through the night, clutching the
rail
And the wind is a-whistling, blowing a gale
You snap up your chin, bring your collar up
tight
The red lights flash bright as you scream
through the night
You skid on the turns, smash your way
through the snow
And make ready for work to be done, for
you know
You have only minutes, to make it and
then—
The sky is all red and you're at it again
You drop down the line, drive it out in the
snow
And hook it up fast—must be fifteen below
The nozzle seems froze, the fire blazing high
With frightening red tentacles up to the sky
The father is frantic, his wife in a daze
The children are screaming, you break
through the haze
You're cold and you're choking
You slip on the soot
You slide on the flowby
You're twisting your foot
You're hit by a stream, there's a beam fall-
ing by
And you're about to get out when you hear
a faint cry . . .
You get down to your knees, and the nails
hurt your skin
You gotta get out—but you have to go in
As you grope past a door, and fall flat on
your back
You see the bright orange—cutting through
a wide crack
It spreads as you watch it
And you choke on the heat
It's burning your hands
And you can't see your feet
You get scared, turn to go, to get out of
there fast
You're almost in panic, you know you can't
last
You grope toward the window, you knock
out the sash
You reach your leg over and then hear the
crash
As behind you the wall goes—a shower of
light

And there, in the sparks which shatter the
night
You see the small figure, cuddled down
'neath the bed
With a torn little blanket wrapped over its
head . . .

You grab up that baby—
Jump down to the ground
Just in time—for the roof now is shudder-
ing down
Yet you feel life there beside you
In the cold and the storm
And you know you have saved it—you wrap
it up warm;
Put the bundle inside of squad ambulance
one
Then flop down on the truck, for you know
you are done

The smouldering fire is now down to a glow
The sparks die down slowly, fall into the
snow
You get back on the truck, as the bell rings
you home
There are others there with you, but you're
all alone
You go back to the house, clean it up and
let's go
And you drive slowly home, through the
cold and the snow

Half of the guys there didn't know what you
did
That you'd gathered up the life of that kid
All the houses you pass are asleep and locked
tight
And you feel all alone in the dark of the
night
The whistle is silent, the job is all through
The job has been done—and it's been done
by you

But you're not alone, firemen; although you
don't know it
You're surrounded by thousands, who
though they don't show it
Know well that you're out there, and silently
cheer
And softly thank God, for a good volunteer.

PRESS-TV IGNORE LEFTIST LAW-
YER'S BACKGROUND

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. SCHMITZ. Mr. Speaker, in view of the publicity surrounding my own elec- tion to the House, the following item in the July 15 issue of *Combat* makes a point well worth printing in the *RECORD*:

PRESS-TV IGNORE LEFTIST LAWYER'S
BACKGROUND

Liberal radio-TV and press generally ignored the far left background of the victor in the Democratic primary in a New York election last month, although almost every station and newspaper in America printed stories about two newly-elected California Congressmen who also happen to be members of the John Birch Society. This blackout on leftist credentials, while emphasizing right-wing associations, was explained to *Combat* last month by CBS-TV newsman Joseph Benti, who explained that CBS didn't feel it necessary to give a pedigree on everyone it reported on (*Combat* pointed out CBS's failure to tell viewers the background of a Chicago doctor with Communist connections). When Bella Abzug won the primary for the Democratic Party in the Lower Manhattan-Greenwich Village area press and TV described her only as a "peace activist."

Mrs. Abzug is a leader of Women's Strike for Peace (WSP), a group which has maintained continuous relations throughout the Vietnam War with North Vietnam and the

Viet Cong, and she has a Communist front record. She took her law degree in 1945 from Columbia University, and immediately became active in the National Lawyers Guild (she later became a director of the NYC chapter), which has been cited as a Communist front by two committees of the very Congress Mrs. Abzug proposes to join. She attended a Communist-sponsored lawyers meeting in Prague, Czechoslovakia, in 1948, and about the same time was active in NYC in a group called the Citizens Committee of the Upper East Side, which Attorney General Tom Clark labeled as a subversive organization and an affiliate of the CPUSA. She was a frequent speaker at meetings of the Civil Rights Congress, also named as a Communist front. She found "peace" about 1961, becoming legislative chairman of WSP. According to the Communist Worker of Aug. 21, 1966, she signed a statement with 40 other "emphatically" denying the right of Congressional committees to investigate subversive activities. One of her 1967 statements, opposing the Vietnam War: "We oppose destruction and military intervention in the social and political matters of peoples around the world." (Mrs. Abzug did not protest her husband's service in the Army during World War II.) In recent years she has been leader of a group protesting "war taxes."

RESOLUTION SUPPORTING BIBLE
READING BY ASTRONAUTS

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. DONOHUE. Mr. Speaker, I am very pleased to include the letter sent to me by Mrs. Pauline M. Johnson, church clerk, containing the resolutions, which I heartily endorse, adopted by the people of the First Baptist Church of Mendon, Mass., last July 23, 1970, expressing their very deep and intense convictions in support of the action of the astronauts in reading excerpts from the Bible as their spacecraft orbited the moon during December of 1968. The resolutions follow:

FIRST BAPTIST CHURCH,
Mendon, Mass., July 29, 1970.

HON. HAROLD D. DONOHUE,
House Office Building,
Washington, D.C.

DEAR MR. DONOHUE: Resolutions as adopted by the First Baptist Church of Mendon, Massachusetts, on July 23, 1970:

Whereas in recent months a small but vocal group of crusaders have protested the decision of the Astronauts to read the Bible as Christmas message to the world from their spacecraft while orbiting the moon in December, 1968, and

Whereas, such group seeks public censure of the Astronauts for their act, and seeks to prevent any further demonstration of faith by public leaders, and,

Whereas, such action is an infringement of the human rights written and intended in the Constitution of the United States, and seeks not only to deny religion and the expression of faith in God, but seeks also to establish irreligion and atheism as national policy.

Therefore, be it resolved that:

1. We appreciate and wholeheartedly support the decision of the Astronauts to read the Bible from their spacecraft as they orbited the moon during December, 1968, and
2. We further support the right of every human being to express his faith in God and the Bible publicly without fear or threat of censure.

Mrs. PAULINE M. JOHNSON,
Church clerk.

THE PASSING OF A GIANT IN EDUCATION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. JOHNSON of California. Mr. Speaker, one of the most dedicated, capable and respected leaders in the field of education passed away recently, leaving a grieving and shocked campus at Chico State College in Chico, Calif.

Dr. Dorothea Powers, professor of foreign languages and dynamic, energetic, respected leader in community and campus affairs, also worked with Chico's Chapter of the United Nations Association/United States of America, the mayor's United Nations Week Committee. She also conducted numerous student tours of Mexico. While almost any tribute to a person of her magnitude seems inadequate, I would like to share one of the many eulogies which have been made on her passing, an eloquent tribute written by Mr. Bill Lee, managing editor of the Chico Enterprise Record, on July 9, 1970:

DR. DOROTHEA POWERS

In these times of mounting nuclear jeopardy and international intrigue, a main hope of mankind is the possibility that mutual respect and understanding ultimately will be accepted as more potent than military endeavor and pressure politics in the search for world peace and harmony.

The coming to the front of mutual respect and understanding still is a long way off, of course, but there is no doubting that the factor of "communications" will play an essential role. And in the realm of international communications, LANGUAGE—the chief means by which thoughts and ideas and feelings are conveyed—is a basic key. Person-to-person conversation and correspondence can break down many walls that persist under circumstances of third-party translations and go-betweens.

No one on the local scene embodied more promise in this important "realm of the future" than Dr. Dorothea Thompson Powers, professor of foreign languages at Chico State College for the past 16 years. As such, the death of Dr. Powers last week while traveling in Spain was a shocking loss of unusual proportions.

Dr. Powers was an eminently successful teacher in her academic field. Wherever she taught during her long career—in Boston, in Maine, in New Mexico and in Chico—she was honored and cherished by students and faculty colleagues alike. In 1969, for example, she was one of three Chico State faculty members honored with the Distinguished Teacher Award.

Yet Dr. Powers was more than an accomplished linguist and teacher. Rather, she was a one-woman diplomatic service and a widely traveled ambassador of good will. After the death of her husband in the mid-thirties, the young Phi Beta Kappa pursued her specialty with dedication. During World War II, she served with the Red Cross in the European theatre, often functioning as an expert interpreter. After the war, she obtained her Master's Degree and her Doctorate in languages and built her reputation as a teacher while also continuing her wide travels.

In the latter realm, she spread her philosophy of language as a bridge between people by handling student tours, conducting seminars in Latin America, writing scholarly articles for professional journals,

serving as a language consultant for public school districts and giving unselfishly of her talent and time in countless other ways.

Under the circumstances, the death of Dr. Powers amounts to a painful loss, not only to Chico State College and the local community, but to a broad spectrum of students, scholars and people in distant places.

Yet the momentum of her dedication and the example she set will long serve as fuel and inspiration for others who share the hope that by excelling in languages, swifter progress can be made toward the day when mutual respect and understanding—via improved communications—will be accepted as more potent than military endeavor and pressure politics in the search for world peace and harmony.

IS COMMUNIST RUSSIA REALLY CHANGING?

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. GOLDWATER. Mr. Speaker, Russia is now well into its sixth decade under communism. Some political observers on the outside indicate that they believe the Soviet Union is "liberalizing."

However, some stories coming from the U.S.S.R. speak of continued tyranny. A few Soviet journalists have dared to write about persecution of Jewish and Negro groups either residing in or traveling to the country.

What is the real story? William Cole, a Columbia Broadcasting System newsmen, was recently expelled from the Soviet Union shortly after he had several interviews with four Russians.

Cole's interviews, very graphically, answer the question, "Is Communist Russia really changing?" The following is a summary of his series of interviews published in the Washington Post on Sunday, August 2, 1970:

RUSSIA'S UNDERGROUND SPEAKS

In a rare instance of audible and visible dissent from the Soviet Union, four Russians told Americans Tuesday night what can happen to a man who speaks out against the state in the U.S.S.R.

Three of them were seen and heard on WTOP-TV and the CBS network in interviews filmed by the CBS News correspondent William Cole, who was expelled from the Soviet Union shortly after he made them, "perhaps coincidentally." The fourth man spoke by tape from a labor camp in the far north of Russia.

The three seen on television were Pyotr Yakir, 48, who has spent 13 years in concentration camps as "the nontitular head of the democratic movement" in Russia; Andre Amalrik, 31, the historian whose harassments were described last year by Anatole Shub, now Paris correspondent for The Washington Post, in his celebrated series "Russia Turns the Clock Back," and Vladimir Bukovsky, who has spent six of his 27 years in insane asylums, prisons and concentration camps, for poetry readings and once for possession of Milovan Djilas' book "The New Class."

Amalrik was arrested by the KGB a few weeks ago and is awaiting trial. Cole believes that Yakir and Bukovsky are "in serious trouble"; that sooner or later they will be picked up and sent back to mental hospitals or concentration camps. Yet all three, he says, insisted on filming the interviews.

The man who spoke from a labor camp by tape is Alexander Ginzburg, the poet who was imprisoned in 1967 for protesting the trials of other writers. It was not explained how Cole got the tape, but he said the voice was identified by Moscow friends of Ginzburg.

The following are excerpts from the interviews and the Ginzburg tape:

PYOTR YAKIR

The most important turning point in the way people are thinking was when Daniel and Sinyavsky were arrested. Many educated people thought Daniel and Sinyavsky had done wrong by sending their writings abroad, and following their trial and after Samizdat—Samizdat refers to the system by which people simply reproduce and pass from hand to hand various writings—published the first speeches of Daniel and Sinyavsky, there came about a striking change, because both Sinyavsky and Daniel spoke about what they thought.

They had written down what they believed, and didn't consider themselves guilty. And many people began to think: Really, why should people be tried for their convictions? Why, simply for what he thinks, does a man have to be arrested? So from that time on, there were protests.

And then there was the trial of Galanskov and Ginzburg, and that was the time of the greatest enthusiasm, because, first, a great many people protested against the fact that the trial was held illegally and behind closed doors. During the trial, the situation changed a great deal. Whereas during the trial of Sinyavsky and Daniel it had been impossible to approach foreign correspondents—the vigilantes would take people straight off to the police—at the Moscow City Court we all discussed the affair with the correspondents. True, they wouldn't let us in anywhere, but a certain contact was established, and everything we learned we passed on immediately to the correspondents.

The trial ended, and against it there were a great many protests. More than 2,000 people put their names to various letters of protest against conviction of people for their beliefs. About the same time, Larissa Daniel and Pavel Litvinov handed correspondents a protest against the trial and appealing to world public opinion. That was the first, major step, which was a breach with all previous traditions. Never before in Russia had there been a case of people appealing to the West with a protest against unlawfulness in our country.

This is a great stride forward compared with Stalinism. Under Stalin, there was always an iron curtain, and no one knew what was going on here. Millions of people were destroyed and nobody knew about it. Now we're trying to publicize every arrest, every dismissal. This we consider our main function.

Here is what I think. We are all being arrested—those who took part in the democratic movement—but that's not the point. We are apparently being arrested because it doesn't suit the authorities to have people about who criticize them. But there's no going back. If we're not here, there'll be others; there are already many of us, many young people, and no independent thinking people in the Soviet Union will go back to what used to be. They'll beat us and they'll kill us. All the same, people will go on thinking differently.

ANDRE AMALRIK

COLE: Mr. Amalrik, why did you decide to write this book called, "Will the Soviet Union Survive Until 1984?"

AMALRIK: I think there were three main reasons why I decided to write the book and try to get it published. The first was my concern for the fate of my country. It was, alas, some years ago that I started to be concerned at the fact that my country was heading for a catastrophe in the not too distant future, and I wrote about it on two

occasions to the editors of Russian newspapers in Moscow, but I received the most unconvincing replies, and then I decided to find another way of gaining publicity for my views.

In the second place, since my book would appear abroad mainly, I set myself the objective of refuting those inaccurate ideas about my country which are widespread, mainly in the United States, that is, about the liberalization of the Soviet regime which is allegedly taking place. And third, I had the same reason as any author has who writes a book: Given that these ideas had come into my head, it was natural that I should want to write about them.

What is really happening in the Soviet regime, in my opinion, is not that it is getting more liberal but getting more senile. Liberalization would presuppose conscious reform, whereas in reality the regime is more and more losing control over the situation in the country.

From the point of view of the Americans, the Soviet regime exercises far greater control over its country than, say, the American country does over its. But for a totalitarian regime, the degree of control is already insufficient. As an example, I can cite the unusual popularity of Samizdat.

This doesn't happen because the regime takes a liberal view of such things or deliberately permits it, but simply because the regime can't do anything about this problem, mainly because there's been an extraordinary increase in the number of people with education, and in the importance of the role played by educated people in modern society, and this intelligentsia will no longer be satisfied with the miserable official writings which are offered.

COLE: What do ordinary people think of this regime?

AMALRIK: I have had a lot to do with factory workers and farm workers, and it seems to me that they haven't really begun to think over the nature of this system at all; it seems to them it's always been like this and it always will be. But at the same time, there's evidence of very deep dissatisfaction with particular aspects of the regime, and this can assume the most varied forms.

Some are dissatisfied because they receive extremely little money by comparison with others, so they don't have enough to live on. Others are dissatisfied because they can't buy anything for the relatively high wages they earn. The farm workers are dissatisfied with their lack of civil rights, in that they cannot leave the villages.

The factory workers are dissatisfied with their complete dependence on the factory managements.

People living in small towns are dissatisfied because they don't have the right to move to bigger towns when there's no work in the small ones. And gradually some people begin to have the idea that all of these local, smaller problems have their origins in the imperfections of the political system under which we live.

What may lead to a revolution is the utter lack of good sense in the upper class, which is trying to avoid any change and to prevent society from having any mobility; which is always striving to preserve and make permanent the breakup of our society into tightly closed castes.

COLE: Mr. Amalrik, the United States is pictured to Russians as a land where everyone's starving, where there's no freedom, and as the enemy. Why is this?

AMALRIK: If the regime is to make itself look attractive in the eyes of its own people, it must constantly depict in the most repulsive light all other countries, especially the economically advanced ones. And it has to be said that for a considerable time now, this method has been effective.

For example, I have had occasion to hear Russian farm workers saying something like

this: "Oh, well, life's very bad for us, but we are at least able to eat potatoes every day, and sometimes they bring us some kerosene. But how on earth do people live in the capitalist countries? There's probably nothing at all to eat there."

COLE: Is it true that opponents of the regime here are put into mental hospitals to get rid of them?

AMALRIK: Yes, it's true. I think it's the most disgusting thing that this regime does. At the same time, it seems to me this is a clear indication of the complete ideological capitulation of the regime in the face of its opponents, if the regime can't find anything else to do with them but to declare them to be out of their minds.

I am very well acquainted with a number of people who have been put into psychiatric hospitals and certified as being not responsible for their actions. There's Gen. Gregorenko, then there's Ivan Yakhimovich. The same fate now threatens Natalia Gorbanyevskaya. And I want to say that these are perfectly normal, clear-thinking people, and they have to live there among genuinely deranged people, and for an utterly undefined period, since the period of detention in a psychiatric hospital is not laid down in the sentence of the court.

But I consider that no system of rule by force can exist without people who are ready to submit to that rule. And if we don't want the rule of force to prevail, we must all fight against it, and not just say the regime is bad, that we have to suffer and so forth. It is a bad system, but that doesn't absolve us of blame for it's being bad.

COLE: You seem rather dissatisfied. Would you like to leave the Soviet Union?

AMALRIK: I'm dissatisfied with this political system, but this is the country in which I was born, and I hope that in due course everything will change. No, I don't want to leave this country. It's another question whether if I'd been able to make a choice before my birth; then I would have preferred to be born in another country.

VLADIMIR BUKOVSKY

COLE: What is life like for a dissident like yourself inside an insane asylum?

Bukovsky: Imagine to yourself a prison—an old prison, which was a prison even before the Revolution—in which there are something like a thousand prisoners, more than half of them murderers, people who've committed serious crimes at a time when they were out of their minds; people who are genuinely sick, and the remainder who are political prisoners, dissidents, who have done things which from the point of view of the authorities are crimes, but which are not criminal from the point of view of the law.

In order to isolate them, to punish them in some way, such people are declared to be insane and are detained as patients in these mental prison hospitals. Some time passed before I understood this and before I got to know my fellow prisoners.

I believe this is the usual fate for a person who wishes to be himself, who wants to say what he thinks, to act in accordance with his convictions and his ideas. Many people, hundreds of people, have been declared insane and committed to various hospitals, mainly special ones like those in Kazan, Leningrad; Chernikovsk, Sechyovka and so forth.

It's very much more difficult to get out of that place than it is to get into it. First, in order to get out, you must declare officially to the doctors that you admit that you are sick—"Yes, I'm ill, I didn't know what I was doing." And the second condition is to admit you were wrong, to disavow what you did. I know of several cases of people who refused to say that they had done wrong and spent many long years in the hospital.

Nikolai Samsonov, for example, a geophysicist from Leningrad, was kept there

simply because he refused to admit he was a sick man. Another of my friends in the madhouse was a French Communist of Romanian origin who had lived for more than 10 years in Marseilles and who came to the Soviet Union to see what communism was like in practice. He went to work in a footwear factory in Moldavia, and worked there for a long time. But he was displeased that the workers there received such low wages.

He told his workmates that they ought to fight for better pay. They went on strike. He was arrested and declared insane. In the hospital, he just couldn't understand what had happened to him, how Communists could do such things. For him, communism and the struggle for a better life were more or less the same thing. He just couldn't understand, and toward the end of his stay he really began to go out of his mind, it seems to me, because he was telling everybody that the Soviet government was under the influence of the Vatican.

The hospital regime was similar to any prison regime: an hour's exercise a day, locked cells, outside visitors once a month, one letter a month to relatives, one parcel a month, exactly the same as in a prison. The doctors themselves realized that it was not a hospital but a prison, and sometimes they said so openly. If a patient misbehaved he could be punished.

It was very easy to get into trouble, and the punishments were very severe. There are three kinds of punishment which are most commonly applied there. The first type is carried out by medical means.

I think people know about a preparation known as sulfazine, which was used if one of the prisoners gave a doctor a rude answer to some question or declared that a doctor in the hospital was no better than an executioner in a white smock. Such a remark would be sufficient to involve punishment.

Sulfazine is a pretty painful form of punishment. It causes your temperature to rise to about 40 degrees Centigrade, you feel you have a fever, can't get out of bed or move about, and it goes on for a day or two. If the treatment is repeated, then the effects can last a whole week or even 10 days.

A second form of punishment involves the use of the preparation aminozine, used in psychotherapy. It causes the patient to feel drowsy, sleepy. He may sleep several days on end, and if the treatment is given regularly, he may go on sleeping for as long as it is continued.

The third form of punishment we used to call the "roll-up." It involves the use of wet canvas, long pieces of it, in which the patient is rolled up from head to foot so tightly that it was difficult for him to breathe, and as the canvas began to dry out, it would get tighter and tighter and make the patient feel even worse.

But that punishment was applied with some caution. There were medical men present while it was taking place who made sure that the patient did not lose consciousness, and if his pulse began to weaken, then the canvas would be released.

The medical forms of punishment were pretty widely used, and it was sufficient for a patient to appear cheerful or, on the contrary, miserable, show dissatisfaction or be too calm—any deviation which might appear suspicious to the psychiatrists—to give them grounds for believing that he was ill; that would be sufficient for them to start using those treatments.

I was released from the camp in January, but I did not change my opinions and I did not give up my activity. Therefore I can be arrested at any moment, when I meet foreign correspondents, when I am distributing written material forbidden in the Soviet Union, and in other circumstances. It doesn't matter what excuse the authorities find for arresting me. There's a saying in the camps:

So long as they've got the man, they'll always find the law to fix him.

Of course, I know I am being followed, my telephone is always tapped, I feel that I am constantly under observation by the authorities. When I have to do something that I don't want the authorities to know about, I manage to get away from them. But it's pretty difficult in general. I am unable to get the sort of work I like doing if only because I am sufficiently well-known, or because in my identity card there is a mark which tells anyone that I've been in prison.

I am often asked about the prospects for change in this country, what we hope to get from our activity, how many supporters we have, and these are understandable, legitimate questions. But they are very difficult to answer. You have to understand, first of all, what's the essence of our struggle.

The essence of it is, in my view, the struggle against fear, the fear which has gripped the people since the time of Stalin, and thanks to which this system continues to exist, the system of dictatorship, of pressure, of oppression. It's into the struggle against fear that we put our greatest efforts, and in that struggle great importance attaches to personal example, the example which we give people.

I personally did what I considered right, spoke out on those occasions when I wanted to, and I'm alive, I am now sitting here and not in prison. I can get about, I can live. For me and for many people, that's very important; it shows that it's possible to fight, and that it is necessary to fight.

ALEXANDER GINSBURG

In this concentration camp, for lack of medical aid, 16 political prisoners have perished recently. Here there is only one doctor from among the prisoners, the rights of man are violated, thousands of people are deprived of their freedom and everyone goes in danger of his life.

I have just accompanied on his last journey my friend Jan Matusha. Three months ago, the Estonian Ans Frants died.

For six months now have been languishing in the Vladimir prison—that living grave—my friends Yuri Daniel and Valeri Ronkin. Several dozen of our friends were arrested in Moscow recently. Camps, prisons and the death of those near to us—that is what we are surrounded by, and nevertheless we hope to hold out.

We are sustained not by the so-called decisive stand of the Soviet Union, nor by the goodwill of the governments of the great powers, but by the wrath, protest and solidarity of all honest people, of all who hold dear the dignity of man, democracy and peace. In decisive resistance to modern barbarism I see the only real guarantee that the rights of man will be observed, here and throughout the world.

After reading these interviews, it is plain to see that the free world should not lull itself to sleep, thinking that Communist tyranny is dead in the Soviet Union. After 53 years, millions of Russians are still denied the simple freedoms that we, here in America, take for granted.

THE SUMMER BASEBALL LEAGUES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. ANDERSON of California. Mr. Speaker, in an age in which the "genera-

tion gap" has become the watchword, it is good for us to stop and praise those institutions which serve to bridge this "gap." One such organization is the summer baseball league. Be it run by the recreation and parks department, the "Little League," religious organizations, the Babe Ruth League, the Pony League, the American Legion, or any other group; the summer baseball league serves to help boys become men and to strengthen the bonds between the young and the old.

The summer baseball programs are a great aid in the development of young Americans. They help instill in youth the principles of teamwork and sportsmanship which are so vital to the success of the boys as they move toward adulthood. They teach the boys who participate how to handle responsibility, the need for hard work in order to succeed, the need to learn the rules, and the necessity of playing by those rules.

Perhaps most important of all, they teach young men how to handle victory and defeat. They teach that with victory must come humility—for today's victor may be defeated tomorrow. They teach that with defeat must come, not resignation, but rather, a determination to improve so that defeat may be turned into victory. These are lessons which the young men of our Nation need in order to grow into mature, responsible citizens.

A second, and equally important, benefit of summer baseball leagues is the bridge that they provide over the so-called "generation gap." The leagues are made possible through the work of dedicated men who give their time so that the boys may play baseball. Through the examples of leadership and dedication that these men provide, the boys receive a positive image of their elders and learn to work with the older generation. At the same time, the "elders" learn how to work with groups of young people—a skill all of us in the "over 30" class need to develop. Finally, since many of the coaches also are fathers of the players, the leagues help to strengthen the bonds between father and son and bring families closer together.

Summer baseball leagues are a valuable American institution, serving both the young and the old. Mr. Speaker, I am sure that both you, and all my distinguished colleagues, join me in saluting this most worthwhile activity.

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 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 1,500 American prisoners of war and their families.

How long?

THE DEEP RIVER ANCIENT MUSTER

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. MONAGAN. Mr. Speaker, I am pleased to commend to your attention a brief article which appears in the August 3 issue of Time magazine. The article is entitled "The Deep River Ancient Muster," an annual event of fife and drum corps groups from various parts of the country.

This is a patriotic event which dates back to the early 18th century of colonial America. In this year's event 63 such groups participated and it was certainly a most inspiring sight which had the best of the spirit of 1776.

The event took place in Deep River, Middlesex County, Conn., in the congressional district of our late beloved Congressman William L. St. Onge. The article was brought to my attention by his assistant, Mr. Murray Frank. It reads as follows:

THE DEEP RIVER ANCIENT MUSTER

"The noise shook green apples off the trees, moved a frog onto the railroad track, jolted nails out of the shingles in the roofs, and the hens in the poultry yards along the route laid premature eggs in fright." With slight Yankee exaggeration, a newspaper in 1885 described the first field day of the Connecticut Drummers Association in Wallingford, Conn. The fifes and drums echo anew each July along the Connecticut River, where sleepy New England villages like Chester, Deep River and Moodus quietly proclaim a heritage as old as the Republic itself. The occasion is the annual Deep River Ancient Muster, the gathering ground for fife-and-drum corps, which this year attracted over 10,000 spectators and musicians. Time Correspondent Richard Ostling, who is the son of a drummer, attended the muster and sent back this report:

You could easily hear the rumble of the drums at Deep River three miles up the river in Chester. The groups had come from all over: the Ancient Mariners from Gullford, Lancraft Fife and Drum from New Haven, the Chester and Moodus corps, the New York Regimentals, and the all-black Charles W. Dickerson Field Music from New Rochelle. Their dress was as colorful as their music was loud. Deep River's own corps led the parade, proudly arrayed in tricornered hats and scarlet colonial coats. The Ancient Mariners wore the motley collection of striped jerseys and white pants used by enlistees before the U.S. Navy settled on a common uniform. The silver cup awarded for the most authentic uniforms—the only contest at the muster—went to the variety of hand-sewn Confederate uniforms worn by the 32nd Virginia Field Music, a group from Williamsburg.

Though its origin was British, "ancient" fife-and-drum music has been best preserved in America, and especially in Connecticut, where it is a folk tradition passed down from generation to generation. The earliest American corps on record was founded in Annapolis in 1717. During the Revolutionary War, General George Washington issued an order stating: "Hours are to be assigned for all the drums and fifes of each regiment, and they are to attend them and practice; nothing is more agreeable, and ornamental, than good music." Because soldiers might have confused rehearsals with actual calls to arms, the Continental Army set practice hours of

5 to 6 a.m. and 4 to 5 p.m. The participants at Deep River observed no such regimen.

The festivities began a day ahead of time as early arrivals gathered in the Deep River Inn, a bar on Main Street, to shout greetings, swap tales and compare instruments above the din of indoor fifeing. Drummers, however, are usually kind enough not to play their instruments indoors; instead they rattle their sticks on the Formica tabletops. Unlike contemporary bands, fifers and drummers shun all modern innovations. Calfskin heads are used on drum instead of plastic ones, and a system of rope and leather ears is utilized to keep the heads taut, rather than metal rods. The fife must be the genuine article: a primitive piccolo consisting simply of a tube (usually wooden) with six finger holes plus a hole to blow across.

By midevening the inn was jammed. Outside in the parking lot, the overflow of fifers and drummers set up their own jam sessions. One of those basking in the deafening music was Raymond Hill, fire chief of the City of Los Angeles. In Washington for a firemen's seminar, he had come to Deep River to attend his fifth muster. "Anybody who can hear an ancient corps and not have the hair raise on the back of his neck, why something's wrong with him," he said.

Muster Day was a montage of sound and color as the 63 participating corps, resplendent in their scarlets, blues, grays and whites, drummed and fided their way through the streets of Deep River to a ball field on the outskirts of town. There, each group performed a medley of its favorite tunes in a five-hour fife-and-drum fest that left many of the uninitiated benumbed. The tunes ranged from Yankee Doodle and other Revolutionary War melodies like Road to Boston and The World Turned Upside Down, to such Civil War favorites as Marching Through Georgia and The Battle Cry of Freedom (Rally Round the Flag).

After the last performance, a jam session was decreed and there ensued a gigantic version of Friday night's scene at the inn parking lot. Hundreds of fifers and drummers, now in such states of unattire as T shirts atop colonial knee breeches, gathered in informal groups to pump out their traditional favorites. Despite the mixing of corps personnel, the precision achieved was impressive. But from across the field, the combined effect was a cacophony of sounds, a good-humored musical nightmare that for some lasted late into Saturday night, evoking all the ghosts of '76.

NATIONAL RESTAURANT ASSOCIATION PLEDGES ASSISTANCE

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. KLUCZYNSKI. Mr. Speaker, I have been advised, as have other Members of the House, that the National Restaurant Association has adopted a resolution pledging the assistance of the restaurant industry to our Government, its agencies, and its citizens who devote themselves to the enforcement of the law and rectification of such other human and economic ills as may beset our Nation. I am glad that this large industry, the fourth largest of our country, has taken this means of making clear its position in this important matter. As an example of a forthright statement by a large industry, I offer the resolution for insertion in the RECORD:

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NATIONAL RESTAURANT ASSOCIATION

Whereas, the nation's foodservice industry enjoys a degree of contact with America's youth, both as employees and customers, second only to the school system;

Whereas, the foodservice industry recognizes a code of ethics in business and promotes interest and participation in community and public affairs;

Whereas, there exists discord harmful to the welfare of our country;

Whereas, citizens are plagued by criminal activity—increasing inflation—accelerated unemployment—interruptions in the education process—by unwarranted strikes; by racial strife—by poverty among many—and by the wanton destroying of private and public property—

Be it resolved—that members of the foodservice industry are encouraged to insist that all officials, at all levels, whether elected or appointed, shall enforce the law and protect human rights—control crime, advocate a sound economy, check inflation, relieve poverty and provide and protect the right to dissent within the framework of the law and to further provide leadership consistent with the needs of all—

To this, the members of the foodservice industry pledge their aid and support.

CONGRESSMAN MINSHALL JOINS IN CALL FOR INTRASTATE CONFERENCE ON AIR POLLUTION ABATEMENT

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. MINSHALL. Mr. Speaker, I have today written to the Secretary of Health, Education, and Welfare urging him to promptly comply with the request of several communities in the 23d Congressional District of Ohio that he call an intrastate conference on air pollution abatement, as provided for in the Clean Air Act.

Following are my letter to Secretary Richardson and copies of the resolutions adopted by the city councils of the communities of Middleburg Heights, North Olmsted, Fairview Park, and Parma:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 3, 1970.

HON. ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: The communities of Middleburg Heights, North Olmsted, Fairview Park and Parma, in the 23rd Congressional District, have petitioned you, by resolutions of city council, to call an Intra-State Conference on Air Pollution Abatement, as provided in the Clean Air Act.

I most strongly join with these communities in urging that you take this action and that such a conference be held in the Greater Cleveland area, which is both centrally located and an example of the deadly fall-out from automotive exhaust fumes, industrial air pollutants and other factors which are creating a crisis situation in our nation's metropolitan areas.

I would very much appreciate your prompt attention to this urgent matter.

With best regards,
Sincerely yours,

WILLIAM E. MINSHALL,
Member of Congress.

A RESOLUTION FORMALLY REQUESTING THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE OF THE UNITED STATES TO ASSIST THE RESIDENTS OF MIDDLEBURG HEIGHTS, OHIO, BY INSTITUTING AN INTRASTATE ABATEMENT ACTION

Whereas, many residents of the City of Middleburg Heights, Ohio, are seriously affected by discharges, causing or contributing to air pollution, originating in or near the City of Middleburg Heights, Ohio, and other surrounding communities forming the Southwestern suburban area adjacent to the City of Cleveland, and a considerable portion of these discharges are caused by the Ford Motor Company Plant in or near Brook Park, Ohio.

Whereas, these discharges, causing or contributing to air pollution, are endangering the health or welfare of many residents of the City of Middleburg Heights, Ohio, including soiling and interference with visibility.

Whereas, in the opinion of the Council of the City of Middleburg Heights, it is now necessary to join with the City of Brook Park, Ohio, and other adjacent municipalities to seek further, formalized assistance from the federal air pollution control agency because previous lesser forms of federal assistance have not been sufficiently effective, and;

Whereas, in the best judgment of qualified air pollution control specialists, the past actions and the promised corrective measures indicated for the future by the Ford Motor Company management provide no assurance of prompt or comprehensively adequate improvement, even though such improvement is available and feasible.

Now therefore, be it resolved by the Council of the City of Middleburg Heights, State of Ohio:

Section 1: That we join with the City of Brook Park, Ohio and other adjacent municipalities to formally request the Secretary of Health, Education, and Welfare of the United States to assist the residents of Middleburg Heights by instituting an intrastate abatement action, with full recognition that the full procedure, if eventually required, will take many calendar months from the beginning date of the first step.

Section 2: That we hereby join with the City of Brook Park, Ohio and other adjacent municipalities to request the Governor of Ohio to concur with this Resolution and submit his concurrence to the Secretary of Health, Education, and Welfare of the United States as soon as possible, sending a copy of his concurrence to the Council of the City of Middleburg Heights.

Section 3: That we hereby join with the City of Brook Park, Ohio and other adjacent municipalities to request the State of Ohio Air Pollution Control Commission to concur with this Resolution and submit their concurrence to the Secretary of Health, Education, and Welfare of the United States as soon as possible, sending a copy of their concurrence to the Council of the City of Middleburg Heights.

Section 4: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the municipality, and for the necessity of improving and correcting the Air Pollution in the City of Middleburg Heights, therefore, this Resolution shall take effect and be in force at the earliest period allowed by law.

Passed: June 23, 1970.

JAMES A. CARR,
President of Council.

Attest:

GEORGE V. SCHIFFHAUER,
Clerk.

Presented to Mayor: June 29, 1970.
Approved on: June 29, 1970.

Mayor.

First Reading: June 9, 1970.

Second Reading: June 23, 1970.

Third Reading: Rules Suspended.

I, George V. Schiffhauer, Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Res. 1970-94 adopted by the Council of the City of Middleburg Hts., June 23, 1970 was posted for a period of fifteen days, beginning July 2, 1970 at the five posting places as designated in Ordinance No. 1928-7.

I, George V. Schiffhauer, Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify the foregoing to be a true copy of Resolution 1970-94 adopted by the Council of the City of Middleburg Hts., June 23, 1970, and now on file in the office of the Clerk of Council.

GEORGE V. SCHIFFHAUER,
Clerk of Council.

CITY OF NORTH OLMSTED, OHIO,

June 26, 1970.

To: Clerk of Council of Berea, Ohio, Cleveland, Ohio, Fairview, Ohio, Brooklyn, Ohio, Middleburg Heights, Ohio, Olmsted Falls, Ohio, Parma, Ohio, Parma Heights, Ohio.

GENTLEMEN: Enclosed please find a certified copy of Resolution No. 70-106 entitled "A Resolution requesting the Secretary of Health, Welfare & Education of the United States to assist the resident of North Olmsted, Ohio, by instituting an intrastate air pollution abatement action.

Sincerely,

NORA T. HILL,
Clerk of Council.

A RESOLUTION REQUESTING THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE OF THE UNITED STATES TO ASSIST THE RESIDENTS OF NORTH OLMSTED, OHIO, BY INSTITUTING AN INTRASTATE AIR POLLUTION ABATEMENT ACTION

Whereas, many residents of the City of North Olmsted, Ohio, are seriously affected by discharges into the air, which cause or contribute to air pollution within the City of North Olmsted, Ohio; and

Whereas, these discharges, causing or contributing to the air pollution, are endangering the health or welfare of many residents of the City of North Olmsted, Ohio, including soiling and interference with visibility; and

Whereas, in the opinion of the Council of the City of North Olmsted, Ohio, it is now necessary to seek assistance from the Federal Air Pollution Control Agency because previous lesser forms of federal assistance have not been sufficiently effective; and

Whereas, qualified air pollution control specialists have stated that the corrective measures, in the past and which have been promised for the future, by industries contributing to air pollution are not adequate nor comprehensive enough to abate the polluting of the air; and

Whereas, Council of the City of North Olmsted is of the opinion that controls should be established to prevent the industries from polluting the air and that the controls should emanate from the State of Ohio and the United States Government.

Now, therefore, be it resolved by the Council of the City of North Olmsted, State of Ohio:

Section 1. That we formally request the Secretary of Health, Education, and Welfare of the United States to assist the residents of North Olmsted, Ohio, by instituting an intrastate abatement action, with full recognition that the full procedure, if eventually required, will take many calendar months from the beginning date of the first step.

Section 2. That we hereby request the Governor of Ohio to concur with this Resolution and submit his concurrence to the Sec-

retary of Health, Education and Welfare of the United States as soon as possible, sending a copy of this concurrence to the Council of the City of North Olmsted, Ohio.

Section 3. That we request the State of Ohio Air Pollution Control Commission to concur with this Resolution and submit their concurrence to the Secretary of Health, Education and Welfare of the United States as soon as possible, sending a copy of their concurrence to the Council of the City of North Olmsted, Ohio.

Section 4. Wherefore this Resolution shall take effect and be in force at the earliest date permitted by Article IV, Section 12 of the Charter of the City of North Olmsted.

Passed: June 16, 1970.

Attest:

NORA T. HILL,
Clerk of Council.

FRANCIS J. O'NEILL,
President of Council.

Approved: June 19, 1970.

RALPH E. CHRISTMAN,
Mayor.

I hereby certify this to be a true and accurate copy of Resolution No. 90-106 passed June 16, 1970, by the Council of the City of North Olmsted, Ohio.

NORA T. HILL,
Clerk of Council.

A RESOLUTION SOLICITING CERTAIN OTHER MUNICIPALITIES TO JOIN IN A REQUEST TO THE FEDERAL GOVERNMENT FOR AN INTRASTATE ABATEMENT CONFERENCE UNDER THE CLEAN AIR ACT PASSED IN 1967

Whereas, pursuant to the provisions of the Clean Air Act, municipalities may join in a request to the Federal Government for an Intra-State Abatement Conference; and Whereas, this Council feels that certain cities on the west side of Cleveland have a common interest in calling such a Conference.

Now, therefore, be it resolved by the Council of the city of Fairview Park, State of Ohio:

Section 1: This Council hereby solicits the following Cities to join in a request to the Federal Government for an Intra-State Abatement Conference under the Clean Air Act of 1967:

Berea, Brook Park, North Olmsted, Brooklyn, Middleburg Heights, Olmsted Falls, Parma, and Parma Heights.

Section 2: The Clerk of this Council is hereby directed to forward a certified copy of this Resolution to the President of Council of each of the respective cities.

Section 3: This Resolution shall take effect and be in force at the earliest period allowed by law.

Adopted: June 1, 1970.

Approved: June 1, 1970.

Attest:

CHARLES A. MOONEY,
Mayor.

WILLIAM J. BENDER,
President of Council.

JOHN A. SHIMKO,
Clerk of Council.

A RESOLUTION SOLICITING CERTAIN OTHER MUNICIPALITIES TO JOIN IN A REQUEST TO THE FEDERAL GOVERNMENT FOR AN INTRASTATE ABATEMENT CONFERENCE UNDER THE CLEAN AIR ACT PASSED IN 1967

Whereas, pursuant to the provisions of the Clean Air Act, municipalities may join in a request to the Federal Government for an Intra-State Abatement Conference; and

Whereas, this Council feels that certain cities on the west side of Cleveland have a common interest in calling such a Conference; Now, Therefore,

Be it resolved by the Council of the City of Parma, County of Cuyahoga, State of Ohio:

Section 1. That this Council hereby solicits the following Cities to join in a request to the Federal Government for an Intra-State

Abatement Conference under the Clean Air Act of 1967;

Berea, Brooklyn, Cleveland, Fairview Park, Middleburg Heights, North Olmsted, Olmsted Falls, and Parma Heights.

Section 2. That the Clerk of this Council is hereby directed to forward a certified copy of this Resolution to the President of Council of each of the aforementioned cities.

Section 3. This Resolution shall take effect and be in full force from and after the earliest period provided by law.

Passed: July 8, 1970.

KENNETH G. KUCZMA,
President of Council.

Attest:

BERNARD J. SURVOY,
Clerk of Council.

Approved: July 14, 1970.

Filed with the Mayor: July 10, 1970.

JOHN PETRUSKA,
Mayor, City of Parma, Ohio.

BILLERICANS NOW IN BILLERICAY

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. MORSE. Mr. Speaker, the trip taken by some 85 members of the community of Billerica, Mass., to Billericay, England, offers a unique moment to think back to the earliest history of our Nation. A few weeks ago, this group set out on a voyage to England, and a visit to Billericay, to join the festivities marking the 350th anniversary of the historic sailing of the Mayflower to our own fair State of Massachusetts.

As a citizen of the Commonwealth of Massachusetts, I am proud to acknowledge our debt to those first Pilgrim travelers, and as one who has the privilege to serve the people of Billerica in the U.S. Congress, I am pleased to be able to point to the warm and longstanding ties between the "old" and the "new." The people of Billerica who made this journey, and the people of Billericay who invited them to visit, clearly share far more than the name of their respective towns, and I am delighted to be able to share the following article from the Lowell Sun of July 16, 1970, with my colleagues in the House:

BILLERICANS NOW IN BILLERICAY

(By Helen J. Harrington)

BILLERICA.—A cheerful group of 85 Billerica Pilgrims last night departed from Boston's Logan International Airport and this morning alighted in England where they will help Britons celebrate the 350th anniversary of the historic sailing of the Mayflower.

The group is headed by Selectman Thomas Conway, representing this town at the Billericay civic reception and other events in Billericay.

As they boarded the jumbo jet shortly before 9 last night, hundreds of relatives and friends were on hand to see the Pilgrims off. Gifts, flowers and well wishes accented the happy occasion, with Selectman Conway bringing several gifts from the townspeople as well as personal gifts from himself to his host, Malcolm Cohen, who was to greet the group in Billericay. He is the co-ordinator of the "Mayflower-70" celebration which officially opened on May 2 and will continue through '70.

For some of the Pilgrims it is a sentimental journey for the anniversary. They have visited England previously. A number will return to

Ireland for a stop-over and tours. Some have relatives and friends, and will enjoy happy reunions.

Rev. Albert Welch pastor of the First Congregational Church enthusiastic about the trip from the arrival of the first invitation from Billerica, will participate in a union service to take place in the Episcopal Church of Billerica Sunday, July 19, and will also preach at the evening service in the Methodist Church that same night.

Rev. Paul Bolduc of St. Mary's, Pinehurst has a full schedule mapped when he will leave the Pilgrim party for two days in Rome and an audience with Pope Paul and visit briefly with Bostonian friends in the Eternal City.

Supt. of School Frederick C. Riel will take a look-see at school administration or at least meet with those who have the same concern in these challenging times in education. He has many other important places of special interest to check out before he and Mrs. Riel return home.

Native born Britisher, Jessie Trump, will help the local Pilgrims to pack every day with exciting visits and tours before they emplane for home on July 29.

There have been many ties over the years with the people of Billerica with local residents. Yellowed records indicate that on February 6 in 1942 late Fire Chief Ernest Bartlett appearing before the Billerica Firemen's Association asked his group for a donation toward helping to evacuate poor children and that the money be sent directly to Billerica.

His friend J. W. Wheatley, a former fire chief in the mother town wrote the local chief of the strenuous days as the war dragged on and nightly aerial visits were increasing. It had been a sad Christmas not only for Billerica but for the Urban District. Enemy action had bombed out many homes and the people were unable to avail themselves of the government's evacuation scheme. Although the letter was written before Christmas its late arrival did not mean the time had passed to remember the stricken families with help. A generous donation was sent to Chief Bartlett's friend along with donations from a number of townspeople.

In a time of censorship the real plight of the people in the Urban District was not really known, but the R.A.F. was suffering heavy losses daily over the Channel, the English Fire Chief wrote.

Correspondence in the friendship continued until the death of Fire Chief Bartlett.

Selectman Conway, with many relatives in Ireland will visit every one before he returns to the jumbo jet for home. He will not ask for directions in Ireland this year, he knows the "countryside" very well after a delightful visit a year ago.

AMERICAN INVOLVEMENT IN VIETNAM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. RHODES. Mr. Speaker, those of us who admired President Kennedy, even though we might have differed with him, were shocked today to read that he has been accused of failing to end American involvement in Vietnam in 1963—when it was distinctly possible—for purely political reasons. This charge has been made by Kenneth O'Donnell, one of those closest to Mr. Kennedy while he was

President. And it has been confirmed by the respected Majority Leader of the Senate, MIKE MANSFIELD.

Both tell us that by the fall of 1963 President Kennedy was determined to pull Americans out of South Vietnam. But then Mr. O'Donnell goes on to quote the President as saying, "If I tried to pull out now we would have another Joe McCarthy Red scare on our hands, but I can do it after I'm reelected."

Mr. Speaker, since when have "Red scares" been more important than American lives?

If what Mr. O'Donnell says is true, it is the failure of President Kennedy to act when he felt he should have that is responsible for 7 more years of war. Mr. Speaker, we can thank God that President Nixon is now unwinding that war in a way that ignores political expediency and will insure a durable peace.

A TOTAL MUSICIAN

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. VANIK. Mr. Speaker, tributes and memorials to the greatness of George Szell, the brilliant conductor of the Cleveland Orchestra who passed away July 30, continue to pour in.

One of the more moving descriptions of the maestro's genius appeared in the Washington Post of August 1, 1970. I would like to enter this article entitled "A Total Musician" in the Record at this point. Also included below is a moving tribute from the Cleveland Press of July 31, 1970:

[From the Washington Post, Aug. 1, 1970]

A TOTAL MUSICIAN

(By Paul Hume)

One of the many staggering things about George Szell, the conductor of the Cleveland Orchestra who died Thursday night, was his knowledge of music, which often seemed not merely encyclopedic, but literally total.

One story told about Szell involves a prominent young American pianist who had played with most of the major orchestras of this country but felt that his career was not sufficiently dazzling until he could add the name of the Cleveland Orchestra to his list. Since no young soloist, however prominent, is engaged to play with the Clevelanders until he has Szell's personal approval, an appointment was set up.

At the proper hour, the famous conductor himself greeted the hopeful young pianist and said something like, "I understand that you play some Mozart concertos. Which ones?"

"Oh, I play them all," was the answer. (There are 27.)

"Fine," said Szell. "Let's not waste any time."

Leading the way to two grand pianos at one end of the room, Szell, who remained a formidable pianist throughout his lifetime, sat down at one, motioned the pianist to the other, and with no music whatsoever in sight, began to play the orchestral introduction to Mozart's Piano Concerto No. 1.

When he and the visitor finished No. 1, the story goes, Szell simply started on No. 2. And so on, through No. 3, 4, 5, 6, 7 and into No. 8. By now, "that young man was

sweating like a pig," as the story is told. Not Szell, however. He presumably was prepared to continue right through No. 27.

Finally, midway in No. 8, the brash young man stopped, red-faced, and said, "I am sorry. I am afraid that I really don't know these as well as I thought."

To which, according to the report, Szell replied, with the friendliest of tones, "Well why don't you come back when you do."

In some men, such a scene would be sheer arrogance. But from George Szell it was no such thing, since Szell was a man who knew and who could do more than he asked of any associates.

At no point in his 73 years did Szell let up in his acquiring more and more knowledge or information about music. In February, 1969, when he was recording the Tchaikovsky Piano Concerto with Gary Graffman as soloist, he answered my question about a discrepancy between what the orchestra's solo flute played and what my full score printed by marking the correct note in my score, initialing it, and then proceeding to give a brief but brilliant lecture on the shortcomings of various recent editions of Tchaikovsky, Dvorak, and Mozart, covering them all with succinct, pertinent notes.

No matter how heavy his conducting schedule became, Szell retained every bit of the musicianly command of the piano that had marked him since his childhood days as a prodigy. Nearly two decades ago, Szell recorded the two Mozart Piano Quartets with members of the Budapest Quartet, after playing them here in Library of Congress concerts. In the face of later, formidable competition, these recorded performances remain unsurpassed.

It was from Graffman, during the Tchaikovsky recording sessions that one of the most remarkable tributes to Szell came. Graffman tells of how, late one night after a day of record-making, Szell sat down at the piano and proceeded, by comment and example, to give what Graffman called "perhaps the greatest lesson I ever received in my life."

That particular recording says a lot about George Szell. He is, after all, especially famous for such grand symphonic works as those of Mozart and Beethoven, Brahms, Schumann, Mahler and Bruckner, and the epic operatic scores of Verdi, Strauss, and Wagner. Yet when audiences and critics alike heard him with Graffman in the thrice-familiar sounds of the Tchaikovsky warhorse, they had to note that the music sounded fresh, and superb as it rarely does.

Szell was frank about his manner of conducting in this country, compared to the way he directed the same music in Europe. He once told me, "I know that I sometimes conduct faster or louder over here than I do in Europe."

"It has to do with the difference in the size of our halls but it also has something to do with the differences in our orchestras and those of Europe." Then with a smile which some people said George Szell did not own, but which, in truth he simply reserved for the many times he felt like smiling, he added: "And it probably has some connection with our national pulse too."

It was Richard Strauss, himself a great conductor of both symphonic and operatic literature, who first insisted to the young Szell that he should concentrate on conducting. He rose to prominence, as most great European conductors do, via the opera house, then to the orchestral podium.

Szell joined the Metropolitan late in 1942 and left in 1946 to take up his last and greatest work, the perfecting of one of the world's finest orchestras. He remained in Cleveland for the rest of his life, a fact about which he was once questioned by an insensitive Eastern writer. His answer crackled: "People in New York should stop considering everything outside New York as outlying. We

are not provincial. My audience is of the highest level anywhere. If they hadn't been, I would not have stuck here so long."

Before he had to cancel his plans to conduct the Cleveland Orchestra in its coming season, Szell had announced its details in full, as well as his part in the upcoming season of the New York Philharmonic, of which he was interim music director.

It was a further indication of his own tastes in music that he had engaged Pierre Boulez as his principal associate in Cleveland, and had urged the engagement of Boulez, as of October, 1971, to replace Bernstein at the head of the New York Orchestra. For Boulez is, like Szell, a perfectionist, if one with radically differing musical preferences.

It will be difficult for the Cleveland Orchestra to find itself a permanent music director who will keep at its present glorious level the quality which Szell has made a Cleveland hallmark. It may be impossible.

That which these few great men of music build some times lives after them when another, inevitably different, yet also great, comes to succeed them. In any case, the substantial library of recordings made under Szell's direction will remain an unchanging testimony to his particular genius.

[From the Cleveland Press, July 31, 1970]

GEORGE SZELL AND HIS LEGACY

Mention Cleveland anywhere from Antigua to Zagreb, and someone is sure to speak in glowing terms of the great Cleveland Orchestra.

It was George Szell's stern and talented baton that guided this carefully selected and magnificently blended group of fine musicians to the world's musical pinnacle of excellence and acclaim.

And it was his uncompromising insistence on the highest standards that kept the orchestra in the top ranks for the entire 25 years he stood on the podium.

Dr. Szell's death at 73, robs Cleveland of one of its most distinguished citizens.

The world has lost a remarkably disciplined genius who exacted from every member of his orchestra a rare combination of technical near-perfection and warm and understanding interpretation of the great classics.

Mozart and Schumann were his favorite composers, but Dr. Szell gave to the moderns his same discriminating and sensitive interpretation, making the music his own without violating the composer's intent.

A charming and companionable man in intimate social gatherings, Dr. Szell became a stern and uncompromising taskmaster the moment his hand grasped the baton. Music always came first. His conducting career stretched back to the year he was 20, in Strasburg, Germany, and it was punctuated with hassles with musicians and managers, the most notable at the Metropolitan Opera when he was a guest conductor in 1953-54.

But it was at Cleveland's Severance Hall that the richness of his years of experience and musical knowledge matured. All the hours of preparation and rehearsal and the painstaking re-playing of certain phrases to get them just so were handsomely rewarded at every concert.

At this first twitch of his authoritative baton, a great stageful of musicians blended into a single, finely tuned instrument.

The strong and sensitive hands could coax the tenderest, plaintive notes from a pensive piccolo or demand crashing thunder of the tympani. An evening with Dr. Szell at Severance and, later, under the stars at Blossom Center, was a symphony of magic moments.

His reputation for perfection brought him many invitations to serve as a guest conductor, and it also gave people in other cities a chance to share Cleveland's greatest asset.

The orchestra's trips to Europe, to Russia and, most recently, to Japan brought waves of acclaim from critics and made the Clevelanders missionaries of culture and good will.

George Szell has left the bereaved members of the Cleveland Orchestra unforgettable lessons in musicianship and discipline. His legacy to the whole world of music is one of great effort, high standards and melodic perfection.

Dr. Szell, man of culture and refugee from Nazi terror, gave Cleveland something to be lastingly proud of.

THAT QUESTIONABLE WELFARE PACKAGE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. ASHBROOK. Mr. Speaker, it has indeed been encouraging that the Senate decided to take a close look at the administration's welfare package after that controversial bit of legislation passed the House by a comfortable margin. Syndicated columnist Richard Wilson, in his column of August 1 in the Baltimore Sun, comments on various reasons why this legislation was viewed by both Democrats and Republicans in the House questionable, to say the least.

I insert at this point the above-mentioned column by Richard Wilson as it appeared in the August 1 issue of the Baltimore Sun:

SENATE UNEARTHING WELFARE PLAN'S FLAWS

(By Richard Wilson)

WASHINGTON.—President Nixon called it "workfare" when he proposed to Congress in August, 1969, a wholesale revision of national welfare policy with a \$1,600 floor under the income of all families. It sounded attractive even though more expensive.

Incentives to work would replace an unsatisfactory system that encouraged idleness, was unfair, and was generally judged a monstrous failure.

The House passed a version of the Nixon welfare plan in April this year which required the working poor to register for jobs or work training while receiving federal assistance.

But it was not until the "workfare" plan reached the Senate Finance Committee that there could be said to be anything like a firm grasp on its meaning, cost and magnitude.

On the probably sound assumption that hardly anyone outside the finance committee, and certainly not the public at large, has the foggiest idea of what this colossal measure provides, here is some information.

Federally assisted welfare recipients, under the present law numbering 10 million, would automatically rise to 24 million, or an increase of one and a half times, in the first year of operation.

In 13 states the welfare rolls would be more than tripled.

In 16 states more than 15 per cent of the population would be on welfare, led by Mississippi with 35 per cent—more than one-third of its population on relief.

The total cost to the federal government of welfare would nearly double, from the present estimated cost of \$4.5 billion to \$9.1 billion.

Other information brought forth by Senator John J. Williams (R., Del.), in hearings

before the Senate Finance Committee, include the following:

An unemployed woman heading a four-person family in New York on welfare and without income would receive more net income than a woman with an income of \$7,000 earned at work. So who should work?

In Phoenix, Ariz., a woman with four dependents and \$5,000 in earned income would take a drop of \$5 in welfare benefits if she were promoted to a job paying \$6,000. So how does promotion get you off welfare?

In Chicago a woman with four dependents and an earned income of \$720 would receive total benefits of \$6,142. But if she earned \$6,000 a year at work, received housing benefits and paid her taxes, her total would be only \$6,001. So why get a full-time job?

These are a few of the anomalies and contradictions which neither Robert Finch, the former Health, Education and Welfare secretary, nor the present secretary, Elliot Richardson, have been able to explain with any clarity to the Senate Finance Committee. They have arrived before the committee with their charts, beaming with confidence, and departed in confusion, not to say dejection.

What emerges is that there is a borderline, a shadowland, where incentives to work become highly problematical and subjective, depending on the personality of welfare recipients. It has to be borne in mind also that it costs money to work, in the form of transportation, clothing, meals away from home, etc. For some the incentive to work must be powerful indeed.

It becomes clearer that the Nixon welfare plan, if adopted, will be attended by a continuous procession of horrible examples which have aroused so much popular despair all through the history of publicly financed relief.

The Senate Finance Committee is probably the only barrier to the final adoption of some version of the Nixon welfare plan. Once this measure reaches the Senate floor, if it does, there will be attempts to increase the \$1,600 income floor by double.

HOW LONG, MR. PRESIDENT, BEFORE YOU REPLY?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. CLAY. Mr. Speaker, on July 23, Congressmen STOKES, HAWKINS, and I wrote to President Nixon indicating our concern for the President's failure to give audience to black Representatives or consideration to the problems of black Americans. We await the President's reply and hope that he will invite audience with Representatives and elected officials of black America.

It is distressing, Mr. Speaker, that an overview of Nixon policy is so clearly an indictment of the President's complete disregard of the problem of race relations in our Nation. It is appropriate to observe this policy in the Presidential appointments since Nixon took office.

Mr. Clifford L. Alexander, Jr., who formerly and ably served as Chairman of the Equal Employment Opportunity Commission until his diligent pursuit of equal employment law interfered with the President's objectives, has now documented the President's failure to appoint blacks to significant positions in this

Government. I commend to the attention of my colleagues the text of Clifford Alexander's statement and urge that they note just one more reason for the tragic alienation of many black citizens of America:

THE REAL STORY ON MINORITY APPOINTMENTS UNDER NIXON

President Nixon's flunkies for a year and a half now have tried to create an impression of progress where none in fact exists. They have tried to create for the consumption of the American public an idea that President Nixon has outperformed his predecessors in the appointment of blacks to significant positions in the executive branch of the federal government.

There are two very fundamental things wrong with the approach taken by Nixon and his minions.

The first, and most important, is that comparisons are not the way to improve the basic positions of blacks in this nation. Nixon or any other American president should strive to fill the gap that has been created by years of exclusion. It is clear evidence of a lack of good intentions to continually make comparisons to past administrations when talking about what one is doing today.

It, of course, is also true that President Kennedy and, after him, President Johnson, made the significant breakthroughs that caused any new hiring to be "easier" than it was in the past. Once the breakthrough is made, then the erroneous myths that stick in some white minds about "finding qualified ones" automatically disappear.

The second reason the Nixon people should quit saying they have outperformed Johnson is that they are lying.

Let me list now the categories of jobs where the Nixon administration has not made any appointments:

To this date President Nixon has failed to initiate any new and significant high-level policy positions for blacks. President Johnson named the first black to the cabinet, a housing expert, Robert Weaver. Thurgood Marshall was the first black named to the Supreme Court. Andrew S. Brimmer was the first black named to the Federal Reserve Board, which, in the field of economics, is equivalent to the Supreme Court.

I had the honor of being the first black named to head an independent commission, the Equal Employment Opportunity Commission.

President Nixon has not nominated blacks to the cabinet level. To hear him talk, you would think that he was the innovator, but in fact he has not even come near keeping up with the record of his two Democratic predecessors—both of whom felt that more needed to be done than they accomplished.

In the area of judicial appointments, President Johnson in one day appointed four black judges. To date, in his 18 months in office, President Nixon has not even appointed four black federal judges throughout the United States.

More important, in an area where innovation would be helpful, President Nixon has not appointed a black judge in the South. Never in the history of this nation, where more than half the black population lives, has a black sat on the federal bench. If President Nixon were honestly interested in giving equal opportunity to blacks, he could do so tomorrow by placing a black on any federal bench in the South.

A year ago President Nixon virtually promised during a meeting with black publishers that he would appoint a black to the Federal Communications Commission. Here many decisions are made that affect America's picture of minority aspirations, but the President reneged in his promise to the publishers and appointed Dean Burch to the then-vacant FCC chairmanship. Several of

the publishers and other black leaders wrote to the President when a new vacancy became open this year. Again, there were indications the President would appoint a black to the Federal Communications Commission. Unfortunately, as is typical of this President and his spokesmen, the deeds do not equal the words. Instead, the President appointed a lawyer from HUD, Sherman Unger, to fill the vacancy of Kenneth Cox.

The regulatory commissions have not seen any blacks appointed under Mr. Nixon. He had an opportunity to make a black Republican, Howard Jenkins, head of the NLRB, but, no, though Mr. Jenkins has a distinguished career as a labor expert, as a commissioner, and as a Republican, a white was chosen instead. What Mr. Nixon and his crowd have done is to create an impression of progress where none exists.

In fact, there has been retrogression in the field of minority appointments. The total number of appointments to significant positions in the Johnson years is considerably higher than the 150-odd that the Nixon administration claims for its period in office. What is worse is that, of the 150 that Nixon claims, 24 are Foreign Service officers who take a competitive examination and are supposedly protected from political influence or patronage claims. Of the 150 he claims, almost half are holdovers from the Johnson administration. Of the 150 he claims, some are non-professional, or secretaries, by anyone's definition, not policymaking positions.

To date, Mr. Nixon has appointed no black to the cabinet; none to the Federal Reserve Board; none to the Supreme Court; a total of only three to all federal courts throughout the entire United States and none to a regulatory commission. He has appointed fewer black assistant secretaries than Johnson and Kennedy. He has appointed no black under-secretaries in any department of the federal government. He has failed to place any black in a significant position in the White House.

Yes, Mr. Nixon, we are taking you at your word. We are watching your deeds, not your words. Your deeds are clear. They do not include the hiring of blacks in significant positions in the federal government.

CLIFFORD L. ALEXANDER, Jr.

FUNDS FOR THE WAR ON POLLUTION

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. COLLIER. Mr. Speaker, one would get the impression, from reading certain newspapers and magazines and listening to radio, and television, that all our problems were solved during the presidential administrations of Roosevelt, Truman, Kennedy, and Johnson, that the problems immediately became unsolved as soon as Eisenhower and Nixon assumed office, and that neither of the latter two men ever lifted a finger to try to resolve them.

Blaming the Republicans for pollution, crime, inflation, war, poverty, and all the other evils with which we are faced is rather ridiculous, when we consider the fact that the Democrats have controlled both Houses of Congress in all but 4 years since 1931 and that the White House has been tenanted by a Democrat in 28 years of the last 37. President Eisenhower was faced with a

two-to-one Democratic majority in both this and the other body.

Current efforts to put the blame on the Republicans because our problems remain unsolved reminds me of the days immediately following the attack on Pearl Harbor. Some people tried to blame the Republicans for our lack of adequate defenses, choosing to ignore the fact that not long before we were catapulted into World War II there were but 89 Republicans in the House and only 16 Republican Senators.

Now that we have a Republican President and more Republicans in Congress, we hope, with the aid of the more responsible Members of the other party, to be able to effectively tackle the problems that still plague us. Certainly, the problems that still plague us. Certainly, the problems of environmental health are paramount.

Just what is the Nixon administration doing about pollution? A study of the budget for fiscal 1971 reveals that the Chief Executive has asked the Congress for adequate funding of the programs for air pollution control and environmental control, which are administered by the Department of Health, Education, and Welfare, and water pollution control, which is administered by the Department of the Interior.

Mr. Speaker, here are the details, which show that the war on pollution is being fought on many fronts:

AIR POLLUTION CONTROL

[In thousands of dollars]

	1969 actual	1970 esti- mated	1971 estimated
Abatement and control.....	30,034	35,194	40,301
Research, development, and demonstrations:			
Grants and contracts.....	11,630	28,456	39,915
Direct operations.....	18,606	22,231	22,382
Manpower training.....	4,493	5,516	5,750
Program direction and manage- ment services.....	2,819	2,653	2,670
Total program costs, funded.....	67,582	94,050	111,018
Change in selected resources.....	12,592		
Total obligations.....	80,174	94,050	111,018

The Department of Health, Education, and Welfare has the responsibility for the investigation of causes of air pollution, the determination of its effects upon life and property, the development of effective means of prevention and control, the development of air quality criteria, and direct Federal enforcement. The Clean Air Act provides for an approach to these problems through two broad areas of activity: (a) the solution of significant technical problems through research, development, and demonstration, and (b) the application of available technology and control techniques, through a variety of coordinated Federal-State abatement and control measures.

The Act places emphasis on regional control of air pollution, primarily as a State responsibility, with requirements for Federal action in regional designation and assistance in the development of State standards. A program of basic and applied research, accelerated development of improved emission control technology, grants-in-aid to air pollution control agencies, direct Federal abatement in specified areas, technical services to State and local agencies, review of State standards and plans, and a training program designed to provide competencies

necessary to cope with the complex problem of air pollution, serves to carry out these approaches. The program is accelerated by extensive use of other organizations, both public and private, through grants and contracts.

Abatement and control. Control program grants are made to regional, State, and local air pollution control agencies on a matching basis for the purpose of establishing, developing, improving, and maintaining programs for the prevention and control of air pollution. This activity also includes direct Federal abatement in interstate and intrastate areas, enforcement of Federal automotive vehicle emission standards, technical assistance to States and local governments, the Federal facilities pollution control program, and implementation of the emergency episode provisions of the Act. During 1971, emphasis will be directed at coordinating and assisting Federal, State, and local efforts in establishing effective control programs in cooperation with the designation of air quality control regions.

Research, development, and demonstrations. Grants and contracts. Grants are awarded to universities and other nonprofit institutions to conduct research into air pollution problems. Contracts relating to fuels and vehicles are used to accelerate research and development into new and improved methods, having industrywide application, for the prevention and control of air pollution resulting from the combustion of fuels. Special emphasis will be placed on development of technology for the control of sulfur oxides.

Direct operations. This activity includes research into the nature and extent of air pollution; its transport and atmospheric behavior; the effects on humans, other biological systems, property, and the atmosphere itself; and improvement in means for controlling pollution. The 1971 program will continue ongoing research in the control of vehicle emissions and sulfur oxides and the development of air quality criteria.

Manpower training. Training and technical personnel for Federal, State, and local government research and control operations is carried out through this activity. Special emphasis is placed on recruitment of technical personnel and short term training for State and local agencies. Training grants are also awarded to universities to support the development and improvement of graduate-level air pollution curricula and to provide student stipends. Fellowship awards support individual postgraduate training in air pollution research and control activities.

Program direction and management services. Overall executive direction and supervision of Federal air pollution activities and formulation of program and administrative policies are carried out under this activity. Direction, supervision, and coordination of administrative services, including financial and personnel management, general services, and facilities planning are also provided under this activity.

ENVIRONMENTAL CONTROL

[In thousands of dollars]

	1969 actual	1970 estimated	1971 estimated
Solid waste management.....	14,915	14,275	14,336
Occupational health.....	7,393	7,603	8,283
Radiological health.....		16,739	16,862
Community environmental management.....	13,022	10,342	5,712
Water hygiene.....	3,251	2,701	2,344
Program direction and management services.....	1,997	3,255	3,243
Total program costs, funded.....	40,578	54,915	50,780
Change in selected resources.....	747		
Total obligations.....	41,325	54,915	50,780

The Environmental Control appropriation supports a national program for the prevention and control of environmental hazards and health problems in order that man may more efficiently deal with his environment. Particular attention is devoted to solid waste management, occupational safety and health, radiological health, water hygiene, and community environmental management which includes human ecological systems, urban housing hygiene, and the special environmental problems of the Arctic, Appalachia, and other regions. These activities are carried out through research, training, and fellowship grants to universities, nonprofit institutions, and individuals; demonstration and planning grants to State, interstate, and local agencies in support of solid waste management programs; and direct Federal operations.

Solid waste management. The solid wastes program is designed to insure proper health protection and improved solid wastes disposal practices and technology through research, training, demonstration, development, and systems planning. Technical assistance is provided to States and communities throughout the Nation to improve solid waste management practices through application of existing technology and management techniques and through utilization of improved methods and equipment for collecting, processing, recycling, and disposing of solid wastes. In 1971 special emphasis will be placed on finding ways to insure that the costs of solid waste management are borne by those who generate the wastes.

Occupational health. Research and training is conducted and assistance provided to Federal, State, and local agencies, and to industry for prevention and control of occupational hazards and diseases. The 1971 increase will provide for the development of criteria for standards to control the health problems related to cotton dust, coal dust, uranium radiation, and noise.

Radiological health. This activity has the responsibility for conducting a national program for the control and prevention of radiological hazards to public health, involving research on the sources, levels, and effects of radiation. Criteria and standards are developed and enforced as a means of protecting the public. A training program is utilized to provide the competence needed in the expanding area of radiation protection and control. Technical assistance is provided to State and local agencies to aid in the development of their own radiation programs. In 1971 increased attention will be given to the protection of the consumers from hazardous radiation from electronic products.

Community environmental management. This program directs its efforts to managing environmental conditions associated with man's home, neighborhood, metropolitan area, and regional complexities. Assistance is provided to communities through technical consultation, training, demonstrations, establishment of criteria for planning healthful environments for urban areas and the development and application of health standards related to housing.

Water hygiene. The responsibility of this program is to assure that the quality of the Nation's waters intended for drinking, recreation, and other human contact is maintained at safe levels. Through research, training, technical assistance, and standards development, guidance is provided to States and local communities for safeguarding the sanitary quality of water supplies.

Program direction and management services. The Office of the Commissioner of the Environmental Control Administration directs and coordinates the programs of the Administration and furnishes centralized management services. This is accomplished by (a) formulation of administrative and program policies, coordination of research and

development activities, and dissemination of information; and (b) provision of management services related to program planning, legislative matters, financial and personnel management, and procurement.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION
POLLUTION CONTROL OPERATIONS AND RESEARCH

[In thousands of dollars]

	1969 actual	1970 estimated	1971 estimated
Research, development, and demonstration.....	58,353	50,721	44,594
Planning, assistance, and training activities.....	31,655	37,369	42,727
Enforcement.....	4,102	4,265	5,113
Executive direction and support.....	5,475	5,473	5,610
Total program costs, funded.....	99,585	97,828	98,044
Change in selected resources.....	-2,422	-188	374
Total obligations.....	97,163	97,640	98,418

Research, development, and demonstration. Grants and contracts are made to public and private agencies, institutions, and individuals for research and for field investigations and studies of an applied nature. Their purpose is to test and illustrate the applicability of research findings and newly developed techniques to problems of water pollution and particularly those related to industrial waste pollution problems; combined sewer problems; advanced waste treatment; water purification and joint treatment of municipal and industrial wastes problems. Nearly 64% of the total estimate for this activity is for these purposes. The balance of the estimate is to carry out activities in the Federal Water Pollution Control Administration laboratories, to conduct field studies and demonstrations, and to provide technical management for the grants and contract programs.

Planning, assistance, and training activities. The 1971 increase generally provides for (1) accelerating support to State and local river basin planning agencies; (2) strengthening or expanding Federal efforts for controlling pollution from Federal activities; (3) additional data needed to ensure compliance to established water quality standards; (4) for expanding grants and direct Federal operations for training and manpower development programs; and (5) for administering the expanded waste treatment works construction grants program.

Enforcement. The 1971 increase provides for adequate enforcement capability to carry out enforcement activities and action, as needed.

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS

[In thousands of dollars]

	1969 actual	1970 estimated	1971 estimated
Waste treatment works construction grants—total costs, funded.....	157,498	186,424	422,290
Change in selected resources.....	45,020	328,417	-72,290
Total obligations.....	202,518	514,841	350,000

Grants are made to construct municipal waste treatment facilities. Proposed for separate transmittal, proposed legislation:

Waste treatment works construction grants — costs — obligations (1971 estimated) \$650,000,000

Proposed legislation would provide \$4,000,000,000 contract authority for use over five years for lump-sum grants to localities for the construction of waste treatment works. Of that amount, \$800,000,000 will be

allocated in 1971 and in each of the next four fiscal years. In 1971, it is estimated that \$650,000,000 of the \$800,000,000 will be obligated. Coupled with State and local financing, the Federal share will stimulate about \$10,000,000,000 of total waste treatment works construction.

POLLUTION CONTROL OPERATIONS AND RESEARCH

Planning, assistance, and training activities—costs—obligations (1971 estimated)----- \$2,500,000

Legislation will be proposed to provide additional grant funding for State water pollution control agencies supported under Section 7 of the Federal Water Pollution Control Act, as amended. This additional funding will be used to accelerate the implementation of programs to achieve the water quality standards by extending and improving the water quality management capabilities of the State and interstate agencies.

SCRAMBLING FOR OIL—SUPPLY OF INDUSTRIAL FUELS GROWS TIGHTER, ADDING TO FEAR OF ENERGY WOES THIS WINTER

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, the oil crisis of which I spoke last Tuesday is reaching truly alarming proportions. The scarcity of low-sulfur content residual fuel oil in the city of Chicago and most of the Midwest, will result in a very bitter midwestern winter unless supplies of this fuel are found in significant quantities. The seriousness of the crisis was made clear in an article in Friday's Wall Street Journal. I am enclosing the article and calling it to the attention of my colleagues:

SCRAMBLING FOR OIL—SUPPLY OF INDUSTRIAL FUELS GROWS TIGHTER, ADDING TO FEAR OF ENERGY WOES THIS WINTER

A growing shortage of heavy industrial-grade fuel oils east of the Rockies has sent prices soaring to highs and could contribute to the possibility of energy problems in many parts of the nation this winter.

Power companies, factories, office buildings, hospitals, colleges and other users of the boiler fuel are encountering increasing difficulty securing sufficient supplies. In addition, they're paying prices as much as \$1.50 a barrel higher than a year ago, or as much as double the year-earlier levels. Many oil companies are turning down prospective customers, and some are even allocating shipments to present customers.

The higher fuel costs in many cases will be passed on to consumers in the form of higher electric bills, under so-called "automatic fuel adjustment clauses" in utility rates, and the form of higher prices for manufactured products. Some factories were forced to close for short periods last winter due to fuel shortages, and the pinch is likely to be more severe this year.

The fuel oil shortage also is contributing to a tightening supply of asphalt, the nation's chief road-building material. Some road projects have been slowed this summer, and the combination of short supplies and rising prices could cut into next summer's state and Federal highway programs.

The causes of the fuel oil shortage are complex and include such diverse factors as new

air pollution control laws, a world-wide tanker shortage resulting from events in the Arab world, new Federal coal mine safety rules, and a growing nationwide shortage of natural gas.

IMPACT OF SMOG CONTROLS

A major trigger for the shortage is the fact that many local air pollution control authorities are placing into effect much sooner than anticipated tight restrictions on the sulphur content of fuels. Burning of such fuels produces sulphur dioxide, a gas that when precipitated out on soot and dirt in the air and then breathed in can be damaging to the human bronchial tubes and lungs.

The laws are forcing many burners of coal, the lowest-cost boiler fuel for many parts of the country, to seek fuel oil as a substitute. Most boiler coal is high in sulphur content, and methods of removing it economically are still in the research stage. Pipeline-grade natural gas doesn't contain any sulphur but is nationally in short supply, and several major gas utilities also are rejecting new customers.

About two-thirds of the nation's heavy fuel oils are imported from Venezuela and Caribbean area refineries. At present these fuel oils, too, are high in sulphur, and most of the oil industry's new desulphurization plants in these areas, representing about a \$500 million investment, haven't gone into production. What's more, the tanker crisis has as much as tripled oil transportation costs from the Caribbean and has resulted in uncertain delivery schedules at East Coast ports. The tanker shortage results from the prolonged shutdown by Syria of a key Middle East oil pipeline and Libya's forced cutbacks in oil production there.

Domestic capacity to make heavy fuel oils has declined steadily because of rising imports and the previously low price of imported fuels in relation to high cost U.S. crude oil—such fuels frequently sold for less than half the cost of the crude from which they're made. This also discouraged the building of desulphurization plants in the U.S. Most new U.S. refineries have been designed without facilities to make heavy fuel oil in order to squeeze more gasoline and other higher-value products from each barrel of crude.

NEEDS GO UNFILLED

There are other factors contributing to the fuel oil shortage. A number of coal mines have been forced to close, at least temporarily, because they're unable to meet new Federal mine safety laws. Several electric power plants have been built to run on heavy fuel oil because of delays in getting approval and equipment for nuclear plants. Industrial plants that use so-called "interruptible" supplies of natural gas as their chief fuel, will need bigger stocks of alternate fuel oil this winter due to the greater likelihood that utilities will have to cut them off during periods of peak homeowner gas use.

Meanwhile the scramble for fuel oil is on. The University of Illinois Medical Center in Chicago is preparing to ask for bids for the fourth time in three months to secure a needed eight-million-gallon heavy fuel oil supply for this winter. The first three tries brought only one qualified bid, which will fill only half the center's fuel requirements.

William Graban, general manager of the municipally owned power plant in Taunton, Mass., says his invitations to 12 oil companies to bid on the plant's 700,000-barrel needs over the next year drew only one bid to supply 250,000 barrels. That bid, from Shell Oil Co., is at \$2.90 a barrel for relatively high sulphur (2.5%) oil, compared with a year-earlier price of \$1.98 from another supplier. The Taunton plant, about 25 miles south of Boston, serves about 18,000 electricity customers, and Mr. Graban says the town could be in a bad fix before long.

A marketing official of one of the largest international suppliers of heavy fuel oils says bluntly, "We are turning down prospective new customers, and from time to time have had to allocate deliveries in some areas to present customers, due to uncertain tanker schedules. We're even trying to buy fuel oil ourselves in the open market."

HEAVY DEMAND FOR LOW SULPHUR

The crunch is even more severe for heavy fuel oil with low sulphur content.

Public Service Electric & Gas Co., New Jersey's biggest utility, has converted about half of its electric generating capacity from coal to heavy fuel oil with a maximum of 1% sulphur to meet the state's present air pollution control rules. But in October, it must start using oil containing no more than 0.5% sulphur, which it estimates will cost about \$1 a barrel more, and it anticipates this will be harder to buy, even though the company is close to two low-sulphur fuel oil terminals. The utility burns about two million barrels of oil a month.

Virginia Electric & Power Co. says such fuel is "exorbitant (in price), and it's just not available." Philadelphia Electric Co., which switched entirely to low-sulphur fuel oil at its power plants last year to meet new air pollution control laws, estimates that the \$6 million that the switch added to its first year's fuel bills will be doubled over the next year by recent price increases. Low-sulphur oil costs up to \$3.50 a barrel in some markets.

Byron S. Well, president of Oils Inc., a Chicago heavy fuel oil distributor, predicts that city's new air pollution control laws on sulphur dioxide will result in a severe fuel oil shortage for large institutions, hospitals and factories.

He asserts that greater access to foreign fuel oil in the Midwest is needed. Up to now about 90% of the nation's heavy fuel oil consumption has been on the East Coast, where there is almost unrestricted access to imported supplies. But imports of heavy fuel oil to the inland areas of the nation have been tightly restricted. Last March, the government granted the first import quota for this area, permitting Commonwealth Edison Co. of Chicago to bring in 4.5 million barrels of low-sulphur, heavy fuel oils. Oils Inc. then asked for a two-million-barrel quota but has been granted only 480,000 barrels.

But one oil marketer says, "Getting quotas may not help inland users much. You just can't find much heavy fuel oil available in the Caribbean right now, and when you can, it's almost impossible to charter a tanker to haul it for you."

MORE CLEAN-UP FACILITIES

Several major new desulphurization plants will be placed in operation in the Caribbean and Venezuela over the next six months, but oil marketers generally don't believe the facilities will solve the shortage.

For example, by the middle of August Standard Oil Co. of California and closely held New England Petroleum Corp. will begin shipments from a 250,000-barrel-a-day facility they share on a 35%-65% basis at Freeport in the Bahama Islands that can make 130,000 barrels of low-sulphur, heavy fuel oil daily. But, a spokesman says, "It's all sold under firm contracts."

In October Creole Petroleum Corp., 95%-owned by Standard Oil Co. (New Jersey), the largest supplier of heavy fuel oils to the U.S., will begin production at a facility at Amay, Venezuela, capable of making 166,000 barrels of low-sulphur, heavy fuel oils daily, and Jersey Standard's wholly owned Lago Oil & Transport Ltd. will start up an 88,000-barrel-a-day unit on the island of Aruba about next Jan. 1. Yet a U.S. marketing official for the company predicts the short supply of heavy fuel oils could last as long as two years.

The Royal Dutch-Shell Group started a 50,000-barrel-a-day desulphurization unit at

Cardon, Venezuela, this year, nearly tripling its low-sulphur, heavy fuel oil capacity in the Caribbean. Amerada Hess Corp. has about 86,000 barrels a day of low-sulphur fuel oil capacity at St. Croix in the Virgin Islands. Texaco Inc. has announced plans for a giant desulphurization unit on Trinidad.

The current high prices for heavy fuel oil even have some oil companies pondering a boost in domestic output. "But by the time desulphurization units could be built, the shortage may have ended or prices may have come back down, so it looks like a big gamble," says one oil executive.

DROPPING ASPHALT FOR OIL

An Arab-Israeli armistice also might bring an easing of the conditions causing the worldwide tanker crisis, but oilmen aren't counting on it.

A spokesman for the American Oil Co. division of Standard Oil Co. (Indiana) says some refineries are switching some asphalt production into making heavy fuel oil, and this is contributing to a growing shortage of asphalt.

The tanker shortage also is a big factor, since U.S. asphalt plants generally run on Venezuelan crude oil.

Frank O'Donnell, president of Trimount Bituminous Products Co., Everett, Mass., which mixes asphalt with other materials and supplies contractors, says he's been forced to ration deliveries to customers, delaying "completion of all sorts of jobs." The reason, he says, is that his asphalt supplier, Humble Oil & Refining Co., Jersey Standard's chief subsidiary, will sell him only 75% as much as he bought last year. Some of Trimount's truck drivers are working only three days a week due to the shortage, Mr. O'Donnell says.

R. L. Peyton, assistant state highway director for the Kansas Highway Commission, says some projects in that state have been delayed by the need to seek bids on asphalt a second time. He says availability of asphalt has been "touch and go so far this year, and it may be worse next year."

Adolph Zulian, assistant chief engineer of the Colorado Highway Department, says prices of liquid asphalt have risen 20% to 30% from a year ago, and he says that one of the state's major suppliers, Texaco, won't accept any new orders for this year.

Millard Stewart, executive director of the Asphalt Association of Western Pennsylvania, which represents the area's road materials producers, says, "We will probably make it through the year and get most of the jobs done, but it will be tight." He called the supply "critical" and predicted the present \$24 a ton price, unchanged from a year ago, may soar to \$29 a ton by next spring.

TREATMENT OF CAPTURED AMERICAN SERVICEMEN

HON. ROBERT H. MOLLOHAN
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Monday, August 3, 1970

Mr. MOLLOHAN. Mr. Speaker, the great excitement and outrage generated by the recent discovery of "tiger cages" in the South Vietnamese-run Conson Island prison have overshadowed an equally unforbearing situation.

I refer to the treatment of captured American servicemen, and their families, by the North Vietnamese. I am now speaking not only of the conditions under which the American POW's are kept,

but also in the refusal of Hanoi to release the names of Americans it is holding captive.

The anguish of relatives of missing American soldiers should be heard around the world.

The following editorial, written by Adam Kelly and appearing in the Star News of Sistrerville, W. Va., places the Conson outcry in proper perspective, together with the proper comment that neither situation should be condoned.

I present Mr. Kelly's editorial at this time and hope my colleagues will read it and benefit from it:

REVULSION AND DISBELIEF

It was with an utter feeling of revulsion (coupled with a weary sense of growing disbelief) that we read last week of the Viet Cong, and how they had added their shrill little voices to the current chorus yapping about the "Tiger Cage" prison area in South Vietnam.

By now, we are certain, you know of the story: how a couple of congressmen playing gumshoe found the area involved inside a prison, took some pictures which Life Magazine was happy to publish, and commenced immediately a great clamor of indignation.

There are some points to keep in mind about this affair, in order to put it in the proper perspective.

First is that no civilized person can condone inhumane treatment of another human being, inside prison walls or outside them.

However, the charges which were made about the South Vietnam prisons were made primarily by the prisoners themselves. The veracity of prison inmates anywhere in the world in such matters always is open to question.

There is no doubt in our minds that given the right set of circumstances and free access within the walls, a photographer could come up with shocking pictures indeed from our state prison at Moundsville. Indeed, it has been recommended by competent authorities that this venerable institution be razed because of its deteriorating physical plant.

None of this excuses ill treatment of prisoners in South Vietnam, if this is the case.

But let us think one step further: The prisoners in that South Vietnamese jail were alive, and the world—and their relatives—know they are alive.

In Tyler County we have anxious parents grieving their hearts out for almost three years now, waiting, hoping desperately, for a word—a single sign of life—from a son shot down over North Vietnam.

This is uncivilized. This is barbarous. This is inhumane. This is savage. This is North Vietnam.

Where are the tears for the living dead in North Vietnamese prison camps? Who weeps tonight for them?

THE CIVIL AERONAUTICS BOARD AND AIR FARES

HON. JOHN E. MOSS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Monday, August 3, 1970

Mr. MOSS. Mr. Speaker, on Tuesday, 31 of my colleagues and I filed two papers with the Civil Aeronautics Board setting out our position with respect to the present domestic passenger air fares.

These papers follow:

[Docket 22935]

IN THE MATTER OF PROPOSED EXTENSIONS OF DOMESTIC PASSENGER FARES ESTABLISHED BY THE BOARD AND HELD TO BE UNLAWFUL—COMPLAINT OF MEMBERS OF CONGRESS AND AIR TRANSPORTATION USERS

Communications with respect to this document should be sent to: The Honorable John E. Moss, Member of Congress, 2185 Rayburn Building, Washington, D.C. 20515, Richard W. Klabzuba, 2185 Rayburn Building, Washington, D.C. 20515, and Stanford G. Ross, Esq., Caplin & Drysdale, 1101 Seventeenth Street, N.W., Washington, D.C. 20036.

Complainants, thirty-two Members of Congress, hereby complain against any extensions of the domestic passenger tariffs presently on file.

I

Various domestic air carriers have proposed to extend the tariffs presently on file beyond August 31, 1970. These tariffs reflect the passenger fare structure established by the Board in its order of September 12, 1969. They also embody the fare level established by the Board in that order, augmented by an increase afforded in June 1970, when the Board agreed, by a 3-to-2 vote and in an *ex parte* decision, to allow the carriers to round fares up to the nearest full dollar. In a press release of June 19, 1970, announcing this decision, the Board noted that "the public had no notice of the carriers' proposal to increase fares on July 1st or opportunity to file comments and that the Board accordingly did not have the benefit of these comments." The Board therefore required the increase to expire on August 31, 1970, unless extended. The carriers have now petitioned for such an extension.

II

Complainants oppose any such extension of the present unlawful tariffs. These tariffs are based directly upon the fare formula promulgated by the Board in its September 12 order. That order and any tariffs based upon it have been declared illegal by the United States Court of Appeals for the District of Columbia Circuit in the case of *Moss v. CAB*, No. 23,627 (July 9, 1970). Therefore, we do not believe the Board can permit the extension of the present tariffs.

Indeed, as complainants noted in a filing with the Board on July 24, 1970, it would appear that action must be taken by the Board to correct the present illegal tariffs as soon as the mandate of the Court of Appeals' decision in the *Moss* case issues, in accordance with section 1002 (d) and (e) of the Federal Aviation Act and the Court of Appeals' decision.

III

It appears plain, moreover, that the Board's decision to permit a rounding up of fares does not meet the legal test, as set out by the Court of Appeals, for assuring that rate proceedings are conducted on the record and with opportunity for participation by interested members of the public. The public was never notified that the Board had a proposal for rounding up fares under consideration. The Board apparently acted on the basis of private communications from one or more of the carriers, and indeed without ever issuing an order. The public was informed of the Board's action in sanctioning the increase only by means of a press release. Complainants, like other interested members of the public, had no opportunity to object to this *fait accompli*—which, by the Board's estimate contained in the press release of June 19, would increase the carriers' revenues by something approaching \$50 million on an annual basis.

For the reasons contained herein, complainants submit that the Board should allow no extension of the present fares but in-

stead, as suggested in our filing of July 24, 1970, should take steps to cure the unlawfulness of the tariffs presently on file at the earliest possible date.

Respectfully submitted,

RICHARD W. KLABZUBA,
STANFORD G. ROSS,

For Complainants.

John E. Moss, Glenn M. Anderson, Thomas L. Ashley, Walter S. Baring, George E. Brown, Jr., Phillip Burton, Daniel E. Button, Jeffery Cohelan, James C. Corman, John D. Dingell, Don Edwards, Richard T. Hanna, Augustus F. Hawkins, Chet Hollifield, Harold T. Johnson, Robert L. Leggett, Joseph M. McDade.

John McFall, Spark M. Matsunaga, George P. Miller, Joseph G. Minish, Patsy T. Mink, Jerry L. Pettis, Thomas M. Rees, Peter W. Rodino, Jr., Edward R. Roybal, Bernie Sisk, Charles M. Teague, John Tunney, Lionel Van Deerlin, Jerome R. Waldie, Charles H. Wilson.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon: Air West, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., by causing a copy of it to be mailed to such carrier or its agent properly addressed with postage prepaid.

RICHARD W. KLABZUBA.

[Docket 22399]

IN THE MATTER OF THE PROPOSED UNITED AIR LINES TARIFF AND ANY OTHER DOMESTIC PASSENGER TARIFFS FILED TO BECOME EFFECTIVE ON OR AROUND JULY 30, 1970—COMPLAINT OF MEMBERS OF CONGRESS AND AIR TRANSPORTATION USERS

Communications with respect to this document should be sent to: The Honorable John E. Moss, Member of Congress, 2185 Rayburn Building, Washington, D.C. 20515; Richard W. Klabzuba, 2185 Rayburn Building, Washington, D.C. 20515; and Stanford G. Ross, Esq., Caplin & Drysdale, 1101 Seventeenth Street, N.W., Washington, D.C. 20036.

On July 27, 1970, United Air Lines filed domestic passenger tariffs with an effective date of October 1, 1970, but with a special application seeking to advance the effective date to July 30, 1970, in the event present tariffs become unlawful on that date. For the reasons stated in our filings of July 24, 1970, and July 28, 1970, as well as those in the decision of the United States Court of Appeals for the District of Columbia Circuit in *Moss v. CAB*, No. 23,627 (July 9, 1970), complainants object to the proposed United tariffs as being based in substantial part on the illegal Board order of September 12, 1969. Further, complainants object to the United tariffs as being unjust and unreasonable for the reasons stated in complainants' complaint of August 20, 1969. On the basis of the foregoing, complainants would also object to any tariffs filed by any other carriers to become effective on or around July 30, 1970.

Respectfully submitted,

RICHARD W. KLABZUBA,
STANFORD G. ROSS,

For Complainants.

John E. Moss, Glenn M. Anderson, Thomas L. Ashley, Walter S. Baring, George E. Brown, Jr., Phillip Burton, Daniel E. Button, Jeffery Cohelan, James C. Corman, John D. Dingell, Don Edwards, Richard T. Hanna, Au-

gustus F. Hawkins, Chet Hollifield, Harold T. Johnson, Robert L. Leggett, Joseph M. McDade.

John McFall, Spark M. Matsunaga, George P. Miller, Joseph G. Minish, Patsy T. Mink, Jerry L. Pettis, Thomas M. Rees, Peter W. Rodino, Jr., Edward R. Roybal, Bernie Sisk, Charles M. Teague, John Tunney, Lionel Van Deerlin, Jerome R. Waldie, Charles H. Wilson.

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RICHARD W. KLABZUBA.

POW'S—OUR FORGOTTEN AMERICANS

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. RIVERS. Mr. Speaker, the July 27, 1970, issue of *Counterattack* graphically portrays the impossible plight of our more than 1,400 U.S. servicemen classified as either prisoners of war or missing in action. The article on this subject was written by Adm. Joseph J. Clark, U.S. Navy, retired, and Bernard J. Lally. I commend it to the reading of every Member of the Congress and all patriotic Americans:

OUR FORGOTTEN AMERICANS

We are told that David K. E. Bruce, the new head of our delegation at the celebrated "peace talks" in Paris is an experienced and competent diplomat. The veteran ambassador may try the approach of using warmth and goodwill in dealing with the truculent Communist representatives. However, even if the personable Mr. Bruce combines all the diplomatic resources of Machiavelli, Talleyrand, Prince Metternich and Cardinal Richelieu, the National Liberation Front will not be charmed into going out of business nor will Hanoi agree to any American peace proposals that have not been earned on the battlefield.

If the ambassador can achieve a breakthrough by having the enemy treat United States prisoners of war humanely in accordance with the Geneva Convention which North Vietnam endorsed in 1957, he will have contributed a notable accomplishment.

North Vietnamese and Viet Cong forces captured in South Vietnam are detained by the Government of the Republic of Vietnam in Prisoner of War camps which are regularly inspected by the International Committee of the Red Cross. In accordance with the Geneva Convention, sick and wounded prisoners have been released and repatriated to North Vietnam. We have provided such treatment not only because it is required by the Convention but also because it is the humane thing to do. Our adversaries have not reciprocated and there is clear evidence that

the enemy is treating the U.S. prisoners it holds inhumanely.

There are more than 1400 U.S. servicemen classified by the Services as either prisoners of war or missing in action. Of the more than 1400, about 800 were downed over North Vietnam. Most are pilots and we believe a substantial percentage of the missing may be prisoners. The families of these hundreds of servicemen have lived for months and years under the continuing anxiety and pressure of uncertainty as to the status and well-being of their loved ones. Despite repeated attempts by the U.S. Government and neutral organizations, the North Vietnamese and Viet Cong have consistently refused to release the names of those U.S. prisoners whom they hold.

The magnitude of this unnecessary inhumanity has increased with each passing month. There are now more than 200 U.S. servicemen listed as prisoners or missing in action who have been in those categories for more than four years. The first U.S. pilot, whom we believe is still a prisoner, was captured in August, 1964. The North Vietnamese have made statements, both publicly and privately, to the effect that American prisoners of war were being treated humanely. However, it has been impossible to verify such claims because North Vietnam adamantly has refused neutral inspections of the places of detention. Hanoi's claims of proper treatment and its controlled visits with a handful of selected news people are not adequate substitutes for complete and impartial inspections.

Most information regarding the status of American prisoners has come in the form of propaganda films and photographs which the North Vietnamese have sold or made available to various news sources throughout the world. It is regrettable that we must rely on such often distorted information to determine the status of U.S. prisoners. Many of the films and photographs have implied that our prisoners were being well treated, that they were permitted to communicate freely with each other, that they were allowed to correspond freely with their families, and that they were receiving proper medical treatment. An analysis by our Defense Department indicates this is not the case and that the provisions of the Geneva Convention are being disregarded.

In some instances, North Vietnamese propaganda has generated false hopes among American families because the identity of the prisoners shown could not be clearly determined. In one case, 20 different wives believed that a prisoner shown in a propaganda photo was her husband. This prisoner remains unidentified.

Over twenty months have transpired since the bombing of North Vietnam was halted. During this time we have had no releases and almost no information on American prisoners. In the past six years, North Vietnam has chosen to release only six pilots. Three of the six returned had been listed as missing in action and the announcement by Hanoi of their prospective release was the first indication that they were even alive.

Some of the propaganda photos made available have shown U.S. pilots alive on the ground after their capture by the enemy. Regrettably, no information has been received since their initial captivity, again causing severe and unnecessary anguish to the families involved. Cdr. A. C. Brady and Maj. W. S. Gideon are two such cases. Another example is Maj. J. H. Kasler who was shown as injured when captured but has not been heard from since. One propaganda film showed a display of 18 ID cards of pilots. This hardly determines the status of U.S. prisoners.

There have been indications that American prisoners in North Vietnam have been mistreated physically. In 1965 and 1966, cap-

tured U.S. prisoners were paraded through the streets of Hanoi. Some were seriously injured, as in the case of Lt. D. G. Rehmann, who suffered serious burns when downed in December, 1966. In addition, we believe that the great majority of American prisoners have been isolated from contact with the outside world.

Several propaganda photographs released have shown U.S. prisoners in solitary confinement. All six pilots released by North Vietnam have confirmed that they had been held in isolation for varying periods of time. Such isolation can have serious irreparable effects on the health and welfare of those detained under such circumstances. North Vietnam released films also raise serious questions as to whether the prisoners are receiving proper medical care. Recent photographs show that some prisoners are continuing to suffer from injuries incurred at the time they were downed. For example, several prisoners have been shown still using crutches after many months of captivity. Lcdr. H. A. Stafford injured his left arm and shoulder when shot down in August, 1967. Today, his left arm appears to be noticeably smaller raising questions of proper medical treatment.

An enemy photo showed Lcdr. J. S. McCain, III, shortly after capture in October, 1967. He was pictured in extensive casts because both of his arms and his right leg were broken. Hanoi has not indicated what his present condition is, and thus we wonder what treatment Lcdr. McCain has received in the past 33 months.

One enemy film included an elaborate spread of food which only two prisoners are shown carrying. Neither is shown eating the suspiciously large portions. In an interview by Fallaci, an Italian journalist, in "L'Europeo" about a year ago, Lt. Robert Frishman stated that he had been held in isolation for a year and one half and that the reporter was the first person to whom he had spoken during that time. Considerable weight loss by American prisoners has been confirmed by the enemy's own propaganda films. In viewing the propaganda information which the North Vietnamese have chosen to release from time to time, the same few prisoners appear in the pictures. This raises the obvious question as to the status of the vast majority who are not paraded before the cameras.

Propaganda films and photographs are misleading and are no substitute for information and impartial inspections required by the Geneva Convention. The classical example of Communist distorted information was that released by North Korea during the captivity of the Pueblo crew. North Korean propaganda stated that the Pueblo crew was well fed, that they were permitted to exercise regularly, and that they could communicate frequently with each other and their families. The testimony of the Pueblo crew confirms that the photos were staged and the portrayed benefits occurred only when the photographs were actually taken.

Some North Vietnamese photographs have implied that our prisoners were permitted to attend religious services. The photographs show only a handful of prisoners actually present for such services and the men are kept far apart so that they cannot communicate. Another film attempted to indicate that the prisoners were enjoying recreational activities by playing table tennis, but the facial expressions and lack of animation are positive indications that it is a staged event.

Regular exchange of mail between prisoners and their families is a guaranteed provision of the Geneva Convention. Such a flow of mail simply has not been permitted by the North Vietnamese.

One of the primary matters that Ambassador Bruce should make crystal clear to the

enemy negotiators in Paris is that our 1400 servicemen incarcerated in Communist prisons have not been written off by their 200 million fellow Americans. Specifically, he should insist that the enemy during the negotiations for a political settlement of the war forthwith take the following humanitarian actions:

1. Arrange an orderly exchange of all prisoners of war. The seriously sick and wounded should be returned immediately.
2. Assure that all prisoners receive proper medical care and adequate food.
3. Permit regular impartial inspections of prisoner of war facilities.
4. Allow a free flow of mail between the prisoners and their families.
5. Provide the International Red Cross with a complete roster of all U.S. prisoners, including their medical conditions.

The following excerpts are taken from the testimony of Lt. Robert Frishman, a returned prisoner of war and a Navy pilot attached to the USS Coral Sea who was shot down on a mission over North Vietnam:

"Our strike group had regrouped in the air, refueled. We proceeded inland towards the Phuc Yen airfield, and as I approached the target area they fired some surface-to-air missiles and three of them came up at me. One of them hit me. My right engine was on fire. I shut it down and then I was trying to evade. A couple more came up and missed me, and then they shot three more, and when the last one hit, the whole plane shuddered and it started spinning . . .

"When that last missile hit me I was wounded, but I didn't realize it; it was something like when you get cut by a razor blade. I could not see it, but I could see the blood all over the canopy and I could see the bone sticking out of my arm . . .

"I could not control the plane so I successfully ejected. . . . I could see the puffs of flak down below. . . . I was captured as soon as I took off my parachute. . . . When the villagers got to where they were beating up on me pretty bad, they would take me back inside. . . . I actually thought at times that if the military had not stepped in that the villagers would have killed me. . . . The actual physical beatings, it is something like the Rams would get on Sunday. You know, the more they hit you, it kind of builds resistance up a little bit. . . . Then they took us to Hanoi and we were taken to the first detention facility. . . . They came in and took me to the operating room and they cut into my left foot and put serum in, cut into my right leg and they put a general anesthetic in. . . . In fact, I still don't have feeling in my right foot because they severed the nerves. . . . During the wintertime, I had a blanket and when I would sleep I had this blanket over me, and the wound would seep and it would adhere to the blanket. . . . It took six months to heal. . . . My muscles are in fairly good shape, but I am missing the elbow. . . . At first they refused medical treatment. . . . If I would not cooperate, they would tie me up with ropes, put my arms back and leave me there tied up. . . . The first meal I had was actually a potato soup, and then after that it was just pumpkin soup. . . . and sometimes they put a little bit of flour in it and some pig feet and that would be it. . . . Sometimes we got greens. We called them JP-4 greens after the aircraft fuel JP-4. It tasted just like kerosene. I don't know if it was to get rid of the worms or what. . . . I guess my taste buds got brainwashed, but I got to where I could eat the food. . . . The ordinary routine was to get up around 5 in the morning, go out and empty the bucket, and then around 6 o'clock they would play Hanoi Hannah. I guess it was officially called the Voice of Vietnam. . . .

"They had lots of rats and mice in the place, and I would take some of the bread and throw it in the corner and I would get a rat in there and I would close off the exit. . . . Then I would sit there and play with the rat all day. I had a big contest going with the thing and I eventually came up with nine confirmed kills and four probables. . . . You know, I didn't know what to do. . . .

"They had pictures of people, marches, and the statements that were made by the people sponsoring the moratorium. We got to hear quite a lot about the Black Panther Party, the black movement in the United States. . . . We heard statements made by high-ranking officials in our Government. . . . They would say, 'This is your Congress saying this and this represents the true sympathy of the American people,' what they call the progressive Americans."

If Ambassador Bruce and his diplomatic aides at the Paris "peace" conference were to read the complete testimony of Lt. Frishman and other prisoners of war given to the House Committee on Internal Security, an emphatic identification, at least in part, with the plight of these forgotten Americans may be engendered in our negotiators. Perhaps then the crime of cruelty to disarmed combatants may be substantially removed from the multiple list of the atrocities of warfare.

RESIDUAL FUEL OIL CRISES

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. COLLIER. Mr. Speaker, as a strong proponent of environmental legislation designed to protect society against the ills of pollution, I am also concerned about the side effects of laws which may present more serious problems to an area.

There is no doubt that the Chicago area will face a fuel crisis this winter because of the decline of residual heating oil supplies.

I believe that most major industries are beginning to wonder what effects environmental legislation will have upon their operating costs in indirect terms. We must acknowledge the fact that new problems will be arising all around the country.

Within reason, Government must make exceptions to protect its citizens against crises that arise out of new legislation, especially when the health and well-being of a whole region is at stake.

The city of Chicago and other legislative bodies in the Chicago area have put restrictions on types of oils that should be used under new pollution codes.

If a shortage occurs, it will affect hospitals, schools, hotels, apartment buildings, and industrial facilities which use residual heating oil—No. 6 fuel oil. This will mean that buildings will go without heat. Thousands of people will be affected directly.

For these reasons, Mr. Speaker, I ask that each Member review this pending oil shortage so that a temporary solution can be offered.

SUPPLEMENTARY VIEWS ON H.R. 18214, CONSUMER PROTECTION ACT OF 1970

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. BUCHANAN. Mr. Speaker, in order for the Members of the House to be aware of the serious reservations which several of us on the House Government Operations Committee have about legislation reported from the committee on July 30—H.R. 18214, the "Consumer Protection Act of 1970"—I want to call the attention of my colleagues to the following supplementary views included in the committee report. Because of the importance of this comprehensive legislation in the field of consumer affairs, we would hope that the arguments set forth in these supplementary views will be carefully examined and considered by all Members in their deliberations on H.R. 18214.

This bill is indeed one of the most comprehensive and far-reaching pieces of consumer legislation ever to come before the Congress. It will affect every American and involve the activities of almost every Government department and agency. It is a complex and many-faceted bill which should not be considered without the most detailed scrutiny and study.

In our supplementary views we have indicated our strong support for the basic purpose of this legislation, which is to secure within the Federal Government effective protection and representation of the interests of consumers, together with our sincere reservations about the ability of H.R. 18214 to fulfill this purpose. We foresee a great deal of inefficiency and wastefulness resulting from the needless duplication of functions in the bill's three-unit consumer protection proposal. We have serious questions about the wisdom and feasibility of the provisions for testing and dissemination of test results for consumer products, over and above testing for consumer product safety. And we have raised similar questions about those provisions permitting the Federal consumer advocate to seek to overturn the decision of other Federal agencies, and to demand and receive for public dissemination material in the hands of the Government or any citizens which is now considered confidential.

In our considered judgment H.R. 18214 should be made a more effective piece of legislation by streamlining the 3-unit consumer protection proposal into one efficient unit provided with those specific functions and powers most clearly needed in this important field.

Attached supplementary views, including the appendix, follow at this point:

SUPPLEMENTARY VIEWS ON H.R. 18214

There is certainly no question about the critical need for the creation of a unit in our federal government which is able to secure the effective protection and representation of the interests of consumers. This is what the title of H.R. 18214 sets forth as the purpose of the legislation. In its present

form, however, H.R. 18214 presents the basic question of whether there is any reasonable hope that this legislation can achieve the purpose which it professes to seek, and which the vast majority of us seek.

These supplementary views are devoted to detailing compelling reasons why the basic thrust of H.R. 18214 is likely to be blunted by a failure to deal adequately with the technical, practical and human problems in consumer protection.

In the first place, the very valid purpose of this legislation has been thwarted in that, rather than representing the best judgment of those who have sponsored legislation in this area, H.R. 18214 represents a compromise among the various bills worked out by the Committee. Worse, still, the compromise was derived by combining or layering of alternative measures initially considered by their sponsors as mutually exclusive, rather than by a truly selective process.

One of the most obvious weaknesses of H.R. 18214 lies in the wasteful, duplicative, and inefficient manner in which the bill proposes to assure that the consumer viewpoint is represented and advocated. There is no question, as so many have pointed out in their testimonies on this and similar bills, that the consumer advocate function is the heart of the bill. We need legislation which will provide for effective protection and representation within the federal government of the interests of consumers.

At the present time, there are a number of federal agencies which are charged with the statutory responsibility for regulating specific areas of commerce and industry in the public interest. The consumer viewpoint is a very important aspect of the public interest and it has often been without an advocate in the proceedings and operations of such federal agencies. For example, the agencies frequently have been criticized for failing to provide from within their own ranks a spokesman for the interests of the consumers in order that such interests can be laid out in the proceeding as forcefully and fully as are the interests of the businessman, and, most particularly, of the giant corporations. This criticism often stems from the fact that those agencies traditionally are charged by law with basing their decisions on the broad public interest considerations committed to their jurisdiction and, because of that overall responsibility, they cannot act in the proceeding as an advocate of one economic interest, even if it is the consumer interest.

The creation of a unit in our federal government to act as the advocate of the consumer interests will cure this defect in our present regulatory scheme. In H.R. 18214, however, there is the creation of not one but two units to make sure that the consumer viewpoint is advocated. There is a saying which is common in almost every household that "too many cooks spoil the broth." There is a parallel axiom of management in the government that "the best way to make sure that nothing gets done is to give lots of people the responsibility for doing it." It appears that the much-needed basic thrust of H.R. 18214 has become a victim of this approach by the creation of too many government organizations to do substantially the same job.

A comparison of the provisions of the various titles of this bill clearly lays bare this defect. In Title I, there would be established in the Executive Office of the President an Office of Consumer Affairs, headed by a Director appointed by the President with the advice and consent of the Senate. In Title II, there is established an independent agency within the Executive Branch of the Government to be called the Consumer Protection Agency. That Agency is headed by an Administrator who is also appointed by the President with the advice and consent of the Senate.

The powers and duties of the Director of

the Office and the Administrator of the Agency are expressed in almost identical language. Each of these organizations is provided with a high-priced staff because each organization may employ experts and consultants at rates of pay for Grade GS 18, which is now \$35,505.00 apiece. Each of them may appoint advisory committees composed of private citizens and officials of the federal, state and local governments. Each organization may utilize the services, personnel and facilities of other federal agencies. Each organization may enter into and perform contracts, leases, cooperative agreements and other transactions on such terms as the Director or the Administrator, as the case may be, may deem appropriate. Each organization even gets an official seal.

Indeed, the only difference in the bill's Powers and Duties sections affecting the Director of the Office of Consumer Affairs and the Administrator of the Consumer Protection Agency is the Director's authority to designate representatives to serve or assist on such committees as he may determine to be necessary to maintain effective liaison with other federal agencies and state and local agencies.

An examination of those provisions of the bill relating to the functions of each of these proposed units of government indicates that here, too, many of the functions of the Office and the Agency appear to be substantially the same. For example, each is to submit recommendations to the Congress and the President; conduct conferences, surveys and investigations; encourage and support various types of consumer programs and efforts; and to keep appropriate committees of the Congress fully and currently informed of all activities. Each is to receive and act on complaints and maintain public document rooms. Each is to develop, gather and disseminate information to the public concerning test results and problems confronted by consumers generally.

There are indeed differences in the language describing the functions of these units, which in turn, might well result in the vesting of greater power in the Agency. This certainly does not in itself, however, constitute a basis for creating two separate or competing units.

In our judgment, it is extremely doubtful whether there is any significant difference in the functions of each of these proposed new governmental units which is sufficient to be a valid reason for creating both units. It would seem likely that, under energetic administration, either of the units has within its powers, duties and functions the potential of taking great steps in the representation of the interests of consumers. To create two units of government with such similar powers, duties and functions is to dilute the responsibility for carrying out this important mission of the federal government. It would appear inescapable that there will be a considerable amount of overlapping and unnecessary duplication of effort on the one hand, while some important things may not be done at all—with no single agency clearly responsible in this area of consumer protection.

This duplication of responsibilities cannot be excused by the argument used in the Committee report that it will foster competition between the agencies. That is not the purpose of this legislation, as the Committee report concedes. This duplication and division of responsibility may make even more difficult, as well, the management of the hundreds of consumer interest activities which are already spread throughout the federal establishment. Such duplication could also hinder the Congress in its exercise of legislative oversight in this important field.

(A chart which clearly sets forth the duplication in purpose, organization, powers and duties, and functions of the Office and Agency, as well as the Advisory Council, follows these supplementary views.)

Having thus divided the responsibility for representing the interests of consumers between the Office and the Agency, the bill proposes to go still further. In Title III, there is established the Consumer Advisory Council of 15 members appointed by the President. These 15 members are also to be experts and are to receive a rate of pay up to \$35,505 a person while serving, just as is the case for the Office and the Agency. Their function is startlingly similar—to advise the Administrator and the Director on matters relating to the consumer interest; to review and evaluate the effectiveness of federal programs and operations relating to the consumer interest. It sounds like a broken record—three organizations representing the same interest.

This is a highly questionable way to proceed when the government's financial resources are being so severely strained. It

would seem to be without question that there are many needs in this country which should be met before we create three government organizations to do a job which, in all probability, would be better performed by a single government organization.

It should be noted, too, that H.R. 18214 would devote "such sums as may be required to carry out the provisions of this act" to the staffing and operation of these three government organizations. Thus, there is not even a dollar limit on the amount of government funds which would be involved in the authorization of these three units. While the Committee envisions a compact and relatively inexpensive operation, the following table (prepared by a private research organization, Tax Foundation, Inc.) illustrates what has become the typical expansion of federal programs far beyond their original estimated costs.

TABLE 1.—1ST YEAR AND ESTIMATED 1968 COSTS, AVERAGE ANNUAL INCREASES, CUMULATIVE COST, AND AVERAGE ANNUAL COST OF NEW FEDERAL PROGRAMS, FISCAL YEARS 1956-68

[Dollar amounts in millions]

Fiscal year	Number of programs	1st year cost	Estimated 1968 cost	Average annual increase	Cumulative cost through 1968	Average annual cost
1956	3	\$144	\$1,006	\$72	\$20,519	\$1,578
1957	9	23	489	42	2,419	202
1958	2	183	5,542	536	33,318	3,029
1959	3	78	176	11	2,168	217
1960	1	(?)	40	5	101	11
1961	6	122	272	21	1,188	149
1962	14	216	1,616	233	7,559	1,080
1963	6	151	631	96	3,241	540
1964	6	30	101	18	321	64
1965	10	232	2,149	672	5,187	1,297
1966	24	1,048	2,815	883	6,069	2,023
Subtotal, 1956-66	84	2,227	14,837		82,090	
1967 ¹	12	1,036	1,393	354	2,429	1,214
1968 ²	16	312	312		312	312
Total	112	3,575	16,542		84,831	

¹ Excludes new programs in the functional categories for defense and general government and all activities outside the administrative budget.

² Less than \$500,000.

³ As estimated for 1967 and proposed for 1968 in the 1968 budget document.

Note: Above table is from "Growth Trends of New Federal Programs: 1955-68," Tax Foundation, Inc., October 1967, p. 10.

Source: App. tables A-1 through A-7.

Thus, we must also take into consideration the potential and probable expansion of these proposed governmental units. A reasonable forecast would indicate that even one agency charged with the responsibility of a broad representation of consumer interest will inevitably have to become an agency of considerable size to cope with the myriad of issues which will be placed before it. If all the functions made possible by this legislation in its present form are actually fulfilled, vast and continuing expansion of budget and of personnel would seem almost a certainty in this case. Such an agency may not become as large as H.E.W. or the Pentagon, but it is inescapably true in government that "mighty oaks from little acorns grow!"

Nevertheless, as stated earlier, it appears to be both necessary in the public interest and organizationally desirable in terms of the proper functioning of government agencies to create a unit to act as a consumer advocate in the proceedings of other governmental departments and agencies. The creative process, however, should stop at that point. One unit is enough.

In addition to its role as a general consumer advocate in the proceedings conducted by other agencies, there is also need for the government to deal more specifically with consumer product safety. The final report of the National Commission on Product Safety issued in June, 1970, effectively argues for this need. It points to the fact that federal product safety legislation presently consists of a series of acts treating specific hazards in narrow product categories and that no

government agency possesses general authority to ban products which harbor unreasonable risks or to require that consumer products conform to minimum safety standards. Similarly, the report points out that no federal agency has authority to order studies or hearings to determine the presence of an unreasonable hazard in consumer products; to order the development of standards; to evaluate safety standards and tests; to monitor compliance with safety standards; to accredit independent laboratories to check compliance; and to perform similar functions.

While it is in the area of product safety, furthermore, that there is justification for product testing, this bill devotes comparatively little attention to product safety. The Committee did not have the benefit of the report and recommendations of the National Commission on Product Safety, nor have there yet been House hearings on this important document. Instead, H.R. 18214 has broad and unclear provisions concerning product testing which go far beyond the subject of safety and constitute one of the bill's most controversial areas. One provision (Section 203) states that the Agency shall "encourage and support research, studies and testing leading to a better understanding of consumer products". Another section of the bill (Section 206) states that the Agency shall develop on its own initiative, gather from other federal agencies and non-federal sources, and disseminate to the public data concerning test results and analyses of consumer products and services. Still another section (Section 207) states that the Agency

shall "encourage and support methods for testing materials, mechanisms and structures used in consumer products and for improving consumer services".

Apparently, the testing itself is to be performed by other Federal agencies "which, in the judgment of the Administrator, possess testing facilities and staff expertise relating to the performance of consumer products and services". These other agencies are "authorized and directed to perform promptly such tests as the Administrator may request regarding the content, purity, safety, durability, performance and other characteristics of a product offered for sale or intended for sale by a manufacturer". Thus any representation that the Agency will not, or cannot, engage in testing is misleading because other agencies are directed to perform such tests as the Administrator may request.

It also appears that the Agency, and possibly the Office as well, may provide grants to non-governmental testing agencies for the purpose of conducting tests on consumer products. In view of the limitless variety of consumer products, the scope of such provisions relating to consumer product testing and the dissemination of information with respect to testing, is likely to be far greater than appears. Even the analogy to an iceberg which is nine-tenths submerged, according to scientific observations, may fail to adequately represent the hidden vastness of the potential scope of such provisions in H.R. 18214.

Where should the line be drawn on product testing? As we have already implied, the line should not be drawn short of whatever is necessary to assure proper safety testing.

Nor should the line be drawn so as to adversely affect existing responsibilities of federal government agencies to test products. The Department of Defense and the General Services Administration are substantial purchasers of a wide variety of commodities and services under contracts having very specific specifications. The taxpayer is certainly more assured that these specifications are being met in the purchase of such products and services by the federal government if there is an adequate program of product testing. In other areas as well, there is established authority to test products. There is also a variety of inspection programs carried out by other existing federal organizations. Publication of the results of these tests as has been determined desirable is already provided for.

Once one goes beyond these areas, the real question which the bill does not answer is what information the consumer should have about products and services, who should provide it, and how should it be disseminated. Any proposal which simply puts a new government organization into the field of product testing and the dissemination of the results of tests raises some significant questions. For example, if the new organization is to publish the results of tests conducted by the Department of Defense with respect to commodities it purchases, then small businessmen who are unable to compete with large corporations in supplying the tremendous quantities of products purchased by the government will find that their products are not included in the published list of products tested. This could severely affect the financial security of such small businesses because of the inevitable inference that their products were not as good as the products in the list. This would be true even if the products produced by a small businessman had not been responsive to the government purchase requests because they provided a higher degree of quality than the government was interested in purchasing. The consumer would suffer, too, because the list of products would be incomplete and, therefore, misleading.

Secondly, there is almost no conceivable

manner in which publications of test results can be kept current. In the event that a product tested is found deficient in some manner, and the test result is published, there may be no adequate way in which the producer of that product can inform the public that the defect has been corrected until another test of that commodity is made perhaps years in the future. A combination of circumstances could even bring about a deterioration in the quality of a product receiving a high rating and there would be a corresponding time lag in informing the public of this change.

Then, there is the assumption inherent in such a consumer product testing proposal that there is such an entity as a "standard consumer." What is the best taste of chocolate? What is the best soap? There is no single answer. Some people like a sweet chocolate taste. Some people like a bitter chocolate taste; some prefer a mild flavor, others prefer a strong flavor. Some people prefer a soap which smells like flowers, while others prefer a soap which smells antiseptic. Taste, smell, and other aesthetic characteristics are important elements of consumer products which are difficult, if not impossible, to compare as to quality. In many aspects of consumer products and services, therefore, there may be no way to relate products or services to a standard consumer through an objective test. Again, the consumer suffers because the "standard consumer" test does not meet his needs.

Perhaps, as we have already indicated, the best place to draw the line in connection with consumer product testing and dissemination of information with respect to such tests was indicated in the report of the National Commission on Product Safety when it stated that:

In any event the [Consumer Product Safety] Commission must be selective, limiting its development and updating of safety standards to categories of consumer goods which contain an unreasonable risk or the threat thereof.

Even in the field of product safety, the task is sufficiently great that selectivity in the direction of federal activity is necessary. Is it reasonable to expect, then, that the federal government could successfully embark upon a program of testing the broad range of consumer products which do not contain an unreasonable risk to health or safety? The cost, alone, of such an effort would absorb so great a portion of the federal expenditures in the field of consumer protection that little would be left for programs having a more critical and significant impact upon the health and safety of every consumer. In any event, before grappling with such an enormous program, it would be more wise and prudent to begin with a program which concentrates on those consumer products which may contain risks to the public health or safety. Practical experience in dealing with such a consumer product testing program will provide certain insight and basis for judgment as to the feasibility of attempting to operate a program which includes all consumer products which have no injurious features.

In addition to the confusion and controversy which has arisen with respect to the operation of the consumer product testing and dissemination of information provisions of the bill, there are two other areas of the legislation which, in our judgment, threaten almost limitless confusion and disruption of legitimate government functions. These relate to how the proposed new government agency will act as an advocate of consumer interests and to how it will obtain its information.

In dealing with these two points, it is necessary to keep in mind that a primary reason for the creation of such a new governmental organization is to provide a focus of consumer representation when it is only one of the factors which must be considered

in fashioning a decision which is in the public interest. From this, it would appear that the primary role of the proposed new federal organization would be to appear and give testimony and present arguments and briefs on behalf of consumers in appropriate proceedings of other federal agencies, in conformity with the rules of practice and procedure of such agencies. As an advocate with all of the resources of the federal government to provide it with information on consumer matters, and with all of the information which it can invite from sources outside the federal government, it would be the duty and responsibility of the consumer advocate to appraise and cull all of the information into an effective statement of the interests of the consumer in the proceeding, and to present that statement. The federal consumer advocate also should act as a prod to other federal agencies which have statutory regulatory responsibilities to exercise their own statutory powers to acquire relevant information which can be made a part of such presentations.

But with respect to the consumer advocate function, H.R. 18214 does not stop here. Two provisions of H.R. 18214 appear to be more than questionable. One provision would permit the federal consumer advocate to seek to overturn the decision of a federal administrative agency which has the express statutory regulatory responsibility to decide matters after taking into account all aspects of the public interest. The advocate could also enter into judicial proceedings over the objection of such an agency.

There is no question but that the consumer advocate agency should be able to appear in a rate proceeding before the Federal Power Commission to protect the interest of consumers or in a Federal Trade Commission proceeding, a Food and Drug Administration proceeding, or any other proceeding of like nature and present all of the arguments and evidence which it has on the consumer issue. But once that evidence has been presented and the agency having the basic responsibility for making the decision, based upon all of the evidence presented, undertakes its awesome task and reaches its decision, should it be subject to being overturned by another federal agency having a much narrower statutory function? It would seem that grave dangers could result to our federal administrative regulatory system if careful and explicit provisions are not thought out to prevent such a conflict of functions. Indeed, such a procedure could well be interpreted as an expression of no confidence by Congress in the competence of such agencies to properly fulfill those responsibilities which they are under a congressional mandate to carry out.

Furthermore, it is desirable that the federal consumer advocate should furnish to any federal agency involved in a judicial proceeding all information which may be requested or which, in the opinion of the federal consumer advocate, will substantially affect the interests of consumers, in order that this information may be presented in the judicial proceeding. But it would appear that two agencies in court should not be better than one to present the federal government viewpoint and that two agencies could confuse the federal government position on the issues before the court. The federal agency involved in the court proceedings can utilize the information prepared by the federal consumer advocate as evidence and the personnel of the federal consumer advocate as evidence and the personnel of the federal consumer advocate unit as witnesses in the court proceeding.

In addition to the problems involved with allowing one federal agency to seek to overturn in court the administrative decisions of one of its sister agencies, a grave question is presented about the possible invasions of privacy involved in the informa-

tion gathering and dissemination powers to be conferred on the Agency, the Office, and the Advisory Council.

The Agency and the Office are given the right to demand and receive from other federal agencies any information considered by the consumer units to be in the interest of consumers. The only information that could not be given to the Agency or the Office is that which is specifically prohibited from public dissemination due to its being in the national security interest. Anything else could be demanded and would have to be furnished to the Office or Agency merely upon their own interpretation of consumer interest as it relates to the material requested from other agencies. It certainly must be an oversight that H.R. 18214 could permit, as it does, restricted information such as that contained in federal income tax returns to fall into the category of information which would be obtainable by the consumer protection units.

Under the bill's broad rights and duties for dissemination, such restricted material would be made available to the public through the Office or the Agency or, even by the Advisory Council—which has the right to demand and receive any information in the hands of the Office of the Agency.

The Agency is also given blanket authority to require witnesses to testify and to subpoena from anyone any information it deems to be in the interests of consumers. This information and testimony would also be available for distribution to the public. Failure to comply with an agency demand, under the terms of Section 10 of the Federal Trade Commission Act—which is incorporated by reference in the bill—would result in heavy fines and/or imprisonment.

In our judgment, these potential powers—the right to demand and receive for publication heretofore confidential material in the hands of the government or any citizen—are overly broad and present potential threats of invasions of privacy. Furthermore, we also question the actual necessity for the provision of these powers in order for the new units to successfully fulfill their functions. For instance, whatever legitimate need the consumer unit may have for the use of the subpoena power can be met through powers already vested in the federal agencies and courts and available to participants in their proceedings. Such agencies and courts have been given by the Congress such subpoena powers as were considered necessary for the conduct of these proceedings and the exercise of their jurisdiction. In addition to this availability of the subpoena power, it must be kept in mind that under the provisions of H.R. 18214 the Agency has not only the power to invite information from the public but also all of the resources of the federal government and the information which has been collected by the federal departments and agencies. Sec. 202(c) provides for this and is, indeed, an awesome grant of access to information.

SUMMARY

In these supplementary views we have indicated our support of the creation of a unit within the federal government which will effectively protect and represent the interests of consumers, as well as our strong reservations about the ability of H.R. 18214 to fulfill this purpose.

The needless duplication of functions in the bill's three-unit consumer protection proposal will, in our judgment, only result in inefficiency and the type of wasteful expenditures which in other areas of the government we are trying to eliminate. We have very serious questions about the wisdom and feasibility of the provisions for testing and dissemination of test results for consumer products, over and above testing for consumer products safety. We have pointed out the disruption and conflicts of function which could easily result from the provision

permitting the federal consumer advocate to seek to overturn the decisions of other federal agencies. And, we have also indicated our strong reservations about the consumer unit's very broad powers to demand and receive for public dissemination material in the hands of the government or any citizens which is now considered confidential.

It would seem to us far better to give to a

single consumer protection unit the specific functions and powers most clearly needed in this important field and to let this entity try its wings and prove its mettle before giving it such broad and awesome powers—and certainly before investing such powers in two or more competing governmental entities. Thus, we urge that H.R. 18214 be made a more effective piece of legislation by streamlin-

ing the 3-unit consumer protection proposal into our efficient unit and assuring that it can be an effective consumer advocate with all the resources of other agencies of the federal government available to it.

HON. JOHN H. BUCHANAN, Jr.

HON. JOHN T. MYERS,

HON. SAM STEIGER.

APPENDIX—SUPPLEMENTARY VIEWS TO COMMITTEE REPORT ON H.R. 18214

COMPARISON OF POWERS, DUTIES AND FUNCTIONS OF: A. OFFICE OF CONSUMER AFFAIRS; B. CONSUMER PROTECTION AGENCY; C. CONSUMER ADVISORY COUNCIL; UNDER H.R. 18214

Office

TITLE I—OFFICE OF CONSUMER AFFAIRS

ESTABLISHMENT

SEC. 101. (a) There is established in the Executive Office of the President the Office of Consumer Affairs.

(b) The Office shall be headed by a Director who shall be appointed by the President by and with the advice and consent of the Senate. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may prescribe and shall be Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director.

POWERS AND DUTIES OF THE DIRECTOR

SEC. 102. (a) The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Office, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this title the Director is authorized, in carrying out his functions under this title, to—

(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary to carry out the provisions of this title and to prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rate authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

Agency

TITLE II—CONSUMER PROTECTION AGENCY

SEC. 201. There is hereby established as an independent agency within the executive branch of the Government the Consumer Protection Agency. The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. There shall be in the Agency a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions, powers, and duties as may be prescribed from time to time by the Administrator and shall act for, and exercise the powers of, the Administrator during the absence or disability of, or in the event of a vacancy in the office of, the Administrator.

(b) No employee of the Agency while serving in such position may engage in any business, vocation, or other employment or have other interests which are inconsistent with his official responsibilities.

POWERS AND DUTIES OF THE ADMINISTRATOR

SEC. 202. (a) The Administrator shall be responsible for the exercise of the powers and the discharge of the duties of the Agency, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this title, the Administrator is authorized, in carrying out his functions under this title, to—

(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary to carry out the provisions of this title and to prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

Council

TITLE III—CONSUMER ADVISORY COUNCIL; PROTECTION OF CONSUMER INTEREST IN ADMINISTRATIVE PROCEEDINGS MISCELLANEOUS AMENDMENTS

CONSUMER ADVISORY COUNCIL

SEC. 301. Three is hereby established the Consumer Advisory Council (hereafter referred to in this section as the "Council") to be composed of fifteen members appointed by the President for terms of five years. Members shall be appointed on the basis of their knowledge and experience in the area of consumer affairs, and their demonstrated ability to exercise independent, informed, and critical judgment.

(b)(1) Of the members first appointed, three shall be appointed for a term of one year, three shall be appointed for a term of two years, three shall be appointed for a term of three years, three shall be appointed for a term of four years, and three shall be appointed for a term of five years, as designated by the appointing power at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

SEC. 301(b)

(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at rates not in excess of the maximum rate of pay for a GS-18, including traveltime and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

Office

(3) appoint advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this title, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Director, compensation and travel expenses at the rate provided for in paragraph (2) of this subsection with respect to experts and consultants;

(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Office, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel and facilities of other Federal agencies and of State and private agencies and instrumentalities with or without reimbursement thereof;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Director may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(8) adopt an official seal, which shall be judicially noticed; and

(9) designate representatives to serve or assist on such committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies carrying out programs and activities related to the protection of the interests of consumers.

SEC. 102

(c) Upon request made by the Director, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available with or without reimbursement to the greatest practicable extent within its capability to the Office in the performance of its functions; and

(2) except where explicitly prohibited by law relating to information in the interest of national security, to furnish to the Office such information, data, estimates, and statistics, and to allow access to all information in its possession, as the Director may determine to be necessary for the performance of the functions of the Office.

SEC. 102(d)

(d) The Director shall transmit to the Congress and the President in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Office during the preceding calendar year including a summary of consumer complaints received and actions taken thereon and such recommendations for additional legislation as he may determine to be necessary or desirable to protect the interests of consumers within the United States. Each such report shall include a summary and evaluation of selected major consumer programs of each Federal agency, including, but not limited to, comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination, administration, or enforcement of such programs.

Agency

(3) appoint advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Administrator compensation and travel expenses at the rate provided for in paragraph (2) of this subsection with respect to experts and consultants;

(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Agency, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities with or without reimbursement thereof;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Agency and on such terms as the Administrator may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code; and

(8) adopt an official seal, which shall be judicially noticed.

SEC. 202

(c) Upon request made by the Administrator, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available, with or without reimbursement, to the greatest practicable extent within its capability to the Agency in the performance of its functions; and

(2) except where explicitly prohibited by law relating to information in the interest of national security, to furnish to the Agency such information, data, estimates, and statistics, and to allow such access to all information in its possession as the Administrator may determine to be necessary for the performance of the functions of the Agency.

SEC. 202(d)

(d) The Administrator shall transmit to the Congress and the President in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Agency during the preceding calendar year including a summary of consumer complaints received and actions taken thereon and such recommendations for additional legislation as he may determine to be necessary or desirable to protect the interests of consumers within the United States. Each such report shall include a summary and evaluation of selected major consumer programs of each Federal agency, including, but not limited to, comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination, administration, or enforcement of such programs.

Council

(c) The President shall designate the chairman from among the members appointed to the Council. The Council shall meet at the call of the chairman or at the call of a majority of the members of the Council. The Director shall be an ex officio member of the Council.

APPENDIX—SUPPLEMENTARY VIEWS TO COMMITTEE REPORT ON H.R. 18214

COMPARISON OF POWERS, DUTIES AND FUNCTIONS OF: A. OFFICE OF CONSUMER AFFAIRS; B. CONSUMER PROTECTION AGENCY; C. CONSUMER ADVISORY COUNCIL; UNDER H.R. 18214

Office

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FUNCTIONS OF THE OFFICE

SEC. 103. It shall be the function of the Office to—

(1) coordinate the programs and activities of all Federal agencies relating to the interest of consumers in order to achieve effectiveness, avoid duplications and inconsistencies, and to promote the purposes of this title;

(2) encourage and assist in the development and implementation of consumer programs and activities in the Federal Government;

(3) assure that the interests of consumers are taken into consideration by appropriate Federal agencies both in the formation of policies with respect to consumers and in the operation of programs that may affect consumer interests;

(5) advise and make recommendations to all Federal agencies with respect to general policy matters concerning the effectiveness of programs and activities relating to the interests of consumers;

SEC. 203

(b) The functions of the Agency shall be to—

(1) formally represent the interests of consumers in proceedings before Federal agencies and courts to the extent authorized by this title;

REPRESENTATION OF CONSUMERS

SEC. 204. (a) Whenever there is pending in or before any Federal agency of the United States any investigation, hearing, or other proceeding which does not solely involve an adjudication for the purpose of imposing a fine, penalty, or forfeiture for an alleged violation, by any defendant or respondent therein, of any statute of the United States, or any rule, order, or decree promulgated thereunder, and the Agency finds that—

(1) the result of such investigation, hearing, or other proceeding may substantially affect the interests of consumers; and

(2) such interests may not be adequately protected unless the Agency intervenes, the Agency shall be entitled as a matter of right to intervene and, pursuant to the rules of practice and procedure of that agency, to enter an appearance in that proceeding for the purpose of representing the interests of such consumers.

(b) Whenever—

(1) there is pending before any Federal agency any investigation, hearing, or proceeding which involves an adjudication for the sole purpose of imposing a fine, penalty, or forfeiture for an alleged violation, by any defendant or respondent therein, of any statute of the United States or any rule, order, or decree promulgated thereunder, and

(2) there is pending before any district or appellate court of the United States any matter or proceeding to which the United States or any Federal agency is a party, other than that to which subsection (a) is applicable, and which may, in the opinion of the Agency, substantially affect the interests of consumers within the United States.

the Agency upon its own motion, or upon written request made by the officer or employee of the United States or such agency who is charged with the duty of presenting the case for the Federal agency in the matter of proceeding, may transmit to such officer or employee all evidence and information in the possession of the Agency relevant to the matter or proceeding, and may, in the discretion of the agency or court, appear as amicus curiae and present written or oral argument to such agency or court.

(c) The Agency is authorized to assert the interests of consumers in any proceeding in a court of the United States involving the review of an action of a Federal agency, to which the Agency had intervened as a party, and to this end may institute such a proceeding, when a right of review is otherwise accorded by statute.

(d) Whenever the Administrator determines it to be in the consumer interest, he may request the Federal agency concerned to initiate such appropriate investigation, hearing, or other proceeding as may be authorized by law with respect to such agency.

(e) Upon undertaking any action authorized in subsection (a), (b), or (c) above, the Agency shall present to the agency or court subject to the rules of practice and procedure thereof, such evidence, briefs, and oral arguments as appropriate as it shall determine to be necessary for the effective representation of the interests of

SEC. 301(d) (2)

(d) The Council shall—

(2) review and evaluate the effectiveness of Federal programs and operations relating to the consumer interest and make recommendations thereto, including the—

(A) administration of existing consumer protection laws and the need to enact new laws;

(B) coordination of consumer programs and operations among the Federal agencies, and between the Federal Government, State and local governments and private enterprise;

(C) consideration of consumer interests by decisionmaking Federal agencies;

(D) attention devoted to the consumer problems of the poor;

(F) existing consumer protection agencies; and

(G) existing organization within the Federal Government of consumer protection functions and the need to reorganize such functions.

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consumers. The Administrator, or any other representative of the Agency specially designated by him for that purpose, shall be entitled to enter an appearance on behalf of the Agency before any court of the United States (except the United States Supreme Court) or Federal agency, without other compliance with any requirement for admission to practice before such court or agency, for the purpose of taking action which is authorized by this section.

(f) This section does not authorize intervention by the Agency before State regulatory bodies.

SEC. 203. (a) The Agency shall, in the performance of its functions, advise the Congress and the President as to matters affecting the interests of consumers; and protect and promote the interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

SEC. 203 (b) (3)

(b) The functions of the Agency shall be to—

(3) submit recommendations annually to the Congress and the President on measures to improve the operation of the Federal Government in protection and promotion of the consumer interest;

SEC. 203 (b) (4)

(b) The functions of the Agency shall be to—

(4) publish and distribute material developed pursuant to carrying out its responsibilities under this Act which will inform consumers of matters of interest to them;

SEC. 103. It shall be the function of the Office to—

(6) submit recommendations to the Congress and the President on the means by which programs and activities relating to the interests of consumers can be improved;

SEC. 103. It shall be the function of the Office to—

(12) publish and distribute in a Consumer Register material which will include notices of Federal hearings, proposed and final rules and orders, and other useful information, translated from its technical form into language which is understandable by the public; and

CONSUMER INFORMATION AND SERVICES

SEC. 206. (a) The Agency and the Office shall develop on their own initiative, gather from other Federal agencies and non-Federal sources, and disseminate to the public in such manner, at such times, and in such form as they determine to be most effective, information, statistics, and other data concerning—

- (1) the functions and duties of the Agency and Office;
- (2) test results and analysis of consumer products and services; and
- (3) problems encountered by consumers generally including particular commercial and trade practices and practices of Federal, State, and local governments which adversely affect consumers.

SEC. 206

(b) With respect to information relating to results of product tests, surveys, and studies in the possession of Federal agencies, the Agency shall gather, develop, and disseminate such information to consumers; except that if the Director of the Office finds that there is information of this type which is useful to consumers and available from Federal agencies but which is not otherwise being disseminated, the Director shall compile and disseminate such information.

(c) In the dissemination of any test results which disclose product names, it shall be made clear, if such is the case, that not all products of a competitive nature have been tested and that there is no intent or purpose to rate products tested over those not tested or to imply that those tested are superior or preferable in quality over those not tested.

(d) All Federal agencies which, in the judgment of the Administrator and Director, possesses information which would be useful to consumers are authorized and directed to cooperate with the Agency in making such information available to the public.

(e) The Agency and the Office shall (in a manner meaningful and useful to consumers) disseminate to the public, on a continuing and systematic basis, information which is developed or received pursuant to carrying out their respective functions under this Act, and the Agency and the Office shall avoid duplicating the consumer informational services of each other and of other Federal agencies.

SEC. 103

(7) conduct conferences, surveys, and investigations, concerning the needs, interests, and problems of consumers which are not duplicative in significant degree to similar activities conducted by other Federal agencies;

SEC. 203 (b)

(6) conduct conferences, surveys, and investigations, including economic surveys, concerning the needs, interests, and problems of consumers which are not duplicative in significant degree to similar activities conducted by other Federal agencies; and, for the purpose of conducting such conferences, surveys and investigations, the Agency shall have all powers which are conferred upon the Federal Trade Commission by section 9 of the Federal Trade Commission Act with respect to the conduct of investigations made by that Commission under that Act, except that the Agency may not grant to any person any immunity from prosecution, penalty, or forfeiture in accordance with the provisions of such section 9 without first ob-

SEC. 301

(e) The Council shall have the right of access to information in the possession of the Office and the Agency and shall have the right to request either the Office or the Agency to obtain or develop such other information as it may desire. The Administrator shall serve as the Executive Secretary of the Council and shall make available to the Council such staff and facilities as may be required; and the Office and Agency shall endeavor to extend such other assistance to the Council as may be reasonable and required.

APPENDIX—SUPPLEMENTARY VIEWS TO COMMITTEE REPORT ON H.R. 18214

COMPARISON OF POWERS, DUTIES AND FUNCTIONS OF: A. OFFICE OF CONSUMER AFFAIRS; B. CONSUMER PROTECTION AGENCY; C. CONSUMER ADVISORY COUNCIL; UNDER H.R. 18214

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Sec. 205. (a) The Agency and the Office shall receive, evaluate, develop, act on, and transmit complaints to the appropriate Federal agencies or non-Federal sources concerning actions or practices which may be detrimental to the consumer interest.

(b) Whenever the Agency or the Office receives from any source, or develops on its own initiative, any complaint or other information disclosing a probable violation of—

- (1) any law of the United States,
- (2) any rule or order of any administrative officer or Federal agency,
- (3) any judgment, decree, or order of any court of the United States involving a Federal matter, or

taining the written consent of the Attorney General and serving upon such person a duly certified copy of any consent therefor granted by the Attorney General. The provisions of section 10 of the Federal Trade Commission Act shall apply to the act or omission of any person, partnership, or corporation with regard to any subpoena, order, requirement, or information of the Agency to the same extent, and with the same effect, as if such act or omission had occurred with regard to a like subpoena, order, or requirement, or with reference to like information, of the Federal Trade Commission;

(4) any other commercial or trade practice or practices of Federal, State, or local governments, affecting the consumer interest.

it shall take such action within its authority as may be desirable, including the proposal of legislation, or shall transmit promptly to the Federal or other agency charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action, such complaint or other information.

(c) The Agency and the Office shall ascertain the nature and extent of action taken with regard to the respective complaints and other information transmitted by each of them under subsection (b) of this section.

(d) The Agency and the Office shall promptly notify producers, distributors, retailers or suppliers of goods and services of all complaints concerning them received or developed under this section.

(e) The Agency and the Office shall each maintain in a public document room for public inspection and copying an up-to-date listing of consumer complaints, arranged in meaningful and useful categories, together with annotations of actions taken by it, as well as copies of complaints received by it pursuant to this section: Provided, That a complaint may be made available for public inspection only with the permission of the complainant and only after the party complained against has had a reasonable time but not less than sixty days to comment on such complaint and the agency to which the complaint has been referred has indicated how it intends to handle the complaint.

(f) The Office and Agency shall develop policies and procedures designed to avoid duplication in the receipt and handling of complaints, including coordination at such intervals as may be necessary for the purpose of determining if any duplicate complaints or other information have been received or developed by them. The Agency and the Office shall agree as to which of them will assume responsibility for taking such further action under this section as may be appropriate with respect to any duplicate complaint or item of information.

SEC. 103. It shall be the function of the Office to—

(8) encourage, initiate, coordinate, and participate in consumer education and counseling programs (including credit counseling);

SEC. 103. It shall be the function of the Office to—

(9) encourage, support, and coordinate research and studies leading to improved products, services, and consumer information;

SEC. 103. It shall be the function of the Office to—

(15) keep the appropriate committees of the Congress fully and currently informed of

Sec. 207. (a) The Agency shall, in the exercise of its functions—

(1) encourage and support methods for testing, materials, mechanisms, and structures used in consumer products and for improving consumer services;

(2) make recommendations to other Federal agencies with respect to research, studies, analyses, and other information within their authority which would be useful and beneficial to consumers; and

Sec. 203

(b) The functions of the Agency shall be to—

(2) in the exercise of its responsibilities under sections 204 and 208 of this title, encourage and support research, studies and testing leading to a better understanding of consumer products and to improved products, services, and consumer information;

Sec. 203(b) (7)

Sec. 301(d) (2) (E) availability of information necessary for the making of intelligent consumer decisions;

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all its activities, except that this paragraph is not authority to withhold information requested by individual Members of Congress.

SEC. 103. It shall be the function of the Office to—

(4) cooperate with and, when requested, provide assistance to the Administrator of the Consumer Protection Agency in carrying out its functions under title I of this Act:

SEC. 103. It shall be the function of the Office to—

(10) cooperate with and give technical assistance to State and local governments in the promotion and protection of consumer interests, including programs relating to the arbitration of disputes between consumers and businessmen and producers;

(11) cooperate with and assist private enterprise in the promotion and protection of consumer interests:

SEC. 207. (a) The Agency shall, in the exercise of its functions—

(3) investigate and report to Congress on the desirability and feasibility of establishing a National Consumer Information Foundation which would administer a voluntary, self-supporting, information tag program (similar to the "Tel-Tag" program of Great Britain) under which any manufacturer of a nonperishable consumer product to be sold at retail could be authorized to attach to each copy of such product a tag, standard in form, containing information, based on uniform standards, relating to the performance, safety, durability, and care of the product.

(b) All Federal agencies which, in the judgment of the Administrator, possess testing facilities and staff expertise relating to the performance of consumer products and services, are authorized and directed to perform promptly such tests as the Administrator may request regarding the content, purity, safety, durability, performance, and other characteristics of a product offered for sale or intended for sale by a manufacturer. In providing facilities and staff expertise upon request made in writing by the Administrator, Federal agencies—

TRANSFER OF FUNCTIONS

SEC. 104. (a) The functions of the Special Assistant to the President for Consumer Affairs and the functions of the President's Committee on Consumer Interests, established pursuant to Executive Order 11136, issued January 3, 1964, amended by Executive Order 11349, issued May 1, 1967, are transferred to the Director.

(b) The functions of the Consumer Advisory Council, established pursuant to the above listed Executive Orders, are transferred to the Consumer Advisory Council established by section 301 of this Act.

(c) All personnel, assets, liabilities, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred by subsections (a) and (b) are transferred respectively to the Office or to the Council established by section 301 of this Act.

(b) The functions of the Agency shall be to—

(7) keep the appropriate committees of Congress fully and currently informed of all its activities, except that this paragraph is not authority to withhold information requested by individual Members of Congress; and

SEC. 203

(b) The functions of the Agency shall be to—

(8) cooperate with and, when requested, provide assistance to the Director of the Office in the carrying out of his functions.

(1) shall charge for the services performed under the authority of this section and such charges shall be based on both direct and indirect costs, and the appropriation or fund bearing the cost of the services may be reimbursed or the head of the agency involved may require advance payment subject to such adjustments on completion of the work as may be agreed upon;

(2) may perform functions under this section without regard to section 529 of title 31, United States Code;

(3) may request any other Federal agency to supply such statistics, data, progress reports, and other information as it deems necessary to carry out his functions under this section and any such other agency is authorized and directed to cooperate to the extent permitted by law, by furnishing such materials; and

(4) may, to the extent necessary, acquire or establish additional facilities and to purchase additional equipment for the purpose of carrying out the purposes of this section.

(c) Neither a Federal agency nor the Administrator shall declare one product to be better, or a better buy, than any other product.

(d) The Administrator shall periodically review products which have been tested to assure that such products and information disseminated about them conform to the test results.

(2) the formulation of policy decisions, or (3) the issuance of orders, decrees, or standards, shall—

(a) provide specific notice of such action to the Office and Agency at such time as notice of the action is given to the public; and

(b) take such action in a manner calculated to give due consideration to the valid interests of consumers in terms of price, quality, safety, accuracy effectiveness, dependability, information, and choice.

In taking any action under paragraph (b), the agency concerned shall indicate concisely in a public announcement of such action the effect that its action or decision is likely to have on the consumer interest and the basis upon which the action was taken in keeping with the interests of consumers.

SEC. 301(d) (1)

(d) The Council shall—

(1) advise the Administrator and Director on matters relating to the consumer interest including means for improving the effectiveness of the Agency and the Office; and

SEC. 203(b) (5)

(5) continue the work of the National Commission on Product Safety as authorized by this Act;

SEC. 208. (8) The Agency shall carry out on a continuing basis the functions and duties which on January 1, 1970, were exercised by the National Commission on Product Safety, except that the Agency may not carry out such functions and responsibilities at a time earlier than the date on which the National Commission on Product Safety will by law cease to exist. At such time as the Agency commences such functions and responsibilities, all property, unexpended appropriations, and information and data developed by the National Commission on Product Safety shall be transferred to the Agency.

(b) The Agency may design and develop improved safety features for categories of consumer products which are deemed unsafe.

(c) The Agency shall not publish such information in a form which would separately disclose the business transactions of any person, trade secrets, or names of customers, which shall be held confidential.

SEC. 209. In exercising the powers conferred in sections 203(b) (4), 206, and 208, the Agency and the Office shall act pursuant to regulations issued, after notice and opportunity for comment by interested persons, so as to assure fairness to all affected parties.

(b) Nothing contained in this Act shall be construed as relieving any Federal agency of any authority or responsibility to protect and promote the interests of the American consumer.

DEFINITIONS

SEC. 304. As used in this Act—

(1) The terms "commerce" and "corporation" have the meaning given to such terms, respectively, by section 4 of the Federal Trade Commission Act (15 U.S.C. 44).

(2) The term "Federal agency" means any department or agency in the executive branch of the Government and any independent board, commission, corporation, or other instrumentality of the Government charged with the administration of any statute of the United States.

(3) The term "State" includes any State or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

APPENDIX—SUPPLEMENTARY VIEWS TO COMMITTEE REPORT ON H.R. 18214

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PROTECTION OF THE CONSUMER INTEREST IN ADMINISTRATIVE PROCEDURES

SEC. 302. Every Federal agency in taking any action of a nature which can reasonably be construed as substantially affecting the interests of consumers of products and services including, but not limited to—

(1) the promulgation of rules, regulations, or guide lines.

CONFORMING AMENDMENT

SEC. 305. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(20) Director, Office of Consumer Affairs.

"(21) Administrator, Consumer Protection Agency."

(b) Section 5315 of such title is amended by adding at the end thereof the following:

"(93) Deputy Director, Office of Consumer Affairs.

"(94) Deputy Administrator, Consumer Protection Agency."

APPROPRIATIONS

SEC. 306. There are hereby authorized to be appropriated to the Office and the Agency such sums as may be required to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 307. (a) This Act shall take effect ninety calendar days following the date on which this Act is approved, or on such earlier date as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act at any time after the date of the enactment of this Act. Such officers shall be compensated from the date they first take office at the rates provided for in this Act.

SAVING PROVISIONS

SEC. 303. (a) Nothing contained in this Act shall be construed to alter, modify, or impair the statutory responsibility and authority contained in section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(a)(4)), or of any provision of the anti-trust laws, or of any Act providing for the regulation of the trade or commerce of the United States, or to prevent or impair the administration or enforcement of any such provision of law.

(4) The term "Agency" means the Consumer Protection Agency.

(5) The term "Office" means the Office of Consumer Affairs.

CHICAGO CHAPTER OF HADASSAH URGES REMOVAL OF SOVIET MILITARY PERSONNEL FROM THE MIDDLE EAST

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Chapter of Hadassah has adopted a timely resolution at its July 20, 1970, meeting which quite properly demands that the United States move with firmness and resolve to achieve the withdrawal of all Russian military personnel from the Mideast.

I take this opportunity to congratulate the Chicago chapter's president, Mrs. A. Robert Eisenberg, and the chairman of the Zionist Affairs Committee, Mrs. Harold Saffer, for providing the leadership for adoption of this expression by the Chicago Chapter of Hadassah.

I am particularly pleased with this action because several days ago here in

the House I urged that the United States demand the removal of Soviet missiles and personnel from the Middle East before an effective cease-fire can be effectuated between Israel and the Arab States.

There can be no doubt that the presence of Soviet personnel in the Arab countries constitutes the biggest threat to peace in the Middle East.

I recalled how in 1962 President Kennedy made a similar demand and won his point. We know that the SAM-3 missiles have a sufficient range to constitute an offensive weapon along the Suez and it occurs to me that so long as such offensive weapons remain, Israel is correct in proceeding most cautiously toward the cease-fire agreement.

Mr. Speaker, the Chicago Chapter of Hadassah resolution follows:

CHICAGO CHAPTER OF HADASSAH RESOLUTION

Whereas the actions of the Soviet Union in the Mideast are a grave threat to world peace, and

Whereas the growing Russian presence in Egypt has been conclusively established, and includes military operational personnel, as well as vast quantities of weapons, and

Whereas the President of the United States, Assistant Secretary of State Joseph Sisco, seventy-seven Senators, two hundred eighty Representatives, and many respected commentators in print and on the air have acknowledged the seriousness and immediacy of this problem and the danger to important American interests, and

Whereas the free world dare not tolerate another brutal Communist takeover, such as in Hungary and Czechoslovakia, which could place under control the people and places of an area sacred to all of our religious beliefs; now, therefore, be it

Resolved by the Chicago Chapter of Hadassah, with a membership of 10,324, that our government leaders be urged to move with firmness and resolve to achieve the withdrawal of all Russian military personnel from the Mideast; and be it further

Resolved that we pledge our support of American diplomatic efforts aimed toward this end, recognizing that such efforts, as was the case in the 1962 Cuban missile crisis, will require courage on the part of our leaders, based on the solid spirit of the American people; and be it further

Resolved that short of a commitment of American manpower, our government be urged to provide planes and other materiel necessary to deter Soviet influence; and be it finally

Resolved that copies of this Resolution be sent to the President of the United States, the Secretary of State, Assistant Secretary of State Joseph Sisco, members of Congress from Illinois, and the press.

Mrs. A. ROBERT EISENBERG,

President.

Mrs. HAROLD SAFFIR,

Chairman, Zionist Affairs Committee.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS NEEDED

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. BLACKBURN. Mr. Speaker, H.R. 17112, the Program Information Act, which would require a catalog of Federal domestic assistance programs, is now before the House Committee on Government Operations.

It is my belief that this catalog is sorely needed to eliminate the confusion which now exists. I submitted a statement to the committee which gives excellent examples of the problems faced by local governments and various groups wishing to apply for Federal aid. For the benefit of my colleagues, I am hereby inserting a copy of this statement into the RECORD:

STATEMENT OF THE HONORABLE BEN BLACKBURN

Mr. CHAIRMAN: I appreciate your affording me the opportunity to submit a statement regarding H.R. 17112, the Program Information Act. As all members of this Committee are aware, this legislation would authorize the Bureau of the Budget to compile a catalogue of all federal assistance programs.

Recently, the Georgia State Planning Bureau, which is in charge of funneling all grant applications from local communities in Georgia to the proper regional office of the various departments and agencies of the federal government, has informed me of some problems which it has experienced under the present system. They are very much in agreement with the necessity of a complete catalogue of the federal assistance programs, updated regularly and distributed to duly constituted state and local agencies.

Its need is obvious to anyone who has ever applied for a federal loan or grant. Where to go? What to do? Who can give some help in applying? A case in point: a small community in Georgia desires to raise the economic status by attracting tourists; it hopes to accomplish this by setting up a type of model farm and agricultural museum, a kind of "agrirama." Who should be approached—Agriculture, EDA, or Education?

Another community in the state is badly in need of a fire engine but has only limited funds available. Are there any federal programs available for this?

A neighborhood group, not a governmental entity, desires to establish a community center to provide family social services. Recognizing the vast array of services needed in a community, the group has determined that piece-meal efforts are inadequate and that comprehensive planning and service delivery is mandatory if the community is to rise from its current status of neglect and despair. The social services needed include: health services, day care, pre-school training, gymnasium recreation facilities, adult vocational training and senior citizen activities. This group has an almost insurmountable problem in determining which programs pro-

vide funding for a community center with this range of services. The proposed catalogue would enable this and similar community groups to determine which programs are available and whom to contact in order to develop an application which has a reasonable chance of being funded.

Recently more emphasis has been placed on the concept of joint funding—getting two or more Federal agencies to help fund a program. Even with a comprehensive up-to-date catalogue, this would be a problem, but without it it would be almost impossible to find out which agencies to apply to. Here, it might be well to point out that if the catalogue were cross-indexed to identify possible joint funding agencies, its usefulness would be greatly enhanced.

The catalogues now available, Roth and OEO, are a great help and provide much detailed information, but oftentimes considerable searching is still required to come up with a program which might be applicable.

The Bureau of State Planning and Community Affairs gives an excellent example of this deficiency in the latest OEO catalogue. An attempt by one of the staff to find several of the programs covered by the Bureau of the Budget Circular A-95 (issued to promulgate the U.S. Inter-governmental Cooperation Act of 1968) resulted in the following: three of the first nine of the total fifty-one programs listed in the circular could not be located, either because they were not included or because they are listed under another title bearing no resemblance to its designation in Circular A-95—namely USDA—"Greenspan" program; HEW—Health Research Facilities Construction; HEW—Narcotic Treatment Center construction.

Another major problem in the Federal Program Information area is knowing whether or not there are sufficient funds available to warrant an application. It is pointless for a group to go through the considerable effort of drawing up an application and then having it turned down because funds are not available. Up-to-date funding information should be available.

The catalogue prescribed in H.R. 17112 will provide more current and much more useful information to concerned elected officials at the municipal and county level. This information should enable these decision makers to better fulfill their considerable responsibilities to their constituents.

I notice that the Bureau of the Budget has recommended the early enactment of H.R. 17112. Clearly, the experience of the Georgia State Planning Bureau has shown the drastic need for this legislation. I hope the provisions will be made in the catalogue to assure that the unit of government applying for a grant will know whether or not funds are available. I urge the Committee to favorably recommend this legislation.

FRANK STEWART

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. WALDIE. Mr. Speaker, I congratulate the gentleman from New York for bringing this matter before the House.

I join with the gentleman in calling for a full Justice Department investigation into the Stewart case.

The facts in this case have been stated and the need for investigation is quite clear.

The VISTA program and the elementary concept of justice in this Nation are

at issue in the case and it is apparent that we cannot let this matter go without a Federal investigation.

I would hope that Baton Rouge and Louisiana officials would see the wisdom of calling on the Attorney General to conduct such an investigation.

FRANK STEWART

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LOWENSTEIN) is recognized for 60 minutes.

(Mr. LOWENSTEIN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. LOWENSTEIN. Mr. Speaker, I want to take a few minutes today to discuss a situation that involves VISTA Volunteer Frank Stewart, who has been engaged for some time in organizing the black community in East Baton Rouge, La., and who is presently in jail charged with conspiring to murder the mayor.

I have a number of statements concerning Mr. Stewart's character, but I will read only one into the RECORD.

This comes from a highly respected resident of Louisiana, Mr. Edward Deevy, who is presently a VISTA supervisor and has lived in Louisiana for 8 years:

I consider Frank a great humanitarian who doesn't see colors, who doesn't differentiate between people's races. He sees people as people, and he judges them as they come; and this is the way . . . all of us who worked with him . . . looked at Frank. We admired him very, very much.

Mr. Stewart was arrested March 20, 1970, along with Wade Hudson, also a VISTA volunteer, and a man named Alphonse Snedecor. All of them were charged with conspiring to murder the mayor, president of Baton Rouge, and the police chief.

On April 1, charges against Hudson were dropped, and bail was set at \$100,000 for Stewart and Snedecor. They have been in jail now for some 4½ months.

The State's only witness is an admitted police informer, James Moore, known as "Tiny Tim." Mr. Moore was arrested, tried, and acquitted of a murder charge in 1965, when he shot and killed a man in a bar. He won acquittal on the grounds that he was on an undercover assignment for the police when he killed the man, who allegedly called him a "police pimp" and assaulted him. Mr. Moore was only recently released on still another murder charge. The circumstances surrounding this most recent charge and release have raised several questions.

The grand jury has refused thus far to indict him. The Louisiana NAACP issued a statement charging that "The Grand Jury was manipulated by the District Attorney, Sargent Pitcher," thereby implying that the district attorney is granting amnesty to Mr. Moore in return for his testimony against Mr. Snedecor and Mr. Stewart.

A motion for bail reduction was denied on May 15, 1970, even in the light of testimony by three respected and knowledgeable witnesses that Mr. Stewart's nonviolent character and qualities made it extremely unlikely that he would conspire to commit murder.

Now, another motion is going to be heard on bail reduction on August 4. I am happy to learn that OEO has agreed to cover the expenses of some character witnesses who knew Mr. Stewart in the Peace Corps so that they can appear at this hearing.

I am also advised that OEO has taken the position that there should be an investigation of the Stewart matter by the Justice Department. I agree with that position, and I hope the Justice Department, considering all the attendant circumstances, will feel that it is in the interest of justice, as well as of the VISTA programs in Louisiana and around the country, that there be an investigation conducted at an early time to determine whether in fact there is any basis whatsoever for what has happened to Mr. Stewart over the past 4½ months.

The Louisiana NAACP, as I have remarked, has demanded that the Justice Department investigate the district attorney's office to determine, among other things, if racial bias has prevented that office from functioning fairly. I am not prepared at this time to pass on the merits of that request. However, in the situation involving Mr. Stewart, about whose character one hears such extraordinarily good things that one wonders if, in fact, he may not be a likelier candidate for commendation than for arrest, it is most important that there be no doubt that his arrest is not a tactic designed to punish his effectiveness in carrying out this job.

I believe the Justice Department ought to look into a number of specific questions: First, the facts behind the failure of the grand jury to indict Mr. James "Tiny Tim" Moore for the murder that occurred on July 4, and the possibility that an amnesty was granted in return for other activities of Mr. Moore. I am not prejudging these events, but I am anxious to know more about how they occurred.

Also, the Justice Department ought to look into the facts surrounding the arrest of Mr. Stewart himself, to discover whether or not there was entrapment involved, and to determine if anyone's constitutional rights have been violated.

I want to stress what it ought not to be necessary to stress; which is, that if in fact a conspiracy existed to murder anyone, to assassinate any official, to deny anyone his civil rights, that conspiracy ought to be exposed and the people who participated in it prosecuted. But if what has happened is that by alleging a conspiracy law enforcement officials have deprived a man of his liberty for several months, then the affair takes on unusual national significance. If that is what has happened, a great injustice has been done to somebody who—like so many VISTA volunteers—was working selflessly under difficult circumstances and for very little

money in an effort to try to make the situation in this country fairer to all our people.

That is the kind of effort that not many of us have made—giving up time and comfort to work with those who have been living in social and economic deprivation, and whose hopes for a better life have so often been dashed by our failure to redress basic injustices and grievances. If VISTA is to have a future, it must certainly be clear that people performing legitimate functions in organizing disadvantaged communities are not going to be singled out for particular harassment and persecution. The impact of VISTA must depend, in the final analysis, on morale of those remarkable young Americans—and some not so young—who are willing to make this kind of effort and sacrifice.

If VISTA volunteers who functioned effectively were to be subject to a kind of higher priority harassment, the implications for this program—which affects all has had the approval and support of the Congress and the executive branch, and which presumably has some value for the country—would be obvious.

It would be wrong to attempt to judge the facts in the Stewart case solely on the basis of the evidence now available, but it would be equally wrong to not look carefully into this matter, knowing what we know about the problem of obtaining justice for militant black people in parts of this country. There have been too many instances in which citizens working constitutionally, often with great selflessness, for the betterment of this country have been denied their civil rights on trumped-up pretexts. Therefore, whatever the facts are, it would seem to me that everyone concerned stands to gain when all the facts are brought to light and everyone can be certain that the law is being enforced impartially to protect white and black, officials and citizens, against any infringement of their rights as Americans and against any threats to their well-being. I am sure we are all equally concerned about the safety of the mayor-president of Baton Rouge and the safety of the humblest citizen of Baton Rouge or anywhere else. The Constitution of the United States knows neither rank nor race, and many Members of this body will be watching to see that law enforcement officials in Baton Rouge remember their oath, to uphold that Constitution.

In conclusion, Mr. Speaker, I am sorry that my colleagues from Louisiana were unable to join in this discussion today. I expect and believe they, as well as the national officials of VISTA and the OEO, will want to keep an eye on this volatile situation. We will all want to be certain, I am confident, that no one in this country can be arrested on flimsy evidence and then detained on impossible bond, and thus caused to languish in prison simply because they are participating in programs that incur the hostility of local officials.

Mr. Speaker, I thank my colleagues for their attention and I yield back the balance of my time.

THE 235 EXISTING HOUSING SCANDAL

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. PATMAN. Mr. Speaker, on July 28, I sent a letter to the Secretary of Housing and Urban Development, the Honorable George Romney, pointing out a number of instances in various sections of the country where the 235 existing housing program has been used to foster slum housing and bilk the people who have become victimized as a result of unscrupulous dealings into the purchase of existing housing under the 235 home purchase subsidy program.

Mr. Speaker, when the Congress enacted the 235 program, it was obviously assumed that the program would be used to benefit the people making use of the provisions contained therein, but apparently the program in many instances has been turned against the very people it was designed to assist.

The Secretary of the Department of Housing and Urban Development is to be commended for the prompt action he took in this matter. In a letter sent to me, dated July 31, the Secretary indicated that the Department of Housing and Urban Development has issued revised policies for appraisal of existing dwellings and that they would begin immediately to investigate the specific questions raised in my letter.

I include in my comments, Mr. Speaker, a copy of my letter and memorandum to the Secretary, dated July 28; the Secretary's letter and enclosures, dated July 31, 1970; and my response to the Secretary, dated August 1, 1970.

The material follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., July 28, 1970.
HON. GEORGE W. ROMNEY,
Secretary, Department of Housing and Urban
Development, Washington, D.C.

DEAR MR. SECRETARY: The enclosed memorandum was prepared by the Committee staff. This statement raises rather alarming questions about the manner in which your department, particularly the Federal Housing Administration, has effectuated the Federal Housing Programs.

Our preliminary investigation has disclosed the probable existence of a national scandal of the most sordid type. What the Congress enacted as a sound and well conceived Federal program has apparently been turned against the very people it was designed to assist. The Federal Government is fostering slum housing and, along with the home purchasers, is being bilked of millions by unconscionable real estate speculators.

The drastic circumstances in which the Government and the Congress find themselves is small in relation to human suffering and breach of faith once again perpetrated on our poor. These citizens have either been installed in slums or have been saddled with long-term mortgages in far greater amounts than the worth of their property, or both.

Before continuing with this matter, it is important that you supply the Committee with answers and explanations of the following:

1. How conceivably can FHA approve substandard slum housing as meeting the minimum standards of existing housing under Section 235 or any other program?

2. Why do FHA appraisers permit sellers to make as much as a 100 percent profit on the sale of houses under these programs?

3. What kind of liaison and active cooperation do the FHA regional offices have with local housing code agencies? Why isn't there a certification procedure to assume compliance with existing building codes before any sale is approved by FHA?

4. What steps has FHA taken to assure that its housing programs are being fully carried out by its employees—particularly its appraisers?

5. In cases where sales of substandard housing have been consummated, what remedies does FHA provide for the bilked purchaser to put his house in good condition and to reimburse him for excessive profits paid to the seller?

6. What changes in present procedures are you contemplating to make sure that these cases never happen again?

7. Is there any effort on the part of FHA to blacklist or otherwise foreclose inner-city speculators from predatory practices which victimize the poor and their government?

The foregoing are but a few of the questions raised by the memorandum. Undoubtedly, a wider investigation would suggest many more. However, your immediate attention to this letter is required now—before this Committee can even consider any further legislation calling for the continuance or expansion of these housing programs.

Sincerely,

WRIGHT PATMAN,
Chairman.

SECTION 235 HOUSING PROGRAMS

Apparently, there are some rather serious abuses in the administration of the Section 235 of National Housing Act of 1968 and its predecessor programs. Acting on complaints from several homeowners and based on the work of the staff of the Select Committee on Crime, it has been concluded that these programs are, in many instances, operating in contradiction to their announced purposes. Instead of providing "decent, safe and sanitary" housing for low and moderate income people, many of these homeowners are finding themselves the unhappy possessors of nothing more than slums. Many of these FHA 235 purchasers have been victimized by unconscionable real estate speculators who have made fantastic profits in short periods.

Thus far, only the situations in Washington, D.C., and Philadelphia, Pennsylvania, have been examined. If these two cities are typical of the rest of the nation, then the operation of the program is nothing short of scandalous.

In Washington, for example, houses were found which were sold under FHA 235 for prices in excess of 40 to 150 percent of what the seller paid just a few months before. Checking over 120 houses in Southeast Washington, including many sold at such inflated prices, we found not a single construction or repair permit issued by the local Department of Licenses and Inspections. This would indicate that few, if any, of these homes had undergone the type of repair warranting the huge jump in price.

In both Philadelphia and Washington there has been visual inspection of these homes. They are slums. Plaster is cracked and falling, wallpaper is peeling, wiring is faulty, wood is rotten, plumbing is corroded and leaking, furnaces have been condemned, ceilings have fallen in, roofs leak, hot water tanks are bad, rats, etc., etc.

It is our understanding that where existing housing is sold, minimum FHA standards must be met. Moreover, FHA appraisers are supposed to check these houses for defects

and to order and inspect repairs before approval. Obviously this has not been done.

Aside from the serious financial implications to the Federal Government and the homeowner, it is not difficult to imagine the human agony of the homeowner. He has been obligated on a long term mortgage for a house worth far less than the amount of the note and, worse yet, a house which will not last anywhere near the term of the mortgage. In one case where a furnace has been condemned, a homeowner has no idea where she will obtain the necessary funds to heat her house next winter. She has several small children. In other cases, gas and electricity has been shut off until the poor homeowner makes repairs that he cannot afford and which should have been made before FHA approved the sale.

It is important to review all of these programs to find out how extensive this corruption is. It is also important that legislative major revisions be made to prevent their reoccurrence. Equally as important, the bilked, cheated, defrauded, and unsuspecting homeowner must be made whole. Excessive profits should be recouped, houses should be made decent, safe, and sanitary and livable, and where this is not possible, contracts should be voided and concentrated efforts made to relocate these homeowners.

One of the more amazing things we found was that there is no—repeat, no—communication, liaison or cooperation with the local code enforcement authorities. This should be immediately demanded and promptly done.

Following is a list representative of properties in FHA programs in Washington and Philadelphia. The sales price was taken directly from the FHA application form and in practically every case the sales price is the same as the FHA appraised value. The fair market value price is the value assigned to the property by the D.C. Tax Assessor's office for property tax purposes. This fair market valuation for tax purposes should approximate the FHA appraisal for Section 235 projects. The previous sales price was obtained from Lusk's Real Estate Directory and in most cases verified by records available at the Recorder of the Deeds Office. The fair market value on the previous sales price has not been obtained for the properties located in Philadelphia.

There is strong evidence suggesting that much of the Federal funds expended in this program are ultimately going to the speculators, the real estate salesmen, and the mortgage company who finances the speculator. Committee staff members, accompanied by District Housing Inspectors, visited the following properties:

2409 Naylor Road, S.E.: Sold FHA 235 for \$17,600; D.C. Tax Assessor Fair Market Value, \$16,650. Water leaks through kitchen ceiling when shower is used. Condition has existed since purchase. Rear porch roof has been leaking since purchase. House has defective plumbing.

1624 Q Street, S.E.: Sold FHA 235 for \$17,500; 3 mos. before, seller paid \$10,000. Housing inspector found 30 housing code violations, including peeling paint, missing plaster, holes in walls, no cranks to open windows, missing guard rails for porch steps and defective kitchen equipment. House also has two gas and electric meters which will cost owner \$500 to convert.

1622 Q Street, S.E.: Sold FHA 235 for \$17,500; 4 mos. before, seller paid \$9,000. Housing inspector found 24 housing code violations—peeling paint, missing plaster, holes in walls, no cranks to open windows, defective door lock, missing guard rail for porch steps and defective plumbing. This house also has two gas and electric meters and will cost the owner \$500 to convert.

404 16th Street, S.E.: Sold FHA 235 for \$15,850; 5 mos. before, seller paid \$9,750. Housing inspector found 14 housing code

violations, including rotten floor boards, no electrical outlets in bedrooms, no screen doors and peeling ceiling paper.

3618 Nichols Avenue, S.E.: Sold FHA 235 for \$12,500; 4 mos. before, seller paid \$8,000. Housing inspector found three housing code violations, including leaking roof over porch, leaking ceiling when shower is used and defective plumbing.

115 15th Street, S.E.: Sold FHA 235 for \$14,450; 4 mos. before, seller paid \$8,500. Housing inspector found 25 housing code violations, including rotten door frames, floors and porch, peeling paint, missing and loose plaster, obstructed plumbing and leaking roof.

1008 31st Street, S.E.: Sold FHA 235 for \$16,100; 6 mos. before, seller paid \$9,500. House sold as a three-bedroom house after renovation of attic. Neither room in this attic meets the District's minimum requirements for space for sleeping one person. No heating facilities were provided in either room.

The following houses were not visited. Information taken from District records:

1455 Bangor Street, S.E.: Sold FHA 235 for \$15,600; D.C. Tax Assessor Fair Market Value, \$13,120. The house, according to new owner, is in poor condition.

2120 16th Street, S.E.: Sold FHA 235 for \$17,300; D.C. Tax Assessor Fair Market Value, \$14,460. Owner says the house was in poor condition.

1508 16th Street, S.E.: Sold FHA 235 for \$18,000; D.C. Tax Assessor Fair Market Value, \$15,100.

2231 Mt. View Place, S.E.: Sold FHA 235 for \$13,500; D.C. Tax Assessor Fair Market Value, \$15,100; 6 mos. before, seller paid \$10,042.

2230 13th Street, S.E.: Sold FHA 235 for \$15,000; D.C. Tax Assessor Fair Market Value, \$11,950; 4 mos. before, seller got quitclaim for \$3,982.

1526 Ridge Place, S.E.: Sold FHA 235 for \$15,600; D.C. Tax Assessor Fair Market Value, \$14,800; 3½ mos. before, seller paid \$12,950.

1611 E Street, S.E.: Sold FHA 235 for \$16,600; 11 mos. before, seller paid \$11,250.

4266 Southern Avenue, S.E.: Sold FHA 235 for \$17,500; D.C. Tax Assessor Fair Market Value, \$16,000; 1 mo. before, seller paid \$14,396.

133 Mississippi Avenue, S.E.: Sold FHA 235 for \$16,300; D.C. Tax Assessor Fair Market Value, \$12,800.

1109 Chicago Street, S.E.: Sold FHA 235 for \$17,600; D.C. Tax Assessor Fair Market Value, \$14,960; 2 mos. before, seller paid \$13,500.

1634 Ridge Place, S.E.: Sold FHA 235 for \$15,000; D.C. Tax Assessor Fair Market Value, \$12,560.

1514 V Street, S.E.: Sold FHA 235 for \$16,100; D.C. Tax Assessor Fair Market Value, \$14,760; 2 mos. before, seller paid \$10,450.

1371 E Street, S.E.: Sold FHA 235 for \$16,600; D.C. Tax Assessor Fair Market Value, \$15,000; 6 mos. before, seller paid \$5,000.

1249 W Street, S.E.: Sold FHA 235 for \$11,200; D.C. Tax Assessor Fair Market Value, \$7,500.

1403 Ridge Place, S.E.: Sold FHA 235 for \$16,350; D.C. Tax Assessor Fair Market Value, \$14,646.

1611 9th Street, S.E.: Sold FHA 235 for \$17,500; D.C. Tax Assessor Fair Market Value, \$16,860.

3319 22nd Street, S.E.: Sold FHA 235 for \$17,100; D.C. Tax Assessor Fair Market Value, \$14,000.

1514 Fort Davis Street, S.E.: Sold FHA 235 for \$16,600; D.C. Tax Assessor Fair Market Value, \$15,900; 1 mo. before, seller paid \$11,000.

1336 Anacostia Road, S.E.: Sold FHA 235 for \$17,500; D.C. Tax Assessor Fair Market Value, \$6,270; 3 mos. before, seller paid \$6,500.

1748 W Street, S.E.: Sold FHA 235 for \$17,000; D.C. Tax Assessor Fair Market Value, \$14,560; 4 mos. before, seller paid \$11,000.

1523 S Street, SE.: Sold FHA 235 for \$17,100; D.C. Tax Assessor Fair Market Value, \$14,000.
1137 46th Place, SE.: Sold FHA 235 for \$15,850; D.C. Tax Assessor Fair Market Value, \$16,120; 3 years before, seller paid \$7,600.

1344 Maple View Place, S.E.: Sold RHA 235 for \$18,600; 3 mos. before, seller paid \$13,500.

243 Valley Avenue, SE.: Sold FHA 235 for \$17,000; 6 mos. before, seller paid \$14,000.

2241 Prout Street, SE.: Sold FHA 235 for \$15,000; D.C. Tax Assessor Fair Market Value, \$9,050.

344 Raleigh Street, SE.: Sold FHA 235 for \$14,500; D.C. Tax Assessor Fair Market Value, \$11,760.

The following properties have not been checked for fair market value, and were taken solely from the real estate directory.

3633 Homer Place, S.E.: Sold FHA 235 for \$17,500; 2 mos. before, seller paid \$9,000.

1750 W Street, S.E.: Sold FHA 235 for \$16,100; 3 mos. before, seller paid \$9,600.

5512 B Street, S.E.: Sold FHA 235 for \$13,750; 3 years before, seller paid \$8,500.

831 Kentucky Avenue, S.E.: Sold FHA 235 for \$17,600; 4 mos. before, seller paid \$12,000.

914 Alabama Avenue, S.E.: Sold FHA 235 for \$15,250; 6 mos. before, seller paid \$7,000.

242 16th Street, S.E.: Sold FHA 235 for \$17,100; 1 year, 3 mos. before, seller paid \$5,500.

1411 19th Street, S.E.: Sold FHA 235 for \$14,750; 4 mos. before, seller paid \$11,800.

1449 Pennsylvania Avenue, S.E.: Sold FHA 235 for \$15,000; 3 mos. before, seller paid \$8,500.

3316 Brothers Place, S.E.: Sold FHA 235 for \$16,100; 4 mos. before, seller paid \$6,500.

426 Kentucky Avenue, S.E.: Sold FHA 235 for \$13,750; 2 mos. before, seller paid \$6,250.

2237 Nicholson Street, S.E.: Sold FHA 235 for \$14,750; 2 years before, seller paid \$8,850.

3401 Brothers Place, S.E.: Sold FHA 235 for \$19,100; 3 mos. before, seller paid, \$9,500.

319 Raleigh Street, S.E.: Sold FHA 235 for \$17,100; 1 mo. before, seller paid \$10,600.

Every day new advertisements appear in the local papers which continue to raise serious questions about FHA appraisal practices.

The attached advertisement listing FHA 235 and 221 homes for sale by J. F. Feddon Realty appeared in the Washington Daily News, July 10, 1970.

Listed below are three of the properties with the amounts Mr. Feddon paid for the property and the date of transfer. The next column is the advertised sales price. It should be remembered that the sales price cannot exceed the FHA appraisal value.

[Address, date, purchase price, advertised sales price]

812 Savannah Street, S.E., 12/69, \$7,500, \$19,200.

709 7th Street, S.E., 1/70, \$10,750, \$21,000.
1009 Monroe Street, N.W., 1/70, \$9,250, \$21,500.

The following information was furnished by the House Select Committee on Crime.

2558 N. Franklin Street, Philadelphia, Pennsylvania: Sold FHA 235, \$6,500. Philadelphia Department of Licenses and Inspections found 25 housing code violations prior to owner moving into house. These violations included defective plumbing and electrical wiring, defective windows and doors, peeling paint and plaster. The Department of Licenses and Inspections estimated that the total cost of removing these violations would be \$1,810.

120 E. Meehan Street, Philadelphia, Pennsylvania: Sold FHA 235, \$7,900. Philadelphia Department of Licenses and Inspections found 34 housing code violations. These violations included broken porch rail, bulging brickwork, missing window sashes, rotten flooring, peeling wallpaper, missing plaster, defective plumbing and electrical wiring.

2683 Braddock Street, Philadelphia, Pennsylvania: Sold FHA 221, \$4,500. Philadelphia Department of Licenses and Inspections

found 27 housing code violations and stated that the house was unfit for human habitation. These violations included no running water or heat, rotten floors and ceilings, defective plumbing and electrical wiring, weak and cracked stairs, defective roofing and infestation of termites. The estimated cost to make the house livable was \$8,000 to \$10,000.

1221 W. Tioga Street, Philadelphia, Pennsylvania: Sold FHA 221, \$8,400. Cellar full of water due to defective plumbing, which is rotten throughout house. Leaking roof. Defective gas lines.

2531 N. Hollywood Street, Philadelphia, Pennsylvania: Sold FHA 221, \$11,000. Sewerage line backing up. Roof leaking. Defective heating and plumbing. Plumbing, heating and roofing certifications were presented at settlement, stating that home was in reasonably good condition. Owner was charged for these certifications.

6308 Woodstock Street, Philadelphia, Pennsylvania: Sold FHA 203(b), \$7,900. Defective plumbing, clogged sewer, hazardous steps.

2827 Bailey Street N., Philadelphia, Pennsylvania: Sold FHA 221, \$6,500. Clogged water drain. Wall caving in and floor leaking in kitchen. Defective soil line in basement. Defective doors. Broken gas lines in kitchen stove. Baseboards in living room pulled away. Leaking roof. Previous occupant says that same condition existed at the time she was living in house.

54 E. Brighthurst Street, Philadelphia, Pennsylvania: Sold FHA 221, \$7,500. Sewer pipe leaking into basement. Defective electrical switches: Leaks over windows. Roof leaking in bathroom. No hand railings leading to stairs. Damp walls in living room indicating leaking roof. Faulty drains. Proper repairs estimated to cost \$771.

7032 Forrest Avenue, Philadelphia, Pennsylvania: Sold FHA 221, \$11,750. Burst sewerage pipe. Faulty heating.

150 Peach Street N., Philadelphia, Pennsylvania: Sold FHA 221, \$6,900. Large holes in bathroom floors causing water to run into room below. Rotten window frames. No hand railing on rear porch. Open flu pipe in basement. Cracked soil line. Open sewer line in basement. Defective electrical wiring. Defective plumbing.

831 S. 51st Street, Philadelphia, Pennsylvania: Sold FHA 221, \$9,000. Broken sewerage line. No gas line going into house. Peeling paper and plaster. Defective plumbing throughout house. Broken heater. Leaking and sagging roof. Defective electrical wiring. No hand railing on stairs. Purchasers cannot move in since house is classified as substandard.

2933 9th Street N., Philadelphia, Pennsylvania: Sold FHA 221, \$5,500. Owner had to spend \$224 to repair plumbing immediately after moving in even though the plumbing had been certified to be in working order and repair and FHA had inspected house.

3113 N. 29th Street, Philadelphia, Pennsylvania: Sold FHA 221, \$6,000. Defective plumbing throughout house. Defective and leaking sewerage. Rotten window frames. Bathtub not connected to sewerage line. Water drains into basement.

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT,

Washington, D.C., July 31, 1970.

HON. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Yesterday I received your letter of July 28 concerning FHA appraisal practices as they relate to Section 235 of the 1968 Housing Act.

The Federal Housing Administration some time ago discovered the appraisal deficiencies which your letter has now dramatized. In the interim, accordingly, FHA has been actively reviewing and revising its policies on

appraisals and minimum property standards as they relate to this program.

The policies in question were liberalized five years ago. However, it was only recently, as the new Section 235 interest subsidy program developed in volume, that the abuses of these liberalized policies became apparent.

As a result, a carefully revised policy for appraisal of existing dwellings was ready for issuance at the time your letter was received. The new policy has just been issued and is now in effect. A copy is enclosed.

In a subsequent communication, we expect to respond to the specific questions raised in your letter. We are also investigating, among others, each of the transactions cited in the staff memorandum which you attached. We will share with you the results of our inquiry.

Let me express my appreciation for your constructive concern for the sound, efficient and productive administration of this and all our other programs. I indeed share that concern, and look forward to continuing cooperation between this Department and your Committee.

Sincerely,

GEORGE ROMNEY.

APPRAISAL OF EXISTING DWELLINGS—POLICY CHANGE BACKGROUND

In 1964 only 3% of all existing homes purchased with FHA-insured mortgages were in blighted central city areas. Thereafter, FHA pursued a liberalized appraisal policy designed to increase this type of business. As a consequence it climbed to 8% of the total in 1967, and to 17% in 1969. This afforded residents of blighted areas mortgage loans on reasonable terms theretofore unavailable because of the reluctance of reputable lenders to take extra risks without FHA insurance. Unfortunately the liberalized FHA procedure applied in these cases has all too often resulted in insurance of mortgages the physical security for which is far below the stated objectives of the FHA Minimum Property Standards. Not only has this caused FHA to sustain increased losses in property dispositions, but also it has adversely affected the low-income purchasers involved in these transactions. Such homeowners when confronted with the necessity for costly repairs and replacement of equipment find themselves in serious financial difficulty. In such cases FHA has done more harm than good.

In addition there is some evidence that the liberalized policy applicable to blighted areas has generated a laxness with respect to appraisal inspections in the case of properties located elsewhere.

1. *Purpose.* It is the purpose of this circular to redefine and reiterate appraisal policies applying to existing properties, and to set in motion the necessary steps to effect immediate correction of a most undesirable situation. It is, however, intended that this be done in such a way that FHA continue to be active in blighted areas.

2. *Appraisal instructions.* In blighted areas mortgage insurance pursuant to Section 223 (e) shall not be interpreted to permit waiver of the requirement that the property in question meet the stated objectives of the FHA Minimum Property Standards. More specifically this means that a careful inspection be made of the building and premises, and that the appraiser shall list as conditions to mortgage insurance any repairs, alterations, or replacements necessary to bring the property up to the minimum standards. In Section 223 (e) cases, the appraiser will, however, exercise special care to specify the most economical means to the end, in realization that unnecessarily expensive corrections may jeopardize the transaction. It is, of course, recognized that some properties are in such condition that rejection is the best answer for all concerned.

(a) In the appraisal of existing properties

without reference to Section 223 (e), careful adherence to all applicable requirements is mandatory.

(b) For all existing property appraisals the valuation requirements are as set forth in paragraphs 71409.2, 71429 (as supplemented by HUD Circular 4400.26) and 71603 of the FHA Underwriting Manual. Instructions for the related inspection of the property are in paragraph 70751. Special instructions for detection of termite damage are in paragraph 70752. All appraisers are required to review this material before undertaking any new assignments.

FHA cannot warrant existing properties against defects and should make this position clear to all concerned. However, this does not in any way relieve the appraiser of his responsibilities as set forth in the foregoing Manual references.

(c) Supervisory Insuring office staff must follow the system of spot checks of existing construction appraisals and any other management tools necessary to assure compliance.

VALUATION ANALYSIS

71409.2 Existing Dwellings—Requirements: The condition of existing building improvements is examined at the time of appraisal to determine whether repairs, alterations, or additions are necessary. If so they should be those items proposed in the Property Description or those essential to eliminate conditions threatening the continued economic soundness of the mortgage transaction. Required repairs will be limited to those necessary to preserve the property and to protect the health and safety of the occupants.

Typical conditions requiring repairs are termite damage; damaged or inoperative plumbing, heating or electrical systems; broken or missing fixtures; rotted counter tops and floors; leaking roofs; exterior paint peeled to bare wood; masonry and foundation damage; drainage problems on-site; and requirements to meet the code in code enforcement areas. It may also be necessary to require removal of dilapidated outbuildings which might endanger the safety of children.

Conditions which do not require repair include "cosmetic" work such as interior painting, polishing floors, cleaning or removal of carpets; installation of paved driveways or aprons; installation of curbs, gutters, or partial paving of street; replacement of tile floors because tiles do not match; planting of shrubbery or lawns, and the like, which are not directly related to the preservation of the property or the health and safety of the occupants.

The appraiser is required to inspect the entire structure including the attic, the crawl space or basement and all equipment. It is essential that all deficiencies not found in comparable properties be reflected in value. An estimate of the cost of the required repairs, alterations, or additions is made by the appraiser, or by the Architectural Section when requested. If conditions prevent complete inspection of the property at the time of appraisal (for example, snow covering the roof) so that the appraiser cannot determine the condition, he should require either a reinspection prior to closing or that evidence satisfactory to FHA be furnished concerning the condition of those items cited in the requirement.

If the appraiser cannot determine whether all mechanical equipment is in operating condition, he should make a commitment requirement that the mortgagee furnish evidence satisfactory to FHA that all mechanical equipment is in operating condition at the time of loan closing.

A proper appraisal requires that the appraiser consider not only the condition of the property and its equipment but also the functional adequacy of the components under conditions typically expected. Inferior quality roofing, plumbing, heating equip-

ment, undersize hot water heaters, bottom of the line appliances are items which must be of concern to the appraiser in estimating value. Careful inspection of the property being appraised and evaluation of the condition and adequacy of all its elements is an integral part of the appraiser's function without which he cannot make a proper appraisal.

The appraiser must be especially careful in checking the house and the operation of equipment where a property shows evidence of neglect or vandalism.

HOUSE OF REPRESENTATIVES, COMMITTEE OF BANKING AND CURRENCY, Washington, D.C., August 1, 1970.

HON. GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: Thank you for your prompt response of July 31, 1970, to my July 28 letter to you.

You are to be commended for the immediate action you are taking in this matter. Certainly we shall be happy to meet with you or your representatives on this matter at any time.

We shall, of course, immediately analyze the new appraisal regulations for existing housing which you have promulgated. We shall also look forward to the findings of your investigation concerning the material sent to you in my letter of July 28 and your answer to the questions raised in that letter.

I am concerned, however, about the probable wrongs that have already been committed in this 235 existing housing program and would appreciate your response as to what can be done to correct the situation as far as those people who have been victimized by unscrupulous dealings involving the 235 existing housing programs.

Again, I wish to commend you and your office for your prompt action in this matter.

With best personal regards, I am

Sincerely,

WRIGHT PATMAN,
Chairman.

NATIONAL GALLERY OF ART CALENDAR OF EVENTS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the Calendar of Events for the month of August 1970 for the National Gallery of Art. Once again the National Gallery has planned an outstanding number of events, which I heartily recommend to my colleagues and the American people:

NATIONAL GALLERY OF ART, AUGUST 1970 AMERICAN PAINTINGS AND SCULPTURE CATALOGUE

After more than thirty years of research, the National Gallery has published a summary catalogue of its collection of American paintings and sculpture.

Research on this fully illustrated catalogue of 827 paintings and five sculptures in the collection of the National Gallery was begun by James W. Lane, former curator of the Gallery's American collection, and continued under his successor, William P. Campbell, who is now Acting Chief Curator of the Gallery. Study of the collection has led to many new attributions and discoveries about the works.

The collection is strongest in eighteenth

and nineteenth century portraiture. Among these are particularly fine works by Benjamin West, John Singleton Copley, Gilbert Stuart and Thomas Sully. The collection is also rich in paintings by John Trumbull, James McNeill Whistler, Mary Cassatt, John Singer Sargent and George Bellows. The American naive pictures, Mr. Campbell has noted, comprise "possibly the most important group of such paintings in a public collection."

SPECIAL SUMMER EXHIBITION

The exhibition of Impressionist and Post-Impressionist paintings and sculpture from the Nathan Cummings collection will continue through Labor Day. One large bronze by contemporary British sculptor Henry Moore is on view outside the Gallery's Constitution Ave. entrance. An Acoustiguide tour of the exhibition is available.

PRINT EXHIBITION

A selection of twenty-five turn-of-the-century French prints, mostly color lithographs, from the Rosenwald Collection of the National Gallery are on view through Labor Day.

FILMS

During August, two films will be shown for the first time at the National Gallery, *A Gallery of Children* and *Reflections in Space. In Search of Rembrandt* continues to be shown on weekdays. Refer to the weekly listings of this calendar for showings. For details on the evening showings of "Civilisation," call 737-4220.

Monday, July 27, through Sunday, August 2.

PAINTING OF THE WEEK*

Renoir. *Obalisque*.—(Chester Dale Collection) Gallery 90, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

TOUR

Introduction to the Collection.—Rotunda, Mon. through Sat. 11:00, 1:00 & 3:00; Sun. 2:30 & 5:00.

SUNDAY LECTURE

Modern Art: Matisse and Rouault.—Speaker: Carleen Keating, Staff Lecturer; National Gallery of Art, Auditorium 4:00.

SUNDAY FILM

A Gallery of Children, 1:00.

WEEKDAY FILMS

A Gallery of Children—2:00; *In Search of Rembrandt*—5:00.

GALLERY HOURS

Weekdays and Saturdays, 10:00 a.m. to 9:00 p.m.; Sundays, 12 noon to 10:00 p.m.

PAINTING OF THE WEEK*

Goya. *Victor Gueye*.—(Gift of William Nelson Cromwell) Gallery 50, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

TOUR

Introduction to the Collection.—Rotunda, Mon. through Sat. 11:00, 1:00 & 3:00; Sun. 2:30 & 5:00.

SUNDAY LECTURE

Modern Art: Picasso and Braque.—Speaker: William J. Williams; Staff Lecturer, National Gallery of Art, Auditorium 4:00.

SUNDAY FILM

Reflections in Space—1:00.

WEEKDAY FILMS

Reflections in Space—2:00. *In Search of Rembrandt*—4:00.

CAFETERIA HOURS

Sundays: Dinner, 1:00 p.m. to 7:00 p.m.; Weekdays: Snack Service, 10:00 a.m. to 11:00 a.m., 2:30 to 5:00 p.m.; Luncheon, 11:00 a.m. to 2:30 p.m.; Dinner, 5:00 p.m. to 7:30 p.m.

Monday, August 10, through Sunday, August 16.

Footnote at end of article.

PAINTING OF THE WEEK *

Gerald David, *The Rest on the Flight into Egypt*.—(Andrew Mellon Collection) Gallery 39, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

TOUR

Introduction to the Collection.—Rotunda, Mon. through Sat. 11:00, 1:00 & 3:00; Sun. 2:30 & 5:00.

SUNDAY LECTURE

Modern Art: Kirchner and Kandinsky.—*Speaker*: Charlotte Snyder, Summer Staff Lecturer; National Gallery of Art, Auditorium 4:00.

SUNDAY FILM

A Gallery of Children—1:00.

WEEKDAY FILMS

A Gallery of Children—2:00; *In Search of Rembrandt*—4:00.

Monday, August 17, through Sunday, August 23.

PAINTING OF THE WEEK *

Delacroix, *The Arab Tax*.—(Chester Dale Fund) Gallery 83, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

TOUR

Introduction to the Collection. Rotunda, Mon. through Sat. 11:00, 1:00 & 3:00, Sun. 2:30 & 5:00.

SUNDAY LECTURE

Modern Art: La Fresnaye and Leger.—*Speaker*: Margaret Bouton, Curator in Charge of Education; National Gallery of Art, Auditorium 4:00.

SUNDAY FILM

Reflections in Space.—1:00.

WEEKDAY FILMS

Reflections in Space.—2:00, *In Search of Rembrandt*, 4:00.

For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.

PAINTING OF THE WEEK *

Francesco di Giorgio, *God the Father Surrounded by Angels and Cherubim*.—(Samuel H. Kress Collection) Gallery 5, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

TOUR

Introduction to the Collection.—Rotunda, Mon. through Sat. 11:00, 1:00 & 3:00, Sun. 2:30 & 5:00.

SUNDAY LECTURE

Modern Art: Chagall and Dubuffet.—*Speaker*: Troy Thomas, Staff Lecturer, National Gallery of Art, Auditorium 4:00.

SUNDAY FILM

A Gallery of Children.—1:00.

WEEKDAY FILMS

A Gallery of Children, 2:00.—*In Search of Rembrandt*, 4:00.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to (202) 737-4215 ext. 272.

FOOTNOTES

*11" x 14" reproductions with texts for sale this week—15¢ each. If mailed, 25¢ each.

JAPANESE PROJECTIONS STARTLE U.S. ECONOMISTS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Sun-Times carried a column last

week by the distinguished journalist, Charles Bartlett, which should be of great interest to all of us.

Mr. Bartlett pointed out that the Japanese Finance Ministry has startled economists here in the United States by publishing economy projections which foresee per capita incomes in Japan of \$55,267 by the end of this century.

It is interesting to note that the Japanese study shows that America's annual per capita income is estimated at merely \$14,161 by the year 2001, considerably less than all the European countries except Great Britain.

I cannot vouch for the accuracy of the Japanese projections, but I do believe that these projections warrant more than passing interest by all of us in this country.

I said the other day that when we examine the economic growth of Japan, West Germany, the Common Market countries, and other economic systems around the world, we Americans better realize that we are faced with an increased challenge from world competition.

We Americans have been fortunate in the last 200 years, in that our cities have not been ravaged by the horrors of war as have the Japanese and European cities. It should be perfectly clear to all of us that the rest of the world is now developing production techniques and methods which could make America a second-rate economic power in the next decade.

I am submitting into the RECORD today Mr. Bartlett's excellent column because I believe it should serve as a basis for a national dialog on how we Americans can improve the productivity of our industrial output and also address ourselves to the whole question of quality production.

No one in this Nation is providing the leadership today toward a recognition that we are faced with some very serious competition from most of the world, and that competition can be met. I have no doubt in the American system or the dedication of the American worker. But it does occur to me that we must try to bring about a greater degree of understanding of the challenge that lies ahead, and a greater degree of cooperation between labor, industry, and government to meet that challenge.

Mr. Bartlett has performed a notable public service by calling the Japanese study to the attention of the American people.

His column follows:

JAPANESE PROJECTIONS STARTLE U.S. ECONOMISTS

WASHINGTON.—The Japanese Finance Ministry has startled economists here by publishing economic projections which foresee per capita incomes in Japan of \$16,426 by 1991 and \$55,267 by the end of the century.

The Japanese anticipations for the United States are far more conservative. A per capita income of merely \$14,161 is predicted for 2001, considerably less than all the European countries except Great Britain.

The modest estimate for the United States comes almost as reassurance at a time when the upward sweep of wage settlements is promising to prolong the inflation. The new teamsters contract in Chicago (which may ultimately mean, food chain economists say, a 4 per cent rise in food costs) and the ominous start of the auto

negotiations warn again that the quest for the golden fleece of wage-price stability has barely begun.

The Nixon economists reflect growing confidence in their ability to avoid a recession, but they concede privately they hold slim hopes of prying the economy out of its slough by election time. They will soon begin some new anti-inflationary gestures but these are stage-dressing.

American labor leaders, seeing no solution short of controls, describe their rank-and-file as increasingly sensitive to the threat of unemployment. But they nevertheless press for big wage gains because they find it hard to pay their bills.

Dismay over the arduous pursuit of stability which lies ahead is prompting some to question whether the Full Employment Act of 1946 should not be amended to put the objective of price stability ahead of economic growth. The idea draws enthusiasm from the environmentalists, who see affluence and consumption as enemies.

"I confess I am not charmed," John Stuart Mills wrote 100 years ago, "with the ideal of life held out by those who think that the normal state of human beings is that of struggling to get on; that the trampling, crushing, elbowing, and treading on each other's heels are most desirable lot of human kind."

Mills added that this kind of life prevails particularly in the northern and middle states of America where, "The life of the whole of one sex is devoted to dollar-hunting, and of the other to breeding dollar-hunters."

INVESTIGATION OF WILLIAM O. DOUGLAS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. GRIFFIN. Mr. Speaker, several months ago a bipartisan effort was launched by more than one-fourth of this body to investigate whether impeachment proceedings should be brought against William O. Douglas, Associate Justice of the U.S. Supreme Court.

Serious questions have been raised over Justice Douglas' behavior while on the Court and I strongly feel that the American people are entitled to a full and complete inquiry. That is why I joined in the introduction of a resolution to create a select committee of six Members of the House to investigate and determine whether Associate Justice Douglas has committed high crimes and misdemeanors as that phrase appears in the Constitution.

After the introduction of the aforementioned resolution, the Committee on the Judiciary announced that it would conduct an investigation based on an impeachment resolution that had been introduced.

Mr. Speaker, many of us have been anxiously awaiting results of the inquiry by the Judiciary Committee which is now in its fourth month. We have had no report of the committee's progress.

The Jackson, Miss., Daily News, on July 27, 1970, carried the Allen-Goldsmith syndicated column which discussed the status of the Judiciary Committee probe. As a part of my remarks, I include this column and the text of the resolu-

tion introduced by over one-fourth of the Members in the House:

CELLER PROBE OF DOUGLAS RAISES DOUBT OF SINCERITY

(By Robert S. Allen and John A. Goldsmith)

WASHINGTON, D.C.—Increasingly critical doubts are being raised as to just how sincere that special House Judiciary subcommittee is in making a thorough and forthright investigation of Justice William O. Douglas.

So far, there is little indication that very much has been done—if anything.

In the three months the probe has been underway, the backstage record is one of persistent foot dragging and dawdling.

As a consequence, with the investigators due to report to the full House in three weeks (Aug. 20), both their intent and nonchalant proceedings are being bluntly questioned by fellow legislators. There is considerable evidence to support these indignant complaints and misgivings, as follows:

The subcommittee, headed by Rep. Emanuel Celler, D-N.Y., 82, has held no hearings—private or public.

NO SUBPOENAS YET

No subpoenas have been issued, and no one has been questioned under oath. Last month three staff members of the committee spent a day in Los Angeles talking to Albert Parvin, head of the foundation by that name which paid Douglas around \$100,000 ostensibly as a "director." The foundation derives much of its income from Nevada gambling interests. Pardin was not put under oath, and no subpoena was served on him for files and records. The staffers were content to examine the documents he showed them.

The same casual procedure was followed in questioning Robert Hutchins and Harry Ashmore, who run the leftist Center for the Study of Democratic Institutions at Santa Barbara. Douglas got \$6,800 from this outfit as a "director." He is not head of a newly created executive committee at \$75 per diem and expenses. It is unknown how much he has received under this arrangement.

No special counsel has been employed by the subcommittee to direct the investigation. Also, no extra help has been hired. Chairman Celler has insisted on using only the regular staff of the Judiciary Committee—already overloaded with a large accumulation of important pending legislation. Nominally, six staff members were assigned to the Douglas probe, but reportedly only half that number have worked on it at any one time—despite the fact that several hundred thousand documents have been submitted by the Justice Department, Internal Revenue Service and other government agencies.

This do-nothing record explains why irate House members are saying it is virtually certain the subcommittee will have to ask for another 60-day extension to do its job. That will be the second.

When the investigation was first announced by Celler, longtime chairman of the full Judiciary Committee, in a diversionary move to prevent a probe by the full House, he solemnly promised to report in 60 days. But shortly before that deadline, he had the Judiciary Committee grant a 60-day extension.

That expires Aug. 20—when under present plans, the House won't even be in session.

With the House well caught up with its legislative calendar (thanks to no protracted "debates" over a meaningless Cooper-Church anti-Cambodia amendment, the Hatfield-McGovern end-the-war resolution and other politics-inspired proposals), bipartisan leaders have decided to take a three-week summer recess—starting around Aug. 15. Under that arrangement, the House will be shut down when the subcommittee is supposed to submit its findings—if any!

That's why it is taken as a forgone conclusion that the probers will ask for—and the Judiciary Committee will approve—another 60-day extension.

And that isn't all.

House members are openly voicing the strong suspicion that the secret aim of Celler and other subcommittee members is to stall making a report until after the Nov. 3 congressional elections. By that time, Congress may have wound up its work and quit.

That would mean nothing could be done about Douglas until the new Congress convenes in January—when, under the rules, the investigating committee would have to be reconstituted and the probe started all over again, assuming that is demanded. In view of the fact that Celler set up the special panel only when forced to do so, it's highly conjectural what he will do in the next Congress.

H. RES. 925

Whereas, the Constitution of the United States provides in Article III, Section 1, that Justices of the Supreme Court shall hold office only "during good behavior", and

Whereas, the Constitution also provides in Article II, Section 4, that Justices of the Supreme Court shall be removed from Office on Impeachment for High Crimes and Misdemeanors, and

Whereas the Constitution also provides in Article VI that Justices of the Supreme Court shall be bound by "Oath or Affirmation to support this Constitution" and the United States Code (5 U.S.C. 16) prescribes the following form of oath which was taken and sworn to by William Orville Douglas prior to his accession to incumbency on the United States Supreme Court:

"I, William Orville Douglas, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

and

Whereas, integrity and objectivity in respect to issues and causes to be presented to the United States Supreme Court for final determination make it mandatory that Members thereof refrain from public advocacy of a position on any matter that may come before the High Court lest public confidence in this constitutionally co-equal judicial body be undermined, and

Whereas, the said William Orville Douglas has, on frequent occasions in published writings, speeches, lectures and statements, declared a personal position on issues to come before the United States Supreme Court indicative of a prejudiced and non-judicial attitude incompatible with good behavior and contrary to the requirements of judicial decorum obligatory upon the Federal Judiciary in general and members of the United States Supreme Court in particular, and

Whereas, by the aforementioned conduct and writings, the said William Orville Douglas has established himself before the public, including litigants whose lives, rights and future are seriously affected by decisions of the Court of which the said William Orville Douglas is a member, as a partisan advocate and not as a judge, and

Whereas, by indicating in advance of Supreme Court decisions, on the basis of declared, printed, or quoted convictions, how he would decide matters in controversy pending and to become pending before the Court of which he is a member, the said William Orville Douglas has committed the high misdemeanor of undermining the integrity of the highest constitutional Court in America, and has wilfully and deliberately under-

mined public confidence in the said Court as an institution, and

Whereas, contrary to his Oath of Office as well as patently in conflict with the Canons of Ethics for the Judiciary of the American Bar Association, the said William Orville Douglas nevertheless on February 19, 1970, did publish and publicly distribute throughout the United States, statements encouraging, aggravating and inciting violence, anarchy and civil unrest in the form of a book entitled "Points of Rebellion" in which the said William Orville Douglas, all the while an incumbent on the Highest Court of last resort in the United States, stated, among other things, that:

"But where grievances pile high and most of the elected spokesmen represent the Establishment, violence may be the only effective response." (pp. 88-89, "Points of Rebellion," Random House, Inc., February 19, 1970, William O. Douglas.

"The special interests that control government use its powers to favor themselves and to perpetuate regimes of oppression, exploitation, and discrimination against the many." (ibid, p. 92)

"People march and protest but they are not heard." (ibid, p. 88)

"Where there is a persistent sense of futility, there is violence; and that is where we are today." (ibid, p. 56)

"The two parties have become almost indistinguishable; and each is controlled by the Establishment. The modern day dissenters and protesters are functioning as the loyal opposition functions in England. They are the mounting voice of political opposition to the status quo, calling for revolutionary changes in our institutions. Yet the powers-that-be faintly echo Adolph Hitler." (ibid, p. 57)

"Yet American protesters need not be submissive. A speaker who resists arrest is acting as a free man." (ibid, p. 6)

"We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution." (ibid, p. 95)

and thus wilfully and deliberately fanned the fires of unrest, rebellion, and revolution in the United States, and

Whereas, in the April 1970 issue of Evergreen Magazine, the said William Orville Douglas for pay did, while incumbent on the United States Supreme Court, publish an article entitled Redress and Revolution, appearing on page 41 of said issue immediately following a malicious caricature of the President of the United States as George III, as well as photographs of nudes engaging in various acts of sexual intercourse, in which article the said William Orville Douglas again wrote for pay that:

"George III was the symbol against which our Founders made a revolution now considered bright and glorious. . . . We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactic, we do not know. If it does, the redress, honored in tradition, is also Revolution."

and

Whereas, the said William Orville Douglas, prepared, authored, and received payment for an article which appeared in the March 1969 issue of the magazine, Avant Garde, published by Ralph Ginzburg, previously convicted of sending obscene literature through the United States Mails, (see 383 U.S. 463) at a time when the said Ralph Ginzburg was actively pursuing an appeal from his conviction upon a charge of malicious libel before the Supreme Court of the United States, yet nevertheless the said William Orville Douglas, as a sitting member of the Supreme Court of the United States, knowing full well his own financial relationship

with this litigant before the Court, sat in judgment on the Ginzburg appeal, all in clear violation and conflict with his Oath of Office, the Canons of Judicial Ethics, and Federal law (396 U.S. 1049), and

Whereas, while an incumbent on the United States Supreme Court the said William Orville Douglas for hire has served and is reported to still serve as a Director and as Chairman of the Executive Committee of the Center for the Study of Democratic Institutions in Santa Barbara, California, a politically oriented action organization which, among other things, has organized national conferences designed to seek detente with the Soviet Union and openly encouraged student radicalism, and

Whereas, the said Center for the Study of Democratic Institutions, in violation of the Logan Act, sponsored and financed a "Pacem in Terris II Convocation" at Geneva, Switzerland, May 28-31, 1967, to discuss foreign affairs and U.S. foreign policy including the "Case of Vietnam" and the "Case of Germany", to which Ho Chi Minh was publicly invited, and all while the United States was in the midst of war in which Communists directed by the same Ho Chi Minh were killing American boys fighting to give South Vietnam the independence and freedom from aggression we had promised that Nation, and from this same Center there were paid to the said William Orville Douglas fees of \$500 per day for Seminars and Articles, and

Whereas, paid activity of this type by a sitting Justice of the Supreme Court of the United States is contrary to his Oath of Office to uphold the United States Constitution, violative of the Canons of Ethics of the American Bar Association and is believed to constitute misdemeanors of the most fundamental type in the context in which that term appears in the United States Constitution (Article II, Section 4) as well as falling to constitute "good behavior" as that term appears in the Constitution (Article III, Section 1), upon which the tenure of all Federal Judges is expressly conditioned, and

Whereas, moneys paid to the said William Orville Douglas from and by the aforementioned Center are at least as follows: 1962, \$900; 1963, \$800; 1965, \$1,000; 1966, \$1,000; 1968, \$1,100; 1969, \$2,000; all during tenure on the United States Supreme Court, and all while a Director on a Board of Directors that meets (and met) biannually to determine the general policies of the Center, and

Whereas, the said William Orville Douglas, contrary to his sworn obligation to refrain therefrom and in violation of the Canons of Ethics, has repeatedly engaged in political activity while an incumbent of the High Court, evidenced in part by his authorization for the use of his name in a recent political fund-raising letter, has continued public advocacy of the recognition of Red China by the United States, has publicly criticized the military posture of the United States, has authored for pay several articles on subjects patently related to causes pending or to be pending before the United States Supreme Court in Playboy Magazine on such subjects as invasions of privacy and civil liberties, and most recently has expressed in Brazil public criticism of the United States foreign policy while on a visit to Brazil in 1969, plainly designed to undermine public confidence in South and Latin American countries in the motives and objectives of the foreign policy of the United States in Latin America, and

Whereas, in addition to the foregoing, and while a sitting Justice on the Supreme Court of the United States, the said William Orville Douglas has charged, been paid and received \$12,000 per annum as President and Director of the Parvin Foundation from 1960 to 1969, which Foundation received substantial income from gambling interests in the Free-

mont Casino at Las Vegas, Nevada, as well as the Flamingo at the same location, accompanied by innumerable conflicts of interest and overlapping financial maneuvers frequently involved in litigation the ultimate appeal from which could only be to the Supreme Court of which the said William Orville Douglas was and is a member, the tenure of the said William Orville Douglas with the Parvin Foundation being reported to have existed since 1960 in the capacity of President, and resulting in the receipt by the said William Orville Douglas from the Parvin Foundation of fees aggregating at least \$85,000, all while a member of the United States Supreme Court, and all while referring to Internal Revenue Service investigation of the Parvin Foundation while a Justice of the United States Supreme Court as a "manufactured case" intended to force him to leave the bench, all while he was still President and Director of the said Foundation and was earning a \$12,000 annual salary in those posts, a patent conflict of interest, and

Whereas, it has been repeatedly alleged that the said William Orville Douglas in his position as President of the Parvin Foundation did in fact give the said Foundation tax advice, with particular reference to matters known by the said William Orville Douglas at the time to have been under investigation by the United States Internal Revenue Service, all contrary to the basic legal and judicial requirement that a Supreme Court Justice may not give legal advice, and particularly not for a fee, and

Whereas, the said William Orville Douglas has, from time to time over the past ten years, had dealings with, involved himself with, and may actually have received fees and travel expenses, either directly or indirectly, from known criminals, gamblers, and gangsters or their representatives and associates, for services, both within the United States and abroad, and

Whereas, the foregoing conduct on the part of the said William Orville Douglas while a Justice of the Supreme Court is incompatible with his constitutional obligation to refrain from non-judicial activity of a patently unethical nature, and

Whereas, the foregoing conduct and other activities on the part of the said William Orville Douglas while a sitting Justice on the United States Supreme Court, establishes that the said William Orville Douglas in the conduct of his solemn judicial responsibilities has become a prejudiced advocate of predetermined positions on matters in controversy or to become in controversy before the High Court to the demonstrated detriment of American jurisprudence, and

Whereas, from the foregoing, and without reference to whatever additional relevant information may be developed through investigation under oath, it appears that the said William Orville Douglas, among other things, has sat in judgment on a cause involving a party from whom the said William Orville Douglas to his knowledge received financial gain, as well as that the said William Orville Douglas for personal financial gain, while a member of the United States Supreme Court, has encouraged violence to alter the present form of government of the United States of America, and has received and accepted substantial financial compensation from various sources for various duties incompatible with his judicial position and constitutional obligation and has publicly and repeatedly, both orally and in writings, declared himself a partisan on issues pending or likely to become pending before the Court of which he is a member: Now, therefore, be it

Resolved, That—

(1) The Speaker of the House shall within fourteen days hereafter appoint a select committee of six Members of the House, equally divided between the majority and the

minority parties and shall designate one member to serve as chairman, which select committee shall proceed to investigate and determine whether Associate Justice William Orville Douglas has committed high crimes and misdemeanors as that phrase appears in the Constitution, Article II, Section 4, or has, while an incumbent, failed to be of the good behavior upon which his Commission as said Justice is conditioned by the Constitution, Article II, Section 1. The select committee shall report to the House the results of its investigation, together with its recommendations on this resolution for impeachment of the said William Orville Douglas not later than ninety days following the designation of its full membership by the Speaker.

(2) For the purpose of carrying out this resolution the committee, or any subcommittee thereof, is authorized to sit and act during the present Congress at such times and places within the United States whether the House is sitting, has recessed, or has adjourned, to hold such hearings, and to require by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

REPRESENTATIVE WILLIAMS REMARKS ON SEA POWER AT COMMISSIONING OF U.S.S. "JONAS INGRAM" (DD-938)

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. HOSMER. Mr. Speaker, last Saturday afternoon at the U.S. Naval Shipyard in Philadelphia the modernized and refurbished U.S.S. *Jonas Ingram* (DD-938) was recommissioned with impressive ceremonies. The speaker for the occasion was our own respected colleague the Honorable LAWRENCE G. WILLIAMS of the Seventh District of Pennsylvania. Mr. WILLIAMS remarks were particularly perceptive and persuasive. They were of far more than local significance and I have received unanimous consent that they appear below:

ADDRESS BY HON. LAWRENCE G. WILLIAMS,

U.S. NAVY MUST RETAIN SUPERIORITY

Admiral Veth, Captain Gooch, Commander Metzler, fellow Americans:

It is a signal honor to have been invited to speak on this significant occasion that is the recommissioning of the Destroyer *Jonas Ingram*.

I have long been appreciative of the United States Navy, of its tradition, and of its history of vigilant, heroic defense of our Country. I have long been inspired by the outstanding character, missions and performance of both.

I have long realized the obvious fact that, for all of its great equipment and resources, the Navy is, first and last, an organization of men—special men, dedicated men, brave men, who devote their lives to their Country in the finest performance of the special spirit that belongs to their proud branch of service.

The late Admiral Jonas Ingram for whom this formidable ship was named was such a

man; not resting upon the laurels reflected in receiving the Congressional Medal of Honor in 1914 "for distinguished conduct in battle, engagement of Vera Cruz," Admiral Ingram remained on active duty until retirement in 1947, meanwhile continuing to perform meritoriously in World War II, and, in 1944, becoming Commander-in-Chief, U.S. Atlantic Fleet.

Since her commissioning in 1957, the USS JONAS INGRAM has distinguished herself in missions and maneuvers in the interest of U.S. and Allied Force defense; in missions of "Good Neighbor" policy in the Caribbean; in diplomatic missions in the Mediterranean; in such missions for world peace as the Paris Summit Conference of 1960; and in support of the nation's exploration of outer space.

And, certainly, Commander Donald M. Metzler, who, today, assumes command of this ship, has distinguished himself as worthy of this assignment; not the least of that distinction's having been earned as commander of the USS DIACHENKO in numerous operations off South Vietnam in which the ship and the units embarked earned the Navy Unit Commendation.

I am particularly gratified that an officer of Commander Metzler's demonstrated character, background, courage and experience has been assigned to skipper the JONAS INGRAM in the new capability of Anti-Submarine Warfare to which she has been reconverted under the expert administration of Captain Gooch and his outstanding staff here at the Philadelphia Navy Yard.

We must be concerned about the increasing importance of anti-submarine capability in the face of the steadily-growing threat posed by the rapid development of the size, sophistication and conduct of the submarine force of the Soviet Union. This poses the great threat of disaster which would result from permitting the U.S. Navy to risk the loss of superiority in any area, whether surface, submarine, nuclear-propulsion, missiles or air.

I am fully aware that some of our most outstanding and knowledgeable Navy experts share my own concern that there is serious reason to fear that we are in most serious danger of becoming the number two Navy in the world. This we can never afford to risk. If we are on the brink of such threat to disaster, then we must begin, at once, to "try harder" to remain "number one."

We can afford no such risk. We cannot afford to wait for some "Pearl Harbor-like" moment to record whether such fears have merit and substance.

This much, we all know:

Today, the Soviet Union has the recognized capacity to deliver, in terms of minutes, blows to the North American continent of which the entire Axis force could never have dreamed of being able to deliver, even in terms of years.

Today, the Soviet Union continues, boastfully, to move, as a matter of top policy and priority, to extend and expand that capacity into a position of superiority of naked, threatening military force on the land, in the air, and on and under the sea—even as it competes with the United States in the militarily vital "race for outer space."

World War Two was not prevented by existence of a "balance of terror by gas warfare"; and fear of "nuclear holocaust" has not restrained Communist leaders from a long train of transgressions and aggressions and moving for expansion of power into the ever-geopolitically-critical Middle East—and with it, access to, and domination of, warm water ports.

Today, modern ships of the ever-growing Soviet Red Fleet move out of the Black Sea into the Mediterranean and to Suez, even as Soviet Surface-to-Air Missiles and Soviet planes and airmen, move in support of Nasser's aggression. But Nasser is but a con-

venient alibi, a temporarily useful tool in the long-range Soviet objective. For, should the Suez Canal be opened under Soviet control through Egypt, Soviet pressure, in turn, could be applied to practically all of the Middle East by sea, with the Mediterranean becoming not just a Soviet route to the Middle East, but to all of Africa, thence to India and to all of the countries bordering on the Indian Ocean.

Even as the Soviet leaders have laid great emphasis upon missile development, even as a former U.S. Secretary of Defense mistakenly insisted that U.S. missiles must replace manned bombers, the Soviet leaders have continued to build up their manned bomber force.

Even as, also mistakenly, too many persons in high Washington positions insisted that the Navy was no longer this Nation's "first line of defense," the Soviet leaders have continued, methodically, to build up their Navy, both surface and submarine.

Even as the United States has cut back operations and dismissed skilled and dedicated workers and craftsmen at its great Navy Shipyards here in Philadelphia and elsewhere, the Soviet leaders have intensified their operations, have developed a huge force of skilled scientists, technicians, designers, engineers and craftsmen, and have assigned them to a near—"crash" production schedule at at least seven major shipyards that are among the most modern and capable in the world—even as some of their submarine building yards are the largest in the world.

The Soviet Ministry of Shipbuilding Industry controls about 85 research institutes and design bureaus in which highly-trained Soviet scientists, engineers and naval architects play a vital role in creating the weapon systems which our own Navy is now sighting on the oceans of the world and, indeed, right off our coasts.

The Soviet designers and builders of these modern ships and submarines, many of them nuclear powered, with sophisticated missiles and electronic gear, have not been developed by chance. Rather, the personnel have been carefully drawn from a specialized educational system designed for the manning of Soviet shipyards. One such training center for this purpose is the Leningrad Shipbuilding Institute, which had over 8,000 students in the academic year 1967-68. Upon graduation, these naval architects and marine engineers are dispatched straight to the naval shipyards.

This is the activity of a national dedication to obtaining superiority of the seas. This activity has resulted in Russia's having 407 small, fast patrol craft, most of them carrying guided missiles, while we have eight such patrol craft; and the Soviet Fleet has 107 escort vessels compared to our 61 such vessels; and Soviet submarines in all categories number at least 350 compared to the 150 in our fleet.

We do have a slight numerical advantage in nuclear submarines, since we have 86 to Russia's 80. But the Soviet Union's capability to build nuclear submarines is about 50 per year, working on a three-shift basis, compared with the United States total nuclear submarine building capability of approximately 12 per year.

The Soviet Union will continue to attempt to greatly outstrip the United States in shipbuilding capability. This will include the most modern Soviet destroyers in the KASHIN class; smaller anti-submarine and coastal escort ships such as the PETYA class; small patrol craft such as the KOMAR, armed with two launchers for Surface-to-Surface Cruise Missiles; and the Soviet Fleet's largest surface man-of-war, the Helicopter Ship MOSKVA and the sister ship, the LENINGRAD, both of which appeared in the Mediterranean.

The MOSKVA and the LENINGRAD are the largest ships in the Soviet inventory, about 18,000 tons, and are equipped with anti-submarine rockets and torpedoes, variable depth sonar, a dipping sonar carried by the embarked helicopters and new missile launchers for air defense. Also, the Soviet Union is improving its Naval Air arm and its Merchant Marine. The Soviet Merchant Marine, a paramilitary force with tremendous wartime potential, is being developed at a tonnage increase of about one million tons per year. The United States ranks fifth in world tonnage, while the Soviet Merchant Marine ranks sixth. However, the Soviet Merchant Marine at the present rate of new construction will pass the United States in the 1971-72 time frame; and the Soviet Union plans to further increase its Merchant Marine's new construction capability.

There is every proper cause for American leaders to continue to do everything within reason to attempt to reconcile differences and points of conflict with the leaders of the Soviet Union. But there is at the same time, every proper reason for American leaders to keep in mind that while we are seeking peace, it is of the utmost urgency that we have the capacity to defend ourselves. Such capacity is reflective of the best understanding and implementation of the American concept that eternal vigilance is the price of liberty.

The capability to build the ships required to defend the United States lies in such places as this Philadelphia Naval Shipyard. Here I see hundreds of millions of American tax dollars invested in equipment and facilities. It is obviously an obligation that this equipment and these facilities be used to its full capacity in order to yield a proper return on the tax dollars invested here.

It is also imperative that to keep pace with rapidly advancing technology and to enable us to maintain support of the seas, a nuclear capability must be installed at this shipyard. This, I have been advocating for some time.

It is against this backdrop and in this spirit and interest that this proud ship, the Destroyer JONAS INGRAM, after an 18-month reconversion at the Philadelphia Naval Shipyard, returns to duty with anti-submarine warfare capabilities, thereby going forth bearing the essential message, "I come in peace, but I am prepared to defend myself and everything for which I stand."

To Captain Gooch and the officers, men, and civilian personnel of this great shipyard of which he has proved such an outstanding administrator, I offer my appreciation for another mission well performed.

To Commander Metzler, his 17 officers and 276 men, I offer congratulations upon your vital new assignment, bon voyage, and Godspeed.

Thank you.

LUCIA CHASE AND BALLET THEATRE

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. MONAGAN. Mr. Speaker, I am proud of the achievements of the American Ballet Theatre which will be the resident company at the John F. Kennedy Center for the Performing Arts next year.

As a Waterburian, I am particularly proud of the contribution to the success of the ballet theater by Lucia Chase,

its founder, codirector, and guiding genius. Miss Chase's contribution to this ballet company over a period of three decades since its founding have been tremendous and she has in effect dedicated her life to the success of this artistic enterprise and to the cause of American cultural development generally.

I am happy to express my compliments and congratulations to Miss Chase and as further elucidation of her role and the background of the American Ballet Theatre to include with my remarks an interview which Miss Chase gave to Jean Battey Lewis of the Washington Post and which appeared in that newspaper on July 12, 1970.

Since the appearance of this interview, it is most gratifying to be able to report that the reception of the American Ballet Theatre in London was a critical triumph and an additional achievement by Miss Chase and her companions which provides ample grounds for pride for all American citizens.

BALLET FOR THE KENNEDY CENTER

(By Jean Battey Lewis)

The prospect of dancing at the John F. Kennedy Center for the Performing Arts next year is uppermost in American Ballet Theatre's consideration of present and future repertoire.

In an interview in New York last week, where the company finishes a four-week engagement at Lincoln Center's New York State Theatre, Ballet Theatre's codirector Lucia Chase revealed the company's plans for new ballets.

"Oliver Smith, the company's other director, and I are hoping that Jerome Robbins will do a new ballet for us to open with at the Kennedy Center," Miss Chase said.

"All our plans for repertoire now are looking forward to the time when we will be the resident company at the center. That's why we revived 'Petrouchka' this season and why we want to revive Anthony Tudor's 'Romeo and Juliet' next season. We want to have all our major ballets in perfect order."

Miss Chase continued, "We have been having discussions with David Blair, who staged our full-length 'Swan Lake' and 'Giselle,' about doing a full-length 'Sleeping Beauty' for us. We would like to have that for our first season at Kennedy Center, or at least by the second season.

"Another area we are developing is our modern dance wing. Joe Limon staged two of his works for us this season ('The Moor's Pavanne' and 'The Traitor'), and we are expecting to add a Martha Graham dance to our repertoire.

"This has really been an important season for us," Miss Chase added. Besides the Limon works and the re-staging of 'Petrouchka', we have Alvin Ailey's new work to music of Duke Ellington—we commissioned the Ellington music, and it's his first ballet score."

Miss Chase believes Ballet Theatre is the logical choice for the Kennedy Center. "I think we rate it, we deserve it and we've earned it. It's taken us 30 years to build our repertoire and it's a showcase of American dance. Nobody can match our diversity."

Ballet Theatre was founded 30 years ago with the same goals the Kennedy Center has: to show the best of American culture, Miss Chase feels. "All I've tried to do is follow the policies set by Ballet Theatre's founder, Richard Pleasant. He felt the time had come for America to have a big ballet company. People think I founded Ballet Theatre, but there were two other directors before I finally agreed to be codirector—for one year, and I've been here ever since."

Miss Chase, who has spent her personal fortune on the company, continued, "I only agreed to do it if Oliver Smith would be codirector. We make all major decisions together. I hire all the dancers and cast them, which is the working heart of the ballet, but Oliver is wonderful about things like music, and of course as a working stage designer he's invaluable for the decor and staging."

Ballet Theatre's financial history has been as troubled as any major cultural organization in this country. The company had to disband for a year, in 1959, for lack of funds. It was on the verge of ruin at its 25th season five years ago. For that occasion, its first at the New York State Theatre in Lincoln Center, the company staged Jerome Robbins' great ballet, "Les Noces."

"We were determined to go out in a blaze of glory," Miss Chase remembered. "We didn't know whether we had a future or not but we wanted to finish on a high note. The National Endowment for the Arts really saved us. If it hadn't been for its help, we would have been finished."

(The Endowment gave Ballet Theatre \$100,000 as an emergency grant and \$250,000 for a national tour in 1965, both in the form of matching grants.)

"After that we mounted our first full-length ballet, 'Swan Lake,' and that put us into a different class. The ballet has been a great success and most critics say it is the best production in the world. We're going to be dancing 'Swan Lake' and 'Giselle' in London at Covent Garden the end of this month. We're very excited about that—we haven't played London since 1956."

Miss Chase added, "It's part of our policy to have the best ballets from all over the world, but we especially want to preserve American dance, just the way a great museum or an orchestra preserves the best of the past."

True to its intent, Ballet Theatre has representative works of all major American choreographers, and several important choreographers, notably Jerome Robbins and Elliot Feld, got their first chance with the company. Ballet Theatre has works by Eugene Loring, Agnes de Mille, George Ballanchine, Glen Tetley, Michael Smuin, as well as being the major preserver of Antony Tudor's works and having several ballets staged for the company by Fokine before his death.

A principal unsolved problem for Ballet Theatre is to find a permanent New York base it can count on.

"We are a large company, and we have to have a major season in New York every year. We need the exposure; we need the criticism," Miss Chase declared.

Lincoln Center has been less than hospitable to the company. It has had one season there, at the Met, canceled, and it has to take the tail end of the season for its engagements at the New York State Theatre after the New York City Ballet has had first choice.

"The only reason we've had this engagement now is that Richard Rodgers let us have the time he had reserved for musicals. We were told we could have the same time next year but now there are rumors we'll have to play later next summer. If that happens we're really going to protest it."

Ballet Theatre will also play a New York engagement next Christmas at City Center. "That's the place where we want to do our small ballets and our experimental work," Miss Chase said. "We have a policy of developing new talent and we have a three-year Rockefeller Foundation grant to help us do it. Ballets like 'Harbinger,' 'Pulcinella Variations,' 'Brahms Quintet' and Keith Lee's new Cole Porter ballet have all been done under that grant."

"For the last five years we have been expanding in all kinds of ways," Miss Chase

continued. "Not only have we staged our big, full-length ballets, but we have expanded and strengthened our staff. We have a new young, active president of our board, Sherwin Goldman, and he has made a tremendous difference in our fund-raising. We are finally achieving success in what we have been trying to do for a long time—establish regular annual seasons in the major American cities. We have played all the major capitals of the world and it's been embarrassing that we haven't had a proper hall in our own capital. I'm thrilled that we'll soon have the Kennedy Center."

HOW CRUSADER RALPH NADER "RAIDS" FOR CONSUMER

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the text of the excellent article written by Robert Dietsch, Scripps-Howard staff writer, on the fine work of Ralph Nader and his "Nader's Raiders." This article originally appeared in the Pittsburgh Press, Wednesday, July 29, 1970.

HOW CRUSADER RALPH NADER "RAIDS" FOR CONSUMER

(By Robert Dietsch)

WASHINGTON.—When the telephone rings in Washington and the caller quietly says, "This is Ralph," few men bother to ask, "Ralph who?"

They know it's Ralph Nader calling, and they know they would be wise to listen.

CONSUMER CRUSADER

Since taking on the auto industry a half dozen years ago on charges that the manufacturers ignored safety, Nader has become the nation's leading crusader for consumer interests:

He is in part responsible for the enactment of six major consumer-related laws—the Traffic and Motor Vehicle Safety Act, Wholesale Meat Act, Natural Gas Pipeline Safety Act, Radiation Control Act, Wholesale Poultry Products Act and Coal Mine Health and Safety Act.

Congress is expected to pass several other consumer bills this year, and Nader will get considerable credit for them, too.

To recruit manpower for his widening interests and causes, Nader in 1968 began enlisting the help of college students and graduate students in law, medicine and science.

He set them investigating a long list of Government and private organizations.

These workers have become known as "Nader's Raiders." In 1968, they numbered seven, in 1969 about 100 and this summer 200.

The "Raiders" work under the umbrella of the Nader-created nonprofit Center for the Study of Responsive Law and under the overall direction of Theodore J. Jacobs, a Princeton and Harvard Law School classmate of Nader.

Nader was influential in setting up the project on corporate responsibility which undertook early this year a campaign against General Motors Corp. and plans similar drives against other big corporations and which last week began a campaign against giant farm operators.

CONGLOMERATE OF FOES

Either on his own or through his "Raiders," Nader has taken on a conglomerate of foes and issues including supermarket pricing,

labeling and promotional policies, a study of the First National City Bank of New York's loan practices and trust activities, the economic and sociological influence of Maine's paper and pulp industry (It owns half the land in the state), use of enzymes in household detergents, the nursing home industry, the "corporate responsibility" of the big Du Pont chemical firm, the "quality of medical care dispensed in hospitals," and the influential Washington law firm of Covington and Burling.

Mostly from congressional committee witness chairs, Nader has complained—almost invariably with accuracy that has led to eventual reforms—about fatty hot dogs, unclean fish and poultry, excessive radiation leakage from color TV sets (The Federal Trade Commission has warned viewers to sit back at least six feet) and health dangers of taste-enhancing monosodium glutamate in baby foods (Producers have since stopped using the substance).

In one way or other, Nader and his "Raiders" have taken on and forced changes in a number of government agencies—the Interstate Commerce Commission, Agriculture Department, Food and Drug Administration, air and water pollution agencies, Bureau of Labor Standards, Bureau of Mines, Civil Aeronautics Board and National Railroad Administration.

One group of "Raiders" now is probing into the Justice Department's antitrust division.

Nader has taken on Sen. Edmund S. Muskie, D-Maine, on the effectiveness of anti-pollution efforts and Sen. Edward M. Kennedy, D-Mass., on the wisdom of creating public counsel corporations to represent consumer interests before federal agencies.

As a result of such activities, Nader has become something of a folk hero. He gets more mail than does President Nixon's consumer adviser, Mrs. Virginia Knauer (5,000 letters a month for Nader to 3,800 for Mrs. Knauer). This summer, more than 3,000 students applied for the 200 jobs available at the Responsive Law Center. Already, plans are under way for a bigger staff next year.

The center has published three paperback books stemming from its studies of air

pollution, the Interstate Commerce Commission and Food and Drug Administration. Three more are planned this year. Profits will be plowed back into the center's projects and used to hire more "Raiders."

Thus while young radicals storm about the need to change America's bureaucracies and establishments—often relying on demonstrations and even violence to push their demands—Nader and his "Raiders" consistently have shown that change can be brought about by using weapons available to any citizen—the law and the force of public opinion.

"My job," Nader says, "is to bring issues out in the open where they cannot be ignored."

Jacobs says Nader and the Responsive Law Center have proved the "validity of our belief that a professional in America has a responsibility beyond his private client, whether that client be the government or a private organization.

"The professional—the engineer, lawyer, scientist—also has a responsibility to the general public, a responsibility that was being ignored until Nader appeared on the scene," Jacobs adds.

For his part, 36-year-old Nader remains the same slim, ascetic six-footer he was when he first burst on the national scene. He still lives in an \$80-a-month furnished room that has no telephone (he uses one in the hall).

He owns no major appliances, no TV set, no car. One reason is that he really doesn't care about material things, another is that he thinks his personal choices might be interpreted as a sign of endorsement.

100 SPEECHES A YEAR

Nader makes about 100 speeches a year, mostly to academic groups, either free or for fees ranging up to \$2,500. Most of that income is plowed back into his work.

Nader has two small personal offices in Washington with unlisted telephones. He remains a bachelor. One friend says: "When Ralph marries, the girl will have to be as intensely interested in causes as he is."

The Responsive Law Center now operates

on an annual budget of about \$250,000. Nader is board chairman; one director is his sister, Laura, a University of California professor and one of the nation's leading anthropologists.

The center's income comes mostly from a half dozen foundations (Carnegie Corp., Stern Family Fund, New York Foundation, Taconic Foundation, New World Foundation and Wallace Eijaber Foundation) and a half dozen individuals who remain anonymous.

Each "Raider" is paid between \$500 and \$1,000 for a summer's work.

The growing national concern over consumer rights, pollution, safety and the environment has worked, of course, to Nader's advantage.

Even the U.S. Chamber of Commerce has criticized "the tardiness of business in responding constructively to consumer gripes."

Nader is not without his critics. Businessmen still puzzle about his motives (GM was so puzzled that it undertook its now-celebrated personal investigation of Nader). They charged Nader with being interested merely in publicity and overly self-righteous.

The New Left doesn't like Nader because he works within the system—and gets results—instead of trying to tear it down. Some politicians don't like Nader because he sometimes gets more publicity and credit than do they.

Like most crusaders, Nader knows how to get and use publicity. He does exaggerate, sometimes for effect and sometimes because of excessive zeal. He has been trapped by hasty accusations, but rarely. In a crowd of strangers, Nader appears painfully shy.

He inevitably is cautious about striking up friendships lest persons try to use him for their own advantage.

But Nader does have a sense of humor and wit. He tells of the day when a "Raider" showed up at the Agriculture Department to have a 20-year employee exclaim, "I've never seen a citizen before."

He insists he is as much an enemy of the funeral industry as Jessica Mitford, but while she wrote a book ("The American Way of Death") "I'm trying to reduce the number of its customers."

HOUSE OF REPRESENTATIVES—Tuesday, August 4, 1970

The House met at 12 o'clock noon.
The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My flesh and my heart faileth: but God is the strength of my heart and my portion forever.—Psalms 73:26.

O God, who hast given us minds to think, hearts to love, and hands to work, help us to use our minds to think Thy thoughts, our hearts to love in Thy spirit and our hands to do Thy work according to Thy will. Make us so conscious of Thy presence that amid trials and troubles we may put first things first, grow in sympathetic outreach in our concern for others, and become stronger within ourselves.

Bless the statesmen of our country who give nobility to life and purpose to human destiny; who seek faithfully to protect our land from mortal enemies without and moral weakness within; who make no peace with oppression but are ever seeking the way to justice and peace among the nations of the world.

So guide us and sustain us in all our ways this day and every day. In the spirit of Him who is the Lord of life we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1453. An act for the relief of Capt. Melvin A. Kaye.

H.R. 1697. An act for the relief of Jack Brown.

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris.

H.R. 1728. An act for the relief of Capt. Norman W. Stanley.

H.R. 2209. An act for the relief of Carlo DeMarco.

H.R. 2241. An act for the relief of John T. Anderson.

H.R. 2407. An act for the relief of Elbert C. Moore.

H.R. 2458. An act for the relief of Frank J. Enright.

H.R. 2481. An act for the relief of Cmdr. John W. McCord.

H.R. 2950. An act for the relief of Edwin E. Fulk.

H.R. 3558. An act for the relief of Thomas A. Smith.

H.R. 3723. An act for the relief of Robert G. Smith.

H.R. 5337. An act for the relief of the late Albert E. Jameson, Jr.

H.R. 6375. An act for the relief of Amalia P. Montero.

H.R. 6377. An act for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve, retired.

H.R. 6850. An act for the relief of Major Clyde Nichols, retired.

H.R. 9092. An act for the relief of Thomas J. Condon.

H.R. 9591. An act for the relief of Elgie L. Tabor.

H.R. 10662. An act for the relief of Walter L. Parker.

H.R. 11890. An act for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force, retired.

H.R. 21176. An act for the relief of Bly D. Dickson, Jr.

H.R. 12622. An act for the relief of Russell L. Chandler.

H.R. 12887. An act for the relief of John A. Avdeef.

H.R. 15118. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of Ohio Northern University.

H.R. 15354. An act for the relief of Anthony P. Miller, Inc.