

EXTENSIONS OF REMARKS

ADDRESS BY DR. WARREN B. KNOX,
PRESIDENT, COLLEGE OF IDAHO,
CALDWELL, IDAHO

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, November 24, 1970

Mr. JORDAN of Idaho. Mr. President, I think it wise, during these times of unprecedented exposure of the dissident views and actions of a very small minority of our young people, to keep in mind that they do indeed represent no more than a handful of today's college youth.

We must keep a true perspective of this picture lest we sell ourselves and our young people short—a view, I might add, which only serves to strengthen the position of the radical minority.

I think that no one has provided a better perspective in this regard than Dr. Warren B. Knox, president of the College of Idaho, in Caldwell, Idaho. Dr. Knox, speaking at the 44th All-Idaho Congress Banquet in Boise on the ninth of this month, delivered a most eloquent and moving address which paid a well-deserved tribute to the vast majority of today's college students. The advice which Dr. Knox offers at the conclusion of his remarks deserves our deepest attention, and hopefully, our sincere practice.

Here is your college student. Listen to him; reach out to him. Argue with him when you think he's wrong and agree with him when you think he's right—he expects it of you. Take new life from his energy and his enthusiasm. Show him your affection. You should be able to recognize him. For he is of the very best that is in you.

Mr. President, I ask unanimous consent that Dr. Knox's address be printed in the RECORD.

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

ADDRESS OF DR. WARREN B. KNOX

President Ralph; Ladies and Gentlemen: First, it is my pleasure and privilege to extend warmest congratulations to Klara and Bob Hansberger from Nancy and Warren Knox. We are proud to be present on this occasion and to take part in the recognition of a distinguished citizen by a great State.

When Hugh Wilson made the suggestion—a suggestion which I subsequently accepted—to visit with you about today's college student, I really didn't know the near impossibility of my task. Even though I have a son in college and have the benefit of his expressions now and then; and even though my occupation has given me more than a casual acquaintanceship with hundreds of college students, the assignment was the most difficult I've ever tackled. My thanks, however, go to Hugh and to you, because in searching for ways to look inside and to attempt to describe the college student of today, I was more clearly able to put thoughts into phrases and to realize that my conclusions more deeply confirm what I have long believed. My one apology is that a student should be telling you how he feels and how he acts; how he performs academically and socially; what his concerns and concepts are.

Also, allow me to "qualify" the remarks I will make this evening. Nearly every citizen in America, including the President, has expressed his opinion about the "five per cent" or the "three per cent" or the "whatever per cent" of the college and university population that has chosen the way of the extreme radical. My personal opinions do not differ greatly from those who have written millions of words or have spoken millions of sentences in support of the proposition that violence is not the way to permanent positive achievement—in any segment of the society. Therefore, let us resist the temptation to give additional prime time to the radical and, rather, visit in general terms about the "ninety-seven per cent," about the students who, in overwhelming abundance, are those persons we know who are in college. To give some thought to the student who doesn't make the national educational headlines but who accounts for the major portion of the national educational copy. The student who, since 1936, has quested after a higher degree in the New World.

May I further qualify this nameless, faceless "typical" student as one who is attending a private institution? I would not presume to speak for Ernie's or Bud's or John's ninety-seven per cent—it is precarious enough to speak for the private sector and for my own. But I am sure that much of what I say could be said by all of the presidents of Idaho colleges and universities, public and private.

Well, to begin, who is he (or she)? One last qualification: with every respect for the girls, but faced with the necessity to eliminate continuous references to "he and she" or "him and her," I beg to use the masculine as we proceed. Who is he, then—the gentle scholar of yesterday; the not-so-gentle scholar of today?

He comes from an ever-widening spectrum of socio-economic, cultural, college preparatory, and family life, and he reflects regional and national distribution. Gone, perhaps forever, is the single stratum student body, whose members came mainly from an agrarian, father-dominated, church going, seek-education-for-education's sake, don't question authority background. This makes our student of today immeasurably more of a challenge—educationally, socially, disciplinarily, and totally. It makes it more difficult for an outside adult "public," many of whose members come from precisely the sort of background just described, to understand him and to identify with professional educators who must deal with him—educators who, by the way, also come from this same background.

Our student is a warm, wonderful, responsive young adult. He is, at the same time, a cool, aloof, calculating, steel-trap logician. His observations and insights on current social problems are more often valid than not. He does not feel the need to employ the cobwebby and misty rhetoric of his fathers and grandfathers—he is a positive semanticist and "war," for example, means exactly that and nothing else. His seemingly brutal criticism of the actions of his society and its members is softened by the great and consuming compassion which he feels for them.

He is more intellectual, though not more intelligent, than the many generations of his predecessors. He reads more words in a month than did you and I in four years of college. He ponders more upon the truth of My Lai and the future of the White Clouds than you and I concentrated on the Christmas Formal or the Homecoming game. Other than having seen the film *The Grad-*

uate an average of eight times, he mostly shuns X-rated and R-rated films in town, but flocks to the screening of a battered, scarred and multi-spliced 1937 W. C. Fields movie on the campus.

Except on special occasions, such growing more rare with the passing of each year, his personal appearance is less important to him than to his parents and his professors by roughly ten to the eighteenth power. He can come through as a fashion-plate but more often resembles a tin cup. He dresses for himself, not for society. Daily, he is likely to wake up and to don the first articles of clothing with which he comes in contact. These are likely to be found in a small pile on the chair where he tossed them the night before. (Well, at least he was neat enough to pile them on the chair!)

His religion is increasingly "show me!" rather than "I believe." His politics are conservatively liberal—and that is not double talk.

He is a complex human being. He can be an aggressive, stubborn, persistent know-it-all. He can be a docile, creative, responsive, delight to teach and to know. Tom Swift, Jack Armstrong and the Rover Boys were never like this one (and some of us can quietly breathe, "thank goodness!") He is the mirror of his family, his neighborhood, his town—and yet his reflection is not their reflections at all. You can see right through him—but not very far. Sometimes, he exasperates you beyond the bounds of self-control; but most times, you want your children to be like him—and you find yourself wishing that you had been more like him.

What does he believe—and believe in? Today's college student has a moral code that, if anything, is more serious than was ours. Some of us went to college when young people were raised to believe that smoking, drinking, dancing, and being alone in parked cars with girls were wrong. But the "morals" about which today's student is consciously concerned deal with things entirely different: whether we raised them to believe it or not (and I'm not sure we did) they are of the opinion that war, corruption in high places, abdication of integrity by otherwise responsible officials in government, education and the church, glaring inequities in the judicial system, and the ponderous processes by which adults accomplish or fail to accomplish reform and innovation—are wrong.

Except for the smoking—which the American Cancer Society is handling in exemplary style—and the dancing—by which the present "who's dancing with whom?" system seems to have been temporarily taken out of the Devil's hands—we really don't have much to say by way of "code" comparison, do we? Of course war has always been wrong. But none of us, at a time when we were nonparticipants, felt as close to, or as much a part of, or as consumed by it. None of us felt (or at least none of us expressed our feelings with vigor and clarity) the overwhelming personal responsibility for the future. Many college students today—the ones with whom I have spent thousands of hours at all times of the day and night—are really fearful about the state of their world tomorrow. Rather, they are fearful that they will not be able to provide the leadership that is expected of them. They do not blame us for leaving them with the most uncertain moment in the history of man. They blame us for what they interpret as not caring. If we do care, it's not coming across.

What does our student believe in?

He believes in himself—the doubts he has about himself, as we said a moment ago, are linked to his future responsibilities in areas

of leadership. To be able to see tomorrow—and to confidently plan for tomorrow is within the framework of his self-appraisal; to be able to lead in an increasingly fragile and fragmented society is not as easily projected. He has been told since pre-school days that he has had no intellectual equal or superior in history; his recent realization that this might not be absolutely true causes an occasional personal trauma but, in the main, he is self-assured and self-reliant.

He believes in "the system."

By this, I mean the total system. Coming to know its faults and imperfections is only part of his responsibility; the other part is coming to know that the system is not fixed for eternity and that he can help to modify it if he will. Criticism is the first step toward reform—and today's student is reform-minded. Deploping (or ignoring) the fanatics and the rocks, gasoline and detonating devices which they employ, our reasoning student knows about and uses the channels for permanent, positive change rather than to opt for the violent and temporary or the irresponsible and meaningless.

Parentetically, may I offer that we have unwisely mis-used the word "activism" and have unfairly stigmatized the word "unrest." Two of the most important concepts to be learned in college are that *unrest* is the natural state of man and that *activism* stems directly and logically and appropriately from unrest. Heaven protect us from each other—and from the everunfolding events of our brittle existence on this planet if we disavow the importance of activism and unrest.

What does our student do?

Overwhelmingly, he goes to class; studies; uses the library; talks; listens; complains; argues questions; drinks gallons of coffee (among other things); loudly praises his favorite professors and quietly tolerates the administration. Occasionally, he marches for better environment, sings for troop withdrawal and writes to Washington for more emphasis on the representation of youth. In all of these, he has been quite effective.

He laughs a lot and he weeps some; he feels good and he hurts; he finds and loses friends; he over-socializes and he completely withdraws. He covers his walls and windows with a plethora of the printed word and the color photograph—somewhat alarming to the drop-in adult visitor both as to amount and as to subject matter. He builds or buys stereo sets and plays them at a decibel level necessary to drown out the one playing across the hall. He worries—about his course work and his exams and his choice of a major field of concentration. But he worries more about what he *really* wants to do with his life (this is quite different from his life work) and about whether he can summon the inner resources that will help him decide.

What else concerns our student?

He and a great number of his fellows, completely outside of the three per cent I wasn't going to mention again, are dissatisfied. There are some superficial dissatisfactions: the food in the dining hall isn't as good as Mother defrosts; the football team is losing too much or winning too much (this latter complaint hasn't been much of an issue on our campus lately); the Bookstore hides the books behind the T-shirts and the after-shave lotion; the dorms are always too loud or the dorms are always too quiet. But basic dissatisfactions, I think, can be reduced to three:

first, they think that there is still much room for improvement in the educational process—and, they are right

second, they are certain that the governance of the small, private college is imperfect—and, they are right

third, they are sure that four years of higher learning experience will not alone

adequately prepare them for what lies beyond—and, of course, they are right again.

These are the areas about which students and faculty and administration must talk and plan and take action *together*. This is not easy. But it is easier to do on a small campus; it is easier to do on a private campus; and it is easier to do on a campus where ideas and imagination and enthusiasm are the positive by-products of dissatisfaction. Smallness and a private charter are not enough; even willingness to talk and to listen together is not enough. The secret ingredient is mutual respect. Boards of trustees have delegated complete authority for education to the faculty. Presidents, Deans and other administrators are in supporting roles. But it is students and faculty—partners in scholarship if you will—who make a college what it is and who hold the key to its reputation and to its potential.

Back to some student concerns:

They are concerned because they see inequities (real or imagined) in the governance of the college. And yet they know that they cannot and do not want to be legally responsible for the performance of the Endowment Fund and for the ups and downs of the operating budget. They are concerned because much needs to be done to improve the intellectual life of the college. And yet they know that they are not yet equipped to be the architects of the curriculum or to be in a position to directly participate in the employment, the retention, or the dismissal of faculty. They are concerned because the traditional administrative system is a power system. And yet they know that for students to attain a power role in the administration of the affairs of the college is to abdicate the most powerful role of all—that of a student.

These concerns lead to frustrations that are not easy for students to live with. But, most fortunate for all, students talk about their frustrations—to each other, the way we used to. But now, to others: to the Dean and to the President and to the Chairman of the Board of Trustees. And when students come to us about reform and innovation, we are obligated to do more than grant audience. We are obligated to listen and to talk and to listen and to talk until we arrive at an answer that is best for all. In most cases, *this* sort of talk isn't cheap.

Permit me to illustrate directly from my six-year experience at The College of Idaho. Coming directly from student and faculty concerns and suggestions and with administrative support considerably in the background, the total College has chalked up the following major achievements:

—Net additions to the teaching staff equaling nearly one-half of the total 1964 faculty;

—Complete re-structuring of the academic year, the curriculum and the requirements for graduation;

—Securing of alliances and associations with thirteen universities, libraries and academic functionaries;

—Elimination of all but four two-man departments out of seventeen;

—Raising the percentage of total faculty holding the doctorate to sixty-five per cent;

—Reducing the student-faculty ratio from 1:17 to 1:13 while the student body was increasing from 750 to 950;

—Supporting and sustaining total reform of student government and disciplinary procedures;

—Seeing that students now serve on all joint committees for College policy and planning except one;

—And we are still at work.

Our concerned student has recognized the need for change and we have formed a partnership with him to bring it about.

It is my hope that these few insights have helped you to see something of the real col-

lege student of today. He is not all that different from the real college student of yesterday. I hope that you have recognized him as I have talked about him. Talked *about* him, not for him; he is the only one who can do that.

Here is your college student.

He is the pride of the family; the hope of the nation; the promise for the future of man. He is among the few slim chances we have left. We sometimes argue with him and become exasperated with him—but, increasingly I think, we understand him and grow exceedingly close to him. One day, we shall be boasting about his accomplishments; voting for him; entrusting our fortunes and our futures to him. We shall be bouncing his baby on our knee and listening to him tell his teenager how tough it was in the seventies. We shall applaud his deep feeling for all life, his fierce loyalty to the democratic process and his inherent sense of integrity and justice.

Here is your college student.

Listen to him; reach out to him. Argue with him when you think he's wrong and agree with him when you think he's right—he expects it of you. Take new life from his energy and his enthusiasm. Show him your affection. You should be able to recognize him. For he is of the very best that is in you.

MOROCCAN INDEPENDENCE DAY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. DIGGS. Mr. Speaker, Morocco celebrated its 15th Independence Day on November 18, which marked the return of King Mohamed V from exile in 1955. In the years subsequent to independence, the Kingdom of Morocco has, first under the leadership of King Mohamed V and then under that of his son, King Hassan II, sought especially to promote the economic development and prosperity of this beautiful land. It is gratifying to note that these efforts have met with considerable success and that most of the goals of Morocco's 5-year plan are being met. In the field of foreign affairs, King Hassan has sought to promote greater regional cooperation with Morocco's neighbors. During the past year, differences were put aside and diplomatic relations were established with Mauritania. In a series of meetings between King Hassan and President Boumedienne of Algeria, the contentious boundary dispute, which had led to a brief border war in 1963, was resolved. The cause of peace in North West Africa has been better assured in this decade as a result of these efforts.

We would also like to take note on this occasion of the continuance of excellent relations between the United States and the Kingdom of Morocco. This relationship is rooted in history and can be traced back to the agreement between the two countries to the 1787 "Treaty of Peace and Friendship" which is the longest unbroken treaty relationship in our history. The United States is proud of this record and looks forward to a continuing friendship with the Kingdom of Morocco in the years ahead.

REASONS FOR THANKSGIVING

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. LANGEN. Mr. Speaker, I commend the respected Columnist David Lawrence for capturing eloquently the true meaning of Thanksgiving. Mr. Lawrence has penned a moving survey of the many reasons why Americans should give thanks for each day. In all of history no nation has ever held the promise of a good life for such a large percentage of its people. Mr. Lawrence has stated the point well. I wish to share his thoughts with each of my colleagues.

The article follows:

[From the U.S. News & World Report, Nov. 30, 1970]

EVERY DAY IS THANKSGIVING DAY

(By David Lawrence)

On Thanksgiving Day do we remember to give thanks to Divine Providence for all the many blessings bestowed upon us as a nation? To name only a few:

Thanks for the avoidance of a nuclear war and the continuance of world peace.

Thanks for the absence of famine in our country and the abundance of food.

Thanks for the unexampled health of the nation—for all the vaccines to prevent disease, for the progress of cancer research, and for the great advances being made in the field of medicine to relieve many forms of illness.

Thanks for the increase in living comforts—for those products of inventive genius and the techniques of mass distribution so necessary to an expanding population.

Thanks for the achievements in communications—the miraculous benefits of the telephone, the radio and television.

Thanks for the airplane, the railroad locomotive and the automobile, and for what they have meant to the transport of goods as well as to the enjoyment of travel by the whole family.

Thanks for the public spirit of the many individuals in our midst who conduct the drives for charity and for the unselfishness which animates the people who respond to these appeals.

Thanks for the dedicated men who serve in our armed forces ready at a moment's notice to make the supreme sacrifice.

Thanks for the courage of the legislators who have exposed the corruption and misuse of power by certain leaders and their henchmen in labor unions.

Thanks for the decent, incorruptible men and women in the labor unions who so conscientiously strive to help their fellow man.

Thanks for the many humane employers who do care about the welfare of their employees.

Thanks for the fraternal spirit that stimulates free men everywhere.

Thanks for the widespread recognition of the difference between human slavery and human freedom—and for the moral support being extended constantly to the millions of people who are captives of dictatorships in various parts of the world.

Thanks for the unsung heroes in government—in the townships and villages, in the cities, in the counties and in the States as well as in our National Government—and for the individual service they render us all.

Thanks for the guardians of the law who risk their lives in fighting fire, in fighting crime, in fighting the hidden subversion that could destroy us from within.

Thanks for those judges who do dispense justice uninfluenced by the passions of party or faction or by the caprice of power.

Thanks for the men and women who teach in our schools—inspired only by devotion to the single cause of a trained youth.

Thanks for those who serve in our hospitals and institutions, caring for the sick and the handicapped.

Thanks for the devoted persons in the priesthood and in the convents and in the ministry of all churches who heed our calls in hours of anguish.

Thanks for the parents who do not neglect their growing children in order to pursue their own pleasures, and who recognize that juvenile delinquency must in large part be due to adult delinquency.

Thanks for the thrifty among us who save and by their example teach others to conserve during the days of plenty in order to meet the exigencies of days of scarcity.

Thanks for the many voices of reason that rise above the din, mistaking not the noisy clamor of the mob for the true will of a God-loving people.

Thanks for the freedoms proclaimed in the Bill of Rights.

Thanks for the opportunity to debate without fear the most controversial issues of the day.

Thanks for the men of deep conviction who do not regard the winning of an election as in itself worth the sacrifice of principle to expediency.

Thanks for the continuing benefits we receive each year from the teachings of our forefathers—particularly the written Constitution that must guide the nation as we try to solve current problems at home and abroad through the processes of reason.

Thanks for those churchmen whose voices rise above the secular bedlam as they encourage us to seek Divine guidance.

Thanks for helping us to maintain an unswerving belief in the innate morality of man and in the tenets of our Judeo-Christian philosophy.

Every day can be Thanksgiving Day.

1961 TO 1970, THE FARMER'S WORST 9 YEARS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. ZWACH. Mr. Speaker, I have been reading Frank M. LeRoux's "1961 to 1970, The Farmer's Worst Nine Years" and I would like to share some of Mr. LeRoux's remarks with my colleagues by inserting them in the CONGRESSIONAL RECORD:

He shows his understanding of the problems facing the farmers in this quotation:

At the start of the Second World War, the President asked industry to produce in an all out effort to win the war and industry performed magnificently. When the war was over, the United States government paid approximately 55 billion dollars in subsidy to industry to retool and get business back to normal trade channels.

The government, at the same time, asked the American farmer to produce for an all out war effort and he too performed magnificently. But when the war was over the farmer was left with all of his technological improvements and expanded acres without any of the adjustments that business had received to get back to a normal operation.

From then on the farmer was faced with the competition from a production geared

to a world war and the lack of adjustment when it was so necessary has been costly to the farming industry since that time, and in turn, to the entire United States.

Why has the government continually refused to face up to the tragic inequitable economic conditions that exist in American Agriculture when compared to the same economic standards with comparable industries?

It wasn't long after the change of administrations in 1961 that the U.S. Department of Agriculture started its propaganda about the greatest prosperity in the history of American farming. The Department must have felt that if this statement was repeated often enough that even the farmers would believe it.

This propaganda onslaught continued during the years I was in Washington and the wooing of the consumer vote actually, to the long range detriment of both the farmer and the consumer, took on major proportions.

The Secretary was so persuasive that he convinced a great part of the United States and the world that the American farmer actually never had it so good. The administration even went so far as to boast that not only were the farmers having the greatest prosperity in the history of American agriculture, but that every aspect of American agriculture was better than at any other period in the history of our country.

Agriculture, as a matter of fact, has shared but little in our startling national prosperity and every chance the farmer has had to receive the least bit of improvement in his income, his prices are beaten back by government agriculture by one means or another. This has been the constant practice and still continues behind the scenes.

The American farmer has not shared in the prosperity of our times, but rather has been forced into the position of subsidizing the U.S. economy.

PRESIDENT NIXON SHOWS GREAT COURAGE IN ORDERING RAID AGAINST A POW CAMP IN NORTH VIETNAM

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. MYERS. Mr. Speaker, the weekend raid against a prisoner-of-war camp in North Vietnam has vividly demonstrated to the world America's concern for the deplorable conditions under which Hanoi holds American soldiers captive.

I believe it took great courage for President Nixon to order that this mission be carried out, and it is a mark of his compassion for the American prisoners. The North Vietnamese have consistently refused to abide by the Geneva Conventions regarding prisoners of war and the horrible suffering of these prisoners has been well documented.

The President has rightfully served notice on Hanoi that we will no longer tolerate such transgressions of international law. Proper treatment of POW's should be a matter of simple humanity.

This action does not mean a widening of the war. It was a limited action taken for a specific and humane objective. If Hanoi responds with better treatment for our POW's, then that objective will have been achieved.

IN MEMORIAM: FRANK A. WHITE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BRAY. Mr. Speaker, a long and distinguished career in Indiana journalism came to a close with the sad passing of my great and good friend, Frank A. White. The following editorials from the Indianapolis (Ind.) News, and the Martinsville (Ind.) Reporter, are fitting tributes to a man who will be sorely missed: [From the Martinsville Reporter, Nov. 20, 1970]

GATHERER OF NEWS IN TODAY'S NEWS

Frank A. White has come into The Reporter office for the last time. He made his exit from the newspaper business in the morning paper, too late in the day for the afternoon papers.

So the writer of the news, in a way one of the makers of it, becomes at last the news himself. It is essentially good news, not that he died, for that announcement was expected. It is good news because Frank was a good man.

The description of Barnabas in Acts fits Frank as a tailor-made suit. "For he was a good man, and full of the Holy Ghost and of faith." There was also something about him that brings to mind Diogenes, described in the dictionary as "a Greek Cynic philosopher, noted for his outspoken contempt for men's acts and motives. It is said that for a time he lived in a tub and that he went about at midday with a lighted lantern in search of an honest man."

Frank's stock in his trade was his notebook, always ready in an ample side coat pocket, to be pulled out for a story. He sought stories in the unusual places not covered by the news services. In private conversation, he was more outspoken in his contempt for men's acts and motives than he was in his column.

We remember him just now, not for his opinion of people in high places, but rather for his comment on the nurses and doctors who attended him in his long illness in the Veterans' Hospital in Indianapolis where not long ago he was a patient for about half a year.

He spoke of the colored nurses with their soft voices and their solicitous care. He said he did not know there were such people, and he knew many people. The nurses came to him and told him they were praying for him. He knew of their family troubles and of their church life and generosity.

Motion pictures frequently show newspaper people as hard drinkers, profane, and cruel. The makers of such pictures did not have in mind Frank A. White.

[From the Indianapolis News,

Nov. 19, 1970]

FRANK WHITE

Writing a newspaper column six days a week for 21 years is a task that would have daunted many men. But to Frank Allen White it was a challenge which he met with zest, even in his advancing years when he was handicapped by poor health.

His column, "The Hoosier Day," appeared in more than 40 Indiana papers and was welcomed by thousands of readers because it was exceedingly well-written and thought provoking. He used it to crusade for many worthy causes.

"The Hoosier Day," as with most columns, was a reflection of the personality of its author and for Frank White was the culmination of a long career in newspaper work.

In his career, as in his column, he had supported his country, his government, his community and the religious, civic, professional and patriotic organizations to which he belonged.

White was wounded in World War I. After the war he started a store which failed for lack of business because of his refusal to join the Ku Klux Klan. Later as a reporter he covered the trial and conviction of D. C. Stephenson, Klan grand dragon in Indiana.

This quiet, unassuming man covered many big stories and as a correspondent in World War II was on hand for the signing of the Japanese surrender. Although newspaper work and column writing took much energy, he always found time to work for the American Legion, for his church and for other worthy organizations.

His many friends and acquaintances throughout Indiana are grieved by his death.

VETERANS' DAY ADDRESS BY
BYRON B. JONES OF SANTA FE,
N. MEX.

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. LUJAN. Mr. Speaker, I would like to share with those who read the Record a Veterans' Day address made by Byron B. Jones of Santa Fe, N. Mex., on November 11, 1970, in ceremonies on the historic plaza of our State Capitol.

Some of the members of the Veterans of Foreign Wars who attended suggested this, and I certainly agree that it should be a permanent part of this country's record as it is particularly fitting during this time of questioning:

VETERANS' DAY ADDRESS, NOVEMBER 11, 1970,
ON THE PLAZA, SANTA FE, N. MEX.

My last public utterances were made through the pages of a newspaper in which I stated: "I cried today".

The occasion was a parade, and the disrespect shown our Flag—I hope our Flag. At least it was the flag I love.

But that was yesterday—and today is not a day for crying. Today is a day we honor the men who have kept us free—a day we honor their dead. No, today is not a day for crying; not even for the fallen. They want not our tears.

So, let us save the tears for another day—for the living. For the living that accept these sacrifices from others, yet consider it old fashioned to have patriotism, love of country, respect for the Flag. This is what is said. This is what to cry for.

Somewhere, I'm sure, there is a Valhalla where the warrior heroes of bygone days look down and shed soft tears that they could not spare us this.

It is true that patriotism is old fashioned. It is so old fashioned that it goes back to the dawn of civilization when the first city-states became entities on the fertile banks of the Tigris and Euphrates, seven thousand years ago. It was with us when Solomon was in his glory, Rameses in the plenitude of his power, and men and God warred around the lofty walls of Troy; it was with us when the star of Athenian splendor arose bright and burning o're the plains of Marathon, as well as when that star set, after many long olympiads of ascendancy, in darkness and blood before the crumbling walls of Syracuse it was with us when the victorious legions of Macedonia marched to the carnage of Arbela, and when Rome, the mistress of the world, raised her-

self on her dying couch to beat back the Hun.

Throughout all of history, next to love of family, and perhaps God, there has been no stronger love than love of country. This is a normal human trait.

So, what is wrong? Since when has it become something to be ashamed of to show respect for our Flag to show love of country? Are you honestly embarrassed to be a good American, to have a true human emotion? I can't believe it.

But I do know; it is getting later than you think and it is time to stand up and be counted before it is too late.

And what better time and place for this than whenever the Flag is passing by—but stand tall, stand straight, and, above all, stand proud or don't stand at all.

TRIBUTE TO THE LATE MISS
FRANCES BATES MCKUSICK

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. HENDERSON. Mr. Speaker, for several years Frances McKusick was the Washington correspondent for the Jacksonville Daily News of Jacksonville, N.C. in the district which I have the honor to represent in the Congress.

I was the guest of the Kiwanis Club in Jacksonville during the recent general election campaign and just moments before I was to address the members, I was informed of the untimely passing of my good friend, Frances McKusick. The news was shocking and saddening and I departed from my prepared text to announce the report, for her passing was a loss not only to those of us who knew Frances personally, but also to many in the audience who knew her by-line.

Almost daily while the House of Representatives was in session, Frances McKusick sent word on the floor asking to confer with me in the Speaker's lobby. Our conferences did not always develop a news story, but I always was pleased to respond to her request because she was a true friend and a most able journalist. She developed my full confidence and the stories she reported to which I may have contributed in some small measure, were always informative, accurate and in the highest tradition of the responsible American press.

After the first few days of this so-called lame duck session, I now attest to the fact that Frances McKusick is missed by those of us who knew her. She contributed immeasurably to the journalistic dissemination of news, but more than that she did her job in a way that endeared all of us to her as a genuinely warm person interested in the immediate task, but more interested in the welfare of her fellowman and her beloved country.

While I did not know the members of her immediate family, as her friend and as one who represents one of the newspapers she reported for, I extend my condolences to her mother, Mrs. Marshall McKusick, and other members of her family.

THE MYTH—AND RACKET—OF AIR
FARE BARGAINS

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. HAYS. Mr. Speaker, it is no secret that hard times have come upon the U.S. airline industry. One has only to look at recent profit and loss statements of the carriers to see that the picture has been less than encouraging.

Given a reasonable climate in which to recuperate, however, I am confident that the U.S. airlines could turn the corner and work their way out of their current economic difficulties. The present climate is neither reasonable nor healthy, however. It is, in the words of the chairman of the Civil Aeronautics Board, "chaotic."

In an article recently distributed by King Features Syndicate and written by Ralph de Toledano this unhealthy climate is probed and the conclusion reached that the thunderheads will continue to gather and wreak their stormy havoc on the industry until an order of priorities is firmly established and set forth.

The issue is basic. Do we wish to have in this country a viable scheduled airline service which is responsible to small communities as well as large in peak periods as well as lean seasons or do we, in the name of "consumerism" wish to turn the nonscheduled and scheduled air carriers loose on each other for the lowest buck and encourage the inevitable plague on both their houses?

Mr. Speaker, I include Mr. de Toledano's article in the RECORD at this point:

THE MYTH—AND RACKET—OF AIR FARE
BARGAINS

(By Ralph de Toledano)

In the shop talk of returning vacationers, there is one little litany that turns me off completely. It comes from some of the people who spent a few weeks in Europe, and they are full of the bargain they got by going on a chartered flight. They talk as if they had done the scheduled airlines in the eye, and on the face of it, what the supplementals charged, all too often illegally, was considerably lower than the going price on the established runs. But the people who will pay for that "bargain" are not the stockholders of Pan Am, TWA or the European carriers. It will be the man or woman who travels regularly.

Among others, this means yours truly. Which is why I am up in arms, not so much at the non-scheds—they're simply out for the tourist buck—but at the Civil Aeronautics Board, which, with many pious declarations about the right of consumers, started all the trouble and is trying to make it worse. To be personal about it, I spend about one-third of every year moving about. Winter or summer, I can pick up a phone and get a plane reservation to Rome or Los Angeles or any major city. If I want to go to West Overshoes, Iowa, there are flights to get me there, even though the airlines usually lose money on the less frequently traveled routes.

Let me explain how this works. The scheduled airlines, which maintain offices all over

the country and around the world at considerable expense for my convenience as well as yours—and elaborate facilities at all airports to service their planes—work out their rates so that the heavily traveled routes, their profit makers, carry the cost of the unprofitable runs that must be maintained if America is to continue having the greatest air transport service in the world. The peak season for the North Atlantic service also carries the slack season during the winter when half-empty planes would otherwise be uneconomical.

Not so the non-scheds. They operate almost exclusively during the peak season, skimming off the cream. They do not have the expense of maintaining ticket offices or of building and manning expensive air terminal facilities.

Their planes run full, or almost full, with three or four different "charter" groups if necessary. Their profits are great, and last summer, they were able to grab 68.2 per cent of the New York to Frankfurt travel on American flag carriers, 63.7 per cent of the California to Europe business, 67.4 per cent of the New York to Amsterdam run—to cite but a few examples.

In part, as a result of this situation, the airlines saw a drop in profits from \$417 million in 1967 to \$147 million in 1969. In 1970, they have been running at a loss. This has led to the laying off of 6,000 people so far this year on airline payrolls. And it will mean that the scheduled airlines, unless they are to run at a whopping loss in the future, will be forced to suspend many necessary but unprofitable routes domestically, and to reduce the frequency of their flights. The loser will be the consumer that the CAB pretends it is protecting—the millions of Americans who fly for business and pleasure the year round, who want to be able to fly to smaller cities on direct flights.

The scheduled airlines could get along with the non-scheds, the so-called "supplementals," if the laws governing their operation were observed, even though the scheduled airlines are compelled to provide continuing service and the non-scheds are not. The law states very clearly that "supplemental" flights are to be available only to an organization that takes over the whole plane or to so called "affinity groups"—members of bona fide organizations who band together to travel at the reduced rates of a charter. At the time of the flight, membership must be of at least six months' duration. A study by the Louis Harris Poll shows, however, that these regulations are widely flouted. A quarter of the charter travelers had been members of their "affinity group" for less than six months, 54 per cent less than a year, and 79 per cent had joined simply to get a cheap trip abroad.

The CAB's Bureau of Enforcement has also noted that "almost anyone from the general public can participate on many of the charters merely by paying a nominal membership fee with no real membership requirements"—a statement corroborated by the New York Times, whose reporters wandered into travel agencies, signed a membership card to a paper organization, and qualified for a "charter" flight.

And now the CAB, which professes to be helpless to require enforcement, wants to soften these restrictions even more, thinking, of course, of the "consumer." If the CAB succeeds, air travel in the United States will never be the same. I'll remember this the next time I have to fly to, let's say, a small city in Ohio, and discover that only one or two planes a week fly there. Unless Congress proposes to subsidize the air transport industry, that's exactly what will happen.

OUR CONSTITUTION AND WHAT IT
MEANS TO ME

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. JOHNSON of California. Mr. Speaker, in this day and age, we often see portrayed as the youth of America the disruptive elements who make exciting news on television. Fortunately this picture represents only a rather small minority of American youth.

The great majority of the young citizens of this great Nation of ours are dedicated young people. They recognize the problems which must be overcome in this society of ours and most believe that there are many ways in which we can improve in the lot of mankind. This vast majority of young people, I am convinced, are determined to attain these improvements working within the political system with dedicated personal action to their communities and their fellow man.

In order to help place the attitudes of youth in their proper perspective, I want to share with you an essay which impressed me tremendously. This was written by a young student at Quincy Junior-Senior High School for a constitutional observance contest conducted recently by the Masonic Lodges of Plumas County, Calif., one of the 20 counties which I am proud to represent. Pam's essay was the winner in this competition and I believe that if you will pause a minute to consider her analysis of the preamble of this Nation's Constitution especially as it affects each of our citizens today, you will, I am sure, agree that Pam's efforts are outstanding and most deserving of this recognition. I request permission to insert in the CONGRESSIONAL RECORD at this point Pam Bodenham's essay "Our Constitution and What It Means to Me."

OUR CONSTITUTION AND WHAT IT MEANS TO
ME

(By Pam Bodenham)

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our prosperity. . . ."

To me, the preamble of the constitution explains the theme of this essay. It tells the reason behind the writing of our Constitution. If I took it apart, piece by piece, maybe I can express my feelings.

Our government belongs to the people, is run by us, and we can make life more enjoyable or liveable. All citizens have this right because our ancestors won their independence from Great Britain.

After we won our independence, our country was far from being a "perfect union." Instead, we had a "league of friendship" among the states. The states started fighting and there was danger that some states might pull away. The great leaders of this time got together and decided to write up a new plan "in order to form a more perfect union." That is how we got our Constitution.

These ancestors must have foreseen injustices that could become in the future, for they gave us a system of laws and courts

that protect us. Now every American citizen is assured of equal "justice" under law.

People in the United States live without fear and violence within our country because when disagreements arise the national government has the right to settle their disagreements justly. So we are "insured domestic tranquility."

Besides keeping things peaceful at home we have to be strong enough to keep enemy nations from conquering us and taking away everything our forefathers worked for. So "to provide for the common defense" they set up a system to protect us. Right now it's called the military. People who dodge the draft and try to avoid fighting a war are only going against the basics with which this government survives. This is a democracy and all men and women who strived for this goal and gave up their lives because of it, are being made a mockery of by those unwilling to fight or work for our country.

Each person in a democracy, if they work together, benefit each other. The farmer grows vegetables, while the rancher raises cows for milk and other animals for meat and the factory worker makes machinery for them to plow their fields with. It's a circle all "promoting the general welfare of the people." Health, happiness, and prosperity are for everyone if they work and abide by the rules set down in the Constitution.

We have the blessings of liberty but our liberty does not make us free to do what we please whenever we please. We cannot take away the lives and property of others, for then one man's liberty would be a loss of another's liberty. So that future generations may have the same freedoms we have had, they made up regulations and laws written on paper, and called it the Constitution. Then it was signed and for more than a hundred and eighty years it has lasted.

"We the people of the United States . . . do ordain and establish this constitution for the United States of America."

TRIBUTE TO THE LATE MISS
FRANCES BATES MCKUSICK

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BYRNES of Wisconsin. Mr. Speaker, I was saddened, while in my district during the course of the congressional campaign, to learn of the sudden and tragic death of Miss Frances McKusick.

For almost all of my period of service in this body, Miss McKusick was the Washington correspondent for the two largest daily newspapers in my district, the Green Bay Press-Gazette and the Appleton Post-Crescent. I thus came to know her well—both as a professional journalist and a friend—and I feel a deep personal loss at her untimely end.

Frances was an outstanding reporter who brought to her profession outstanding human attributes. She had the ability to dig for news and to report it fairly, accurately, and interestingly. At the same time, her wit and humor, her compassion for people, and her cheerful outlook on life made her a delightful person to know and work with. She was one of those people, relatively unknown, who have made outstanding contributions to the work of Congress by keeping the people informed and who have done

so in a way which made life pleasanter for all of us.

All of us who knew and worked with Frances McKusick mourn her passing. Mrs. Byrnes joins me in extending our deepest sympathy to her mother, Mrs. Marshall McKusick of Vermillion, S. Dak.

WATER POLLUTION: THE PROBLEM
OF ENFORCEMENT IN THE COURTS

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SEBELIUS. Mr. Speaker it is obvious that today the need for our Nation and the nations of the world to clean up and protect our environment is most urgent. The future of civilization and mankind depends upon what kind of responsible action is taken by local, State, and national governments throughout the world on this problem.

As the President has stated, clean air, clean water, and a world free of pollution is every citizen's problem and we must work together to find responsible solutions rather than pointing fingers of blame and accusation.

In this respect, the Federal Government can do only so much. It will take responsible legislation and implementation of responsible programs by State and local government plus the dedication of individual citizens to effectively clean up our environment and protect our natural resources for the next generation of Americans.

I am proud to say we have the kind of dedication and that kind of foresight in the First District of Kansas. On October 30, Mr. Arno Windscheffel, a respected attorney from Smith Center, Kans., of the "Big First" District, presented a paper at the 13th annual Law Institute at Washburn University in Topeka, Kans. Mr. Windscheffel's approach is reasoned, responsible, and perhaps most important, workable. The response from an audience that exceeded expectations was enthusiastic.

Mr. Speaker, I commend the following paper to my colleagues and all who are interested in solving our environmental problems rather than simply publicizing them.

WATER POLLUTION: THE PROBLEMS OF ENFORCEMENT IN THE COURTS

The word "pollution" has become a household-by-word in this generation, and more recently the word "ecology" has found its way into the head lines of many of our daily papers. Today, I am most concerned with water pollution and its problems.

The story of water is not new. One could write the story of man's growth in the terms of his epic concerns with water. Throughout the ages men have been compelled to settle in regions where there was an abundance of water. In fact, the cradle of civilization follows the great water ways of the world. Fifty generations ago the Mohen-jo-Daro civilization of the Indus Valley in India had a well developed system of water distribution and drainage. The people of Assyria, Babylonia, Egypt, Israel, Greece, Rome and China built similar facilities to handle water long before the Christian era.

It is interesting to note that efforts to abate pollution are not new. In 1849 William Henry Hubert in his book "Fish and Fishing of the United States", lamented that: "The fish were poisoned and driven from the headwaters and tributaries in which they were want to spawn by sawdust, especially the hemlock—" (P 85).

In New Jersey v New York, 283 U.S. 336, The Supreme Court said: "A river is more than an amenity, it is a treasure."

Man's life depends on water, air, and food, and man's evolution—and doubtless his destiny—in countless ways depends on water and air. It takes the latter two in combination to produce food.

We have not been too practical in our approach to the use of water and air, and it seems that we are now in the midst of a great quandary as to what we shall do to correct our errors of the past and to keep from making new ones.

The problems of the misuse of water and air have been with our courts from almost the beginning. Our water law goes back to the Old English Common Law, and I presume that the misuse of the air might be linked to the common law too. In checking on Kansas court cases pertaining to pollution, we find that there are a number of cases dealing with water pollution.

We find that most of our older cases have been settled on the basis of damages. For a quick review of these cases see—Hall v. Galey 126 K. 699; Rush v Phillips Pet Co. 163 K 180; Gardenshire v. Sinclair Prairie Oil Co. 141 K. 865; and also 19 ALR 2nd 1033.

From these cases we can arrive at the general rule of law pertaining to damages by way of pollution. The rule is simple, if you damage the property of another, you pay for it. The proof is often times not so simple. One of our courts has said that it was no different when an upper riparian owner polluted a stream and dumped it on his lower riparian owner, than it would be for the upper owner to load a train load of pollutants and dump it on his neighbor. There are laws concerning punitive damages, temporary damages, and permanent damages Each has its place in the history of our courts.

Are we not, however, starting on the wrong end? Are we not locking the barn after the horse has been stolen? To approach the problem of punishing a person after he has committed an act, is in the opinion of modern thinking the wrong attitude. Should we not make an attempt to avert the act. There will then be no need for punishment, or the payment of damages.

What is needed to keep down this national waste?

Do we need more laws, do we need better laws, or do we need some education concerning the laws which we have?

The answer probably encompasses parts of all the questions. In addition, we are going to have to learn to live with some amount or form of contamination. Where we have civilization, we will have pollution in some form.

We must develop a tolerance for pollution, because we cannot return to a pure state of nature. Our courts and our legislatures must recognize this fact. Only a law which does recognize the viable tolerance of pollution can be effectively enforced.

The problems of contamination have not been peculiar to the United States or Kansas. The Dominion of Canada has also had its problems.

Recently, Canada introduced the "Canada Water Bill." In essence it would set up a number of administrative agencies to mediate between the financial interests of the polluters and the clean water demands of the citizens. On paper, these agencies appear to have enough teeth to force a clean up. But critics suggest that they may be

subject to legal attack and foot dragging by both provincial governments and polluters. In short, the act provides that agencies be established in each water basin. They would be creatures of the provincial government, and would have the power to set water quality standards.

Under this law, municipalities and industry are to be subject to certain charges, called effluent fees, based on the amounts of pollution. The fee could then be used to clean up other sources of pollution and to help other cities build treatment plants. Such an approach might help smaller towns, which could not on their own, build treatment facilities. Also, given an incentive, a polluter might reduce the pollution in order to reduce his fee. The law is too new to give us any idea as to how it might work, but at least it is a start.

In 1956, our federal government passed a Water Pollution Control Act, which has been amended from time to time. The law was last amended in April of 1970; at that time the name of the act was changed, and it is now called "Federal Water Quality Administration." Almost each day we see where our Congress is proposing new and further legislation. The whole of this act is too involved to even attempt to discuss in a short paper. It is safe to say, however, that the federal government is making a determined effort to pass legislation which will to some extent curb many of the present pollution practices.

In 1960, the policy of the various departments of the federal government was pretty well set out in "United States vs Republic Steel Corp." 362 US 482. In the opinion it was stated: "It is the long-standing and established policy of the Corps of Engineers not to take any action where the alleged violation is 'Minor, unintentional or accidental' and 'as a general rule' not to recommend prosecution where the alleged violation is 'trivial' apparently unprecedented, and results in no material public injury'. Prosecution is recommended 'in all cases of willful or intentional violation'."

From all appearances, this policy has changed since 1960, and Congress will in all likelihood make even greater changes.

When we think of pollution, we naturally think of some adulteration which is tangible, which is carried either in the waters or in the air. We are now confronted with another pollutant, namely "heat". Heat which is discharged into our rivers and lakes is now causing trouble, and promises to create even more trouble. With our current demands on more and more electric power, this pollutant is becoming more and more widespread. Heat as a pollutant has a name all its own, it is "CALEFACTION". The word means "warming". (See "The Calefaction of a river." Scientific American, May 1970)

Water pollution enforcement in Kansas has been split between the Board of Health, and the Livestock Sanitary Commissioner, and to some extent by the Water Resources Board. KSA 65-171d (Supp 1969) pertains to the pollution of surface and subsurface waters. It provides for hearings and procedure before the State Board of Health, and also provides the board with the power to issue an order prohibiting the alleged polluter from the operation of whatever he might be wrongfully doing. The section further provides: "Any person aggrieved by such order may within ten days of service of the order request a hearing on the order." After the order is made the same shall become final unless appealed to the courts within thirty days after the date of the order. Thereafter appeals may be taken to the supreme court from the order or decision of the district court in the same manner as in other civil cases. The hearing in the district court is DE NOVO, and without a jury.

KSA 65-1711 (1969 Supp) provides as follows: "Nothing in this act shall be con-

strued as limiting the authority of the state livestock sanitary commissioner in matters concerning the administration of the law concerning feed lots."

It would appear that there is some concurrent jurisdiction between these two agencies.

At this writing, there seemingly has been no action begun in any of our courts, or at least none appealed or reported to the Supreme Court testing, or otherwise challenging any of the above legislation.

Both the state board of health and the state livestock sanitary commissioner may call on the attorney general to bring action to stop an alleged violation. And in each of the sections, when spelling out the duties of the attorney general, the word "shall" has been inserted.

In addition to the specific provisions relating to the attorney general in the two acts above mentioned, there are two other powers conferred upon the attorney general. A county attorney and a city attorney also have statutory powers in so far as injunction proceedings are concerned. KSA 60-908 provides: "A private party may enjoin the continuance of a common nuisance affecting his personal rights, and in addition thereto, an injunction may be granted in the name of the state to suppress the keeping or maintenance thereof. The petition may be verified on information and belief, and such action may be brought either by the attorney general, or by a county attorney for enjoining such a nuisance within his country, or by a city attorney for enjoining such a nuisance within his city."

It will be noted that a private citizen may seek to enjoin the continuance of a common nuisance affecting his personal rights. This seemingly gives a private citizen a right to seek to enjoin the continuance of a common nuisance. Our courts have defined this right as being a common nuisance if personal rights are affected. (Buckmaster v. Bourbon County Fair Assoc. 174 K 515).

The section above quoted changed the law as it existed prior to the adoption of the present code. It is now clear that a municipality may maintain an action to abate a common nuisance within the city whether it violates an ordinance or not.

This is satisfactory as far as it goes, but in my opinion the long delays and technical procedures necessary for injunctive relief may be too cumbersome.

Some states have statutes which allow action without first having an administrative finding.

California authorizes a civil action in the name of the people: to be brought "to abate a pollution or nuisance which is transitory in nature or is of short duration, but periodic in occurrence. The obvious purpose of such a statute is to permit abatement of the nuisance or pollution that would terminate before administrative machinery could get into gear.

Oregon has a statute which allows a suit to enjoin or abate a threatened or existing pollution. This is in order when the pollution "creates an emergency which requires immediate action to protect the public health, safety or welfare.

These are forms of judicial abatement. Water pollution may constitute not only a private wrong, but also a public offense against the state, commonly called a "public nuisance." Although it is punishable as a crime, a public nuisance can be attacked in a civil proceeding by public authorities, and in certain cases by a private party as well.

Why do we need state or federal control? Pollution control is needed for protecting a community from harmfully discharging its own waste, also to keep from injuring those down stream.

A city sewer offers a relatively cheap means for removing offensive and potentially dangerous waste, and it gets them beyond the

sight, smell and conscience of those in the community.

A treatment plant benefits largely those who live down stream.

The history of legislation abounds with examples of declarations of good intention and high aspiration, but nowhere are these matched by equally high standards of implementation.

Coming back to my original assignment: The Problems of Enforcement in the Court.

As has been already stated, the problem of enforcing any sort of pollution in any of our courts, whether by an administrative body of the state or by civil suits, becomes weighty, cumbersome and time consuming.

Our Kansas courts have grappled with pollution problems for many years, and in most instances as mentioned before, the legal aspects are somewhat settled. However, there are some interesting new developments coming before our courts.

In *Atkinson v Herington Cattle Co. Inc.* 200 K 298, we find a relatively new business venture coming into being. Within the past few years the commercial feeding of cattle has become popular and in general, financially stable. The run off, or waste, from feed lots is causing a new concern for our courts. Of interest, in the above stated case, was a statement made by the court: "We shall first consider the trial court's findings as to pollution and its cause. The record, most of which has to do with these points, is voluminous. It consists of the testimony of 31 witnesses and approximately 100 exhibits. Many of the witnesses were experts; bacteriologists, chemists, geologists and other technicians."

This should give us some idea of what a civil suit might entail. In the case above cited, the damage was considerable and the plaintiff or defendant could each well afford to employ all the necessary technical witnesses. But consider the person of limited means and income who may suffer damage. His only damage may lie in his inability to live in his modest home, which is perhaps worth only a few thousand dollars. How will he adequately prepare his case in court? We do have administrative bodies and boards whose business it is to assist in pollution cases, but their final resort is to the courts.

In the case above cited, the trial court awarded damages in the amount of \$29,060.53, of which \$7,500.00 was for punitive damages. On appeal, the supreme court sustained the award for actual damages, but did not allow the amount awarded for punitive damages. The court quoted from *Rusch v Phillips Pet Co.* 163 K 11, as follows: "Defendants ignored the warning of the state geologist that their slush ponds were seeping salt water, such conduct was described as the intentional doing of a wrongful act with full knowledge of its character and without cause or excuse. Such action was held to be malicious and to warrant an award of exemplary damages."

The recent case of *Lee v. Mobil Oil Corporation*, 203 K 72, almost presented an interesting situation. That of "strict liability", when an "Act of God" becomes a part of the defense. In the case above mentioned, the supreme court did not decide on the issues of the case, but decided the case on the premise that the trial court erroneously awarded judgment on a motion for summary judgment. The Supreme Court did, however, review some of its earlier cases dealing with strict liability and with the defense of an "Act of God". The court said: "Generally, strict liability is confined to those consequences which lie within the extraordinary risk created. The requirement of foreseeability of the consequences places a limitation on the liability. When harm results from the intervention of an unforeseeable force of nature liability does not fall on the defendant. The proximate or direct cause of plaintiff's damage stems from the intervening cause."

(Gerber v. McCall, 175 K 433; Fairbrother v. Wiley's Inc., 183 K 579; see also Prosser, Law of Torts (2nd ed) Extent of Liability, p. 338).

With all the recent publicity and the clamor for a stricter pollution control, what might the Supreme Court do, if now faced with the same facts which were set up in the earlier cases. It would seem that when one handles potentially dangerous materials, one should to some extent even protect against an "Act of God". (Our forefathers in these parts did not rely on a hastily built dwelling for protection against the elements; they dug cyclone cellars for protection against an "Act of God".)

If we are to progress in the region of abatement of pollution, then it would appear that we must give more responsibility and greater powers to administrative bodies, with a quick review by the courts. It is not feasible to try a complicated pollution case to a court, when the judge of that court has no technical knowledge of the question at hand, and probably does not have the instant capacity to digest the highly technical evidence of a host of expert, technical witnesses. The courts should, however, have the right and the continued power to determine whether an administrative body acted within its authority, and without caprice or prejudice. Also, an administrative body should have some power to enjoin polluters, and the alleged wrong-doer should be required to give bond pending an appeal. These are only thoughts, and perhaps our legislatures can and will come up with something better.

FLORIDA FRONTIER RIVERS NATIONAL PARK PROPOSED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BENNETT. Mr. Speaker, my colleagues, Congressmen DON FUQUA and BILL CHAPPELL, have today joined with me in introducing a bill to establish the Florida Frontier Rivers National Cultural Park.

This would be a new type of national park in that it would preserve and interpret the natural, historic, and economic assets of an area in a cultural park.

It would cluster the Nassau River Valley with St. Augustine's Spanish fort, the Fort Caroline French fort, and the Fort Matanzas Spanish fort; and, with other natural, historical, and cultural sites in non-Federal ownership, would interpret and commemorate historical and cultural events; preserve historic sites; conserve examples of unaltered landscape on which events occurred; achieve public understanding and appreciation of the past and present interaction of man and this environment; authorize acquisition of marshlands immediately; provide for establishment of park upon acquisition of marshlands; and require master plan study for identifying other sites and means of interpretation.

At our suggestion a team from the National Park Service visited the area earlier this month and made a report, which although not speaking officially for the National Park Service, made the following comments:

NATIONAL PARK SERVICE COMMENTS

The fifty mile stretch of coast south from the St. Johns River is of transcendent

historical importance in the struggle for empire in North America between Spain, France, Great Britain, and later the United States.

In addition to its importance as the scene of much international struggle for colonial advantage, this entire watery region of northeast Florida is the scene of many other important historical and cultural developments heretofore only casually understood or investigated.

The peninsula of Florida is of considerable antiquity. Discovered and claimed for Spain in 1513 by the renowned Ponce de Leon and the object of much exploration and conquest by Narvaez and De Soto, who both earned tragic deaths for their efforts, it was not until 1565 that a settlement was made at St. Augustine. Even so this outpost was the first permanent European settlement on the continent north of Mexico.

On the eve of the settlement of St. Augustine, French forces appeared near the mouth of the St. Johns River to challenge Spain's claim to the region. Driven off and slaughtered near the end of Anastasia Island, south of St. Augustine in 1565, their place in the contention for the region was taken by the British in the following century with their southward extending colonies, the Carolinas in the latter part of the 17th Century and Georgia in the first part of the 18th.

Over the years many of the aspects of the history of the region have been told more or less piecemeal. Many of these pieces are of considerable significance individually, but it is the total story of more than four hundred years played on the rather unique stage of its ecological environment that is of great importance and should be preserved and interpreted in its entirety. Three river basins totally control the geographical environment, the St. Marys to the north and the St. Johns to the south. Down the middle the Nassau twists and twines, ebbs and flows, much of it strangely enough still in its pristine and primeval condition. Yet near the latter's shores and mouth occurred events of considerable importance.

"South from the Nassau to the St. Johns River lies another succession of islands, creeks, hammocks, and swamps of considerable ecological and historical interest and importance. Chief among the islands are Big and Little Talbot and, especially for historical purposes, Fort George Island. Few other sites in Florida are as rich in cultural and natural history."

The bill which we have introduced reads as follows:

A bill to authorize the establishment of the Florida Frontier Rivers National Cultural Park, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND DECLARATION OF PURPOSE

SEC. 1. The Congress finds that the three estuarine rivers of northeastern Florida—the St. Johns, Nassau, and St. Marys—unify a nationally significant cultural heritage with roots in four centuries of rich colonial and national cultural development. The Congress further finds that the virtually unimpaired Nassau River estuary is the only one of the three that graphically illustrates the historic setting and natural environment that shaped this heritage and in addition possesses important scenic, natural, ecological, scientific, and other values contributing to public enjoyment, inspiration, and scientific study. The Congress concludes, therefore, that it is in the national interest for the United States to join with State and local government and private institutions, groups, and associations to preserve and interpret the Nassau River estuary and associated cultural and historic sites and buildings of northeastern Florida in such manner and by such means as shall achieve

public understanding and appreciation of the heritage fashioned by the past and present interaction of man with this environment.

ACQUISITION OF PROPERTY

SEC. 2. In furtherance of this objective, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or by exchange, not to exceed 85,000 acres of lands and waters and interests therein, of which not more than 10,000 acres may be other than estuarine marshes and streambeds, in the Nassau River estuary which in his judgment are necessary to preserve the historic setting and natural environment of said estuary from development adverse to the purposes of this Act. In addition thereto, the Secretary is authorized to acquire not to exceed 150 acres at various locations in northeastern Florida for administrative and visitor information facilities. Lands, waters, and interests therein owned by the State of Florida or any political subdivision thereof may be acquired only by donation. Any Federal property designated by the Secretary may, with the concurrence of the head of the administering agency, be transferred without consideration to the jurisdiction of the Secretary for purposes of this Act.

ESTABLISHMENT

SEC. 3. When the Secretary determines that he has acquired sufficient lands or interests therein to insure the realization of the purposes of this Act, he shall by publication in the Federal Register establish the Florida Frontier Rivers National Cultural park to consist initially of the Nassau River estuary and the Castillo de San Marcos National Monument, Fort Matanzas National Monument, and Fort Caroline National Memorial. Pending such establishment and thereafter, he shall administer the Federal property under his administrative jurisdiction in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented.

STUDY AND DESIGNATION OF ADDITIONAL SITES

SEC. 4(a). The Secretary shall study and may designate additional sites in non-Federal ownership for incorporation within the Florida Frontier Rivers National Cultural Park in order to provide a unified interpretation and commemoration of the cultural heritage of the Florida Frontier Rivers Country. The sites to be studied for designation shall include, but need not be limited to: Thomas Creek Battlefield; Alligator Bridge Battlefield; Kingsley Plantation, Huguenot Memorial, and other sites on Fort George Island; Fort Clinch, Old Fernandina, and other sites on Amelia Island; Yellow Bluff Fort; Spanish Coquina Quarries; St. Augustine Historic District; and the route of historic King's Road between St. Augustine and St. Mary's River. Designation of any site pursuant to this subsection for incorporation within the Florida Frontier Rivers National Cultural Park shall become effective upon publication of notice to that effect in the Federal Register.

COOPERATIVE AGREEMENTS

(b) In furtherance of the purposes of this Act, the Secretary may enter into cooperative agreements with the State of Florida, its political subdivisions or agencies, public and private corporations, associations, or individuals pursuant to which such parties agree to protect, preserve, maintain, and operate such additional properties as may be designated by the Secretary in accordance with subsection (a) of this section, and he may assist in the preservation, renewal, and interpretation of such properties: *Provided*, That any such cooperative agreement shall contain, but need not be limited to, provisions that: (1) the Secretary has right of access at all reasonable times to all public portions of the properties for the purpose of

conducting visitors through them and interpreting them to the public; and (2) no changes or alterations shall be made in the historic properties, including buildings and grounds, without the written consent of the Secretary.

INTERPRETIVE MARKERS

(c) To facilitate the interpretation of the Florida Frontier Rivers National Cultural Park, the Secretary is authorized, with the concurrence of the owner, to erect and maintain tablets or markers at cultural or historic sites designated pursuant to subsection (a) of this section or along public thoroughfares in accordance with the provisions contained in the Act approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

APPROPRIATIONS

Sec. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

THADDEUS KOSCIUSZKO HOUSE AS A NATIONAL HISTORIC SITE IN THE STATE OF PENNSYLVANIA

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, on June 22, 1970, I introduced H.R. 18161 in the House of Representatives. This legislation would establish the Thaddeus Kosciuszko House as a national historic site in the State of Pennsylvania.

Kosciuszko House is located in the Third Congressional District of Pennsylvania, which I have the honor of representing; and I am very interested in having this property authorized as a national historic site.

Mr. Henry J. Wyszynski, representing Group No. 60, of the Polish American Congress, Eastern Pennsylvania District, introduced a motion concerning this property at the recent national convention of the Polish Beneficial Association, Eastern Pennsylvania District, and I feel this motion should be called to the attention of my colleagues:

MOTION

That there is a residence located at 3rd and Pine Streets, in Philadelphia, Pennsylvania, the Cradle of Liberty, which the Pennsylvania Historical Commission has determined to be the last known residence in this great Nation of that outstanding American Revolutionary War hero, of Polish birth, General Thaddeus Kosciuszko.

And that the Honorable James A. Byrne, Philadelphia Congressman representing the 3rd Pennsylvania Congressional District, did on June 22, 1970, introduce in the House of Representatives, Bill HR-18161, "To authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania".

And now this Bill has been referred to the Committee on Interior and Insular Affairs where the National Park Service is conducting a study of this site for evaluation as to its national historical significance for submission to the Advisory Board on National Parks, Historic Sites, Buildings and Monuments of approval.

Therefore, this body, consisting of the delegates from the States of Pennsylvania, New Jersey, Delaware and Maryland and representing 20,000 members of the Polish Beneficial Association, at this the 26th National

Convention of this Fraternal organization, unanimously moves to support the Thaddeus Kosciuszko Home National Historic Site Bill HR-18161 and urges the National Park Service to expedite the study of this site for submission to the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, for approval, in order that the Committee on Interior and Insular Affairs may receive the necessary departmental reports it requires to return this matter to the floor of the House of Representatives for early determination of this legislation by Congress.

Adopted as moved, at Reading Pennsylvania, this 21st day of October, in the year of our Lord, A.D. 1970, and in the 70th year of this organization.

POLISH BENEFICIAL ASSOCIATION

26TH NATIONAL CONVENTION,

WALTER A. NAWOCZENSKI,

Convention Chairman.

FRANCIS J. FRYSIK,

Convention Secretary.

IMPROVING THE SOUTHERN ENVIRONMENT

HON. PHIL M. LANDRUM

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. LANDRUM. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

IMPROVING THE SOUTHERN ENVIRONMENT

(Paper by Frank E. Smith, Director, Tennessee Valley Authority, presented at Symposium on "The Emerging South," sponsored by The L. Q. C. Lamar Society and Southwestern at Memphis, Memphis, Tennessee, April 18, 1970.)

The South has not been too much concerned about the excesses which threaten the quality of our environment, just as there has not been as much concern in our region as in some other areas about the excesses of an affluent society. What might seem at first glance to be indifference is actually a matter of economics, for both of these circumstances arise from the fact that we have not fully shared in either the affluence or the economic base which has produced the affluence. We are, therefore, still too much preoccupied with efforts to develop an adequate share of that affluence to be very much concerned about some of the questionable long-range effects of the technology upon which a vastly productive economy, and an affluent society, rests.

The Southeast today has a slightly greater part of its population employed in manufacturing enterprises than any other section of the country. Our continued comparative poverty is because we have lower wage rates and because a lower percentage of our income is devoted to and derived from service industries and to those other aspects of the economy which provide, and consume, the material amenities of present-day life. Most of our major manufacturing industries are relatively new to the region, and oftentimes new to the entire industrial scene. As a result, they are not usually among the worst polluters, for they have come upon the scene at a time when willful violations of pollution control standards can no longer be completely ignored.

This comparative position is not cause for satisfaction, however. Even though we have escaped the dubious blessings of some of the heavy industries which are major contributors to pollution in the established manufacturing centers of the East and Midwest, we have our fair share of pollution. We are meeting here on the banks of the Mississippi, the great artery of life and commerce not

only for the Mid-South, but for all of Mid-America. The Mississippi has abused us many times in the past, it is true, but we have also been abusing it for many years. It has been and still is the main garbage and sewage disposal unit for Mid-America, and each year it also carries hundreds of acres of topsoil into the Gulf, washed out from the alluvial plains which surround Memphis. In addition to these long-standing pollutants, in recent years it has picked up the burden of the petro-chemical industry, concentrated from Baton Rouge south, and the agri-chemical industry, which stretches throughout the Mississippi Valley from Wisconsin and Minnesota to Louisiana. There is no way to measure accurately either the total of these several pollutants, or the resulting compounds, carried each day into the Gulf of Mexico.

Competent students say that the Gulf is showing visible evidence of the impact of this vast tonnage of pollutants, more destructive than mere topsoil. Dr. James M. Sharp, president of Gulf Universities Research Corporation, has been quoted as saying that the Gulf "could become a dead sea," pointing to the fact that "several of our estuaries and sounds are already losing their recreational value and biological productivity."

Dr. Sharp told a group of congressmen that studies costing \$150 million are needed merely to pinpoint necessary pollution controls for the Gulf. I do not doubt that the studies are needed. But they must not be accepted as a substitute for action. We know already that the Mississippi must be vastly improved, to say nothing of putting an end to oil spills in the Gulf itself.

One of the problems we face in the South in dealing with pollution is that we have struggled so long and so hard for industrial development that it is easier to look the other way at industrial abuses, whether they be low wages or the abatement (not abatement) of pollution. New industries, like old ones, have learned to employ politically effective law firms and have not been hesitant to use them. I recall that ten or twelve years ago, while fighting on the floor of the House of Representatives against an amendment designed to weaken the Federal antipollution law, I naively mentioned the fact that paper companies were among the chief polluters of our streams as well as being among the leading opponents of a strong antipollution law. There were no paper companies in my then district, but within a few days I had had letters and phone calls from a dozen or so of the most prominent law firms in Mississippi, all wanting to know what I had against the paper industry.

The same hunger for industrial jobs may condition us to accept too readily the easy rationalization of dubious practices instead of demanding a confrontation with the facts.

Nearly twenty years ago I asked the Public Health Service to look into the possible damage to human health caused by the widespread use of pesticides and defoliants in my Delta district. I am ashamed to say that I accepted too readily the PHS response that no serious threat was involved. A case that there is no serious threat can still be made, but today we have a more inclusive definition of what "threat" means.

Since this paper will point up the fact that I have serious reservations about some of the current prophets of doom about the ecology, let me point out that I, too, have several times been branded as such an irresponsible doomsday man on this subject. This began when I attempted unsuccessfully, back in 1954, to have recreation added to the benefits considered in evaluating Corps of Engineers water projects, and includes ridicule when I said just three years ago that the nation would have to spend at least \$100 billion before the year 2000 in improving the quality of its water and maintaining an adequate supply. Today I think we can

agree that \$100 billion is a very conservative estimate, even without reading between the lines of the President's recent modest proposals.

Today we are told that the nation's entire life style must change if we are to avoid a disastrous upset in the ecological balance, assuming we accept as fact the premise that the upset has not already occurred. I agree that we must reevaluate many priorities, and some of our long accepted standards about economic progress. But I do not accept for one minute the concept that we can turn our backs on economic expansion and development. We cannot achieve a satisfactory quality of life for all Americans, let alone the South, from our present inadequate economic base. To expand that base, we are going to have to continue to develop our natural resources. That, in turn, requires a completely candid appraisal of our environmental condition.

First, as much as I deplore it, we must recognize the fact that there is no pristine wilderness left, and that we will sacrifice even more quality of life if we let our existing resources waste into a pseudo-wilderness.

Some of us must wake up to the fact that there was more pollution in a Cherokee or Choctaw wigwam than there is on the streets of Knoxville or Los Angeles, and that some of the Cherokee and Choctaw villages were as befouled with waste and water pollution as bad as some of the worst alleys in Memphis or Greenwood.

Some of the worst pollution, for me, is visual pollution, and I count as part of that the dirt and misery of rural and urban slums which still abound over the South. In my trips over southern Appalachia I see some of the most disheartening signs of rural poverty, degraded housing, and diseased water supply against a backdrop of beautiful rustic mountain greenery that, without the close-up, delights the soul of us environmentalists.

There is no possibility of providing the economic base for full opportunity for our black citizens without continued economic expansion. Whether they realize it or not, some of our best intentioned people would maintain our black people in the bleakest of environments in the name of protecting the quality of our environment. Perhaps unconsciously they buy the "big house" premise that the Negro is better off in a blessed primitive state, dreaming from the cabin stoop of Saturday night in the by-and-by.

But continued economic expansion and development need not mean a continuing decline in the quality of our environment. Achieving the necessary environmental controls to bring about the quality will not be cheap, however. They are already costing large sums, but they will have to cost truly vast sums if they are to be effective. So far it has been easier to talk about the need to protect the environment than about the cost of that action, and we are losing valuable time every day because the talk is an excuse for further delay in putting up the money on a realistic scale.

Make no mistake about it—the added costs are going to be borne by the individual citizens of the country, both as taxpayers and as consumers. Much of the cost will come in the form of additional taxes, if the various levels of government undertake to meet their responsibilities in achieving environmental quality. If tax incentives are used on a large scale to encourage industry to adopt proper antipollution devices and processes, the result will not immediately appear in the consumer's bill, but it will appear in additional taxes to replace those which are, by this device, foregone. I think the tax incentive system has many inherent weaknesses, not the least of which is that the government may be lax in enforcement if severity means a loss of tax revenue. Pollution abatement should be a part of the basic cost of doing

business—which is already deductible—not an added tax benefit.

If rigid pollution control is accepted as a part of the cost of doing business, naturally the cost will be borne by the consumer who buys the products, naturally the cost will be borne by the consumer who buys the products or services produced. The added costs of living which result from this are already noticeable, and they will become more so in a relatively short period of time. The real test of the public's willingness to pay for a quality environment will come within the next few years, in the form of items like the added costs for automobiles and the fuels which propel them. We cannot afford selective non-pollution, however, and all automobiles and all fuels should have to meet the same standards.

I am personally involved in an on-going program to provide adequate environmental controls for the TVA power generating facilities. The capital costs here will total several hundred million dollars, and they will represent a substantial item which will have to be reflected in increased costs to the users of the electricity being generated. Fuel costs have been stepped up at an annual rate of several million dollars, as a result of environmental considerations. Low sulphur content coal is an example of added cost, at added cost, that TVA and other utilities are attempting to obtain, with little success. There is a limited supply at best, and most of it is being sold at negotiated prices well above the current market to foreign metallurgical buyers, notably Japan. Another possible solution is low sulphur oil. Here we are victims of the artificial price restraints of import quotas—if there were no import quotas, low sulphur oil from the Caribbean could serve this area of the country at a price competitive with other fuels.

TVA was delinquent in not establishing, until 1965, a reclamation provision in its contracts with the suppliers of strip mine coal. Such a provision is part of our standard form now, however, even though no private utility has adopted one. We are carefully following up the reclamation procedure required, and if it proves to have any defects or loopholes, they will be corrected. I have checked a number of the areas where reclamation procedures have been followed, and in some cases after only two or three years the land is actually in better shape than the scarred hillsides that existed before mining, from both the aesthetic and the economic viewpoints.

Speaking of TVA's fuel problems, one evidence is almost within sight of this hotel, a few miles down the river—the Allen steam generating plant built by the City of Memphis after the Dixon-Yates fiasco fifteen years ago, and presently in the process of being purchased by TVA as part of the re-entry of Memphis into the TVA power system. The Allen plant was built with inadequate provisions for control of the dust particles which sometimes make the horribly dirty smoke plumes pouring from the plant. TVA installed electrostatic precipitators which proved inadequate for the task. We have now virtually designed our own precipitators, and we hope the manufacturer can deliver according to our specifications.

However, at the Allen plant, as at all other coal burning generating stations, even with the dust removed, there is still the problem of sulphur in the fumes. We are conducting extensive research into processes for either recapturing the sulphur or eliminating it from the discharge, but progress is not very encouraging. This is one of the reasons why nuclear power plants are likely, in the long run, to be the cleanest. TVA hopes to begin next year the initial operation of the largest nuclear plant in the country, near Athens, Alabama. Although TVA will operate the plant always with great care and caution,

there is no way to completely pinpoint potential environmental problems from nuclear plants except through detailed monitoring of actual operating conditions. TVA will carry on intensive monitoring and expects that the result will be a major contribution to the problem of supplying clean energy for a cleaner environment.

The chief emphasis of this paper is that we must continue to develop our natural resources and otherwise expand our economy to provide the jobs and the economic security necessary to give all of our people a share of our national abundance. At the same time, however, we must do whatever is necessary to make sure that every aspect of this development not only protects the quality of our environment, but that it improves that environment.

Improvement can be made, even if we achieve few millennia. The smog expelled from London is the now oft-repeated example, but I want to cite an example of what has been done in one part of the South which demonstrates what can be done all over the nation.

The Tennessee River is the cleanest major river in the country. What is more important for the purposes of this discussion, it is the one river that is cleaner today than it was thirty years ago, in spite of the investment of some two billion dollars in new industrial plants along the shorelines of its lakes. It is cleaner because the TVA, with relatively little enforcement power, has been working to make it so. The only antipollution power which TVA has is built around the requirement that an easement to cross the TVA shoreline be obtained from TVA for discharges from any type of installation on the shore. We have, however, no control over discharge abuses which existed before TVA, or over the pollution of some of the tributary streams before they reach the TVA impoundments.

As a result, the Olin Mathieson Company, which now owns the historic salt lick at Saltville, Virginia, continues to pour enough salt into the north fork of the Holston River to the extent that special treatment of the water in the river as far southwest as Knoxville is necessary. Paper companies in western North Carolina continue to discharge both waste and discoloration into our tributaries there, so it has been generations since the once beautiful French Broad was clear. Farther south is the classic example of pollution, the Copper Basin of the Coocoe River east of Chattanooga, where the metallic water colors the entire stream bed, even though the sulphuric acid no longer escapes into the air.

Knoxville and Chattanooga, the two largest cities in east Tennessee, have secondary sewage treatment plants either in operation or under construction, but in Knoxville the effectiveness of the treatment is often wasted because of the discharges made by several industrial plants in the city. At Chattanooga we could not in good conscience provide recreational access facilities to the new shoreline of Nickajack Lake because of the sewage being dumped into the lake by the city and other nearby governmental subdivisions. In industrial areas I think it is evident that we really need tertiary sewage treatment.

Despite these drawbacks, however, the Tennessee River system as a whole is clean enough to allow millions of people to swim in it each spring, summer, and fall, and to afford millions more the opportunity to fish in it during all twelve months.

We believe we have made some positive gains in air quality, and not only in relation to our steam plant fumes. The most obvious example is the improvement in the smoke emissions for our cities generally. The air quality may be worse because of greater numbers of automobiles, but there is no longer the black overhang of coal smoke where electricity has become the source of

both heat and power. We have hopes that TVA can help demonstrate central effluent disposal systems for industrial corridors, as an example of how existing industries can cut down air pollution with minimum cost.

I have dwelt at considerable length on TVA's efforts to improve the environment because they are related to a broader effort to help improve the quality of life by advancing the quantity of income, as well as the broader quality of the environment. The South is in the process of becoming industrialized, and consequently urbanized, but there is good reason to hope that it can escape some of the worst of urban blight while throwing off some of the worst of the rural blight which has been so prevalent for so long.

The dominant characteristic of the changing patterns of living has perhaps been the fading of independent living and working conditions based on the agrarian economy of a generation ago and the emergence of a far more complex pattern of urban living based on an industrialized economy. The many streams of economic and social life, once looked upon as separate and self-sufficient, have reached an interdependence which is at once both stimulating and depressing.

As we attempt to adjust the South to this new interdependence, we accept, without question, the necessity of physically cleaning up our environment, but we still need to give first priority to the cleansing of the human environment so that Southerners can be equally free to develop the skills necessary to both earn a livelihood and pursue happiness in the kind of society where people can live and work together with decency and dignity.

What can we do to protect the Southern environment and improve its quality?

First of all, we can protect and improve the national environment. Very few environmental problems recognize state boundaries. Only national solutions and national standards will cure them. We must recognize the fact that very few conservation programs have been established, in the South or anywhere else, without the carrot of Federal money or the stick of Federal standards.

There is legitimate reason for cooperative enforcement programs, but final enforcement should not be a matter for solely local determination. If for no other reason, dedicated local officials need the mainstay of Federal standards as a backup for their own procedures. As in many other matters, states' rights in this field is usually a cover for states' wrongs.

Thanks to many historic, geographic, and economic factors, we in the South have a better than average share of open space. We very much need, however, to improve its quality and make sure it is available for all citizens.

Among other goals, we need to protect it from visual pollution. The stretch of Interstate 40 that I drive from Knoxville to Memphis was one of the most beautiful in the entire country when first completed, but it is rapidly and thoroughly being polluted with endless roadside signs and billboards.

Billboard control and rural zoning are examples of the local effort needed for quality local environment. Noise abatement is another, and there is long precedent in towns like Memphis. Organized efforts do not have to be confined to national campaigns to be productive.

Another vital need is the addition of more open-space recreation areas. We do not have enough now, and the shortage will be acute in a few years. Beyond the need for more Federal, state, and local programs to acquire them, we need to step up local pressures to expand existing and developing Federal projects to make recreational benefits available as a by-product. An aggressive state agency, for instance, is an ideal instrument for help-

ing to establish open-space recreation areas as an adjunct to virtually every Corps of Engineers project.

The national trend toward decentralization of industry is a good one. We in the South have been trying to achieve this for a long time as part of our economic development, and for the first time there is today a general acceptance of the validity of our goals.

For a long time we were willing to accept any sort of industrial development or expansion, because it was better than nothing. We are becoming more selective, and we can become even more choosy if we selectively develop our resources on a more carefully planned basis. For instance, there is plenty of room for a Tennessee-Tombigbee project, just as there is for more industrial site-harbor development on the Mississippi. But before we bring industries into any of these sites, developed wholly or partially at public expense, the design of their plants and operations should be rigidly examined to bar any pollution. Even the plant itself should meet requirements about harmonious blending with the landscape or the general environment. The participation of some type of public program in most of the major industrial locations in the South today provides basis enough for improved environmental standards.

Before we allow ourselves to be overcome by nostalgic recollections of the real or imagined qualities of small town life in the South, let us remember some of the very real defects. Most obviously, small town slums and small town poverty have been equaled only by rural poverty, generating a situation that made even ghetto slums more inviting. The dirtiest big city street of half-abandoned houses, stores, and factories can be no more dismal and depressing than the streets of some of our small Southern towns.

Elimination of visual pollution can be as important in keeping young people off the migrant trail as any other factor, assuming the all-important job opportunity is available. The people influenced by the small aesthetic qualities are likely to be the ones who contribute the most to achieving other environmental qualities.

There are other important goals to which we in the South can work to achieve environmental quality without sacrificing the imperative need for continued but more intelligent overall economic development.

One of our most urgent problems in the field of human conservation is the necessity of reducing the birthrate. In much of the South we have, in the past decade, achieved for the first time a balance of in-migration. This has been primarily the result of increased job opportunities in the region. Even though migration has been greatly reduced, it is still a major influence on population trends, especially in parts of Appalachia and from the old plantation country of the Mississippi Valley.

There is no pat formula for reducing the birthrate. Some reduction is occurring naturally as people with higher economic and educational levels voluntarily reduce the size of their families. Essential success, however, will come only with an aggressive program of making birth control and family planning information a basic requirement, not only for welfare clients but for all young people as they reach the age level where they might become parents. In most areas of the South there is less organized resistance by religious groups to population control procedures. There is no real reason why there should not be widespread liberalization of abortion laws, primarily to benefit low income groups. There could also be large-scale information programs about sterilization procedures.

To sum it all up, let us in the South be in the forefront of every realistic move to

protect the quality of environment. But let us not forget that a lot of our environment needs its quality vastly improved before it is worth protecting. Our human resource still needs the benefit of much natural resource development before it will be in a position to use and enjoy the quality environment we all want. Because we have a better physical environment to start with, there is no reason why we should not seek the highest quality of life in our goals for the South.

FUTURE CONSIDERATIONS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. HARVEY. Mr. Speaker, we are all very much aware that environmental quality and ecological balance have become major public policy concerns. At practically every level of government, efforts now are underway to reduce the pollution of our air and water and improve our solid waste disposal methods.

Of these three major problems, solid waste disposal perhaps has had less attention focused on it than the others. Yet, the complexities that surround litter and solid waste pollution may prove the most difficult to resolve.

In recent days, I have had the opportunity to read over a statement made by Norman L. Dobyns, director of the Washington office of the American Can Co., on a variety of proposals to restrict nonreturnable containers. Mr. Dobyns made his detailed statement before the Health and Welfare Committee of the District of Columbia's City Council on October 8, 1970.

I believe Mr. Dobyns has brought forth a number of major points which should be carefully weighed and considered as this Congress and other legislative bodies in the future take steps and action in dealing with our Nation's solid waste problems. His entire statement follows:

STATEMENT BY NORMAN L. DOBYNS, AMERICAN CAN CO., DIRECTOR OF WASHINGTON OFFICE ON VARIOUS PROPOSALS TO RESTRICT NON-RETURNABLE CONTAINERS

Dr. Robinson, Mrs. Haywood, Mr. Anderson: the most littered streets on earth are not the streets of the District of Columbia or even the streets of New York City. They are the streets of Calcutta and the other intensively populated areas of the world's underdeveloped nations. Calcutta's streets are not littered with throwaway containers but with throwaway human beings—the diseased and the dying.

In the District of Columbia and in our nation we do not have this oppressive problem. Our country has harnessed technology for the benefit of our people to a far greater degree than any other nation in history. We are among the healthiest people on earth and the packaging industry has played a significant role in making our health standards possible. Our food and beverage packages are responsible not only for bringing us wide product choices and shopping convenience; they also represent sanitary conditions in the marketplace and a healthier people.

The metal can has also played its part in making healthful and economical food products available to our people. I do not want to over-dramatize the contributions that

have been made to our way of life by the metal container. I recognize that our sanitary products represent only one of the factors responsible for eliminating so many diseases that man's lifespan has increased by 40% in just fifty years. I merely want to suggest that some of our products' most zealous opposition may be coming from sincere and public-spirited individuals who may be ready to destroy our existing food and beverage distribution systems without considering the alternatives, and without considering the profound contributions to the public health and welfare that can reasonably be attributed to food and beverage packaging.

America in the 1970's is not the America that many of us remember fondly. We cannot go back to a simpler time, a less complex time, when grandfather went to the brewery on the corner with a pail or a pitcher to pick up his favorite beverage. Turning backward on packaging ignores the other changes that have occurred in our society. We cannot turn back on population increases, new distribution patterns and changing consumer preferences. And if we do look back to those supposed idyllic times, we should recall that our population was only half of what it is now, the death rate was double, and hardship lay everywhere.

It is understandable that a people confronted with countless crises would have a reverence for the past. It is understandable but it is not relevant. We are going to have to solve our present problems by evolving present solutions and a return to a distribution system with which we were comfortable some years ago would do nothing to solve the problems as they exist today, and certainly nothing to solve the problems as they will exist tomorrow.

All of you who serve on the D.C. City Council have an unrivaled opportunity to play a commanding role in shaping the future of American cities and the functioning of the marketplace in those cities. As the City Council in our Nation's Capitol with, I believe, more national news coverage than any other city in the world, it is not rhetoric to say that the eyes of the world follow your deliberations and actions closely. We in industry are under no delusions about the power that you now hold over our future practices and profitability. You can, if you choose to do so, ban convenience beverage packaging, and if you do, I have no doubt that hundreds and possibly thousands of communities throughout the United States may follow your lead. We perceive very clearly that our very survival is tied to the decision which you elect to make on your litter and waste problems. But I would like to suggest that the future liveability of the District and of every major metropolitan area will not directly be served by product bans. You here in the District of Columbia can serve as a beacon for city councils all over the country by adopting the ultimate solution to your waste problems rather than a product ban that will have only an insignificant effect on your problems.

The solid waste problem confronting the District and other metropolitan areas is a public problem of very great complexity. And while we have no quarrel with the noble goals being sought by the eco-conservationists (in fact we share their goals), we suggest that too many of the conservationists and ecologists are too willing to opt for simplistic solutions to incredibly complex problems.

As Dr. Myron Tribus, Assistant Secretary of Commerce for Science and Technology, said over in Gaithersburg just a few days ago: "Perhaps our greatest deficiency is that we have an abundance of simple solutions and no simple problems to apply them to."

As you members of the D.C. City Council, or any city council for that matter, must

know, anyone who attempts to serve the public interest today can be overwhelmed with the complexity of attempting to manage an urban area. I do not intend to be insulting to those who are suggesting that our products be banned, but I know that they have not analyzed the District's litter and solid waste problems in terms of economic feasibility, or in terms of technical alternatives, or in terms of ecological impact. They have simply seen some of our no-deposit containers on the landscape and have determined that the District's solid waste problem will be well on the way to solution if we only ban one-way containers. I hope members of the Council will agree with us that our nation's ecological and environmental problems are not going to be solved by simplistic solutions which are adopted without regard to economic, technological and public policy complexities.

Our ability to develop solutions to our solid waste difficulties are dependent alone on our ability to accurately gauge the characteristics of the problem, the competing elements of alternative decisions, and our capacity to create remedies that respond to our real problems and not our apparent problems.

For example, the real problem facing the District of Columbia is a solid waste problem, not a litter problem. Yet the proposed elimination of the one-way container will make little contribution to solving your solid waste problems and it is, in fact, a misdirected response to the litter problem.

As members of the City Council of the Nation's Capital, you cannot afford the luxury of a simplistic solution that is not responsive to your real problem. You can make progress here only by dealing with the real complexities of solid waste disposal on a systematic basis—not by picking on one visible but insignificant tangent of a serious dilemma.

The concern that many individuals and groups have voiced here in the District and elsewhere over litter and solid waste is legitimate concern, and those of us who work in the can industry share that concern and are entirely willing to work with the public or the people's public representative to develop proposals that will help eliminate both waste and litter as public policy problems. Many of us in industry, however, feel quite strongly that too many of our most outspoken pollution fighters fail to comprehend the true and factual role played by packaging products in our Nation's solid waste problems. I believe it is important for everyone involved in the public debate on litter and solid waste to recognize that non-returnable beer and beverage containers represent only 1.3% of solid waste in this country. The absolute prohibition of non-returnable beer and beverage containers would leave untouched 98.7% of the solid waste problem. In other words, proponents of the ban on non-returnable containers are asking you to consider the partial destruction of our industry for a result that will be inconsequential.

Actually, all packaging materials and products represent only about 13% of solid waste and a public decision to ban every type of container and every type of packaging material would still leave our communities with 87% of their solid waste problem. We submit that the dissolution of one of our Nation's important industries and the economic dislocations that would ripple throughout our economy would simply not be justified by a decision that would produce so little in the way of positive results. If banning non-returnable containers clearly represented a solution that would substantially decrease the litter or solid waste problems, then you would be entirely justified in giving serious consideration to a ban on non-returnables. Actually, the Midwest Research Institute has reported that 10% of all littered beer and

beverage containers are returnable-for-deposit bottles. A study by the National Research Council also shows that litterers throw returnable bottles away with equal abandon. As public decision makers, you have it within your power to ban the non-returnable container but you do not have it in your power to ban litter. Research shows that litterers will litter—with a deposit container or a non-deposit container. Incidentally, research has also shown that people who dispose of beer and beverage containers properly also commonly discard the returnable-for-deposit container just as if it were a non-returnable container.

Another consideration you may wish to keep in mind is the fact that less than 5% of the beer and beverage containers produced in the United States are littered. Those consumers who are responsible for the consumption of 95% of the beer and beverage containers produced in the U.S. dispose of their containers properly—they do not litter. And it seems difficult to justify a public policy decision that deprives the users of 95% of a product of the use and enjoyment of that product because of the gross irresponsibility of the litterers who consume only 5% of the product. So a ban on non-returnable beer and beverage containers would penalize the consumers of 95% of our container products with out having any substantially measurable impact on the litter or solid waste problems. We suggest, therefore, that a ban on non-returnable containers would be an improper and unproductive public policy decision.

To relate these figures to the District of Columbia, we estimate that the metal can industry will ship about 100 million beer and beverage cans into the District of Columbia in 1970. We will produce 31.6 billion beer and beverage cans nationally in 1970 and 60 billion metal cans of all types. So you can see that 100 million cans, while it sounds like a substantial figure, is not very many cans in terms of our industry's total output. While we are not in the glass business at this time, our researchers estimate that about 100 million non-returnable bottles will be shipped into the District of Columbia in 1970. We have talked with your sanitation department in an effort to determine the number of non-returnable beer and beverage containers involved in litter in the District of Columbia or in D.C.'s solid waste. But we understand that surveys of this kind have not been made and the comparative figures are not available to us.¹ However, we believe it would be reasonable to apply the same factors here that research has brought out in other metropolitan areas—it would mean that 95% of the 200 million beer and beverage containers shipped into the District of Columbia in 1970 will be disposed of properly. Only 10 million containers or in round numbers about 12 containers per person per year will be littered.

While we agree that any litter is unsightly, we believe you will agree that the relatively few beer and beverage containers involved in the District's litter problem or the District's solid waste problem represent a very inadequate base for considering legislative remedies that could wipe out a substantial part of one of our nation's important industries. The cost to the nation's economy of a ban on non-returnable containers would be staggering. One estimate puts the cost at well over a billion dollars for obsolete equipment, 50,000 dislocated employees, almost incalculable losses to individual stockholders and to the mutual and pension funds that

¹ If you would like to consider making a survey of your litter and waste problems, I have been authorized by the Keep America Beautiful staff to tell you that KAB would be delighted to cooperate with you in conducting a comprehensive community survey.

affect us all—plus the costs of inefficient dual handling at the retail level and the unproductive investment in billions of empty containers by housewives, retailers and bottlers. Many of these factors are difficult to estimate with precision but we think it is reasonable to suggest that a ban on non-returnable containers could represent a 2 billion dollar loss to the nation's economy. It is not worth 2 billion dollars in our judgment . . . it is not worth destroying an industry . . . for the truly minuscule contribution our products make to your problem.

Nationally, as businessmen, we are together facing a prospect that we have faced many times before: Society has a problem—so we have a problem. We are, after all, going to have to solve the problem with our own resources and in our own communities. I have heard it suggested that our urban areas could solve solid waste disposal problems by hauling solid waste out into the open country and dumping it there. Some communities have even experimented with loading their garbage into railroad cars and hauling it great distances for disposal in so-called wilderness areas. This is not a viable solution because in simple terms every place is somebody's backyard. There is hardly any area of the country that is not carefully protected by people with an interest in that area. Even wilderness areas which could presumably accommodate many millions of tons of solid waste are jealously guarded by conservationists and defenders of wildlife. Shipping our garbage away may be theoretically possible, but it is not "politically" realistic.

Garbage collection and disposal in 1968 cost our Nation's taxpayers \$3 billion a year, an amount that surprises most people and an amount that ranks third most costly among our Nation's public services. Only schools and roads cost our taxpayers more than garbage disposal. Yet, it seems to me that the very staggering costs of solid waste disposal, coupled with our inadequate methods, may suggest hope for the future. It may also suggest that our people do not have to look to government alone for a solution to the solid waste disposal problem.

Fortunately, it is not necessary for local communities to tackle their environmental problems alone. Much is heard today about business' capacity and willingness to join in solving society's problems, and I can assure you that we are.

Our local communities, working in tandem with industry, can meet the solid waste challenge and conquer it if we bend our efforts to finding a solution that produces profit for industry, revenue for government, and is satisfying for society.

This is not far-fetched; if economic methods could be developed for extracting all of the useful metals and minerals from our solid waste for recycling into our stream of natural resources, a major part of our solid waste disposal problem would be solved. Industry and government could then "mine" waste with a profit and revenue incentive.

The recycling of metals and recovery of minerals could be both a potentially profitable source of valuable materials and a way to conserve our Nation's dwindling supply of natural resources. America's technological genius has long met necessity and mothered invention. There is little doubt that the necessity today is to find a way to transform our solid waste into useful products.

While we have been spending \$3 billion a year to collect and dispose of our solid waste, ferrous and non-ferrous metals now disposed of in our municipal waste systems (including metal cans) are said by the Bureau of Mines to be worth \$5 billion as scrap. If we look at our solid waste as an opportunity for financial exploitation as well as a social problem, we see \$3 billion per year in costs and several times that per year in potential values.

As we look ahead together at one of our commanding social problems, it is increasingly clear that industry must help finance the research and development on solid waste disposal. The results could be socially rewarding and profitable. And we in industry have in fact already taken major steps to contribute our resources to solid waste research and development activities. For example, just a few days ago the beer and beverage and packaging supplier industries established the non-profit National Center for Solid Waste Disposal, Inc. With offices here in Washington, the National Center for Solid Waste Disposal will represent the conduit through which major industry and government research and development interchange can take place. The Center is a direct result of an idea generated within President Nixon's National Industrial Pollution Control Council, which is a group of concerned business leaders from every industry in our Nation focusing its attention on every aspect of environmental quality. The Chairman of my company, American Can Company, serves as Chairman of the National Council's sub-council on metal containers and Chairman William F. May is also one of the founding directors of the National Center for Solid Waste Disposal, Inc.

We in the business sector are highly optimistic that our new National Center for Solid Waste Disposal will enable business and government to establish solid waste disposal goals and work together to meet those goals.

Government and business cannot solve the solid waste problem here in the District of Columbia or the solid waste problem nationally by pursuing different or conflicting goals. Here and elsewhere, the mounting solid waste problem will only be solved if government and business join together to activate systematic and technical solutions to our very complex disposal problems.

There is no reason why business and government operating at the local level cannot work in tandem to develop waste disposal solutions because it is clear that the ecological posture of both government and industry are the same because in both areas there appears now to be a consensus that the recycling of our wastes is the only enduring solution to the waste disposal problem and recycling also carries the substantial benefit of permitting us to conserve our depletable natural resources. To my mind, it is significant that we in business and you in government have arrived at a point where we agree that recycling is the only logical solution to the waste goal that we share.

Actually, we already have impressive evidence that both industry and government are moving in research and development directions that will lead to waste disposal solutions. For example, the D.C. Council will be interested to know that a House and Senate Conference Committee recently approved the Resource Recovery Act of 1970, a new solid waste disposal bill that authorizes about \$460 million to be spent on our solid waste problems. The bill also provides federal funding for up to 75% of the cost of municipal waste recovery systems and we would urge that the District of Columbia immediately take advantage of every opportunity to develop new solid waste solutions under the Resource Recovery Act of 1970.

Industry and the federal government have been working in harness very effectively since about 1965 to develop waste disposal procedures and processes to handle our waste problems. Industry has been responding to the mounting solid waste problem and we in industry now have about 90 programs underway that will lead to optimum solutions for the problems that are concerning you here in the District and concerning city councils throughout the United States.

With your permission, Chairman Robinson,

I will put together a list of these 90 or so industry programs and submit it for the written record so that you and your colleagues will have an opportunity to see the significant number of technical advances that have already been made in handling solid waste and the important breakthroughs in developing new systems for solid waste disposal.

Industry today is pioneering in the development of reclamation, recycling and redemption procedures and processes that will mean more efficient disposal and more efficient utilization of our dwindling natural resources.

Despite the packaging industry's minority involvement in municipal waste—you will recall that packaging materials represent only 13% of municipal waste—the packaging industry and suppliers to the packaging industry have already committed themselves to apply basic reclamation, recycling and re-use technology in a broad industry-wide effort to help local government.

Frankly, we believe that the packaging industry and industry in general, working alongside the federal government's Bureau of Solid Waste Management started down the road to solving our waste problems six years ago. What we in industry have not done very well is communicate our recycling capability to the public or to the people's representatives in government bodies at all levels. We have been so busy trying to get the job done that we have failed to communicate. As an editorial in Modern Packaging put it in its current issue, "Industry's greatest success to date has been to hide its light under a bushel." I suppose we can hardly blame our legislators for attempting to respond to the demand by some consumers that they legislate solutions to waste problems since we ourselves have not made consumers aware of our own efforts to create solutions. We are obviously aware of our communications shortcomings, and I can promise you that you are going to see a vastly increased communications program throughout the early 1970's. We hope that our consumers and your constituencies will cease pressuring their representatives for unacceptable solutions like product bans when they have been made aware of the new and innovative reclamation, recycling and redemption tasks that are already being met or that soon will be.

The Department of Health, Education & Welfare's Bureau of Solid Waste Management has pending a number of important studies on improving the efficiency and the effectiveness of solid waste collection. A number of prototype and pilot-plant sorting systems are also under development. The underground transport of solid waste in pneumatic/hydraulic pipe lines is being studied and the Swedish vacuum removal system which is capable of moving household wastes at 60 mph to central compaction stations has been installed in a New York City apartment complex and is being very closely analyzed for broader installation and utilization. An air classification system which sorts wastes by pressurized air—possibly combined with magnetic segregation—is one of the exciting systems that is under development.

While the Bureau of Solid Waste Management and industry are also working on the improvement of our more everyday waste disposal methods—like compaction, vehicles, and improved sanitary landfilling—there are some extremely exciting systems under study. Black Clawson will install two systems in Franklin, Ohio—a pulping/masticating/segregation system hooked up to an incineration-heat recovery system. In just one shift, the Franklin facility will handle 50 tons of waste producing 8 tons of pulped fiber, 4 tons of metals and 4 tons of glass. Glass-makers, paper mills, and steel mills will buy the reclaimed materials. Many of us who have been exposed to the Black Clawson sys-

tem and the Metropolitan Waste Conversion in Houston, Texas, which is recovering salable paper, metals, and glass from the 2000 tons of solid wastes which it handles each week, are convinced that the recovery of reusable materials from municipal wastes is not some theoretical musing—it is a technically feasible, and potentially economical and eminently practical solution to the waste disposal problem here in the District of Columbia or in other municipal areas.

Another exciting concept is under development by a group of alumni from the aerospace industry who have formed the Combustion Power Company, Inc. Aided by a bureau grant, they have designed a unit called the CPU-400 which will consume 400 tons of solid waste a day, the amount produced by a city of 160,000 people. This system shreds the garbage into a homogeneous mass of uniform density. The waste is then passed through an air classification system to remove metal, glass, and rocks for recycling. The balance of the refuse is dried and used as a source of energy in a special incineration system. The organic portion of waste has a caloric value one-third of high grade coal. Fifteen percent of the power requirements of this city of 160,000 can be produced by the CPU-400 system. Five of these CPU-400 units could not only help the District of Columbia meet its ever increasing requirements for power, but could also go a long way to eliminate your solid waste problem.

Of course, scientists and researchers have to have their fun too, and we have some way-out projects under analysis including the use of laser beams to identify materials in conjunction with spectrographic and/or gaschromatographic analysis.

More to the point, in the real world, however, we in industry have also developed a small kitchen appliance which will compact a family's weekly wastes into a bale about the size of a breadbox—which will mean very substantial economies in municipal waste collection because of the very major volume reductions that can be accomplished in residential wastes. The kitchen compaction unit, incidentally, is already on the market—it is available now (in D.C. area by November 1, 1970)—and it represents one way that every homeowner can make a personal contribution to solving the waste disposal problem. We recognize, of course, that many homeowners' budgets may not make it possible for them to buy the kitchen compaction unit, it sells, incidentally, for about \$250) but if those consumers who can afford the unit acquire it, economies of scale may make it possible to lower the price in the future and it may be possible for government to subsidize the installation of compaction units in the various types of housing which government supports.

Of course, everything I have been discussing relates to the design, construction and research work that is currently being brought to bear on the solid waste problem. Litter is a separate problem. Solid waste is organized garbage—litter is dis-organized garbage. Solid waste is a municipal management challenge whereas litter is a human behavioral challenge. Solid waste is a materials problem, litter is a people problem, and because it is a people problem, most analysts conclude that we will have our solid waste problem solved through technological advancement before we determine how best to motivate litterers. We do not know very much about human motivation; we don't know why people litter, but we are trying to find out. The Bureau of Solid Waste Management currently has three human attitude contracts assigned to research firms. Maybe when we get farther down the road, we will be in a better position to solve the litter problem. But even in an area where we admit that our research base is inadequate, we in industry have been attempting to make positive contributions. Keep Amer-

ica Beautiful, Inc., was founded by industry seventeen years ago and is this Nation's only organized national program aimed at the blight of scenic pollution. There is a myth in this country that businessmen are unable to look beyond the profit and loss statement but I believe that we in industry should be credited for our willingness to invest many millions of dollars in anti-litter campaigns long before the words "environmental degradation" or "ecology" were household words.

On the other hand, many of the public figures who have been addressing themselves to the litter problem in the recent past have been inclined to minimize the work being done by KAB or the validity of education as an anti-litter device, and yet last year for the first time in a decade, the National Litter Index dropped! We are hoping that KAB's \$30 million public service advertising campaign in 1971 will generate additional reductions in the litter index in the years immediately ahead. Millions of Americans still smoke but several millions have stopped smoking and most researchers seem to believe that the PHS's anti-smoking advertising campaign contributed to the reduced number of cigarette smokers. It is hard to prove but there does seem to be a general acceptance that public service advertising can make an important contribution in accomplishing socially useful purposes, and we in industry intend to continue our anti-litter advertising campaign. It is costly, it is difficult to measure but we feel it is important to continue to make an effort to educate our 204 million people to believe that scenic pollution is wrong.

Education is a contribution that private industry can make; but there is an important contribution that you in municipal government can make as well and that is in the area of municipal code enforcement. Most state and local litter laws are either unrealistically severe or they are so anemic that they are ignored. We know that our Nation's police forces have more important responsibilities than nabbing litterers and it is impossible to argue with the police's position that it is virtually impossible to catch litterers in the act. Even so, realistic legal sanctions against littering that are vigorously enforced and promoted as enforceable can make a positive contribution. Model litter laws have been adopted in Georgia and in California and the combined beer and beverage container and supplier industries which serve the District of Columbia strongly urge the D.C. City Council to adopt a model litter ordinance. If we continue our anti-litter educational activities and if you adopt and enforce model litter ordinances, it is possible that the visible irritant that litter so obviously represents can be removed from the District of Columbia. Even though litter is highly overdramatized as a public policy problem, the widespread public irritation caused by its visibility forces all of us to seek a viable solution, and we in industry are willing to work with you just as we are in the separate but related solid waste problem. In addition to suggesting the adoption of a model litter ordinance which we in industry would very strongly support, we would like to recommend that you consider chartering a Keep D.C. Beautiful Committee similar to the Keep Virginia Beautiful group which operates in one neighboring jurisdiction, and the Maryland Environmental Trust which is doing such a fine job in our other neighboring community. 38 states have KAB organizations, and we would be glad to work with you in establishing a Keep D.C. Beautiful group here.

In addition to the fact that a product ban on non-returnable containers would make no positive contribution to solving the District's litter problem, there is another major reason for suggesting that a product banning ordinance at this time is unnecessary.

American industry is prepared right now—today—to reclaim every steel can produced in the United States (except, of course, for the relatively few containers which are used for toxic substances). We have not done a very good job of making the public aware of the fact but the demand for reclaimed steel cans by the steel industry itself and by the copper industry is so great that there is no need for any non-toxic metal container to ever be wasted. Steel cans (like all metal scrap) are a valuable natural resource—resource that can be reclaimed and recycled.

At American Can we are now operating six metal recovery plants throughout the United States where we are reclaiming 350,000 tons of cans annually. We have, in fact, had the plants and the technological knowhow to recycle can scrap for more than sixty years—and we are today prepared to join with other firms in the metals reclamation industry to assure that metal cans are taken out of our waste stream and given attention, not as a waste problem but as a dollar-producing resource.

All of you undoubtedly are familiar with the can redemption centers that have been opened recently by Reynolds and Kaiser Aluminum and by the Coors Brewing Company. Our friends in the aluminum industry have been both bold and innovative in responding to the public's demand for action on container disposal. Redemption centers for metal containers are a highly visible and dramatic response by industry—and we in the steel can segment of the container industry are now attempting to determine the merits involved in opening a pilot redemption center somewhere in the metropolitan Washington area.

We know that there are thousands of civic-minded people here in the metropolitan Washington area who are looking for some personal contribution that they can make themselves to finding a solution for our littered landscape. However, while we are and have been for several months, devoting a substantial amount of our time and our resources to studying the redemption center concept—and while industry may in fact soon be establishing a redemption center somewhere in this area—we are convinced that collection or redemption centers represent only an inadequate short-term response to our Nation's solid waste problem.

First, let's look at what the redemption center concept means for our housewives. After separating her household wastes by hand or keeping it segregated in separate containers as it is collected, she must then personally deliver her segregated waste to the multitude of redemption centers established by the various participating industries—one redemption center for steel cans, another for aluminum cans, another center for glass containers, another for rubber products, plastic products, paper products, etc. The time that our busy housewives and mothers would have to invest in the segregation, separation and delivery of household wastes under a redemption center concept is, in our judgment, going to be a great deal more than they are willing to invest. Also, in metropolitan areas we should remember that many of our citizens do not have automobiles and would have no way of making deliveries to redemption centers. I am sure you will all recall that the city of Los Angeles adopted an ordinance several years ago which required residents to segregate their household wastes. The ordinance was one of the most unpopular municipal ordinances in the history of local government and you will recall that Mayor Yorty was elected for the first time because he promised the people that his first act would be to repeal the hated garbage ordinance. It may be that the American people would be willing to work for many hours each week substituting their own time and labor for the time and labor formerly provided by municipal sanitation

departments. It may be, but there is nothing in the record to suggest that they would and there is ample precedent for believing that they would not. A recent poll, for example, indicates that while 34% of the public regards litter as a problem—only 8% of the respondents indicate any willingness to pay more for solving the problem.

At American Can we have been studying the litter and waste problems carefully for about seventeen years. We do not know all of the answers but we do know that redemption centers—however attractive they may appear as solutions today—will only make a short-term contribution to problem solving. The long-term answer, we are convinced, can never be a system that relies on the individual homeowner to solve a municipal problem. The long-term answer can be found only in municipal collection, separation, and redemption. There is no reason why the District of Columbia cannot "profit" from its municipal wastes. There is no reason why the District of Columbia cannot collect and segregate metal, glass, rubber, plastic, and paper wastes and then sell that waste back to industry. Industry is today desperately seeking ways to protect and preserve the natural resources that go into our products, and industry would be willing to buy recyclable materials from local government and let local government derive the benefit from the sale. Under the municipal redemption concept, solid waste becomes more than a problem—it becomes an opportunity—an opportunity to use the income produced by scrap materials sales to pay for the processes and procedures that permit the municipality to solve its waste problems.

We do not believe it makes any sense to attempt to turn all of our housewives into garbage collectors, but we suggest that it is eminently practical to turn our municipal garbage collection system into a system that turns solid wastes into solid dollars. A ton of aluminum scrap is worth about \$200; a ton of glass scrap and a ton of steel can scrap are worth about \$20; rubber, plastic and paper scrap can all be sold for the benefit of this community. Industry needs the resources and the local community needs the revenue. It appears to us that the solution to the District's solid waste problem lies not in a ban on our products but rather in industry and local governments banding together to create a solution that will benefit government without penalizing industry.

We would like to suggest that the District of Columbia attempt to solve its solid waste difficulties by immediately establishing a quasi-public corporation—or a public authority charged with the responsibility of creating a system that would permit this community to profitably "mine" its solid wastes. A quasi-public corporation or public authority would permit the District government to channel private and public financial resources, technological advances, and skilled business management into local solid waste problem solving. A quasi-public body would make it possible for the District of Columbia to involve all levels of government, all appropriate industries, and the community's research and educational institutions in its attack on an unproductive and unprofitable waste disposal system. A business-oriented, publicly chartered corporation or authority could bring together here in the District the technology, the tools and the manpower capable of solving the solid waste problem and the capability of turning it into a solid dollar opportunity. It is possible to generate private responses to public problems through quasi-public authorities. Comsat has already proven the validity of the concept.

I know of no way local government can solve its solid waste problems without involving private industry. One answer is to impose punitive restrictions on industry—ban the products that are perceived to be troublesome. The other answer is to create

a problem-solving mechanism that will permit local government and involved industries to work together to their mutual benefit and profit. I believe the private sector's problem-solving and technological capacity represent the single most promising method we have for reaching our waste disposal goals. You can merge the private sector's capability into your local government structure by creating a quasi-public corporation or authority.

We hope you will agree that this unified approach to the problem represents the optimum solution, and I can assure you that we in industry are ready to cooperate with the District of Columbia Council and with your municipal government officials in helping you to create a showcase system that would put the District of Columbia in the forefront of communities seeking to apply modern solutions to modern problems.

THE REALISTIC PROBLEMS AND CAUSES OF RISING UNEMPLOYMENT

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to call to the attention of the Members of the U.S. Congress an article that appeared in the Boston Sunday Herald Traveler written by Bob Dilorio. This article pinpoints many of the realistic problems and causes of rising unemployment. The article follows:

AS UNEMPLOYMENT GROWS

(By Bob Dilorio)

The man in the Springfield bar held the glass of beer gingerly because his hand was blistered, torn and scratched. For the past week he had been cutting brush eight hours a day, and his hands showed it. But no matter. It was, after all, a job. Or had been.

"As soon as they hear engineering degree, they throw up their hands and just shake their heads," he said, explaining why he, an electrical engineer, had had no job for the last five months except cutting brush. And now that job had ended.

The engineer took a sip of beer and stared out the window of the bar into the street. Since getting his degree years ago he had never been out of a job. But he lost a good one some weeks ago with a company in the South because of cutbacks in federal spending for research and development. That was when he had returned to his native state. He scoured the Hartford-Springfield area without success—except for the brush cutting. Now what was he going to do?

"I'm heading back down South where I went to college and get a job on a shrimp boat. I've done it before. It's hard work. And dangerous. But it pays well. Maybe I can ride this out."

It may be a long ride for the Springfield engineer and for thousands of other persons whose jobs were lost this year, as the nation's economic situation worsened. It may be a long ride because the job picture probably will get a little worse before it gets a little better.

Says one state employment expert, who asked to remain anonymous: "The federal government economists keep saying it has bottomed out, but it doesn't look as if it has. And how can it if the government doesn't put some money in? They'll have to put it into R&D first to have any telling effect, and they haven't. It looks like they won't."

R&D. Research and development. In Massachusetts, where thousands of jobs have been lost this year because of federal spending cutbacks in defense and space programs, the R&D specialists were the first to go.

But they weren't alone. Nearly 54,000 manufacturing jobs have fallen casualty in Massachusetts this year for a variety of reasons.

Since the first of the year 10 shoe manufacturing factories have closed their doors in Massachusetts, costing 2,185 workers their jobs, the New England Footwear Association has reported. Here the culprit was imports.

"In virtually every closing, the heads of these companies stated that the major factor in their decision to cease operations was the extreme competition from imported foreign footwear," says Maxwell Field, association executive vice president.

Textiles also suffered cutbacks because of foreign competition.

Last week the state Division of Employment Security reported that the unemployment rate for October had remained the same as in September—5.4 per cent. There is little hope this indicates a stabilizing trend in the job picture.

There were 138,400 people listed as unemployed in this state as of mid-October, slightly fewer than the 139,500 so designated a month ago.

For the week ended Nov. 14, the division reported 12,408 initial claims for unemployment compensation were filed, compared with 9,661 for the corresponding week a year ago.

In the most recent period for which figures are available, the week ended Oct. 31, the division paid out \$3,938,227 in unemployment compensation. This compares with \$1,593,029 for the corresponding week a year ago.

Nearly \$330,000 of the compensation payments made for the week ended Oct. 31 were what the division calls extended benefits, made available under a new program that lengthens a jobless person's eligibility for compensation.

What are the prospects for 1971?

In its November newsletter, the First National Bank of Boston predicted that the expected real growth of the economy next year "will induce an encouragingly strong increase in the demand for labor. Total non-agricultural employment has been easing downward since March of this year but will turn up in the first quarter of 1971, during the auto strike recovery."

But the bank's analysis suggests that after a modest decline in unemployment in the first quarter of 1971, the rate will rise steadily and exceed 6.5 per cent late next year. "This rate would be unacceptable to the administration and necessitate a policy change," the bank said.

It bases its forecast on the prognosis that the labor force will maintain its rapid growth because a large proportion of the population will continue to be people in their early and mid-twenties whose rate of participation in the labor force is much higher than that of other age groups. A second factor contributing to rapid growth in the civilian labor force, the bank says, will be the reduction in the size of the armed forces as discharged GIs look for work.

"Even though the worst of the 1969-70 downturn is behind us, and real growth in output has resumed, the economy is still a long way from full employment," the First's newsletter said.

"The Council of Economics Advisers has calculated that real GNP (Gross National Product) could increase by more than 4 per cent a year if all the economy's resources were fully utilized. When the course of the economy parallels the growth trend of potential GNP, the unemployment rate stays at a constant level, but when real output declines

or fails to grow at even 4 per cent a year the unemployment rate increases.

"Consequently, the real growth rate that we expect for 1971—about 3.5 per cent—will actually result in a higher unemployment rate next year than in 1970. Once the economy is growing at 4 per cent, the rate of unemployment will stabilize but will still be high—well above the 3.8 per cent rate currently considered to be optimal.

"On the other hand, economic policymakers may respond to rising unemployment statistics with more stimulative measures—rapid increases in the money supply and a deficit in the full employment budget—than they now plan. This stimulus would probably increase real growth in the output and stop the rise in unemployment rates next year, but it would also increase the danger of a renewed burst of inflation."

Nationally, the number of labor markets classed as areas of substantial unemployment continues to grow. Last month, according to the U.S. Department of Labor's Manpower Administration, the Los Angeles-Long Beach area in California—third largest in population in 1970—was added to the list. So were the Lawrence-Haverhill area in Massachusetts and New Brunswick-Perth Amboy in New Jersey.

The October changes in classification brought to 38 the number of major labor markets listed as areas of substantial unemployment since June 1964. In addition, 13 smaller areas—including the Taunton labor market (the towns of Berkeley, Dighton, Norton, Raynham, Halifax, Middleboro and Lakeville as well as the city)—were listed as having substantial unemployment.

Nine of the nation's 150 major labor market areas moved to higher unemployment categories in October, including Lowell, which went from Group D to Group E.

What this means is that in Lowell last month the unemployment rate was between 9 and 11.9 per cent, instead of between 6 and 8.9 per cent.

There are four major labor markets listed as having persistent unemployment and one of them is in Massachusetts—the New Bedford area, which includes besides the city, the towns of Acushnet, Dartmouth, Fairhaven, Marion and Mattapoisett.

In addition, six smaller Massachusetts labor market areas are listed as having persistent unemployment.

New Bedford's unemployment soared to 10.5 per cent in July, dropped to 9.1 last month and is expected to reach 10 per cent again in November.

The city's economic situation is extremely critical. Strong rumors are circulating that one, or perhaps two major plants will close early in 1971.

A few years ago, when the area was enjoying a modest resurgence, there were some jobs available at New Bedford plants. Federal and state training programs were initiated to help unemployed and underemployed members of the city's minority groups qualify for the openings. Now there are no jobs for graduates of the program.

"What we've got now are better educated unemployed," said one New Bedford man close to the situation.

What is the unemployment outlook in Massachusetts?

Herman V. LaMark, director of the state Division of Employment Security, declined to make a projection of jobless levels in the months ahead, citing the difficulty of assessing the effect on the state economy of complex economic factors in the national economy.

But while he made no prediction, the director called attention to long-standing seasonal patterns that indicate some increase in unemployment levels from now until spring.

Unemployment, even in good years, normally rises by about 10,000 from October to

November, he said, as many outdoor activities slacken. A slight increase in jobs sometimes occurs from November to December as stores, the post office and service establishments add temporary Christmas workers. This offsets the continuing decline in outdoor industries and in factories that have produced gifts, toys and other items for the Christmas trade.

After Christmas, when stores, the post office and retail establishments cut back their staffs, a further increase in unemployment ordinarily occurs in January, with February and March unemployment remaining high, LaMark said.

"Past seasonal patterns, therefore, predict some increase in unemployment levels from now until the return of moderate weather takes many off the unemployment rolls," LaMark said.

Unemployment is statistics. But it is also people.

It is people like the New Unemployed, like the engineer in the Springfield bar, the highly skilled, college-educated professionals, out of work for the first time in their lives. And it is people from the ranks of the blue-collar workers to whom unemployment, while perhaps not an intimate friend, is certainly no stranger.

The New Unemployed have gotten most of the recent headlines. It is good copy when a trained electrical engineer goes off on a shrimp boat, or when another unemployed engineer in the \$18,000-a-year category says to hell with engineering and opens a country store at which his wife's home-baked bread is a big seller. That's what Walter Liessner did in Carlisle, opened a store. He uses his slide rule now to figure out what his wife should charge for her bakery products or to help a customer, puzzled over quantities in various packages. It is the only outward sign of his 17 years of education and two engineering degrees.

Manny Sugarman, an engineering placement specialist in the Boston area, says many of his clients are "bitter as hell" about their situation. Engineers ask why, he says, with pollution, housing and many other problems facing the nation, their skills are not being used.

The less highly skilled in the ranks of the unemployed are bitter too, but few are able—or even disposed—to make such radical changes in their lives. They have to ride it out.

Many from both groups are taking advantage of the Herald Traveler's free position-wanted classified advertisements, hoping to find an employer. For most of last week the free ads filled two pages in the newspaper's classified section. Positions sought ranged from accountants to writers.

Two ads, linked alphabetically, but otherwise far apart, show the diversity of the jobless utilizing the service. One ad was placed by a project architect with varied general practice in top Boston offices, and with management and personnel experience. The other was placed by an auto mechanic with three years experience who has worked in many gas stations and says he has some tools.

But despite how far apart their worlds may have been, the unemployed share a special solidarity born in common adversity. This was evident last week during a visit to the new Employment Security building in Government Center.

Waiting in the same line were a neatly dressed woman in a conservative pants suit and a rugged youth with a full, bushy beard, who wore an often-crushed bush hat with a feather pinned to the crown, blue jeans, work boots (which didn't look as though they had been worked in) and Ben Franklin eyeglasses—the full regalia of the street revolutionary. The youth and the woman talked quietly and nodded politely to each other as they left the line.

Behind them was another youth whose

long hair Gen. George Armstrong Custer would have envied. He was talking with the woman next in line, probably in her late fifties, who looked as if she might turn away in disgust if she were spoken to in the street by a youth with long hair. But last week, standing in the unemployment line, she answered him—sympathetically, it seemed—and pointed out something to him on the form he had.

The decorators have done what they could. The new building has colorful furnishings, chairs done in red, yellow and blue. The architecture is inspired. But nothing hides the desperation of the truly jobless—those who desperately want to, have to work.

They stand out easily, the desperate ones, from the young wife, glowing with her first pregnancy, who really doesn't want to work any more, and is happy her company has a policy forcing her to leave after four months, a policy that means she can collect for a while. And they stand out from the newly discharged G.I. who wants a breather between his Army job and a civilian one, but who is willing to take advantage of his government's largesse and draw a few weeks worth of unemployment checks.

In some the desperation is obvious. It was in the voice, manner and face of a father who stood at the new claims counter the other day. He had the perpetually bewildered look of a man living in the wrong place at the wrong time.

The DES employe asked the necessary questions. He asked them of the man's son, about 12 years old. The father does not speak English. Only Spanish. The boy listened carefully as the DES man explained. "Well, he doesn't have to, but it will save him a lot of trouble if he does. Do you understand me?" The boy nodded.

The father wore a suit jacket that had survived the pants. He looked at his son while the DES man spoke and after every sentence asked "Que habla el?" And the son told him. Then they left.

At the other end of the long room, under signs that said "Lines 1 and 2, 3:30 cards," people were lined up to collect their unemployment checks. Some stood with newspapers in their hands reading the want ads.

People always seem to have newspapers in employment offices. Last week in New Bedford a man stood outside the DES building and turned the pages of that city's local newspaper, The Standard-Times. A headline caught his eye. "What are we worrying about," he said to a friend, showing him the headline. It said: "Scientist predicts end to mankind."

MASSACHUSETTS' WORST POCKETS OF UNEMPLOYMENT

Sixteen Massachusetts labor markets are listed by the U.S. Department of Labor's Manpower Administration as areas of either substantial or persistent unemployment.

Among them is New Bedford, one of the four major markets in the country listed as having persistent unemployment. The others are Stockton, Calif., and Mayaguez and Ponce, both in Puerto Rico.

By federal definition, substantial unemployment exists when the current and anticipated local labor supply substantially exceeds labor requirements, when unemployment is 6 per cent or more of the work force and the anticipated jobless rate over the next two months will remain at 6 per cent or more, discounting seasonal or temporary factors.

Persistent unemployment exists when unemployment has averaged 6 per cent in the most recent calendar year and the jobless rate has been 6 per cent or more and has been at least 50 per cent higher than the national average in three of the last four calendar years, or a specified higher percentage above the national average for a shorter period of time.

Massachusetts areas of persistent unemployment are:

Bourne-Wareham, which includes Rochester.

Gloucester, which includes Essex and Rockport.

Milford, including Medway, Hopedale, Mendon and Uxbridge.

New Bedford, including Acushnet, Dartmouth, Fairhaven, Marion and Mattapoisett.

Newbury, including Salisbury, Ipswich, Newbury, Rowley, and Amesbury.

Plymouth, including Carver, Kingston and Plympton.

Provincetown, which includes Truro.

Ware, including Brimfield, Holland, Wales, Belchertown, Hardwick, New Braintree, Oakham and West Brookfield.

Areas of substantial unemployment are:

Brockton, including Easton, Avon, Stoughton, Abington, the Bridgewater, Hanson, and Whimian.

Fall River, including Somerset, Swansea and Westport as well as Tiverton, R.I.

Greenfield, covering Franklin County except for Erving, Monroe, New Salem, Orange, Warwick and Wendell.

Lawrence-Haverhill, including Andover, Georgetown, Groveland, Merrimac, Methuen, North Andover, West Newbury and the New Hampshire towns of Plaistow and Salem.

Lowell, including Billerica, Chelmsford, Dracut, Tewksbury, Tyngsborough and Westford.

North Adams, including Adams, Clarksburg, Florida, New Ashford, Savoy, Williamstown and Monroe.

Springfield-Holyoke, including Chicopee, Westfield, Agawam, East Longmeadow, Hampden, Longmeadow, Ludlow, Monson, Palmer, Southwick, West Springfield, Wilberham, Northampton, Easthampton, Granby, Hadley, South Hadley and Warren.

Taunton, including Berkeley, Dighton, Norton, Raynham, Halifax, Middleboro and Lakeville.

SPEECH BY SENATOR HANSEN TO THE WYOMING WATER DEVELOPMENT ASSOCIATION

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. WOLD. Mr. Speaker, my distinguished colleague of the other body, CLIFFORD HANSEN, delivered an address recently in which he discussed in cogent terms, the problems of land and water economics and the status of numerous water and reclamation programs in Wyoming.

Senator HANSEN's observations are of value not only to Wyoming lawmakers but to others in Congress who are concerned with public land and water matters.

I include Senator HANSEN's address delivered October 26 at a meeting in Cody, Wyo., of the Wyoming Water Development Association in the RECORD with my remarks:

WYOMING WATER DEVELOPMENT ASSOCIATION, CODY, WYO.

Ladies and gentlemen, it is a great pleasure for me to be here this evening, and to have had the opportunity to attend your meeting which does such an outstanding job of covering the full scope of Wyoming water matters.

The leadership provided by the Wyoming Water Development Association is a great help to all of us who are fighting for the

comprehensive development of Wyoming water. An occasion such as this, which brings people from the national, state and local levels together for discussion and reports, benefits us all through the exchange of ideas.

As you all know, in 1968 the Water Resources Council increased the discount rate used to determine the benefit-cost ratio for reclamation projects. This action has had perhaps the greatest impact on the Reclamation of any move in recent years. The action was protested by many of us who believed that the cost side of the ratio should not be adjusted without adjusting the benefit side of the ratio at the same time. But the previous administration was determined to move ahead. President Johnson, in a message to Congress earlier that year, announced while the study was being conducted that the discount rate would be increased.

Since the discount rate was raised in 1968, it has gone from 3¼ per cent to 5½ per cent. The impact of that, for example, is that the Polecat Bench benefit cost ratio has gone from 2.1 to 1 to 1.2 to 1 for direct benefits and from 3.3 to 1 to 1.7 to 1 for total benefits including indirect benefits.

If this trend continues, and the ratio drops below, 1 to 1, the chance for authorization by the Congress will be dismal, even though it is one of the better projects in the West which is now under consideration.

It is essential to the future of reclamation that the benefit-cost ratio reflect the true benefits, as well as increased costs. And there is now hope that this will be done.

A special task force reported the Water Resources Council last July. The Council and the President are expected to implement the recommendations of the task force in the near future. This is all to the good and should help our situation a great deal.

Because water development projects usually have only local or regional support and because dissimilar functions make direct comparison of values almost impossible, it is necessary to establish minimum standards. Engineering feasibility and financial feasibility or repayment requirements are largely non-controversial.

The difficulty arises with the third standard: economic feasibility. The Congress has established the guideline requiring that the benefits of water resources projects, to whomsoever they may accrue, ought to be in excess of the estimated cost. I am confident that no water resource project presently proposed would fall that test.

Decision-makers, however, and particularly officials of technical agencies and budget analysts, have sought some means to compare the "values" of competing proposals in measurable terms and thus establish objective priorities. The benefit-cost mechanism is the result. It simplifies the job because it disqualifies most of the projects from the competition.

But it is a poor tool, at best. It assigns premiums to the benefits of short term economic returns because that is the area that is most accurately measured in terms of dollars.

As we all know, short term economic returns have never been the principle objective of Federal water resource programs. When the reclamation program began, there was no food shortage. Instead, settlement of the frontier, saving lives from flood disasters, and upgrading of the quality of rural life and providing rural communities with good schools, hospital, libraries and the other amenities of life have been the objectives over the years. It is, of course, impossible to measure these benefits in monetary terms. These are long-term benefits.

Over the years, the benefit-cost ratio has become the sole guide. Reclamation was sold on the grounds that it would return a dollar in benefits for each dollar spent. This was simple because it was expressed in monetary terms. But it was a business approach. And

the government does not exist to make a profit. If the government's purpose is to maximize the return on the federal dollar, we might consider investing the taxpayers' dollar in IBM stock.

This approach has harmed water development in recent years as great prosperity has placed less emphasis on economic gains and more emphasis on social values. As a result, it seems crass to some to destroy a canyon or acre of forest land to build a dam, on the grounds that it can return more than a dollar in benefits for each dollar spent.

What is tragic in this situation is that the original objectives of the water development program, based on social and human values, have been forgotten. We should be asking if the loss of this canyon and that tree is worth it to provide improved living conditions for the people in the rural area, to give the children there an adequate education, to give them an opportunity to stay in their hometowns and find a good job, thus relieving pressure on our cities to which rural Americans have been migrating in increasing numbers.

But these intangible benefits can not be reduced to a simple formula, because they require value judgments. And the mechanism for making value judgments in our free society is the political process. The present economic tests classify many projects as infeasible on the basis of partial measurements and prevent their consideration by the Congress. Authorized projects on which political judgements have been favorable, remain unfunded because of economic re-analysis. As a result of using the present benefit-cost ratio as the sole consideration for undertaking a project, a mechanical business-like process has triumphed over purpose.

The Special Task Force has recommended multiple objectives of water resource development, and I think this is most encouraging. The four broad objectives identified are national economic development.

The national economic development factor is similar to the present benefit-cost ratio. The other factors are to be evaluated quantitatively if possible; otherwise they will be described in qualitative terms. Regional development benefits may have some aspects described in monetary terms. But the true importance of the change is that decision-makers will be constantly reminded that national economic gain is not the sole consideration.

Human values and social well-being were the original purposes of the water development legislation. At last these values have a chance to again come to the forefront as these programs are considered for adoption. We must recognize that to preserve values for future generations, we will defer current wealth for future benefits.

This is the justification for preserving our forests by foregoing timbering today. It can also justify water development programs.

For example, if we were to maximize present values of national forests, we would cut the trees today. And yet we are expected to discount today's water projects to present value. All of us can agree that there is a definite inconsistency to this kind of arrangement.

The philosophy of deferring current wealth for future benefit is that on which the attention of the American public is focused. Certainly, storage replacement for Jackson Lake, for example, is justified best on the basis of environmental quality. With the current sensitivity to these values, it is good that these values will be recognized and reported as benefits for the purpose of adopting water resource development legislation.

The task force also recommended the adoption of plan formulation which will no longer make maximum economic development the goal of the planner. A series of alternatives will be studied and reported mak-

ing tradeoffs of one objective for another possible. Decisions will no longer be based on a "go or no-go" choice; but instead there will be the flexibility to trade-off benefits, such as foregoing some of the economic benefits for environmental benefits. Flexibility in the plans may prevent the waste of planning time and talent on rigid proposals which are not ultimately acceptable. Compromise will be possible to undertake a program which is acceptable to groups of widely varying interests.

The implementation of the task force report offers great promise for water resource development. What we must guard against is the tendency to slip back into more familiar surroundings. The test of feasibility must be fair and must not be solely based upon national economic benefits. Otherwise, Congress will be denied the opportunity to consider investments which emphasize the other three objectives.

The task force has recommended that reports on all projects be sent to the Congress. If the budget planners begin to slip back to the old reliable factors of the benefit-cost ratio because it eases their decisions and fails to report projects, the Congress should consider legislation requiring that reports be submitted within a certain time period.

We must not permit our thinking to again be reduced to the business-oriented reasoning to the exclusion of human and social values. The support for and the justification of water development lies in those values, and we must ensure that those values are put forth to the American people.

Your organization is both knowledgeable and concerned about water resource development in Wyoming.

You must closely watch the implementation of the task force report and help orient the public to the values involved.

A full implementation of the report will permit the Congress to consider water resource development proposals using value judgements which reflect public values as opposed to federal agency motives. These values are the proper motivation for government action.

In addition to the task force report, the Public Land Law Review Commission report and its implementation is of real interest to those of us concerned about water resource development in Wyoming. The report begins by recognizing the activities of the National Water Commission which will make its report in 1973. The Public Land Law Review Commission recommends that legislative action be taken to dispel the uncertainty which the implied reservation doctrine has produced and provide the basis for cooperative water resources development planning between the federal government and the public land states. The Commission recommends that the implied reservation doctrine of water rights for federally reserved lands should be clarified and limited by Congress in at least four ways: (a) amounts of water claimed, both surface and underground, should be formally established; (b) procedures for contesting each claim should be provided; (c) water requirements for future reservations should be expressly reserved; and (d) compensation should be awarded where interference results with claims valid under state law before the decision in *Arizona vs. California*.

This is all very good. But we must remember that the Commission recommendations do not include Indian rights, and Indian rights are probably a greater shadow of uncertainty on water development in the West than federal reservation rights. There are several methods of implementing the Commission's recommendations which are now being formulated and considered. Some were proposed before the Commission undertook its deliberations. Others will be new. Some include the problem of Indian water rights which cannot be ignored. It is hoped and ex-

pected that the National Water Commission will address itself to the Indian problem.

This year there was general agreement that proposals for implementation would not be introduced in this Congress. These plans will begin to be put forward in the next Congress and attention and interest will begin to be focused on them then. Many organizations are formulating proposals. I would hope that this organization would give me its recommendations on the subject. Whatever legislative solution is adopted, it will combine provisions of many proposals. I hope all of the views in Wyoming will be put forth for consideration.

It is my belief that the Congress will face the problem squarely, and not seek to postpone or avoid decision by placing the burden on the courts. Court action is a long tedious and costly process, which often leads to greater problems. What we need is action now to end the uncertainty which hinders water resource development in the West, and this basically is the lesson of the Public Land Law Review Commission study and report.

Let me now take a few minutes to brief you on the status of Wyoming Projects which are in different stages of consideration.

On the first legislative day of the 91st Congress, I introduced legislation authorizing feasibility studies for the modification of Buffalo Bill Dam near Cody and for the Corn Creek project in Goshen County. Both of these bills were enacted during the first session of the Congress and the studies are now underway. The Buffalo Bill Dam modification study will be completed in fiscal year 1973 at a total cost of \$267,000. The Corn Creek study will be completed in fiscal year 1973 also at a total cost of \$462,000.

I also introduced legislation to authorize the Polecat Bench project when the Congress convened almost two years ago. Although the Bureau of Reclamation had submitted a feasibility report to Secretary Udall in February, 1968, Secretary Udall did not act on the Bureau's recommendation and the report was returned to the Bureau when Secretary Udall left office in January, 1969, eleven months later.

The Bureau was required to restudy the Polecat Bench proposal in light of the new discount rate. The study was completed and submitted to the states for comment. On July 15, 1970, the Bureau received the last of the comments and has submitted a feasibility report to the Secretary.

That report has now been approved by the Department of Interior, thanks to the great help we have had from Jim Watt I might add, and has been sent to the Office of Management and Budget which has taken over the duties of the old Bureau of the Budget. Incidentally, I'm not sure that the new agency's initials, TOMB, augur well for some projects. I have already communicated with TOMB and will make an all out effort to have the feasibility report submitted to the Congress when it reconvenes after the election.

With a report in hand, it is my intention to move the bill authorizing the Polecat Bench Project as quickly as possible when the new Congress convenes in January. I hope the Senate will act immediately so there will be plenty of time for House action during the 92nd Congress.

Legislation reauthorizing the Riverton Project as a unit of the Missouri River Basin and providing for the sale of certain lands on the Project's Third Division was signed by the President last month. This action follows four years of constant pressure which I exerted since entering the Senate in 1967. This legislation authorizes over \$12 million for rehabilitation and betterment work on the first two divisions of the project. The danger of the collapse of structures 40 to 50 years old hangs over the project and this work is essential. In addition, the project will receive benefits from the power

revenues of the Bisain fund. Following a lengthy study to determine which lands on the third Division are capable of production under irrigation, the bill authorizes sale of lands which meet the criteria and those lands, about 11,000 acres, will be sold and again operated privately and contribute to the tax of Fremont County.

The Bureau of Reclamation is completing studies on the Seedskaadee Project and expects to have all of the information it needs in the next fiscal year. The Bureau has assured me that its plans call for initiating construction on facilities to serve the 15,000 acres located on the west side of the river in fiscal year 1973, taking three years to construct the works.

The remainder of the Wyoming projects have been tied very closely to the consideration of the budget this year. Because of the importance of understanding the timing of the budgetary process and the need to work for appropriations from several angles, let me detail some of the things we are experiencing.

As Governor of Wyoming I was deeply involved in promoting water development throughout the State of Wyoming. This experience has served me well in the United States Senate. In the Senate, one is always very aware of the great pressure on public funds and the difficulty in obtaining a high priority for funding of projects which are vital to your own area. As a Senator, I find that the secret is to work closely with your colleagues, both Republicans and Democrats, in both the House and Senate to convince them of the justification for government action on programs in which you are interested. This is a very personal thing. And I have worked to develop the rapport with my colleagues which will help sway their support for water development in Wyoming.

We must all recognize the great competition there is today for public funds. The many programs undertaken over the last several years have made it even more difficult to find money for reclamation projects. The struggle for funds must begin early. The President submits his budget request to the Congress in January. But if you wish to work to get an item included in that budget, it is best and almost essential to begin to work on it nine or ten months prior to submission of the budget.

Therefore, beginning last March, I began working with officials in the Executive branch on considerations for the budget for fiscal year 1972. I hope to see results of this effort when the budget is submitted in January.

During these same months, attention has been directed at the formulation of the budget for fiscal year 1971 which was sent to the Congress last January. I have corresponded with many of you who either sought Congressional support for items requested by the President which would finance water development in Wyoming or were disappointed that funds for certain projects were not included in the budget and asked the Congress to write in these items.

I discuss this point, because it is important to realize a member of Wyoming's Congressional delegation is actually working on two budgets at once in addition to the budget for the current fiscal year. I depend heavily on you people to help keep me informed on Wyoming's needs, and we must do our best to coordinate our efforts.

Of course, the best way to obtain funding for water development in Wyoming is to work for inclusion of funds for the project in the President's budget request. The Congress is much more likely to appropriate funds following the study and endorsement of the appropriation by the executive branch which must carry out the program.

Therefore, if you can anticipate the need for funds in fiscal year 1973, the best time to write to let me know is from now until late next Spring. Then I will have the oppor-

tunity to work with people in the executive departments as they are developing their initial budget proposals. This is the best time to receive consideration for our interests. The problem is that the needs must be anticipated eight to fifteen months in advance. This is difficult, but if it is possible, it is the most effective method of seeking funds for water development in Wyoming.

As far as the budget for fiscal year 1972 is concerned, over the past several months I have met with administration officials in an effort to include rehabilitation and betterment funds for the Garland Division of the Shoshone Irrigation Project and the River-ton Project, construction funds for the Lyman Project, the Savory-Pot Hook Project, and the Seedskaadee Project, and feasibility study funds for the modification of Buffalo Bill Dam and the Corn Creek Project in the President's budget request for fiscal year 1972.

It is now very late in the budget planning process to add to this list. However, I am eager for your suggestions as to other water development projects which should be included in the budget for fiscal year 1972. While it is improbable that they can now be included in the President's budget request, I can work with the Appropriations Committee to appropriate the additional funds during Congressional consideration of the budget.

Let me illustrate how this process works by relating the experience I have had with the fiscal year 1971 budget this year. The President's request included funds for feasibility studies of the modification of Buffalo Bill Dam and the Corn Creek Project. It provided construction funds for the completion of the Meeks Cabin Dam of the Lyman Project. No difficulty existed in obtaining an appropriation for these requests. But we also wanted appropriations for water development in Wyoming that were not requested by the President.

The House of Representatives deserves the credit for the break-through which was made this year in funding construction for the Savory-Pot Hook Project.

For it was the House which first appropriated an additional \$300,000 for this project. The Senate agreed to this additional appropriation when it acted on the appropriations bill, and therefore the appropriation for this project did not come up in the Conference.

The Senate appropriated additional funds over the President's request for two more Wyoming projects, the Garland Division of the Shoshone Irrigation project, and the Lyman project. The need for rehabilitation and betterment funds for the Garland Division has been apparent for several years now. The wisdom of continuing construction on a reclamation project until completion is also obvious. Therefore, I was distressed when the budget did not include funds to begin construction on the China Meadows feature of the Lyman project once work on the Meeks Cabin Dam was finished.

I testified before the Public Works Subcommittee of the Senate Appropriations Committee urging and justifying the appropriation of funds for both of these purposes. But putting yourself on record with the Committee is not enough as later events soon proved. What is essential is that we follow through on our expressed interest.

When the Committee began active consideration of the public works appropriations bill, I wrote to each member to emphasize the need for the additional appropriations. Then during the bill's mark-up, I visited with each member of the Committee on this subject when I saw them on the Senate floor.

The Senate Appropriations Committee reported a bill containing an additional \$200,000 for the rehabilitation work on the Garland Division. But I was disappointed when

the Committee failed to include an additional \$500,000 for construction of the China Meadows Dam because the Committee members had been so receptive to my pleas for the appropriations. On learning of this omission, I introduced an amendment on the Senate floor for the additional \$500,000. Very few members were present on the floor. I pointed out the omission to Senators Eilender and Young, the managers of the bill, who agreed to accept the amendment on a voice vote.

The omission of an additional appropriation for the China Meadows Dam in the Senate Appropriations Committee Report emphasizes the need for follow through for water development funds. The Conference Committee members received letters from me to include these funds in the Conference Report. The additional \$200,000 for the Garland Division was included, but the Committee failed to include the China Meadows funds. As a result, my office has already begun work to include the China Meadows funds in the fiscal year 1972 budget.

Efforts in other areas of water development this year included a write-in appropriation of \$1.2 million for a Highway to the Big Horn Canyon Recreation area. This area provides great opportunity for extensive water recreation use.

As perhaps some of you are aware, the only finished road into the area from the Wyoming side is that segment of highway from U.S. 14A to Horseshoe Bend. This route provides limited access to the Big Horn Canyon for Boaters.

Great pressure has been brought on the Department of Interior to provide funds for construction of the Big Horn Canyon Highway along the entire length of the Canyon. And we now have this program under study.

The President also requested and the Congress appropriated the full amount authorized from the Land and Water Conservation fund. The amount requested was double that in previous years. However, overspending by the Congress has placed some of this appropriation in jeopardy, since the President does not feel that he can spend the amount he requested if he is required to overspend in other areas.

We must all recognize that control of inflation is of prime concern to the Administration, and the control of inflation will greatly help water development projects since the sky rocketing construction costs and mounting discount rates are the reasons why benefit cost ratios for many projects are now unfavorable. The President's refusal to spend wildly in excess of revenues has brought about the progress we have made in our war against inflation. We now see the signs of winning that war. But we must not relax the pressure now. For if we do, our gains will be lost. And those gains have already been paid for by the American public who have felt the pinch of tight money and other results of policies to control inflation. Now that victory is in sight, we must not throw it away by giving away to the temptation to be big spenders again.

Water resource development projects must bear much of the burden of efforts to bring the economy back under control. The federal budget can be divided into two parts: one part consisting of items under the President's control and the other part of items which are not directly under the President's control.

Uncontrollable items include social security, other retirement programs, education programs, veterans' benefits and health programs. These programs require a minimum expenditure each year and cannot be turned on and off because they are a continuing obligation. Controllable items include public works, parks and recreation and the like. The magnitude of the undertaking in these areas can be greatly varied from year to year.

The surprising fact is that only about 30 percent of the budget today is considered controllable. Many of the new programs of recent years fall into the uncontrollable category.

Therefore, in the effort to control inflation, the burden of restricting government expenditures falls almost completely on only 30 percent of the budget—and water development is included in that thirty percent! The President has exercised his flexibility over the budget and inflation is starting to come under control. And as I pointed out earlier, this will aid water development projects. But while federal expenditures are being restricted, we have experienced some lean years.

Last week, I visited with Caspar Weinberger, the deputy director of the new Office of Management and Budget. Mr. Weinberger, from California, works directly with the administration of the old Bureau of the Budget. He pointed out that the President wants to prevent what happened in 1967 and 1968 when no effort was made to control inflation. Not only has the President cut back on public works, but he has cut back on defense expenditures and other items. In response to my question of future appropriations, Mr. Weinberger stated that the President, as a westerner, is well aware of the economic and social benefits of water development and would like nothing better than to undertake a strong public works program in the West to develop water.

I would conclude that the successful control of inflation will permit the greater expenditure of federal funds for water development; and this control will aid reclamation projects by stabilizing the benefit-cost ratio through the control of construction costs and the discount.

The importance of controlling construction costs by bringing inflation under control is illustrated best by the difficulty we have had getting an appropriation to start construction on the China Meadows Dam. When the Lyman Project was authorized in 1962, the discount rate was fixed. But since that time skyrocketing construction costs have lowered the total benefit-cost ratio from 1.17 to 1, to .87 to 1. The present adverse benefit cost ratio is a concern to the Congress. If inflation is controlled, opportunities for water resource development financed at the federal level will be improved.

Thank you for the opportunity to be with you. I look forward to working with you over the coming years and will continue to appreciate your advice and suggestions.

NO DOUBT ABOUT THIS COUNTRY'S CONCERN FOR ITS POW'S

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. ROUSSELOT. Mr. Speaker, if there was any lingering doubt in the minds of the leaders of North Vietnam about this country's concern for the plight of its POW's, they have surely been dispelled by the courageous attempt to rescue some of our American soldiers held by the North Vietnamese.

The terrible plight of our POW's is well known. Indeed, Secretary Laird has indicated his concern over reports that some Americans are now dying in North Vietnam's prison camps.

We have exhausted every possible step, either through world organizations or by the U.S. Government itself, to see that these American prisoners get proper

treatment, but it is evidently not enough. The maltreatment of American POW's has continued and this country cannot stand idly by while this situation continues.

I am glad that this country has taken a forceful and positive step to demonstrate to Hanoi that we will not accept the continued mistreatment of American prisoners.

**CARLISLE, PA., ONE OF THE NINE
CLEANEST CITIES IN AMERICA**

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. GOODLING. Mr. Speaker, I am happy whenever a municipality in my 19th Congressional District receives national recognition, and I am highly pleased to announce that Carlisle, Pa., has been twice blessed in this respect in the course of 1970.

The latest distinction for Carlisle comes in the form of an article appearing in the December 1970 issue of *Esquire* magazine. This article is entitled "Nine Happy Places," and Carlisle has been named one of the nine cleanest cities in America.

This is a signal honor. My sincere congratulations go out to the officials and citizens of Carlisle, and I am introducing this award to the CONGRESSIONAL RECORD, thereby making it a matter of permanent reference. The award reads as follows:

Be it known that in the December, 1970, issue of *Esquire Magazine* the National Spotlight is focused on Carlisle, Pennsylvania, as one of the Nine Happy Towns in America.

ARNOLD GINGRICH,

Publisher.

HAROLD HAYES,

Editor.

I am also inserting in the CONGRESSIONAL RECORD the pertinent article, and it follows:

Carlisle, Pennsylvania (Pop. 18,000): When the students of Dickinson College protested the invasion of Cambodia, their target was the most prestigious and vulnerable of Carlisle's local military installations, the U.S. Army War College. Facing a situation in which big-city student revolutionaries might have seized the commanding general's office and burned his war plans, the Dickinson kids filed solemnly to the main M.P. post, waited politely while their protest was received, and walked quietly away.

Most of Carlisle is like that: more bound up in the town's own Revolutionary War history than in the moral, social and political revolution of the nation at large. Carlisle looks like what it is, an Early American town. Revolutionary and Civil War momentos are at every turn: numerous museums, historical markers, gaslights, freshly painted Federal-style buildings, the jealously preserved scars of Confederate cannonballs on the columns of the Georgian courthouse.

Molly Pitcher is buried in a local churchyard, and they still hold regular services in the church where Washington paused to pray before putting down the Whiskey Rebellion. It all adds up to a peculiarly American beauty, surrounded by wooded mountains crawling with laurel, rhododendron, trailing arbutus and wild azalea. Hunters go

there for turkey and grouse, and fishermen claim the trout streams around Carlisle are the best in Pennsylvania. Naturalists watch hawks and eagles (and three hundred other bird species) migrating over the mountains, and facilities for all of the more active sports, including Appalachian Trail hiking, abound.

Culture buffs who are not content to bask in the reflected erudition of the numerous government policy makers and Cabinet officers who lecture at the War College have two good summer theatres nearby. Or they can work off tension by kicking a football around the field where Jim Thorpe played before the Army took the old Carlisle Indian School back from the Indians, of whom not many remain.

There is little more racial conflict now than there was then (only about 1000 of Carlisle's citizens are black) and the crime rate is as much below the national norm as is the town's cost of living. Movies are only \$1.25 unless a \$2 blockbuster comes to town.

The average two-child, \$10,000-a-year family spends, at most, \$38 a week for food, according to the Chamber of Commerce, which made a study of the local cost of a good life. Houses still in the \$20,000-\$25,000 range and taxes on them are under \$330. You can rent a five-room apartment for \$125, but a luxury two-bedroom garden apartment in the newest building under construction may cost \$159 a month.

You can still get a hamburger for twenty five cents and the most expensive steak at The Dutch Cupboard restaurant is \$2.95. The schools (first public high school in Pennsylvania) are excellent, with classes running from twenty-two to thirty students per teacher.

According to the police, pot, "if there is any," hasn't become a problem. There is a slight problem with air and water pollution, but civic groups are acting to curb it. The only local industry cited for smoke promptly undertook a million-dollar program to correct the problem. But there is no smog and the city is trying to attract the kinds of industries that won't create it. Right now there are forty-two diversified industries ranging from shoemaking to electronics.

Most of the adults in Carlisle work for a living and almost none of them commute more than ten minutes to the job. A few take their leisure. Twenty years ago one couple drove through town, liked its benign historical miasma and decided to retire there one day. Recently they came back for the first time, found it to be exactly what they had idealized two decades before, and settled down to live out their golden years.

Previously, in July of this year, the Carlisle Senior Highschool band represented the United States at the World Music Festival in Kerkrade, the Netherlands. In this worldwide competition, this outstanding musical organization won first place in all three divisions entered. This Carlisle band scored 175½ points, the highest ever made in this festival.

Hats off to Carlisle for a very fruitful 1970.

**SENATE SUSTAINS PRESIDENT'S
VETO OF THE POLITICAL BROADCASTING ACT**

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. KUYKENDALL. Mr. Speaker, the Senate deserves high praise for its action yesterday in voting to sustain the Pres-

ident's veto of the Political Broadcasting Act.

As the President pointed out in his veto message, this was bad legislation which would not do the job for which it was intended and in all probability would have created additional problems.

The task that remains is to draft truly meaningful legislation to treat the problems of campaign spending. Hopefully, this new bill will apply equally to all candidates and will deal with all aspects of campaign spending, including all forms of political advertising.

If the Congress can react in a bipartisan manner by drafting and enacting such legislation, yesterday's vote may well become one of the most meaningful in the 91st Congress.

**BRIG. GEN. WILLIAM W. STONE, JR.,
RETIRES**

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. DANIEL of Virginia. Mr. Speaker, on November 30, 1970, after 30 years of distinguished service and outstanding contributions to his country, Brig. Gen. William W. Stone, Jr., U.S. Army, retires.

General Stone's distinguished military career began in 1940 and has been marked by a succession of increasingly responsible positions. In World War II he served in New Guinea and the Philippines and later as a member of the Manhattan Project. He has held key assignments since World War II with the Joint Chiefs of Staff, as commanding officer of both Dugway Proving Ground, Utah, and Edgewood Arsenal, Md., and as Director of Materiel Requirements for the U.S. Army Materiel Command. The capstone of General Stone's career was his assignment as the Director of Chemical and Nuclear Operations for the Department of the Army, where he exercised staff supervision over all chemical, biological, and nuclear activities within the Army and, as the senior chemical officer on the Army General Staff, served as the consultant to the Joint Chiefs of Staff and the Secretary of Defense on such matters.

During his military career, General Stone made frequent appearances before various congressional committees. His cooperative attitude and broad knowledge of the technical, doctrinal, and organizational aspects of his profession as well as his ability to communicate effectively with high Government officials were especially noteworthy. As an example, during congressional hearings on the Army's sea dump of chemical munitions last August, General Stone's testimony not only demonstrated his exemplary technical competence but more importantly, justified to the Congress the Army's position that ocean disposal, although undesirable, was the only safe method of disposing of these munitions. His courteous, forthright responses to the multitude of questions directed to him on a matter which had received

worldwide attention were truly outstanding. It is significant to note the statement made by our colleague Representative DOWNING, of Virginia, in the record of the hearings before the Subcommittee on Oceanography of the House Committee on Merchant Marine and Fisheries when he said:

I would like to say that the Army has probably made some mistakes, but they did not make a mistake in sending General Stone to represent them in these hearings. I think you have been forthright and you have been helpful, General, and the committee appreciates this.

Thus, on November 30, the U.S. Army will lose the active services of one of its foremost technical experts, a true gentleman, and a dedicated soldier, General Stone, the Congress of the United States salutes you.

THE SUN HAS SET ON "THE HOOSIER DAY"

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. LANDGREBE. Mr. Speaker, on Wednesday, November 18, one of the giants of Indiana journalism passed on to his reward. Frank A. White's like will not be seen again.

Indiana has always produced great journalists, the best known of whom was the late Ernie Pyle. Frank White merited a place with the greatest. His column, "The Hoosier Day," was a popular feature in 50 Indiana newspapers, making him the most popular and prominent newsman in the entire State.

While his style was direct and easy to read, the thought behind it was that of a very deeply concerned, well informed observer. His crusades for a better Indiana and a better America were frequent and successful. His impact on Indiana was a positive factor in the State's greatness.

In addition to being Indiana's premier newsman, Frank White was a warm, wonderful human being, whom I was proud to call my friend. He will be sorely missed.

And now the sun has set on "The Hoosier Day," and we will all be a little poorer for the loss. I extend my heartfelt sympathies to Mrs. White and the rest of Frank's family, as well as his very large circle of friends. In addition, I offer my condolences to the entire State of Indiana. His death was like a death in the family for all of us.

Frank White's obituary was written by United Press International in the newspapers of November 20. Mr. Speaker, I would like to insert that obituary at this point in the RECORD.

"HOOSIER DAY" COLUMNIST—FRANK A. WHITE DIES AT 75

INDIANAPOLIS.—Funeral services will be here Saturday for Frank A. White, whose Hoosier Day column appeared in 50 Indiana daily and weekly newspapers.

White, 75, died Wednesday night in Indiana University Hospital here.

The funeral services will be at 3 p.m. Saturday at the Northminister Presbyterian

Church, 1660 Kessler Blvd., with interment at Oaklawn Memorial Gardens. The body will lay in state at the Moore Arlington Mortuary, 5811 E. 38th., Indianapolis.

White, whose newspaper career spanned half a century, started his column 21 years ago, and for the past 15 months was aided by his son, Don.

Frank Allan White was born on October 25, 1895, in Bloomington, Indiana, where he graduated from the local high school. On December 21, 1917, he married his High School sweetheart, Norinne Dodds, a school teacher in Bloomington.

While visiting a cousin in Southern Indiana, he enlisted in the Army during World War I and was sworn into service in the old Courthouse at Paoli, Indiana, early in 1918. X-rays were just coming into widespread medical use; being one of the few with typing ability, White was assigned to a medical unit. He prepared and wrote one of the first manuals which became standard operating procedure for the use of the X-ray machine. Many of the techniques are still in use. His work with X-rays started a lifelong interest in photography.

As a free lance writer in later years, he wrote a weekly camera column for the Indianapolis Star, and frequently prepared full page pictorial reports for the old rotogravure sections. In the early days of auto racing, he covered the Indianapolis 500 races, taking undeveloped film to the airport, where it was flown to New York news services for processing and use.

He rose to the rank of Sergeant First Class before becoming disabled in service and spending some time in the Army Hospital in Denver. He was discharged in 1919.

Returning to Bloomington, he entered and was graduated with an AB degree in Journalism from Indiana University. He served as City Editor of the Indiana Daily Student and worked on many weekly and daily newspapers.

White moved to New Castle and opened a store, but attributed his lack of customers to the fact he refused to join the powerful Ku Klux Klan. In later life as a news reporter, he covered the trial and conviction of the Grand Dragon of the Ku Klux Klan, D. C. Stephenson, who had said, "I am the law in Indiana."

COVERED DILLINGER

He then joined The Indianapolis Star as a police reporter and later wrote free lance detective stories. A feature on John Dillinger was still used as a foundation for movies and other stories on the infamous gangster 25 years later.

White's observations of the misery of some lives led to his never drinking alcoholic beverages or smoking.

White at one time or another worked for every major Indianapolis newspaper and for the International News Service as a political reporter. INS is now a part of United Press International.

During the Depression, White began a 21-year career of editing the Hoosier Legionnaire and played a role in bringing the national American Legion headquarters to Indianapolis. He also edited temporarily the national 40 et 8 magazine during World War II.

He wrote many features for the Christian Science Monitor over the years.

White traveled with Paul V. McNutt during his year's term as national Legion commander, and later covered McNutt's gubernatorial administration while with INS.

He served as war correspondent in the South Pacific during World War II for The Indianapolis Star. He flew with the first wave of planes into Tokyo Harbor and was on hand for the signing of the surrender on the USS Missouri.

His six-day a week Hoosier Day column was prepared for more than 21 years without interruption, a record of more than 3.5 million words.

CRUSADED IN COLUMN

White, in his column, crusaded for improved government, better mental health treatment and prison reform. He was strongly in favor of law and order, a supporter of the State of Indiana and the country. His column led the crusade resulting in the formation of Indiana's new First Offenders Youth Center in the prison system. He led the legislative fight which resulted in the construction of the new American Legion National Headquarters buildings, assuring the State of Indiana as the permanent home of the organization.

As a trustee of the Indiana Audubon Society, he founded and headed the National Wildlife Protective Association and led the campaign to "save the doves." It was credited with bringing a flood of letters of a volume to bring the session of the General Assembly to a virtual standstill and resulted in a failure of approval of an open dove hunting season in Indiana.

He had a firm religious belief and served as an Elder in the Presbyterian Church. Active in his church's prayer breakfasts, he encouraged and played an active part in the first Indiana Governor's prayer breakfast. Even before the election, he encouraged Governor Edgar D. Whitcomb to continue the practice, attended Whitcomb's first prayer breakfast and saw Patricia Whitcomb hold the first Governor's wife prayer breakfast.

He also helped form the Newspaper Guild in Indiana and was its first president. He also helped establish the Indianapolis Press Club.

Among his many honors were recognition by the Indiana Legislature in a House resolution. He also received the President's award of merit of the National American Legion Press Association, and the Captive Nations Eisenhower Proclamation Medal.

White was an honorary Kentucky Colonel, an Indiana Sagamore of the Wabash, and was named both an honorary Indiana state treasurer and state school superintendent.

His one son, Donald D., joined him in writing The Hoosier Day column in July, 1969. His one daughter, Elizabeth Corrine Walker, a life-long educator, presently is Director of Developmental Education with Indiana Vocational Technical College. Both are graduates of Indiana University, a goal their father insisted upon.

Two of his grandsons, Donald Alan Blewett and Richard L. White, served in the fighting in Vietnam and are now back home. A third grandson, Donald D. White, Jr., served with the Army in Korea. He has two additional younger grandsons, David P. and Douglas M. White, as well as four great-grandsons, Donald A. Blewett II and Duane Blewett of Lafayette, and Donald D. White II and William R. White in Indianapolis. The surviving of two sisters, Bertha L. White, lives with him and his wife, Norinne Dodds White in Indianapolis.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 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 TRADE ACT OF 1970: ITS
PROBABLE EFFECTS ON THE
AMERICAN ECONOMY AND ON
INTERNATIONAL TRADE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SCHEUER. Mr. Speaker, on November 19, the House passed the Trade Act of 1970 by a vote of 215 to 165. Before the House began its deliberations, Time magazine published in its November 23d edition, a report on the bill's origins, provisions, and probable effects on the American economy and on international trade. The Washington Post, on November 16, ran an editorial opposing the bill while expressing the hope that the bill might be defeated and more desirable legislation passed in its place by the 92d Congress. I commend both these pieces to the attention of my colleagues:

TRADE: THE BLACK COMEDY THAT COULD COME
TRUE

It sounds like a ludicrous piece of political black humor. A Southern Democrat introduces an import-restricting bill designed to help a Republican President who wants to win votes in Dixie. Egged on by organized labor, Congressmen joyfully expand the bill into a measure that will force consumers to pay higher prices for clothes, shoes and many other goods. More than 4,000 professional economists sign a letter warning that the bill not only will be grossly inflationary but will also gravely hurt the nation's position in world trade. The U.S. Secretary of State says that the measure will start a trade war with some of the nation's most important allies. But these warnings are drowned out by the voices of Pennsylvania mushroom growers, Hawaiian passion-fruit producers and other businessmen who want protection from low-priced imports. The bill passes, and the President signs it, explaining that he had to do so in order to win increases in Social Security payments for the poor and aged.

This grotesque parody of the U.S. legislative process is unfortunately all too real. When Congress reconvenes this week, the first major item of business in the House will be a vote on the most restrictive piece of trade legislation since the disastrous Smoot-Hawley Tariff Act of 1930. The bill, which would raise prices by denying consumers access to many imports, is likely to pass after only perfunctory debate, and then whiz to the Senate. There the Finance Committee already has voted to attach it as a rider to a measure raising Social Security benefits. The odds are that the Senate will pass the package in early December.

All of this would turn the clock back 35 years, to the days before the nation began leading a highly beneficial world movement toward freer trade. The provisions of the bill are complex, partly because the legislation grew by a process of log rolling rather than by conscious plan. The bill rigidly limits imports of textiles and shoes, for example. Next year they must be held to the 1967-69 average, which would amount to a reduction of at least 30% from current levels; in subsequent years, they could grow only 5% annually. The bill also obliges the President to continue holding down oil imports by quota, rather than switch to a less restrictive tariff system.

TRAGEDY OF ERRORS

The bill's most mischievous feature is the so-called "trigger mechanism." It forces the President to impose quotas or higher tariffs

on any foreign product that is increasing rapidly in sales and has captured 15% of the U.S. market—provided that the domestic industry can prove injury and the U.S. Tariff Commission recommends action. The President can avoid invoking restrictions only if he finds that they would not be "in the national interest." At present, an estimated 125 foreign products—including wigs, radioactive isotopes, sewing machines, autos and TV sets—would be subject to the "trigger mechanism."

If anyone had proposed so blatantly protectionist a bill six months ago, free traders and consumer advocates probably could have rallied their forces quickly and buried it. The bill, however, took its present form gradually, as a result of a tragedy of errors made by everyone concerned—President Nixon, House Ways and Means Committee Chairman Wilbur Mills and foreign governments.

In the 1968 election campaign, Nixon promised to restrict textile imports. Hubert Humphrey offered a similar promise, even though the U.S. textile industry has never made any persuasive case that it is being badly damaged by imports. Between 1961 and 1969, the domestic industry's employment increased from 893,000 to 989,000. Even now, imports account for only 4% of all the textiles bought by Americans. Nixon, however, was seeking Southern votes. After winning them, he set out to hold them by assigning Commerce Secretary Maurice Stans to persuade the Japanese to "voluntarily" restrict textile exports to the U.S. Stans got nowhere. He was asking the Japanese to sacrifice sales without offering anything in return.

Stans, seeking a club to hold over the Japanese, asked Mills to introduce a bill setting textile-import quotas by law. Mills agreed, sensing that the gesture would be popular in the House and expecting that the threat would produce a voluntary quota agreement that would allow the bill to die unnoticed. But the Japanese dawdled and, when Mills opened public hearings in May, the protectionist dam broke. All together, 377 witnesses filed 16 fat volumes of testimony with pleas that the mushroom, umbrella, scissors and shears, zipper, bicycle, mink, glue and candle industries—among many others—deserved protection too.

In July, the Ways and Means Committee went into secret sessions, and the real log rolling began. Democratic Representative James Burke of Massachusetts agreed to support textile quotas if the bill would also protect his shoemaking constituents, who have lost 25% of their market to imports. Wisconsin's John Byrnes, the ranking Republican on Ways and Means, introduced the trigger mechanism to help his state's dairy farmers repel an invasion of foreign cheese. The provision freezing the oil-quota system was thrown in to win the approval of Russell Long from oil-producing Louisiana, chairman of the Senate Finance Committee and the key to the bill's prospects in the upper chamber. Long returned the favor by arranging to tie the trade bill to increased Social Security benefits; both fall under his com-

THE VICTIMS

Opposition forces, meanwhile, were asleep or fumbling. Nixon, a self-proclaimed "free trader," began by threatening to veto any bill that went beyond textile quotas, but as the strength of the new protectionism became evident, he lapsed into silence. Worse, he permitted an open split in his Administration. Secretary of State William Rogers warned the Senate Finance Committee of an "impending trade war" if the legislation should pass, but Stans reassured the Senators that there would be no foreign retaliation that would hurt U.S. exports.

The Japanese Embassy in Washington consistently advised its government in Tokyo not to take the threat of a protectionist bill seri-

ously. Other foreign governments chose to speak softly, for fear of antagonizing Congress. The A.F.L.-C.I.O., worried about the loss of jobs by highly paid union members, abandoned old free-trade principles to lobby for the bill.

One voice was never heard on Capitol Hill—the voice of the U.S. consumer. The consumer will pay the bill if the protectionist measure passes, and the price will be outrageous. Federal Reserve Board Governor Andrew Brimmer said last week that by 1975 consumers will be paying \$3.7 billion a year extra for clothing and shoes alone. Reasons: Americans will not be able to get low-priced imports as easily as they now do, and prices of U.S.-made goods will rise faster because of less competition from abroad. The costs, Brimmer declares, will be borne disproportionately by the poor, who must spend a larger slice of their income on shoes and clothing than the well-to-do. These costs would be multiplied if imports of many other foreign products were limited under the trigger mechanism.

UNIFYING EUROPE

Critics are belatedly waking up to the dangers of the bill. The Japanese, at about the 13th hour, have just reopened negotiations with Presidential Assistant Peter Flanigan in Washington for voluntary limitations on textile sales. European governments are conferring on ways of retaliating against American exports. The first target will be the \$500 million worth of soybeans that U.S. farmers sell annually to Europe. Next may come U.S. small airplanes, light machinery and computers. Steps of reprisal would be taken jointly by the six members of the Common Market, with Britain probably joining in. On a visit to the U.S. last month, Ralf Dahrendorf, the Common Market's top trade executive, raised an ironic toast to Wilbur Mills—as the man who had done most recently to promote European unity. The threats have begun to weigh on some Congressmen, who realize that U.S. exports produce more income than the auto or home-building industry. The nation's exports this year are running at a \$42 billion rate and are likely to exceed imports by \$3 billion. But the new worries about retaliation are probably too late. Mills has been concerned lately about soothing protectionists' fears that his heart is not really in the trade bill, which now informally bears his name. In a recent speech he proclaimed that "Congress is not bluffing. I predict that the Trade Act of 1970 will pass by a big majority."

Nixon could still wage a vigorous fight against the Mills bill in the Senate. If it passes, he would do well to veto it, even at the price of delaying an increase in Social Security benefits. If the bill becomes law, he could use the "national interest" clause to weaken the trigger mechanism. The President's waffling so far, however, leaves scant hope that he will do any of these things. If he does not, the black comedy could become a horror story:

Foreign nations retaliate against the new U.S. restrictions, and angry U.S. politicians and businessmen press Nixon to hit back by putting up barriers against an even longer list of imports. Cooler heads in all nations warn that such a cycle of retaliation and counter-retaliation, carried to the extreme, can have the most chilling consequences. The last such spiral began during—and did much to deepen—the Great Depression. But the margin for good sense is slim, as the world teeters on the brink of a trade war that no one wanted.

STOPPING A TRADE WAR

If President Nixon intends to block the highly protectionist Mills bill that would legislate compulsory quotas against imports of textiles, apparel, shoes, oil and eventually a long list of other products, he will have to start fighting now that Congress is back in session.

The trade bill already has been approved by the House Ways and Means Committee, and the Senate Finance Committee has sought to make it unstoppable by attaching it as an amendment to Social Security liberalization. A majority now appears ready to support the measure in both House and Senate.

As is usual with trade legislation, the special interests lobbying for protection of particular industries reinforce one another. A formidable coalition is now pushing for this bill, even though it would, almost certainly, ensnare the United States in a worldwide trade war. Leaders of the European Common Market have made clear the certainty of retaliation. Many American export-oriented industries—including such important ones as agriculture, aircraft and electronics—would suffer. What is less well understood by many Congressmen is that the nation as a whole would also suffer.

American consumers, already feeling the pangs of inflation, would have to pay still higher prices for many goods—both because less expensive imports would be restricted and because protected American industries would be able to boost their prices without fear of losing sales in the domestic market to foreign competitors. The term "protectionist" is, in a sense, a misnomer; it is really an act of aggression against American consumers and many American industries and workers, as well as against other nations, including some of this country's most important allies.

There is a good chance that this reactionary trade legislation can be blocked in the Senate if strong Presidential leadership is forthcoming. The Senate includes a group of at least twenty dedicated liberal-trade supporters who might be joined by many other Senators shrinking from the bill's more extreme provisions, such as the "Byrnes trigger," which would impose compulsory quotas on a long list of items whenever imports of these items exceeded a certain share of the American market.

One problem for the President in fighting against the Mills bill has been his own political commitment to the American textile industry—especially its Southern department—to restrict Japanese textile imports one way or another. The failure last summer to work out a deal with the Japanese for voluntary quotas led the Nixon Administration to ask Congress for compulsory quotas on textiles—thereby opening the floodgates to the Mills bill.

Now the President's special assistant, Peter Flanagan, and Japanese Ambassador to the United States Ushiba are making a final effort to work out a "voluntary" deal that will permit the President to consider his obligations to the American textile industry discharged—and enable him to come out solidly against the Mills bill. If that can be done, the chances will grow that the protectionists can be prevented from ralloading the Mills bill through Congress this year. The new Congress assembling in January would then have a chance to weigh more carefully the kind of trade legislation needed to serve the true interests of the nation.

THE PRESIDENT HAS NOT DEVIATED FROM HIS PLAN TO END THE WAR

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. FREY. Mr. Speaker, it would be unfortunate if the recent attempt to rescue American POW's from North Vietnam is interpreted as an attempt to

widen the war. Such an interpretation is in no way justified by the facts of the situation.

President Nixon has shown that he has a plan to end the war in Vietnam and he has not deviated from that plan. American troops still continue to come home from Vietnam, the American casualty rate is still declining, and the South Vietnamese are still being trained to assume the major role in their own defense.

While America is winding down this war, President Nixon has wisely shown the North Vietnamese that he will not allow them to take advantage of our position by shooting down unarmed reconnaissance planes or continuing to mistreat American prisoners, some of whom are now being reported as dying in Hanoi's prison camps.

It should be clear that the President's action was eminently justified and will in no way halt progress toward an end to the war. It was a humane attempt to specifically help some POW's and gain better treatment for the other POW's. We must not sit by and let our POW's be forgotten. The people of this country have an unpaid obligation to the POW's and their families.

TRADE BILL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. CRANE. Mr. Speaker, my good friend and colleague from the 14th Congressional District of Illinois, the Honorable JOHN N. ERLBORN, has issued a statement regarding the trade bill which passed the House by a narrow margin last week.

As JOHN points out in his statement:

This is the biggest anticonsumer bill to come before us this session, and yet the various groups which lobby on behalf of the consumers' interest, were strangely silent on this important matter.

I commend the thoughtful comments of Congressman ERLBORN to all of the readers of the RECORD:

NEWS RELEASE FROM JOHN N. ERLBORN

WASHINGTON, D.C., November 20.—Where were the consumer lobbyists? Representative John N. Erlenborn, R., Ill., asked today as he tried to assess the House passage of the Trade Act.

The House of Representatives passed the Act Thursday, 215 to 165. Erlenborn voted against it.

"This is the biggest anti-consumer bill to come before us this session," the Illinois Republican said. "I have gotten lots of mail about it, and all of us in the House have been strongly exhorted by partisans on both sides of this controversy."

The Trade Act will permit the United States to enforce import quotas on shoes and textiles. In Erlenborn's view, this will mean higher prices for clothing and footwear, and may start a trade war.

"It is curious," Erlenborn said, "that the Consumers Federation, which lambasted me during the recent election campaign for my votes on an obscure public power dam in Maine, would remain silent on this Trade Act."

"This Trade Act will hurt consumers far more than the bills on which they made their judgment," he said.

The House voted five times on the bill, three times on Wednesday, November 18, on questions of House procedures, and twice on Thursday on the merits of the Act.

"My votes on Wednesday," Representative Erlenborn said, "were in favor of opening the measure for amendments."

The Trade Act came from Ways and Means, the only committee, he explained, which asks for a no-amendment rule.

"There is a reason for this," Erlenborn said. "Their bills usually are of a technical and complex nature, so that the House floor is not a good place to re-write them."

"We did not want to re-write this bill, however. Instead, we wanted to vote on it a section at a time, rather than on the whole bill. With a rule such as that, we might have been able to take out the anti-consumer and anti-agriculture sections."

"Unfortunately, this motion by Congressman Sam Gibbons of Florida lost 192 to 201."

"Although all of this was known in advance, I am not aware of any effort by the consumer lobby to help us switch the five votes which would have changed the whole nature of our pro-consumer effort."

NATIONAL COUNCIL OF SENIOR CITIZENS SENIOR AIDES PROGRAM IN MARION COUNTY, W. VA.

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. MOLLOHAN. Mr. Speaker, last week we passed vital legislation in the form of the Comprehensive Manpower Act of 1970. With a declining economy, we have a very real need for both employment and for investment in our public institutions. And this legislation, if properly implemented and funded, can go far to provide the employment and the training that is so necessary.

One community service employment program that has proven very successful in my congressional district is the National Council of Senior Citizens Senior Aides program in Marion County which employs 62 low-income people who are age 55 and over. Of the 20 senior aides projects throughout the country, this project in Marion County, sponsored by the County Court, is one of emphasis in a semirural area.

The 62 senior aides have been placed in 11 community agencies: The Board of Education, Parks and Recreation Department, Association for Retarded Children, Fairmont State College, Human Resources Development, Department of Agriculture Extension Service, Family Service of Harrison and Marion Counties, Fairmont Public Library, Mannington Library, the Health Department, and the Union Rescue Mission.

The senior aides project has definitely made an impact on Marion County, according to a recent article in the Fairmont, W. Va., Times. Said Mrs. M. W. Wilfong, director of the Marion Center Sheltered Workshop:

Without the Senior Aides we would have had to close our workshop. We were in financial trouble last April and didn't have

sufficient help to supervise the shop. We have really appreciated their help.

The workshop employs four aides, one as a busdriver, and three as instructors.

Said James A. Davis of Fairmont, W. Va.:

This program has provided me with something to do and with an income.

The 65-year-old former miner and salesclerk, with a wife and a 10-year-old son to support, added:

I can take care of my family without begging.

With the high number of widows and men who previously worked in farming and mining in Marion County, the senior aides program is a definite asset to the community. The project director's only complaint is that he needs twice as many senior aides in order to meet the challenge of public need. I want to encourage the direct implementation of the manpower bill toward this goal for Marion County and the other innumerable areas in this country that require similar programs.

TURNER'S TELEGRAPH

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. LONG of Maryland. Mr. Speaker, the Towson Times of October 8, 1970, contained an article by Miss Margo Turner on Maryland's Patriotic Education Week. I should like to share Miss Turner's essay with my colleagues in the House:

TURNER'S TELEGRAPH

During our nation's struggle for independence, nearly two hundred years ago, patriotism was a key American offensive against the British. There were people like Samuel Chase and Thomas Stone from Maryland who fought diligently for a dream. Whether on the battlefield or at the conference table, our gallant ancestors began constructing their beliefs into reality for future generations to inherit. It was indeed a struggle. The lives of many were lost or spared. Yet with their heroic and patriotic deeds, the United States stands strong and prosperous in 1970. But, what do we mean by being patriotic today? How can it be shown by each of us?

The members of C.A.R., Children of the American Revolution, are a very fine example. As direct descendants of the founders of the United States, these Americans, since an early age, have been trained in true patriotism and love of country. They believe their birthright brings a responsibility to continue the work of their forefathers. This will prepare them to be better fitted for American citizenship.

But to respect one's nation, one must first appreciate its past.

The study of American history is a required subject for all Maryland high school students. However, such a studying of our nation's history should be more than a required school subject. Americans need to be reawakened to their great past. Reawakened to remember the principles laid down by our forefathers for the development of our future. But more especially, we must cherish the sacrifices, hardwork and diligent efforts

which went into the creation of the American democracy. In its twelfth consecutive year, the members of the Maryland State Society, C.A.R. are working towards the accomplishment of these goals through a special patriotic education committee.

For the twelfth consecutive year, Marylanders join the National Society, C.A.R. in summarizing this observation to qualify for another George Washington Honor Medal. Awards are given by Freedoms Foundation of Valley Forge to anyone who has said, written or done something that promotes clearer understanding of American freedom.

Patriotism may seem to be lacking among our youth. But somewhere in our nation, hidden like gold, there are young people who love and respect the United States of America. The members of the children of the American Revolution exemplify this thought.

This year, John A. Manning, Jr., Maryland State chairman of the Patriotic Education committee and a member of Elk Landing Society, C.A.R., North East Maryland, received the Proclamation for Patriotic Education from Governor Mandel at the State House. Katie Turner of Towson is chairman of Patriotic Education from General Mordecai Gist Society, C.A.R. They represent the three hundred members in ten societies in Maryland.

In proclaiming October 12th to the 19th as Patriotic Education Week, the Governor urges all Marylanders to devote themselves to refreshing their memory and rededicating their lives to the principles of American liberty. By understanding our own government and way of life, will young Americans be better prepared to take their place in the world of tomorrow?

FEDERAL COURT ORDERS ENDANGER THE LIVES OF SCHOOLCHILDREN

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. GRIFFIN. Mr. Speaker, this week the House has discussed and considered the Occupational Safety and Health Act. The legislation deals with employees in industrial plants.

It is well that the Congress express its concern over industrial accidents and the need for safety precautions.

I would like to call to the attention of the House, however, another area of safety which we should be considering and that is the safety of schoolchildren who must travel hazardous routes and distances to attend school because of Federal court orders.

Recently two schoolchildren in Mississippi were killed at a railroad crossing and their mother severely injured. Prior to a Federal court order, the four children in the family attended the same school which did not require crossing the railroad tracks.

In order to achieve racial balance, the Federal courts ordered two of the children to attend a school which necessitated the crossing of the railroad tracks.

The mother had taken two children to one school and was taking the other two to their newly assigned school when their automobile was struck by a train.

Mr. Speaker, this tragedy is the direct result of Federal judges going beyond

their authority by assigning pupils to schools because of their race, and against the wishes of parents.

Throughout Mississippi, children are denied attendance at the school closest to their home. Such a judicial doctrine has no support from the Constitution nor from laws enacted by representatives of the people. It is an untenable and intolerable condition which must be rectified by the Supreme Court, or the people in the next presidential election.

FIRST AUTOMATIC OBSERVATORY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. MILLER of California. Mr. Speaker, time passes by and with the always important political situations that occur around general election time, we are apt to lose sight of some of the accomplishments of the past year.

Last Wednesday, November 18, I was privileged to be invited by the Bendix Corp. to observe scientific data coming down from the moon and displayed right here at the Capitol. This scientific data is coming from the automatic station left on the moon 1 year ago by Apollo 12. The occasion was the first anniversary of the successful operation of the world's first automatic observatory which has been provided by the U.S. manned space flight program.

The recent operation on the moon by the Soviet Union has received substantial publicity. I believe it is important that we recognize a far more significant scientific accomplishment of our own scientific station which continues to operate after a year.

During the past year, the Apollo Lunar Surface Experiments Package—ALSEP—scientific station has provided data throughout 12 orbits of the moon around the earth, two solar eclipses, and one cycle of lunar seasons.

During a typical lunar day, approximately 29 earth days, ALSEP is subjected to temperature extremes ranging from plus 250° to minus 300° Fahrenheit, extremes that make the temperatures of the earth's icy arctic winds and the heat of the Sahara Desert seem modest by comparison.

The ALSEP includes five scientific experiments, a central station, and a nuclear power source to provide continuous electric power through day and night.

The experiments include an extremely sensitive seismometer for measurement of moonquakes, meteoroid impacts, and the motion of the moon's tides; a magnetometer which measures the magnitude, direction, and fluctuations of the moon's magnetic field; a lunar ionosphere detector, a lunar atmosphere detector, and a solar wind spectrometer.

During the year the ALSEP central station system has reliably relayed over 3 billion separate scientific and engineering measurements from the moon to scientists and engineers for analysis.

Not only has there been a vast quantity of data received, but also scientists directly involved have told me that data quality has been outstanding and that many new and exciting things have been learned about the moon. Some of these will undoubtedly form the basis for revisions to long-held theories of the origin of the moon, the earth, and perhaps of our solar system.

Last week I saw a real time demonstration of remote control of a lunar scientific station. I observed commands being sent from the science control room at the Manned Spacecraft Center in Houston, through the Manned Space Flight Network Station in Madrid, Spain, to the ALSEP central data station on the moon and then on to the lunar surface experiments. I saw the "live" data resulting from these commands being displayed in the Rayburn Building. Even more exciting and while I was watching, unexpected fluctuations in the lunar ionosphere were recorded, apparently resulting from a solar flare sweeping by the moon.

While the Russian Lunas are certainly a creditable achievement, we should all recognize that we are already years ahead in a significant scientific exploration of the moon. Additional stations with new experiments will be carried on the remaining apollo, providing us with a network of automatic observatories.

I want to congratulate the Manned Spacecraft Center of NASA for their leadership and management of this successful project, the Atomic Energy Commission and their contractors for the SNAP-27 power source and the Bendix Aerospace Systems Division of Ann Arbor, Mich., the prime contractor and system manager.

EVERY DAY OF OUR LIFE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. DERWINSKI. Mr. Speaker, one of the outstanding high schools in my congressional district is Marian Catholic High School in Chicago Heights, Ill. The students of Marian have achieved great distinction in producing the Marian Megaphone, the school publication.

An editorial in the November Megaphone by Miss Cheryl Bruno, a member of the editorial staff, provides a very thoughtful and praiseworthy commentary on Thanksgiving:

THANKSGIVING: EVERY DAY OF OUR LIFE

Thanksgiving is almost upon us again. Everyday of our lives there is something for us to be thankful for, but just how aware are we of it?

We take for granted our three well-planned meals each day, not including the numerous snacks in between. How often do we find ourselves saying in front of a closet-full of clothes "I haven't a thing to wear" just because someone has already seen us in them once?

Are there times when we come home or leave the house and not greet our parents or brothers and sisters because we take their

presence for granted? Do we always fully realize that we have better job opportunities because of our education?

Having all these things in our favor helps us look to a brighter future with confidence, security, and hope, and therefore a better chance for success.

If we open our eyes to the advantages around us, we couldn't possibly tell anyone we've nothing to be thankful for, not just on Nov. 26, but everyday of our lives.

ON FOUNDING THE REPUBLICAN PARTY AND SAVING PASSENGER TRAINS

HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. SCHWENDEL. Mr. Speaker, My good friend, Don Deuster, who is in the Office of Congressional Relations at the Department of Transportation, and I have been "feuding" as to the birthplace of the Republican Party. Don, a graduate of Ripon College, claims the Republican Party was born in Ripon, Wis. Any fair-minded Iowa historian knows the Republican Party was born in Crawfordsville, Iowa.

While Don and I may have our good natured differences as to the place where the Republican Party was born, there is one subject on which we are in complete agreement. I refer to the efforts to save our rail passenger service. I have the highest regard for Don, and especially for his efforts to secure passage of the Rail Passenger Service Act of 1970. Don recently addressed the Railroad Transportation Institute in St. Louis on this subject. I would like to share his remarks with you:

SAVING THE PASSENGER TRAIN

Americans should be singing "Halleluia! and Amen Congress has saved the passenger train!"

Absolutely! If history notes one great decision by the 91st Congress, it will be enactment of the landmark National Rail Passenger Service Act of 1970.

Why? Well, essentially this rail passenger act signifies a triple transportation accomplishment.

First, it marks the rejuvenation of the American passenger train system. Secondly, it portends the rehabilitation of our ailing railroad industry. And thirdly, it is a giant step toward bringing America's national transportation policies into balance.

Soon, if all goes well, beautiful gleaming red, white and blue passenger trains will be streaking across the land. These "Americalliners" will speak for themselves.

Every evening for the past two years when I arrived home from Capitol Hill, confused and weary, my wife would taunt me by asking: "Well, dear, aren't you going to tell me what happened to the rail passenger bill today?"

Happily, that tortuous and treacherous legislative trail is past. Last Friday, out in California, President Nixon with a flourish of his pen Constitutionally converted what was "our bill" into what is now "the law of the land." What a relief! What a joy! And what a struggle!

During the germination of this Jubilee Act of Congress, it was my good fortune to be the only Nixon Administration official as-

signed full-time to work on Capitol Hill solely on railroad affairs.

I am especially grateful for the opportunity this task has afforded me to meet and work with so many friendly railroad people, including chairman Donal Turkal and Secretary Jim Nisbet of the Railroad Transportation Institute.

The harmonious spirit evidenced in this Congress by railroad people—president, union leaders and the Capitol Hill legislative representatives for both labor and management—has been phenomenal.

Despite this unusual team spirit, final enactment of the rail passenger bill was an eleventh hour, suspenseful Congressional cliffhanger.

HIGH HOPES FROM THE HENHOUSE

Initially, most experts doubted that any railroad bill would pass. Once upon a time Senator Everett Dirksen gave a pep talk to a gathering of Republican women at Highland Park, Illinois. He told about an old barnyard rooster who had gathered all his hens into the chickenhouse for an inspirational harangue.

At the finale of this elocution, for illustrative purposes the roster rolled out a giant ostrich egg into the henhouse floor. "Now, girls," said he, "don't get me wrong. It's not that I am dissatisfied with the quality of your performance. But, I do want to show you that with a little extra effort, it can be done."

Believe me, precisely that kind of extra exertion was required to bring about passage of the railroad bill.

Unfortunately but predictably, this landmark law became mired in the usual murky pre-election adjournment atmosphere on the Hill. Luckily, it was extricated from a legislative snakepit of partisan cross-fire, mysterious footdragging, great confusion and some sniping.

On the very last day of Congress the passenger bill slipped through the House of Representatives shortly before noon on a voice vote, languished most of the afternoon in the Enrolling Clerk's office, was finally messengered over to the Senate just half an hour before adjournment, and shimmied through on another voice vote only moments before the last gavel fell.

From start to finish the path of this bill was spiced by melodramatic suspense and humor.

One day during the Senate hearing back in September 1969, Chairman George Bloom of the Pennsylvania Public Utility Commission told a tale to emphasize the need for better quality passenger service. He recalled how:

"Service was so bad the passengers on Altoona, Pennsylvania, got off the train, sat down in front of the engine, did not get on, and said they were going to sit there until they got ice and airconditioning on the train."

At this point, Senator Howard Cannon of Nevada leaned forward to ask: "Are they still there?"

Laughter rocked the hearing room and that incident has often been retold. The popularity of this joke reflects the widespread public and Congressional disapproval of the miserable rail passenger service we now suffer. Fortunately, enactment of the passenger bill offers us a golden opportunity to overcome this public outrage and the industry's bad image by providing excellent service. Happy days are ahead—I hope!

PARABLE OF THE CROOKED RAILROAD

During these same Senate hearings, former president of the Penn Central, Stuart Saunders, was queried as to why the Penn Central passenger trains did not travel faster. After describing the peculiar curvature of the Penn Central tracks, Mr. Saunders summed

it up by saying: "You see, ours is a very crooked railroad."

The belly laughs subsided considerably when the news broke on Sunday, June 28, 1970, that the Penn Central was going into bankruptcy and when Congress began examining the circumstances. Fortunately, all this happened one month after the Senate had passed the passenger bill because immediately shock waves struck Capitol Hill and thoroughly muddied the legislative waters. The bankruptcy triggered four reactions:

One—At long last Congress became convinced that the railroads were not just crying "wolf." Credibility was instantly given to the walling about no liquidity, and the unbearability of the passenger train deficits.

Two—A hasty search was begun to find a scapegoat somewhere. All the old simple answers were dredged up again. We listened to Congressional charges of "bad management—intentional downgrading of service—conglomerate manipulations—ungrateful robber barons—and subsidized competition."

Three—The Association of American Railroads hastily completed and publicized the "ASTRO Report" on the industry's overall plight. The principal thrust of that report was the urgent need to correct deficient public policies.

Four—After the initial shock, confusion and consternation passed away, the need for the rail passenger bill became obvious to almost everybody. Expectation of House action on the bill became widespread.

So, it all came to pass on October 14, 1970, but not before one final flourish of humor.

THE MYSTERY AMENDMENT

Minutes before the House was to adjourn, Majority Leader Carl Albert rushed onto the floor to excitedly report: "The Senate has amended the railroad bill and is sending it back!"

In utter consternation Members rushed to Speaker McCormack to hold up adjournment. Simultaneously, a crowd of Members circled around Republican Congressman Durward G. "Doc" Hall of Missouri to facilitate "unanimous consent" reconsideration of the rail bill when it came back burdened with some mysterious Senate amendment.

In the midst of this confused scene, Congressman Albert next announced that he had been misinformed. Actually, it was some crime bill that the Senate had amended.

At this point, Congressman Harley O. Staggers of West Virginia, who had carefully maneuvered the bill through quite a procedural obstacle course, was in no mood to speculate or act on hearsay. Mr. Staggers insisted that adjournment be held up until he had personally spoken with Senate Majority Leader, Mike Mansfield.

Only after he was positively and personally assured from the very mouth of Senator Mansfield that indeed the Senate had passed the rail passenger bill with no amendments, and it was now cleared for the President, only then did Mr. Staggers advise the Speaker to adjourn.

So, the gavel fell at thirteen minutes past four. Congress was out, and rail passenger service was in.

To describe in capsule form this extended and precarious legislative journey is impossible. One analogy comes to mind which may help others appreciate how things like this happen on Capitol Hill.

THE GREAT LIBERTYVILLE PUSH

Several years ago my wife and I were spectators at an unusual sporting event back home in Libertyville, Illinois. The Libertyville Athletic Club secured a giant medicine ball, six feet in diameter. This giant heavy ball was placed on the fifty yard line of a football field. Two teams of twenty men lined up. When the whistle blew, everybody started pushing.

As bodies jostled and elbows flew in the air, the Libertyville volunteer firemen pumped a powerful stream of water on the ball, on the players and on the field. Soon, everything was muddy, and slippery. Everybody was lunging at the ball, knees were being scraped, tempers were rising, but nothing was happening to the ball. What a spectacle!

THE CRISIS AND THE IMPASSE

The scene precisely resembled the situation in Washington, D.C., during the winter of 1969 and 1970 as both the Nixon Administration and the Senate Commerce Committee struggled and searched for some good solution to the passenger train crisis.

First, almost everybody agreed that it was a crisis. When I was born in 1929, there were 20,000 passenger trains serving America. But, in just forty short years, as Congressman William Springer of Illinois emphasized on the House floor, thirty-nine of every forty trains had disappeared. Only 500 remained and they were vanishing fast.

Secondly, neither the Administration nor the Senate committee could decide on what to do. There was an impasse. Nothing was moving.

Meanwhile, back at Libertyville, slowly, here and there, some extraordinary pushing and shoving took place. As the water spray continued to bowl over players, the crowd detected a slight movement of the ball. Then, the ball began to slog along faster and faster toward the goal line, picking up momentum. Now, it seemed impossible to stop it.

That's the way it seemed on Capitol Hill in the spring of 1970 when finally the Administration and the Senate Commerce Committee compromised, reached agreement on setting up a quasi-public corporation to run a basic network of passenger trains, and passed the bill through the Senate by the overwhelming margin of 78 to 3. It was really rolling!

THE GREAT FIZZLE

But, back in Libertyville, just as the medicine ball reached the goal line, somehow it punctured, all the air escaped, and the players fell in a muddy heap on the soggy field over a limp piece of rubber.

Fortunately for our railroad bill, although some of us thought we heard the hissing of escaping air up to the very last minute, somehow the ball remained inflated and found its way to the President's desk for signature into law.

Even as President Nixon was putting his pen to the Act, there was a hissing rumor circulating around Washington that he might not sign the bill, and thereby give this lovely landmark legislation what is known as a "pocket veto." Under the Constitution, when Congress adjourns, the President must sign a bill within ten days or else it does not become law. Happily, the President put his ink to the paper and it was done!

Having been one of the muddy multitude pushing this bill along the slippery field, let me tell you about three heroes of the ball game.

HERO ONE—SENATOR WINSTON PROUTY

The first great hero of the fray was Senator Winston L. Prouty of Vermont. Senator Prouty's diligence and decisive action is best described by the words of his colleague, Senator Gordon Allott of Colorado, spoken on the day of adjournment:

"How did it come about? Quite frankly, it came about because the junior Senator from Vermont did not give up his fight on April 9 when the committee (Senate Commerce) decided to report an operating subsidy bill.

"My distinguished colleague from Vermont filed individual views and unveiled in detail his proposal for creating a semi-public corporation to take over all intercity rail passenger service.

"Within one month's time, Senator Prouty had accomplished the impossible. He had convinced rail management, rail labor, his own administration, the Interstate Commerce Commission, the National Association of Railroad Passengers, the leadership of the Senate Commerce Committee, the majority leadership and the minority leadership that his proposal was a superior method for solving the crisis in rail passenger service.

"On May 6, 1970, the Senate by a vote of 78 to 3 approved Senator Prouty's proposal."

This extraordinary legislative achievement amazed most onlookers, including me, and clearly marked Senator Prouty as hero number one.

HERO TWO—SECRETARY JOHN A. VOLPE

Undoubtedly, the second great hero was Secretary of Transportation, John A. Volpe. Secretary Volpe labored day and night, as is his habit, to seek out the most sensible way of resolving the rail passenger crisis. This called for a lot of pushing and hammering.

Finally, after a protracted period of gestation running from the spring of 1969 into the spring of 1970, Secretary Volpe hammered out of the Department of Transportation and out of the Administration the concept of the rail passenger corporation.

THE LEAKY PROPOSAL

Unfortunately, in January 1970 before the White House could approve this complicated proposition, somehow the details found their way into the daily newspaper. How embarrassing and aggravating it was. Even though the "press leak" is part of Washington life, neither the White House nor Members of Congress like to learn about Administration proposals in their morning paper.

Despite the difficulties, Secretary Volpe continued to work for a solution. He kept his top policy advisers struggling to perfect the corporation idea, he discussed the dilemma with railroad people, he cooperated closely with Senator Prouty and he negotiated with Chairman Warren Magnuson, senior Republican Norris Cotton and Subcommittee Chairman Vance Hartke of the Senate Commerce Committee. Secretary Volpe secured Administration approval for the compromise bill that was ultimately produced. Constantly, he was pushing the ball.

When it came to expostulating the virtues of the passenger bill, Secretary Volpe must have spent more time on the telephone than anyone in Washington, including even the most talkative Cabinet wife or even my teenage daughter.

BIRTH OF THE BILL

Some may wonder when and where this great bill was actually born. I am reminded of a speech given by Senator Dirksen a few years ago when he referred to the "grand and glorious birth of the Republican Party at Jackson, Michigan."

I was flabbergasted. As a graduate of Ripon College, I knew that the Republican Party was born at Ripon, Wisconsin, where the first meeting was held in a little white school house on March 20, 1854. Later on in July of 1854, a convention was held at Jackson, Michigan. So, I put all this in a memorandum for Senator Dirksen and left it with his personal secretary, Mrs. Glee Gomial.

Soon the mailman brought me a short, personally dictated and devastatingly unanswerable reply. It read:

"Dear Don: Birth is one thing and conception another. It is true that the Republican Party was conceived at Ripon. However, it was born at Jackson!"

Likewise, you can say that the railroad passenger bill was conceived in the Department of Transportation. However, it was born in the Senate, and the Senatorial obstetricians who gave it form, birth and life were Senator Prouty, his colleagues on the Senate Commerce Committee and their dili-

gent professional staff men. Dan O'Neal, Paul Molloy and Henri Rush.

HERO THREE—CHAIRMAN HARLEY STAGGERS

If the determination and persistence of Senator Prouty and Secretary Volpe were duplicated by anyone, they were matched by the steadfast drive of the third great hero, Chairman Harley O. Staggers of the House Committee on Interstate and Foreign Commerce.

Congressman Staggers pushed this bill steadily despite his committee's exceptionally heavy agenda of other business. Some of that other business included holding emergency hearings and executive sessions and settling the threatened national railroad strike in March, and also investigating the complications surrounding the tragic Penn Central bankruptcy in July.

Steering any bill through both Houses of Congress on one day much less the last day before an election campaign is quite an art. Chairman Staggers accomplished this feat with the precision of a circus tightrope walker.

LAST DAY FOR A FAST RULE

There were three ticklish procedural situations. First, Mr. Staggers luckily secured a hearing before the House Rules Committee on Tuesday, October 13th, its very last day of sitting. Skillfully he participated in a closed door decision to leapfrog the passenger bill from second place on the Rules Committee agenda into first place ahead of a controversial manpower bill. This expeditious surge forward was absolutely essential for taking the bill to the House floor that very afternoon and completing general debate so that voting could take place first thing Wednesday morning at eleven.

Secondly, Chairman Staggers diplomatically and harmoniously secured approval by the Ways and Means Committee of a technical revenue amendment for the protection of taxing railroads who join the passenger corporation.

CHANGING THE LEGISLATIVE HORSE

Once this revenue amendment was added, two complications arose. First, the Constitution requires that all revenue legislation originate in the House of Representatives. Accordingly, Mr. Staggers had to abandon the Senate bill, S. 3706, and proceed with a House bill, H.R. 17846. This changing of legislative horses in midstream sometimes causes consternation and confusion to the unsophisticated.

Secondly, under the House Rules the bill now came under the jurisdiction of not one but two legislative committees. Mr. Staggers therefore had to request a complicated "rule" under the terms of which two hours of floor debate would be handled by his Commerce committee, and one hour of debate would be controlled by the Ways and Means Committee under one of their traditional "closed" or "gag" rules forbidding floor amendments.

All of this procedural maneuvering took time, muddied the waters, and called for delicate handling. Thanks to the legislative skill and persuasive powers of Congressman Staggers, all of these complications were overcome.

THE WIZARD OF CAPSULIZATION

No account of any bill's emergence from the House Commerce Committee would be complete without a salute to the masterful explanatory efforts of the ranking Republican Member William L. Springer of Illinois. Congressman Springer put our complicated, corporation concept into simple "capsule" form. In persuasive testimony before the Rules Committee and debate on the House floor, Mr. Springer made the bill sound simple and good. He was a wizard of capsulization.

Another spark plug for saving the passenger train throughout this long struggle was Congressman Brock Adams of Washington

who was articulate and clear before the Rules Committee. Also, both Congressman Al Ullman of Oregon and John Byrnes of Wisconsin, the ranking Republican on the Ways and Means Committee, clarified and simplified the complicated revenue amendment before the Rules Committee, and greatly helped the bill shimmy forward unscarred.

WAITING FOR THE DOORS TO OPEN

Even after all these exertions, Chairman Staggers found it necessary to go to the Speaker's office and to the House floor to personally insure that the passenger bill was hand-engrossed and hastened to the Senate in time for action there. Just minutes of delay could have been fatal for the Senate was anxious to leave town.

Certain Senators were hoping that the controversial farm bill, a political hot potato, would not come up for a vote before the election. So, when the official messenger from the House arrived with the farm bill, these hostile forces in the Senate blocked the chamber door and refused to admit the House messenger. What an insult to the House! What a burlesque mockery of the bicameral system! But it happened, and while the Senate doors remained blocked, among the House documents being refused admittance was our beloved rail passenger bill.

On that last suspenseful afternoon, I probably walked back and forth from the House side to the Senate side at least twenty times. With me pounding the marble corridors and wearing out shoe leather were two attorneys for the Federal Railroad Administration, Chief Counsel Bob Kessler and Assistant Counsel Pat O'Driscoll. Together, we waited for the Senate doors to open. We watched from the Senate gallery when at 3:32 p.m., the doors opened to receive at long last the House messenger and the railroad bill.

Senator Hugh Scott of Pennsylvania took the floor to rejoice, too, saying: "Thoughts too deep for tears subdue the minority leader who has waited with unbated breath, I regret to say, for the arrival of our beloved messenger from the other body. . . . I am delighted to see the messenger from the House of Representatives. . . . I am pleased that he finally made this long and perilous trip from the House of Representatives, surmounting as he did one peril after another—perils consisting of individual Members of the majority, emissaries from the majority, mercenaries, janissaries, shock troops, and—if we could now have the farm bill, my cup would indeed overflow, happiness would pervade the Chamber, and the farmers could merrily return to the tillage of the soil, and take over from the Senate of the United States the distribution of the fertilizer of the Nation."

WAITING AND WONDERING

Years from now when I behold the beautiful Americalliner passenger trains streaking across the land, many memories will return no doubt, like this last hectic busy day on the Hill. However, if there was one experience shared by all the countless railroad men who covered this legislation on the Hill, it was the long periods of waiting—waiting in the lobby outside the Senate and House committee rooms during closed-door executive sessions and wondering what was going on inside.

As the father of four daughters, the waiting room at the maternity ward is a familiar place to me, and it seemed so similar to the lobbies on Capitol Hill. Normally, you don't care if it's a boy or a girl just as long as something happens and all goes well. Now that the waiting is over, the landmark rail passenger bill has been born, and where do we go from here?

Your good secretary, Jim Nisbet, specifically asked me to offer some constructive criticism on how to improve the railroad industry's relationship with Congress and your image on Capitol Hill.

CONGRESS IS A MIRROR OF AMERICA

Normally, any industry's image on Capitol Hill is merely a reflection of its public image. Congress is a reflective institution. Congressmen mirror the attitudes, the opinions, and the misconceptions, too, of their constituents.

For most Americans the railroad system is like an iceberg with only one percent of its body being visible. That minuscule portion seen by the public is the dilapidated and disappearing passenger train and the disgustingly long freight train blocking the highway grade crossing.

On my office wall is an original cartoon by Draper of the Worcester (Massachusetts) Telegram that probably best portrays the public, and Congressional attitude toward railroads. The cartoon shows President Nixon leading a sad dinosaur over a collapsing rickety wooden railroad trestle. The dinosaur is gobbling up dollar bills and the turbulent waters beneath the collapsing trestle are labeled "strike threat." President Nixon is saying to the dinosaur: "We'll have you into the twentieth century before you know it!"

To overcome this miserable image the Association of American Railroads is waging an advertising campaign with the slogan "Who needs the railroads?" Those who pay attention to the answer will come away appreciating that America does need the railroads.

WHO LIKES THE RAILROADS?

But a far more fetching question, related to your popularity and success on Capitol Hill, is this: "Who likes the railroads?" Needing someone, like the trashman or the television repairman, is not the same as liking someone, and really wanting to help someone.

You ask what can railroads do to be better liked? Let me suggest four possible opportunities for positive improvement.

MAKING AMERICA'S PASSENGER TRAINS BEST IN THE WORLD

First, enactment of the rail passenger act presents a golden opportunity. On the one hand it relieves the industry of the financial burden of running nonpatronized passenger trains. No longer will the freight shipper be indirectly subsidizing passenger service.

On the other hand, the railroads will be operating the passenger trains for the corporation on a contract basis. To a tremendous degree, the success or utter failure of this great new American venture will rest in your hands.

If these modern Americalliners are shunted off on a siding while lumbering freight trains grind by, there will be considerable public outrage and letters to Congressmen like you have never seen. There could be Congressional investigations and the industry's image would sink in a mire of wrath on Capitol Hill.

No doubt the industry will resolve that nothing of this dimension will be allowed to occur. No doubt our railroaders will engage in no footdragging or sourmouthing in connection with the negotiation and performance of the passenger service contracts. Surely high statesmanship and an unimpeachable spirit of cooperation will make our passenger trains the best in the world.

This will do more than anything to improve the railroad image on Capitol Hill.

MAKING AMERICA'S BOXCARS BEAUTIFUL AND VISIBLE

Secondly, many folks are perplexed as to why boxcars cannot be painted with luminous paint so they can be seen by the motorist at night. Many motorists like myself have been nearly frightened to death at rural grade crossings where dark and unlit freight trains pass almost imperceptibly at night.

In America there are millions of motorists and some 220,000 grade crossings. Experiences like mine are common and contribute to an unfavorable image. Some Members of Congress, House Minority Leader Gerald Ford

included, have introduced bills to require some kind of reflective markings on boxcars.

As a lawyer, I certainly appreciate the legal reasoning related to common law negligence liability where reflectors become muddy or dirty. However, sometimes public relations considerations outweigh technical legal arguments. Faint heart never won fair lady, and nothing ventured is nothing gained.

Why not make boxcars that are visible, colorful and beautiful? Why not paint some with psychedelic colors? Why not make them ornamental or inspirational with amusing slogans like the old Burma Shave signs? This would improve your visibility and enhance your image.

THE TEMPEST OVER TOILETS

The lyrics to an old song say "Passengers will please refrain from flushing toilets on the train while standing in the station." The old refrain came to mind as I sat in the House gallery and heard my mother's Congressman, Henry Reuss of Wisconsin, raise this question:

"I would ask the distinguished Chairman whether this new equipment when installed on this excellent new system will have provision as all the trains of Europe and Canada today do, for adequately treating human or other wastes which are discharged from the trains?"

Chairman Staggers fielded this pointed question artfully by stating: "I cannot even conceive of any mode of transportation system not taking care of this matter, especially when we are today trying to take care of our environment in every way."

Some railroad men have told me that this ecological business about toilets on trains is just a trivial tempest in a teapot. I don't believe it. Even though at this moment railroads are not legally required to modernize your toilet system, here is a third area where you could take voluntary action. The AAR advertisements could report what you have done, and the public would applaud. Your Congressional image would be improved.

THE UNIDENTIFIED TOILETS

Some humor crept into our hearings on the Hill on the subject of toilets. One Member of the House Appropriations committee inquired of former Federal Railroad Administrator, Reg Whitman, what innovations were being made on the Metroliner. Promptly, Mr. Whitman replied: "Well, we are experimenting with unidentified toilets."

After the chuckling and giggling had subsided, Mr. Whitman clarified his statement. We were not hiding toilets in order to frustrate the passengers. We were simply adopting the airline practice of having just one toilet that could be used by both sexes. You might call them sexless or bisexual toilets instead of the confusing adjective "unidentified."

JACKALS ON THE HILL

Recently, one public witness at a Senate hearing referred to the railroad industry representatives in the room as "jackals."

The subject under discussion was the barge mixing rule, the traditional rule under which certain water carriers operate without Federal rate regulations. When the barge bill was being considered in the House of Representatives, the railroads pushed through an amendment which would have put previously unregulated barge carriers under Federal regulation and red tape.

Such Congressional shenanigans are transpiring at the same time that railroad presidents are blaming their financial plight on over-regulation. Is it statesmanlike to preach that regulation is killing the railroad and is bad, but regulation is just what the waterway carriers need?

It seems to me that the railroad industry ought to be preaching free enterprise and fair competition for all, for railroads and for competitors as well. This would be consistent,

principled, statesmanlike and would help you overcome the label of being legislative "jackals."

THE SECOND GOLDEN AGE OF RAILROADING IS AHEAD

In summary, let me repeat the old English proverb that history repeats itself. In American railroad history this is so.

Back in the 1850's and 1860's there was broad bipartisan public support for the development of a strong American railroad system. In Washington, D.C., both Republican President Abraham Lincoln and his Democratic rival Senator Stephen A. Douglas of Illinois supported Federal action to develop the railroads.

Federal land grants were given and the Golden Spike ceremony at Promontory Point, Utah, in 1869, symbolized the birth of a strong railroad system that linked East and West and united the nation.

Even today, the Governor of Illinois sits on the board of the Illinois Central railroad to symbolize the abiding public interest in our railroads.

Soon, President Nixon will appoint the majority of the board of directors for the new rail passenger corporation. The Secretary of Transportation, John A. Volpe will also sit on that board. The presence of Presidential appointees and a Cabinet officer will reflect the great public interest in the success of the new passenger corporation.

Just as the bankruptcy of our country's largest railroad this summer marked the low point, I believe enactment of the passenger bill initiates the long and hard march back up to the summit. The second Golden Age of railroad is ahead.

Possibly, we will be here when future travelers the world over will say:

"You ought to go to the United States and travel on those beautiful, fast, comfortable Americaliner passenger trains. What a country!"

SUPPORT FOR STEIGER-SIKES OCCUPATIONAL HEALTH AND SAFETY ACT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. QUIE. Mr. Speaker, in a perceptive editorial of the issues and events surrounding the occupational safety and health legislation on which the House will act today, the Sheboygan Press of Sheboygan, Wis., has endorsed the efforts of the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Florida (Mr. SIKES) to provide a strong, effective, equitable, and workable plan to combat on-the-job accidents, death, and disease.

This proposal has my support and I commend the Press' thoughtful column to my colleagues:

SAFETY STANDARDS

Members of Congress will have an opportunity during their "lame duck" session beginning Monday to approve legislation that would provide for establishing and enforcing new on-the-job safety standards.

More than 15,000 Americans were killed last year while at work. Another 2.2 million workers suffered disability injuries. As the result of this heavy toll, members of both parties agree that the federal government, state governments, and private industry could do more to provide safe and healthful working conditions. But opinions differ widely on how to go about it.

Ready for floor action in both houses is legislation approved by many Democratic members and the AFL-CIO. It would grant the secretary of labor broad authority to set, monitor and enforce safety and health standards. Opponents of the bill refer to it as a bull-in-the-china-shop approach to solving job safety problems. Opponents also contend that the secretary of labor would be subject to political pressure if he had sole power to establish and enforce standards.

Another argument against the bill is that it would allow a federal inspector to close a plant if he determined that an immediate danger existed to employees. The objective is good, but such a provision would be giving czarlike powers to the secretary of labor. Such authority should be left to the courts.

Representative William Steiger of the Wisconsin Sixth District has introduced in the House a bill calling for an independent, five-man board, appointed by the President, to set safety standards. The secretary of labor would be in charge of inspections. A special commission named by the President would enforce the health and safety standards. It is close to a compromise measure drafted at a Republican-Democratic meeting last spring that later lost Democratic support because of AFL-CIO opposition.

An argument in favor of the Steiger bill and a companion measure introduced in the Senate by Senator Peter H. Dominick of Colorado is that divided authority is necessary to preserve due process. These bills are intended to give needed protection to workers and at the same time treat employers fairly. They provide for the holding of hearings on violations, the issuance of orders to correct violation, and for judicial review and enforcement.

It is recalled that job safety legislation died in the House Rules Committee two years ago and never got action from the Senate Labor and Public Welfare Subcommittee. Unless there is to be further delay, it would appear that the Steiger-Dominick bills offer the best hope at this time. The legislation would be an important step in the right direction.

A CASE FOR REAPPORTIONMENT—THE UNITED NATIONS ORGANIZATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. RARICK. Mr. Speaker, reapportionment time appears to have rolled around again. There is scarcely a Congressman or member of a State legislature who is not concerned over his district being reapportioned to keep pace with Federal judges. The supervision of government by judicrats even extends to school boards and county commissioners, police jurors.

The theory of ordered apportionment stems from the court-made legal doctrine of "one man, one vote." In other words, it is the egalitarian theorist idea that each unit of government, to be equal in weight and power, should contain as nearly as possible an equal number of people. Or, to put it conversely, if similar divisions of government do not represent equal numbers of people, then the bodies are disproportionately, their actions are not democratic, and, therefore, suspect to attack as a nullity.

The repeated occurrences of recounting and redividing the territorial limits of political subdivisions to insure democracy under the "one man, one vote" doctrine is called reapportionment.

We are hearing a lot of talk these days about the United Nations Organization, a legislative body really out of proportion—a real case for reapportionment—the United Nations.

At the latest count there are 127 members in the General Assembly, an international body of unelected representatives whose deliberations, ravings, and activities must be acknowledged to have direct bearing on the laws and goals of the American people, as well as to consume U.S. tax dollars.

At least 29 of the member states of the General Assembly are from countries headed by kings or dictators, the likes of Castro and Tito, which can hardly emulate democracy in action. Many of the other nations lack the capital and intellectual know-how to even fall into the category of a self-sufficient, self-governing nation. Many are tribal states which represent populations of extreme illiteracy. Some 95 countries have 50 percent illiteracy, while 20 countries are 95 to 99 percent illiterate. Yet, under the equal rights thinking of "one man, one vote," each of these states has one vote in the U.N. just as we of the United States have one vote. Noteworthy nations like Germany, Switzerland, and Rhodesia are not even members of the U.N.

But, as to equal representation of people—the application of the "one man, one vote" egalitarian theory, so essential for democracy—the U.N. is exemplary as the most illegally apportioned body in the world.

Consider, for example, that the district I represent in Louisiana contains a population of 514,000. Ten voting members of the U.N. General Assembly, each represent fewer people in number than are to be found in my congressional district. Yet, each of these 10 nations has one vote each, while in my district we have none. The 10 member nations I have referred to are:

Barbados	253,000
Equatorial Guinea.....	281,000
Fiji Islands.....	505,000
Gabon	480,000
Gambia	350,000
Iceland	200,000
Luxemburg	336,000
Maldiva	106,000
Malta	318,000
Swaziland	395,000
Sixth District, Louisiana.....	514,000

There are 435 congressional districts in the United States, each relatively similar in population, yet not one receives a vote—our entire Nation receives but one vote.

The latest census gives the population of the State of Louisiana at 3,564,310. There are 55 members of the U.N., each with one vote, yet smaller in population than the State of Louisiana, which has no vote.

And consider that the total compiled population of over one-half of the U.N. membership added together is less than the 200 million people in the United

States. Yet, the American people have but one vote while the illegally apportioned U.N. by unapportioned votes continues to influence our policies and national sovereignty and consume the taxes of our people.

According to the World Almanac the U.N. Charter was drawn up at the U.N. Conference of International Organizations at San Francisco, Calif., during April 25 to June 26, 1945. At the conclusion of but 60 days of deliberation, it was signed by 50 nations on June 26, 1945, and has been located in New York City since 1952. Other interesting statistics on who has been footing the bill are:

First. U.N. Headquarters was financed by a \$65 million interest-free U.S. loan, not due until 1982.

Second. The land on which the headquarters is located was contributed by John D. Rockefeller, Jr., at the cost of \$8 million.

Third. For adopting the site of the headquarters, the city of New York contributed \$26,500,000.

Fourth. The Dag Hammarskjold Library was financed by a \$6,200,000 Ford Foundation grant.

Additionally, the United States, to maintain its one vote, has carried 32 percent of the regular finance budget of the United Nations. For the fiscal year 1970, U.S. taxpayers will pay over to the U.N. and its related agencies an estimated \$317,784,000. Russia, with an assessment of slightly over 15 percent of the U.N. budget remains constantly in arrears—\$75,500,000 as of June 30 of this year. Yet, Russia holds three U.N. votes. One for herself, and one each for her two occupied satellites, Ukraine and Byelorussia.

The U.N. constitutes rank discrimination against the United States not only in voting representation but also in unequal taxation. Under any egalitarian theory of apportionment, or "one man, one vote," it constitutes a trap, violative of the basic human rights of every American citizen.

Yet, we hear none of the usual voices of protest for equality, nor lawsuits demanding reapportionment, nor quasi-legal writings denouncing the collective organization of the U.N. as being illegal because of lack of apportionment of its voting representatives and its unfair tax assessment against our people.

No informed American would consider surrendering his individual liberties, nor submitting his child to a peace-keeping army under such an oligarchic conspiracy. Nor, should any informed American, nor responsible leaders ever consider surrendering the sovereignty of our constitutional government to the dictates of such an undemocratic organization as the United Nations.

Here is a real threat to individuals as well as responsible governments from misapportioned powers. If such inequities should exist in our Federal or State system, suits would be brought to demand equality of apportionment and taxation, or in the alternative, seeking injunctive relief to prevent dispersal of tax moneys, and enjoining political action as de facto.

DO YOU REMEMBER?

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. STANTON. Mr. Speaker, on the Saturday before the recent national elections, I was fortunate to participate in a unique flag presentation ceremony sponsored by the George E. Hayward VFW Post No. 9295 in Mentor-on-the-Lake, Ohio. This is a relatively new veteran's post and was honored last year in Miami for their rapid increase in membership.

The purpose of the occasion was presentation of an Ohio State flag that I had originally given to a constituent named Kenneth Roberts. Ken had carried the flag throughout his service in Vietnam, where he served with honor and distinction. Ken's mother and father, Mr. and Mrs. R. M. Roberts, outstanding citizens of my congressional district, were present for the ceremony.

The commander of the Post, James H. Buckles, invited me to receive the State flag back from Ken Roberts and then, in turn, to present it to the post.

After the presentation, I was followed on the speaker's platform by the local post commander of the AMVETS Post No. 109, Allyn C. McKinney.

Mr. Speaker, I was so impressed with Mr. McKinney's remarks that I want to share them with my colleagues and the country. His remarks, directed to our American flag, were as follows:

DO YOU REMEMBER?

Hello! Remember me? Some call me Old Glory, others call me Stars and Stripes. I have also been referred to as the Star Spangled Banner. But whatever they call me, I am your flag of the United States of America. There is something that has been bothering me, so I thought that I might talk it over with you.

I remember some time ago—I think it was a Memorial Day—people were lined up on both sides of the street to watch a parade. A high school band was behind me and naturally I was leading the parade. When your daddy saw me coming along waving in the breeze, he immediately removed his hat and placed it against his left shoulder so that his hand was directly over his heart.

And you—I remember you. Standing there as straight as a soldier, you didn't have any hat but you were giving the right salute. They taught you in school to place your hand over your heart. Remember little sister? Not to be outdone, she was saluting same as you. I was very proud as I came down your street. There were some soldiers home on leave and they were standing at attention giving the military salute.

Now, I may sound as if I am a little conceited. Well, I am. I have a right to be. I represent the United States of America.

What has happened? I'm still the same old flag. Oh, I have a couple more stars added since you were a boy. A lot more stars added since the beginning of this country. A lot more blood has been shed since that Memorial Day so long ago.

But now I don't feel so proud as I used to feel. When I come down your street, some people just stand there with their hands in their pockets and give me a small glance and then look away. Then I see children running around and shouting. They don't seem to know who I am.

Is it a sin to be patriotic any more? Have some people forgotten what I stand for? Have they forgotten all the battle fields where men have fought and died to keep this nation free? When you salute me you are actually saluting them.

Take a look at the Memorial Honor Rolls some time. Look at the names of those who never came back. Some of them were friends or relatives of yours. That's whom you'd be saluting. Not me.

Well, it won't be long until I'll be coming down your street again. So, when you see me, stand straight, place your hand over your heart and you'll see me waving back—my salute to you. And then I'll know that you remember.

MAKE LONG ISLAND SOUND A NATIONAL RECREATION AREA

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. WOLFF. Mr. Speaker, I am introducing legislation today which would make the entire Long Island Sound a national recreation area. Such a dramatic step is necessary if we are to ever have an adequate, effective means of regulating use of this valuable natural resource.

The remarkable truth is that the 1,300 square miles of the Long Island Sound are subject to a myriad of overlapping regulatory bodies including some Federal, some State, and many local governmental authorities. The effect of this unordered control has been inconsistent regulation leading to the piecemeal destruction of the sound.

The future of the sound is a Federal concern. Already some 12 million persons live and work adjacent to this body of water. It is estimated that by the year 2000 that 30 million Americans will be close enough to the sound to use it regularly for boating, fishing, and swimming.

Yet, if the spreading pollution that threatens to destroy the sound continues unabated those 30 million persons may be able to neither boat, fish, nor swim in which could otherwise be a natural resource of inestimable value.

By making the sound a national recreation area we can at last begin to put the authority for the sound in a single effective authority; we can charge the Department of the Interior with the responsibility of establishing and enforcing reasonable regulations for the use of the sound.

This legislation that I offer today is the second, concurrent step in a vital program to conserve the sound. The first step is a comprehensive study of the Sound to enable far-reaching, coordinated planning for its future. This first step will be undertaken by the New England River Basins Commission under an agreement which the junior Senator from Connecticut (Mr. RIBICOFF) and I have been working on for several months.

Now that we can anticipate the comprehensive study that has never before been undertaken, we must take this concurrent second step. Thus the legislation that I propose today.

I understand the legislative schedule will prevent action on this bill during the current session, but I am introducing this bill at this time with the hope that the committee to which it is referred and the Department of the Interior will use this time to plan for prompt action on this legislation when the 92d Congress convenes.

COMMANDO RAID ON PRISONERS OF WAR COMPOUND THE POSITIVE ACTION WHICH THE AMERICAN PEOPLE HAVE BEEN WAITING FOR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SCHMITZ. Mr. Speaker, I would like to go on record as being 100 percent in favor of the recent attempt that was made to free the Americans being held by the North Vietnamese Communists. This is an example of the positive action which the American people have been waiting for.

The President has clearly shown that he is not going to allow our men to die in Communist camps without taking action to free them. He took a courageous step. Here is the new leadership many of us have been waiting for.

The people who criticize this gallant effort are defeatists of the first order. They have been defeated mentally by the North Vietnamese. The Communists have done to some people in the rear what they could do neither to our men on the battlefield nor to our men being held in captivity. They have broken their will to resist.

The ancient's understood that men's will to resist can be broken without actually engaging these men on the field of battle. Sun Tzu said that supreme excellence consists in breaking the enemies will to resist without fighting. Sun Tzu understood that in the face of danger the spirit of many men will tremble. He understood that a long struggle can destroy determination and cause some men to lose sight of the original object.

The ultimate manifestation of the spirit of defeat is opposition to the utilization of our military forces to attempt to rescue the American soldiers who are rotting in enemy prison camps.

Some say that attempting to rescue our men endangers their lives. This is an incredible statement less than 2 weeks after we find that six of our men have died in captivity. Were the lives of these men safe? Is sitting back and waiting for a benevolent attitude to come over the Communists any guarantee that other Americans will not suffer the same fate?

Some say that this action may provoke the Communists into cutting off the peace talks. If the price we must pay for getting insulted on a weekly basis in Paris is to abdicate our responsibilities for our captured soldiers then that price is too high.

All Americans should join in a thunderous chorus of approval for this action which was taken by the President.

JACKSON LOOMS AS 1972 CANDIDATE

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mrs. HANSEN of Washington. Mr. Speaker, on November 3, the people of the State of Washington overwhelmingly reelected a man destined to go down in history as one of the greatest statesmen and legislators of our time. That man is Senator HENRY M. JACKSON.

In the years I have known the Senator I have developed an unstinting respect for his knowledge, intelligence, and his devotion to America. He is a man given to making decisions on the basis of study and thought, rather than emotion. America can learn from him.

It is for this reason that Senator JACKSON was returned to the Senate by his constituents. It is for this reason that people all over the Nation, including members of the press, respect him. I was impressed to see in the Washington Post on November 21 an article by William S. White which again suggested that Senator JACKSON is a potential presidential candidate. I was impressed by Mr. White's reasoning, and think my colleagues would also be impressed. I include below a copy of Mr. White's article:

JACKSON LOOMS AS 1972 CANDIDATE

(By William S. White)

Something very rare is happening to Henry (Scoop) Jackson of Washington State on his way to a fourth term in the United States Senate. He is becoming the object of the first genuine and wholly uncontrived draft since the late Adlai Stevenson was almost literally forced to accept the Democratic presidential nomination of 1952.

In Jackson's case, however, it is not a presidential draft—or not yet at any rate. Rather, it is a spontaneous and snowballing demand that he take the lead in re-enfranchising masses of Democrats who have had no real national voice since President Johnson announced his imminent retirement in March of 1968.

Sen. Jackson was powerful inside the Senate, though not outside even before Nov. 3. His enormous primary victory over his "peace" adversary, Carl Maxey, was then capped by a landslide (87 per cent) triumph in the general election wholly eclipsing the victories of such senators as Edward Kennedy of Massachusetts and Edmund Muskie of Maine. In short, no man in a true two-party state in all the nation did as well as Henry Jackson.

More importantly, his achievement rested upon an absolute refusal to apologize for his consistent support of the Vietnam war, the antiballistic missile system, and, in general, the unbroken party philosophy of the last four Democratic Presidencies for dealing with armed and militant communism. Roosevelt, Truman, Kennedy and Johnson—all of them were committed to cold war negotiation only from American strength and never from American weakness. Roosevelt, Truman, Kennedy and Johnson—all were steadfastly resolved to keep the military defenses of this country unassailable by any prospective enemy.

This long line—this dogma of the determined and the tough-minded—Jackson has for two years doggedly and bravely defended as one of the Senate's top spokesman on military affairs. The more advertised Democratic luminaries meanwhile have listened to lul-

labys for what would amount to unilateral American disarmament.

The official leadership of the party in the Senate, such men as Sen. Mike Mansfield and Edward Kennedy, along with the bulk of presidential aspirants have long in substance repudiated these last four Democratic Presidents. The road has been hard, the way has been inhospitable, for such as Henry Jackson. For it is so much easier to come out for "no more war" and for domestic welfarism unlimited than to stand stonically upon the great truth that what must come first is the continued physical safety of the United States of America.

But all this was yesterday. Some of the shrillest of the anti-Pentagonites—Albert Gore in Tennessee, Ralph Yarborough in Texas being the most notable in this group—have now fallen before the voters. The wheel is turning back toward the hard realism of Roosevelt, Truman, Kennedy and Johnson—and this explains the new importance of being Henry Jackson.

What he symbolizes and embodies more precisely than any other man in the Senate is the kind of Democratic Party that so long stood upon two bedrock principles: A full acceptance of the immense and undeniably dangerous duty of a world power to act as such; and no less genuine commitment to domestic liberalism.

In a word, he is proving to millions of Democrats who have been dispossessed by the chic new-isolationism and semi-pacifism of the prima donnas of the Senate that they can indeed come home again. He is telling them, to change the metaphor, that the new-liberal tail—the tail that has thought it quite enough simply to cry out for "peace" regardless of the patent and progressive shift in the world power balance toward international communism—need no longer wag the old Democratic donkey.

No man in the new Senate assembling in January will be more influential; this much is for sure. And it may even turn out that by the time the 1972 Democratic National Convention comes around "they will be talking," as the expression goes, of Jackson of Washington for a place on the ticket.

A MATTER OF TREASON

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. GARMATZ. Mr. Speaker, because of their concern over the killing of so many police officers throughout the country in the performance of their duties, representatives of the Fraternal Order of Police came to Washington last month to see what could be done at the Federal level. No doubt many of you met with those from your State.

A number of members of that organization from Maryland were in the group and the Maryland congressional delegation had an opportunity to discuss the situation with them.

One of my constituents who came with them, Sgt. Gary W. Woodcock of Pasadena, Md., has given much thought to this emergency since our meeting and has written an article for the Maryland Police Journal. In my opinion, this article should be read by all Members of Congress and, therefore, I am inserting it in the RECORD for your careful consideration:

A MATTER OF TREASON (By Gary W. Woodcock)

Several weeks ago, a news article in one of the Baltimore papers quoted Dr. Ross Pierpont, a Republican candidate for Congress here in Maryland, as calling on the federal government to invoke the laws on treason against those engaged in or avowing the violent overthrow of the United States government. At first his declaration seems to be just another political phraseology favoring law and order, but a little investigation shows it to be worthy of serious consideration.

Under the old English common law, treason was the crime committed against the person of The Crown, or heirs to the Crown; the close companions and advisers to the Crown; and in making war against the Crown or giving aid and comfort to the enemies of the Crown. Treason also encompassed slaying the Chancellor, Treasurer, or the king's justices of one bench or the other, justices in the eye, or justices of assize (as high judges, commissioners, and circuit judges were referred to), and all other justices assigned to hear and determine, being in their places doing their offices (Blackstone's Commentaries). Treason was also divided into High Treason—committed against the sovereign—and Petit Treason—committed by a wife killing her husband, a servant his master, or an ecclesiastical his lord or ordinary. (also Bl. Comm.)

The framers of the United States Constitution, having just survived a trying period of time where many men were hanged or imprisoned on the slightest evidence of being guilty of treason, chose to limit that crime in the new United States. "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."—Article III, Section 3, U.S. Constitution. This gives our country's enemies great leeway when viewed in comparison with the ancient laws of England. This much however, has been well established:

1. Treason is a breach of allegiance and may be committed by a citizen who owes perpetual allegiance, or by an alien who owes a local or temporary allegiance.—Carlisle vs. U.S., 16 Wallace 154.

2. All who engage in the rebellion at any stage of its existence, are principals and not accessories. They are all levying war against the United States.—U.S. vs. Greathouse, 4 Sawyer (U.S.) 457.

3. To constitute levying war, there must be an actual assembly for effecting a treasonable purpose, such as overthrowing the government or coercing it's conduct.—Ex parte Bollman, 4 Cranch 126.

4. While there must be force used, it is not necessary that there should be any military array or weapons.—Drucker vs. Salmon, 21 Wis. 626.

5. It is sufficient if those assembled are in a condition to make war, even though no violence is committed.—U.S. vs. Burr, 25 Federal Cases No. 14,693.

6. It is treason to oppose by force, numbers, or intimidation, a public or general law of the United States, in order to prevent or cause its repeal.—U.S. vs. Fries, 3 Dallas 515.

7. The term "enemies" as used in this clause means subjects of a foreign power in a state of open hostility with the United States.—U.S. vs. Greathouse, 4 Sawyer (U.S.)

8. The expression "adhering to their enemies, giving them aid and comfort", means giving intelligence to the enemy with the intent to aid them in their acts of hostility, sending them provisions, supplies, money, or furnishing troops, arms, or munitions of war, surrendering military outposts, and acts of

a like nature.—Law of Treason, 5 Blatchford (U.S.) 549; 30 Federal Cases, No. 18,271.

The levying of war to the framers of the Constitution, was the knock-down, drag-out, who's got more guts, struggles of two opposing armies standing line against line and shooting it out to the finish. Jules Verne wasn't yet envisioning atomic energy which would force nations of opposing ideologies into the cold wars of espionage, sabotage, and psychological conquest. Perhaps the limitations on the crimes of treason against the country they were still struggling so hard to establish would have been much less stringent, had these things, as we're experiencing now, been part of the world of 1787. This is not to say that espionage, sabotage, and a certain amount of psychological warfare did not supplement the wars of those days. Today however, the roles have changed and the little hot brush-wars are supplementing the bigger effort expended in the "cold war". Most people recognize the "cold war" as a struggle between world communism and democracy as practiced in the United States, and have come to accept the weapons of that war for what they are, no matter how well disguised. This we can thank the authors and film makers of James Bond and company for. Now however, a new tool in that war has come into being—the terrorist, in one form or another.

Terrorism is nothing new in politics, revolution, or warfare. It is the use of intense, sharp, overmastering fear as a method of governing, or of resisting government, or of destroying the will to fight in enemy soldiers. In the Bible, we find that Moses came down from Mt. Sinai after receiving the Ten Commandments and found his people worshipping a golden calf that had been fashioned by Aaron, another respected leader of the Jews. "When Moses realized that, to the scornful joy of their foes,"—a phrase that indicates leadership problems within the Jewish camp—"Aaron had let the people run wild, he stood at the gate of the camp and cried, 'Whoever is for the Lord, let him come to me!' All of the Levites then rallied to him, and he told them, 'Thus says the Lord, the God of Israel: Put your sword on your hip, every one of you! Now go up and down the camp, from gate to gate and slay your own kinsmen, your friends and neighbors! The Levites carried out the command of Moses, and that day there fell about three thousand of the people. Then Moses said, 'Today you have been dedicated to the Lord, for you were against your own sons and kinsmen to bring a blessing upon yourselves this day.'"—Moses didn't have too much trouble ruling the Jews for a long time after. The French Reign of Terror during the Revolution in France lasted from June, 1793 to July, 1794 and saw more than 10,000 people, including the queen, lose their lives at the guillotine. The driving force behind this terror was Robespierre, a fanatic who ruthlessly destroyed anyone who stood in his path and who came into leadership when the National Assembly turned its power over to a small body, the Committee of Public Safety. The day before the tyrant lost his own head to the guillotine, his opponents were fearful of speaking out against him in the National Assembly; a tribute to the effectiveness of the Terror. The Nazi war machine and the Communists both used a form of terrorism through secret police organizations to establish and maintain themselves in authority. In warfare, however, terrorism has been disguised and glorified to make it more appealing to the principles.

Perhaps the most famous terrorists of WW II were the American paratroops. Their missions were to be dropped behind the main enemy lines and prevent supplies, and reinforcements from reaching the front and to

destroy communications. This would have the natural consequence of impairing the enemy's physical ability to resist attack and destroy his will to fight since he would feel alone. The successes in Normandy proved this form of action to be effective. Partisan groups in the occupied countries also used terrorist tactics in their resistance of the Germans, but they were called "guerrillas" to soften the effect of their acts. The Random House Dictionary defines a guerrilla as, "a member of a small independent band of soldiers that harass the enemy by surprise raids, attacks on communications, etc.—pertaining to such fighters or their techniques of warfare." The foresight of some military leaders saw the brush-wars all over the world as we are having today, and created for our own purposes a group of guerrillas popularly known as the Green Berets. Recent publicity dealing with that organization charges that they favor terror tactics. Inquiries into Green Beret conduct in Vietnam found their acts to be a function of war. An act that is a function of war in Vietnam, doesn't become any less of a function of war because it is perpetrated in the United States by groups that profess to be carrying on a revolution or waging war against the establishment, i.e. the U.S. government.

In his recently published book, "Seize The Time", Bobby Seale, chairman of the Black Panther Party, constantly expounds that the "fascist establishment" is at war with the black people of the United States, and that whenever the establishment "attacks" them, the people should resist with force. He says, "The Nixon-Agnew-Mitchell administration—hand in hand, with the Reagans, the Daleys, the Hoffmans, the Carswells, Rockefellers, DuPonts, the Bank of America, and other exploiters—moves closer and closer to open fascism. The future of the Black Panther Party will be directly related to the smashing of the fascist state, and smashing the fascist regime. Every time the avaricious, demagogic ruling class gets down wrong on the people, violating their constitutional human rights, it's necessary for the youth of America, the revolutionaries, to move forth and jump on their asses. Every time we see a young child in the black community shot down by some racist pig policeman, it's necessary to use some kind of organized force against the pigs in a way that teaches them that the people are tired of that crap. Every time we see the power structure moving in a way which we know is wrong and against the progress of humanity, we must move and let them know that we're not going for any more of their—." The Black Panther Party is directly identifying Police as part of the federal establishment, and it advocates the use of an organized force against the Police when it is unhappy with the establishment.

The organized force that is advocated is known as the Black Liberation Army and rule #6 of the Black Panther Party states, "No Party member can join any other army force other than the Black Liberation Army." The tactics are also outlined in the book—If the Party doesn't get what it demands of the establishment, "The only other choice is guerrilla warfare. Guerrilla warfare is going to exist if the power structure is not stopped with community control of the police. One of the reasons the people have to work on the community control of police campaign is to curtail civil war in America, because it's at that point right now." This book was copyrighted in 1968. The Panthers haven't been given what they want, so they've begun killing Police Officers as step one in their guerrilla-civil war; and levying war is treason.

The best known radical student organization in this country is the SDS—Students for a Democratic Society. The name is synonymous with campus violence and destruction. Another group, the Progressive Labor Party (PLP) was formed in 1961 by a num-

ber of Communists who had been excluded from the Communist Party, U.S.A. The PLP is strictly Maoist, a revolutionary group that talks of violence and studiously cultivates college students. It has been listed by the United States Attorney General's Office as a communist front. Its members have so successfully infiltrated the SDS that by 1969 they evoked widespread fear that SDS might be eventually taken over by the PLP.¹

The philosophy of the SDS can best be summed up in Mark Rudd, president of the Columbia University branch during the 1968 student disorders. Rudd was virtually unknown on campus until he was elected president of SDS, and, at about the same time published a series of articles in the student newspaper entitled, "The Cuba I Saw", reporting on a youth convention he attended in Havana earlier that term (1967-1968). In the articles Rudd acclaimed the progress he had observed in Cuba; as an example of the new spirit under Castro, he quoted an aging bellboy at his hotel who told Rudd that he felt he owned the hotel. What bellboy in an American hotel, Rudd wrote, would ever make such a remark? As part of his platform for election, Rudd wrote a "Position Paper on Strategy for the Rest of the School Year—Complicity," in which he said the goals of the SDS now had to be: "The radicalization of students. . . showing them how our lives are really unfree in this society and at Columbia, getting them to act . . . and striking a blow at the Federal Government's war effort." On Monday, April 22, 1968, SDS called for a campus wide demonstration to end Columbia's ties with the government sponsored Institute of Defense. That same day, SDS issued an eight-page newspaper, as a rallying call for the demonstration, called "Up against the wall", and the dateline read, "April 22, 1968—The Year of the Heroic Guerrilla". One entire page was devoted to two woodcuts of Che' Guevara speaking at mass meetings, with the caption: "The Duty of Every Revolutionary Is to Make Revolution". The lead article was an open letter from Rudd to President Grayson Kirk of Columbia in which he denounced Kirk's speech on April 12, 1968 in Charlottesville, Virginia where Kirk had attacked the radical student demonstrations as, "turbulent and inchoate nihilism whose sole objectives are destruction." Rudd threw down the gauntlet to "Uncle Grayson"—and the U.S.—with these words: "Your cry of nihilism represents your inability to understand our positive values. . . . There is only one thing left to say. It may sound nihilistic to you, since it is the opening shot in a war of liberation. I'll use the words of Leroi Jones, whom I'm sure you don't like a whole lot: 'Up Against the Wall, ——— this is a stick-up'.—Yours for freedom,—Mark."² And then SDS proceeded with one of the most violent of the student demonstrations to that time.

In addition SDS and other groups have organized campaigns to send food and medical supplies to North Vietnam. Every student and radical protest against the war is an encouragement to the North Vietnamese to continue the fight. The banning of military recruiters and destruction of defense projects on college campuses is as much an "aid and comfort" to the enemy, and "adhering" to his cause as those acts set out in item 8, above. As pointed out in "Great-house" (Item 7, above), the enemy is the subjects of a foreign power in a state of open hostility with the United States. It is not a question of whether or not we are righteously at war with the enemy, merely that there be a state of open hostility. A declared war is not prerequisite.

¹ Foster, Julian and Long, Durward—Protest (Wm. Morrow & Co., Inc.)

² Bell, Daniel & Kristof, Irving—Confrontation, Basic Books, Inc., 1969.

When a police officer takes his oath of office his first fealty is to the United States and their Constitution. Secondly, he swears allegiance and service to his State; and third, he assumes the duty of enforcing the ordinances of his local jurisdiction. But! His first and foremost duty is to the Federal sovereign, where all authority of law originates. In effect, he is a soldier of the United States and their very first line of defense. How then, can acts that have been recognized as functions of war from the times of Moses right into Vietnam, be set aside as something different because they are happening now, and in the U.S. of A.? Killing the soldiers of a sovereign nation and destroying its institutions and means of waging successful war, or of providing for its successful defense against an aggressor, are acts of war against that sovereign. And when these acts are committed against the United States by a citizen who owes perpetual allegiance, such acts are treason. And all who engage in a rebellion at any stage of its existence are principals in it and are levying war against the United States. There is no law saying that those parties assembled for effecting a treasonable purpose, such as overthrowing the government or coercing its conduct, need have the means to win the war, merely that they be in a condition to wage war. A piece of pavement brick can kill just as dead as the atom bomb. Because it is a guerrilla war, doesn't make the declared conflicts being waged by the SDS and the Black Panthers and others, any less of a war. People are killed in wars and fifteen Policemen, the front line defenders of the United States Constitution, have died so far this year in guerrilla ambush; the same type of warfare being waged in Vietnam. The bombing of public buildings and defense installations, when carried out by Israeli commandos, is recognized (and even cheered by some) as a legitimate act of war; and the same occurs vice versa when carried out by Palestinian Arabs, with their sympathizers cheering. How in the hell, can we in this country, classify the blowing up of a university building housing a vital defense research project as malicious destruction of property?

Treason is all about us and it must be stopped by the level of government at which it is directed. Treason is a federal offense. Most of the States have repealed their laws of treason against the individual State and are, therefore, powerless to deal with the insurrectionist organizations which have a nationwide base. The Federal government has the money, the means and the manpower to bring a co-ordinated effort in every State of the Union, to stop what no one wants to admit is happening—Insurrection—Armed Rebellion—Treason. The Justice Department should put the question to the people, in the form of a Federal Grand Jury, and seek indictments against the radical groups who have openly vowed to wage their guerrilla wars and are making their vows bear fruit.

There has been some talk in the Congress of the United States that no federal action should ensue; that the States should handle these individual instances of murder and destruction as violations of State law; that there has been too much of an infringement on State sovereignty already by the federal government. State sovereignty died with the Fourteenth Amendment. There is a token sovereignty allowed to the States: they can elect a governor, a legislature, a court system; they can collect taxes; they can punish certain crimes; they can create a system of schools. But, all of these things are done with the permission of a federal system relying on the Fourteenth Amendment. The people of one State cannot live in the manner in which they choose in the sovereignty of that State when a power that can enforce a superseding authority tells them that their manner of living conflicts with the wishes of that superseding authority. There is only one

sovereignty in the United States and that is the sovereignty of the federal system; all other systems are subordinate. The question of infringement on State sovereignty arises in these issues, because they are politically controversial and the federal authorities are dropping the "hot potato" downward. If the States hold sovereignty in criminal matters, why are Police Officers found blameless of criminal violations of State laws by State grand juries, yet indicted on federal charges by federal grand juries for the same exact action? If the sovereignty of the State is violated in the prosecution of crime, it should also be violated in pardoning crime.

Congress has at last begun to take up its responsibility in the areas of national crime, destructive demonstrations, and the murder of public officials. In passing recent anti-riot measures Congress was merely following the formula set down by Chief Justice Marshall in the *Bollman* case in 1807: "Crimes so atrocious as those which have for their objective the subversion by violence of those laws and those institutions which have been ordained in order to secure the peace and happiness of society, are not to escape punishment, because they have not ripened into treason. The wisdom of the legislature is competent to provide for the case; . . . that punishment in such cases should be ordained by general laws, formed upon deliberation. . . ." This would have been all well and good several years ago, when the rebellion was merely a conspiracy; but the killing of the first police officer in the "war of liberation" has upgraded the offense, and by all standards of legality, makes it quite simply—a matter of treason.

DRUG SONGS BANNED

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. VAN DEERLIN. Mr. Speaker, our increasing awareness of the use and dangers of the so-called hard drugs has been pointed up, once again, by the recent deaths of popular performers Jimi Hendrix, Janis Joplin, and Al Wilson—of Canned Heat—which were believed to be drug related. Because of the influence that hit records have on the youth of our country, I am pleased, indeed, to note the new antidrug policy announced by Mike Curb, the president of MGM Records. Mr. Curb's action and his determination to uphold a standard of moral responsibility for the record industry is pointed out in an article which appeared in a recent issue of the *Washington Post* and which I now include in the RECORD:

DRUG SONGS BAN

NEW YORK.—Lyrics about drugs and rock groups that use hard drugs have been barred by one of the nation's top 10 record companies.

Mike Curb, 25-year-old president of MGM Records, announced the new policy Monday and called drug groups "the cancer of the industry."

"As records become hits, the groups perform, not just in New York and San Francisco, but in Atlanta, Tennessee—all over. When they appear, smashed out of their minds, and describe a great experience they had on drugs, they glorify drugs. I credit hard drug records acts with starting hundreds and hundreds of new drug users," Curb said.

He said he was making the announcement in the wake of the drug-related deaths of Al Wilson of Canned Heat, Janis Joplin and Jimi Hendrix.

Last Sept. 14, Vice President Spiro T. Agnew accused some song writers and movie makers of promoting the drug culture. Agnew said, "It threatens to sap our national strength unless we move hard and fast to bring it under control."

MGM is the first major record company to announce an antidrug policy, although some radio stations have said they will not play songs promoting drug use.

U.S. RAIDS INTO NORTH VIETNAM JAR NIXON ADMINISTRATION'S CREDIBILITY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. ROSENTHAL. Mr. Speaker, once again the administration has cast serious doubt on the sincerity of its public avowals to extricate us militarily from Southeast Asia.

The renewal of bombing raids over North Vietnam and the daring—but in many ways pointless—rescue attempt of American POW's were actions which have solidified rather than reduced our military presence.

This is not to minimize the military threat from the North Vietnamese troop buildup, or downgrade the magnificent courage of the Americans who participated in the rescue mission.

What is a matter of grave concern is the administration's political judgment relating to these events. Despite pronouncements to the contrary, President Nixon apparently seems either unable or unwilling to recognize that a negotiated settlement—not military force—is the only way we are going to disengage ourselves from the seemingly endless drain upon our resources—human and material.

Mr. Speaker, the administration's logic in approving the commando raid was clearly self-defeating. What could it have accomplished? The chances were that more lives would be lost than saved through the escapade. If the American prisoners had, in fact, been incarcerated in the camp, they might conceivably have been executed by fanatic jailors before the commandos could complete their assignment.

Even if the mission had been successful, would not the fate of American POWs held elsewhere have been gravely jeopardized?

Most distressing of all, any American action which prolongs rather than shortens the conflict results in greater casualties among our own ranks. This commando raid would seem to fall into this category, Mr. Speaker, and is thus much too high a price to pay, no matter how dramatic its symbolic impact is or might have been.

Finally, the administration's credibility has received another devastating blow. The resumption of the bombing was not accurately explained initially by administration spokesmen, either in its scope or in its motivation. Most congressional leaders were not consulted in advance on the plans, although the administration has pledged to collaborate more closely

with the legislative branch on foreign policy.

We can only hope, Mr. Speaker, that the present administration will realize the futility of substituting a military victory as a viable alternative to our total withdrawal, and resolution of the conflict through negotiation.

TACTICAL NUCLEAR WEAPONS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. HOSMER. Mr. Speaker, a status of nuclear parity, or whatever one wishes to describe the current superpower strategic standoff to be, is generally believed to have been evolved. How stable it may prove to be in terms of nuclear power balance and imbalance remains to be seen. However, the new status cannot be ignored and national security implications must be reexamined in light of it.

Obviously, the new circumstance of a strengthened nuclear umbrella over both East and West implies that violence on a conventional scale can be escalated considerably by both nuclear and nonnuclear states without undue fear of precipitating a nuclear holocaust. It also seems likely to heighten the importance of truly tactical, that is, relatively clean and low yield, nuclear weapons. Some thoughts on the subject are contained in the following column by C. L. Sulzberger, which appeared in the *New York Times* for November 15:

SOLVING AN UGLY DILEMMA

(By C. L. Sulzberger)

PARIS.—The greatest lesson of the Vietnam war is that America still has many commitments abroad and still retains foreign policy aims that can no longer be maintained by the kind of military establishment, strategy or network of alliances now employed.

This is quite clearly emphasized in the diminishing power of NATO vis-a-vis its potential adversaries and also in growing pressure by U.S. opinion to reduce forces abroad, not only in South Vietnam and South Korea but also in Europe.

It has been reported widely that the National Security Council will soon set new levels for U.S. forces in Europe. Obviously any revisions will be down, not up. Since the days of President Kennedy, America has expressed disappointment with allied efforts to assume a larger share of the burden.

But this cannot be done for the simple reason that European opinion is even more reluctant than its American equivalent to pull in its belt and protect the West against a war that, it firmly believes, will never come.

The flexible response strategy worked out by the Kennedy Administration has been less successful than the massive retaliation strategy worked out by the Eisenhower Administration because, while both achieved their ultimate goal of deterring major conflict, the former failed in its avowed purpose of being able to win a limited war.

As in Korea, when we became involved in 1950 but had the highly useful umbrella of U.N. participation, we again became directly involved in Vietnam—this time alone. Moreover, the avowed objective of holding a sufficient conventional force to do the job effectively was not achieved.

Prof. Robert Lawrence of the University of Arizona, former Defense Department consultant, points out in a study scheduled for

publication by the French *Revue Militaire Generale*: "We [the U.S.A.] will either have to increase qualitatively our ability to respond to local threats, or in the future we will have to see a substantial reduction in our commitments and influence over the course of events.

"In the aftermath of Vietnam, we certainly do not propose to fight a large-scale conventional war with China. Yet the ability to engage Chinese military forces successfully may be a *sine qua non* of deterrence and stability in Asia."

It is an old axiom that one can only hope to preserve peace by being ready to defend it. All-out nuclear holocaust cannot be warranted by any conceivable excuse. But this has not prevented the kind of limited war that Kennedy's strategy hoped to be able to oppose and win.

However, the United States has proved unable to meet this kind of challenge. Limited commitments to conventional defense are seen as increasingly outmoded, and yet total warfare is a dreadful absurdity that cannot be contemplated except as the ultimate deterrent only a superpower can afford to have and no one can afford to use.

Consequently, the search focuses on a third solution—between impossible nuclear disaster and unsuccessful conventional warfare. The answer may well lie in the field of truly tactical atomic weapons. This is not meant to include those devices now loosely called tactical whose destructive power, although immensely smaller than that of the so-called strategic weapons, is often measured in kilotons, although not megatons.

Research now proceeds in purely fission warheads whose explosive potential can be reckoned in tons, not kilotons, and is comparable to large conventional bombs. Their short-lived radiation effects could destroy an enemy's troops without causing unacceptable damage in cities or other areas.

A second research endeavor concerns what are variously called "fusion-enhanced radiation" or "neutron" warheads with relatively lower blast and heat collateral effects than those of existing atomic weapons. Experts contend that such arms could be employed with sufficient precision to avoid even so large a collateral effect on areas attacked as on those damaged by conventional American bombing of North Vietnam.

The argument is that democratic societies can no longer limit themselves to weapons known to be outmoded but must find new arms whose power is not wholly unrestricted, even to the extent of the so-called tactical A-bombs in today's arsenals. There appears to be no other middle road between supineness and suicide.

Lawrence writes: "Minor powers have shown an ability to frustrate U.S. conventional capabilities." Much earlier Bismarck wrote: "We live in a wondrous time in which the strong is weak because of his moral scruples and the weak grows strong because of his audacity."

Bismarck resolved this by abandoning moral scruples. There must be another American approach to the problem. This is by devising an arsenal of adequately limited strength to make up for the deficiency in conventional forces its own political system refuses to provide. The dilemma facing the United States and its allies today is ugly and unpleasant even to discuss, but it must be resolved.

TRADE CURB SEEN PERIL TO PORT

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. FRELINGHUYSEN. Mr. Speaker, during the debate on the trade bill last

week, I referred to the approximately 4 million American jobs attributable to total U.S. exports—far more than are threatened by imports. According to available estimates, one out of every four people in the New York-New Jersey metropolitan area earns his livelihood in the field of foreign trade.

Evidently, Port of New York Authority officials share my concern that the bill recently passed by this body may, if enacted, result in a staggering decline in business for the port, which handled close to \$1 billion worth of textile and footwear products alone during the past year. According to the president of the New York Shipping Association, passage of a restrictive trade measure would be a calamity for the Port of New York, as it will drastically reduce employment and activity on the New York-Newark waterfront.

Mr. Speaker, I include in the RECORD the following article from the Newark Sunday News of November 22, 1970, entitled: "Trade Curb Seen Peril to Port," by Barbara Spector:

TRADE CURB SEEN PERIL TO PORT

(By Barbara Spector)

Textiles and footwear are vital imports for the Port of New York and close to \$1 billion worth of the two commodities were handled at the harbor last year.

It is staggering figures such as this that have aroused the concern of shipping and port experts on the economic impact of the Port of New York, including the burgeoning New Jersey side, of the proposed import quota bill, now awaiting Senate action.

The bill passed comfortably in the House of Representatives, despite much opposition. But, a tough fight is anticipated in the Senate.

Particularly concerned are the shipping companies, many of which are operating at a big loss this year. They fear fewer imports could result in fewer exports, as a retaliatory measure, and ultimately less cargo and less business for their ships.

SEES CALAMITY

Passage of the measure would be "a calamity" for the Port of New York, said John M. Will, president of the New York Shipping Association, which represents 126 foreign and American steamship companies and waterfront employers at the harbor.

A retired admiral, Will is also president of the Italy-America Chamber of Commerce.

He said threatened retaliation by countries whose exports to the United States will be limited by the proposed quota bill, "will have an over-all effect on foreign trade . . . will reduce employment and activity on the New York-Newark waterfront."

American Export Isbrandtsen Lines, of which Will is board chairman, is one of many shipping lines reporting losses currently. Others include Moore-McCormack and U.S. Lines.

The import quota system would initially limit the import of textiles and shoes to the average amount received in 1967, 1968 and 1969. It could spread to other products.

TEXTILE IMPORTS

In 1969, the Port of New York handled 266,554 tons of textiles valued at \$768.3 million. The imports included clothing, yarn, rugs and tapestries.

The 1968 total was 276,900 tons valued at \$735.6 million and in 1967, 244,100 tons valued at \$603.7 million.

The average for the three years as prescribed by quota bill, would be 262,518 tons for 1971—less than the total imported in 1968 and 1969. The quotas are based on a national picture, but local statistics provide an indication of how it might go.

Imported shoes amounted to 60,660 tons in 1969, worth \$160.8 million; 64,000 tons in 1968, worth \$160 million, and 54,000 tons in 1967, worth \$119 million. The three-year average is 59,553 tons, again less than the import totals in 1968 and 1969.

Austin Tobin, executive director of the Port of New York Authority, which promotes trade and commerce in the harbor, termed import quota legislation, the Trade Act of 1970, as "ill-conceived and disastrous."

IMPORTS IMPORTANT

"The importance of the flow of overseas commerce to the Port of New York cannot be overemphasized," he said in a letter to the lawmakers.

"It provides the basis for the livelihood of an estimated one out of every four persons who live in the New Jersey-New York metropolitan area. If the Trade Act of 1970 becomes law, the Port of New York will encounter reductions in the movement of goods caused initially by the quotas themselves and subsequently by the retaliatory actions of other nations," Tobin added.

In urging rejection of the legislation, Tobin said its enactment "will further depress economic activity at the bistrate port by eroding the real size of the workers' paychecks through inflation fed by reduced market pressures for lower prices."

Proponents of proposed mandatory quota legislation said it will reverse a job decline in the U.S. textile and shoe industries and force foreign competitors to negotiate voluntary import curbs.

Its opponents basically fear a world trade war and a rise in price for the two commodities—possibly \$3.7 billion by 1975.

Clifford O'Hara of the N.Y. Port Authority represented the American Association of Port Authorities in the fight against the measure. The association represents 80 American ports which have invested billions of dollars in new facilities and don't want to see them idle.

He estimated nearly two million people have jobs directly involved with foreign trade and their employment could be cut if import restrictions are imposed.

Thomas W. Gleason, president of the International Longshoremen's Association, a union that has been growing in Port Newark along with the marine terminal there, said his men would be hard hit if cargo amounts dropped.

"All the new ships in the world are not going to help our commerce and industry, if we don't get the cargo. My men load and unload wherever it comes from. It's just that the more we have, the better off I am," he added.

ADDRESS BY BRIG. GEN. ROSS R. CONDIT, JR.

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. MARSH. Mr. Speaker, part of the ceremonies conducted at Staunton, Va., in my congressional district, this past November 11, which marked not only Armistice Day but Veterans Day, was an address at the Thomas Howie National Guard Armory by Ross R. Condit, Jr., a brigadier general in the U.S. Army.

General Condit commands the U.S. Army Combat Developments Command, Combat Service Support Group, at Fort Lee, Va. This distinguished officer in his remarks on that occasion made, I think, a scholarly and realistic assessment of the meaning of Veterans Day in relation

to America's role in the world today, particularly as to our national security requirements to preserve not only our own freedom but the freedom of others faced with aggression.

I would like to bring to the attention of the other Members of the House the address of General Condit, as follows:

ADDRESS BY BRIG. GEN. ROSS R. CONDIT, JR.

Mayor Farrier, Representative Marsh, Colonel Barfoot, distinguished guests, cadets, ladies and gentlemen, your cordial invitation to participate in this morning's activities and to speak to you this Veterans Day is deeply appreciated. In these times when protest marches are so much in evidence, it is heartwarming to join in a ceremony *Honoring* an American institution.

Believe me, it is a privilege to be here in this atmosphere of goodwill and esteem for men and women who make up a large segment of our society—our veterans. It is a privilege also to share your pride in your gracious and lovely city and in its distinguished contributions to our nation. I am well aware that Staunton is not only the birthplace of a beloved American president, Woodrow Wilson, but it is also the birthplace of the city manager form of government, so widely adopted throughout America. Is it any wonder, then, that I feel honored to address an assembly of fellow-Americans with such a rich heritage?

Let me begin with an anecdote—
A newsman in Vietnam who was present at Khe Sanh during the bitter fighting which took place there in 1968, returned to that battlefield at a later date to do a follow-up story. As he strolled through the now-empty bunkers and fortifications, reminiscing about the people and events of the past, he came across an empty C-ration box on which one of the defenders of the Khe Sanh had written:

"For those who fight it, life has a special flavor the protected will never know."

These simple words, perhaps, best express the feelings of the long line of citizen soldiers we honor today . . . the American veteran.

Today's veterans, like their comrades in arms of past conflicts, know only too well the depth and meaning of these words. For it has been their sacrifice and their service in the interest of free mankind which have kept this country free and protected. We have been the land of the free only because we have been the home of the brave such as personified in Colonel Barfoot, a distinguished soldier and winner of the Congressional Medal of Honor. Sir, I salute you.

As we take time from our daily routine to observe this special day, we should take the opportunity to look more closely at this particular group of our fellow citizens. One out of every eight Americans is a veteran of wartime military service. They are a cross section of the Nation and are represented by both sexes. They are found in every occupation, in every walk of life and at every level of responsible service to this great Nation of ours.

Although their average age as a group is a little over 44 years, their individual ages are representative of those periods in our history where the forces of tyranny and oppression sought by violence to crush the hopes, dreams and aspirations of free men.

It was more than 50 years ago, when President Wilson set aside November 11 as a day for American citizens to pay tribute to those who had so recently fought the "war to end wars." The veteran of that war . . . World War I . . . came home as a hero with a sense of well being and satisfaction. Because he felt that he had participated in a crusade to make the world safe for democracy, he had placed his life on the line to insure that his sons and generations yet un-

born would not have to bear arms against aggression and tyranny. In the years following the war, he was revered and honored and his deeds of bravery and valor were widely acclaimed. This was a just and fitting tribute to that generation of warriors; citizens and free men fighting for freedom itself.

But we all know from subsequent events of history, despite the gallant motives and well-intentioned enthusiasm of the veterans of that era, their dreams, ambitions and exertions were shattered in the twisted steel and gutted ruins of Pearl Harbor on that Sunday in December 1941.

The veteran who emerged from World War II was different from his counterpart of World War I . . . indeed, the United States was different from what it had been in 1918. In the process of fighting in the years 1939 to 1945, the whole globe had changed. Entire nations had ceased to exist, while many new countries had been born. At war's end we emerged as a major world power, pledged to defend freedom and liberty in a world which had been divided by the Iron Curtain of Communism. Enemies became friends—allies, questionable friends if not enemies.

This fact was forcibly driven home in June 1950, when the Iron Curtain parted in Korea, and the North Korean army spilled into the heartland of South Korea. The United States responded to that beleaguered country's call for help and a new generation of American veterans appeared on the scene. The parable—"If your neighbor comes to you in the night, help him, even though reluctantly". Our neighbor, the Republic of Korea, asked for help and the U.S. came to their assistance.

By the time the fighting stopped, the American veteran had become a mixed lot. For some, it was their third war; for many others, it was their second; while a larger group received their "baptism of fire".

As the Korean war subsided, American youth became veterans of still another war . . . a war of ideology . . . a war of threat and counterthreat . . . a war of impending destruction of whole civilizations . . . a cold war that could turn hot at the push of a button.

While the temperature of the cold war vacillated, the bamboo curtain was raised in Vietnam, and American troops were again locked in combat against a ruthless enemy who by terrorism, subversion and force of arms was trying to strangle an infant nation—again a neighbor asked for help, and the United States, rightly so, went to her neighbor's assistance.

Once again, American fighting men are returning to society as veterans. They exhibit many of the same subtle differences which have characterized other veterans. They know, for example, that they are members of a rather unique fraternity . . . that they have been privileged to serve . . . that their exercise of citizenship was given in full measure. They know, as only veterans can know, that each battle, each campaign, or each war is its own private hell for the man who fought it.

For the "doughboy" of the AEF, his agony at Belleau Wood has little relevance to the "G.I." who froze in a fog-shrouded foxhole during the Battle of the Bulge. For both of them, there is little relevance to the experiences of the man who fought off an enemy assault on bloody Pork Chop Hill and the exploits of all three have even less significance to the soldiers who beat off a Viet Cong sapper attack at some obscure and remote fire base.

In each situation, even though identified with a particular group, the individuals concerned participated in their own singular, distinctive and personal war. Each and every participant had his own moment of truth. For some it was an event which spanned a

short period of time, for others its length and intensity could never be measured, while for some it would be for eternity.

While their views about the war they fought may differ from another's experiences, all our veterans share many things in common, chief among these common bonds is their abhorrence of war and its destruction and desolation. In these troubled times, when men of reason everywhere are desperately seeking peace, it is the American veteran who most sincerely supports that quest, for he has seen the ravages of war and its aftermath. But our veterans know that peace can only be preserved when a country is strong enough to defend their right to peace. They, more than anyone, are aware of the need of continued vigilance and preparedness which would ensure that no foreign power dared to encroach upon our desires for peace, freedom and liberty. Daniel Webster underscored this when he said:

"God grants liberty only to those who love it, and are always ready to guard and defend it."

Our veterans of all wars are similar in yet another way. Ever since our very humble beginning as a Nation, we have depended on our armed forces for protection when our birthright has been threatened. And in all our history, these gallant men have responded magnificently. The most unique feature of their service lies in the fact that since the days of the continental army our servicemen have left home and health in their country's uniform in spite of the fact that they might not agree with all facets of national policies. Their military service has not merely been an act of fulfilling their duty as a citizen. . . . It has been an act of faith. . . . Faith in what they are doing. . . . That, fundamentally, it is the right thing to do. In every war in our long history it has been the efforts of men and women such as those we honor today which have guaranteed the freedoms and safety of their fellow citizens. British philosopher John Stuart Mill viewed it this way.

"War is an ugly thing, but not the ugliest of things; the decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. A man who has nothing for which he is willing to fight; nothing he cares more about than his own personal safety; is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself."

There are some in our country today who do not understand this precept, or, understanding it, choose to ignore it. There are some who enjoy all the benefits of freedom—the right to dissent, the right to protest—but are not willing to fight to retain that freedom, and would enslave those who are willing to fight.

There are those who say "disarm." "Let the United States set the pattern—others will follow." This in plain language is "hog-wash." If we were to completely disarm we would be a sitting duck for aggressors. I am firmly convinced that if we were to render ourselves militarily helpless, there are forces outside the United States who would promptly move in on us. History has proven, time and again, the logic of this thinking. We are prosperous enough to support a necessary defense, and thank God, we have those willing to maintain it. It would be wonderful if we could turn weapons into plowshares. We aren't ready for that yet.

For those of you assembled here today, who have enjoyed the privileges and freedoms so arduously defended by our veterans. . . . Let us now exercise our responsibility by extending our gratitude to these dedicated Americans who have done so much in service to their country, but let's not dishonor them by giving in to forces which would destroy our freedom.

We are blessed that we have had, and continue to have, men and women of courage, conviction and bravery, willing to endure privation, hardship, danger and even death in the quest of freedom, justice and peace for all mankind. It is only fitting on this day . . . Veterans Day 1970 . . . that we offer a prayer of thanks to our veterans . . . because . . . blessed are they . . . for they are the peacemakers.

PROPOSED CREDIT CARD REGULATION BY FEDERAL RESERVE BOARD

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mrs. SULLIVAN. Mr. Speaker, when the Congress passed H.R. 15073 last month dealing with foreign bank accounts and foreign financial transactions by Americans, the conference bill included in the legislation an amendment to the Truth in Lending Act to regulate the distribution of credit cards and a new title to the Consumer Credit Protection Act to apply to credit reporting bureaus. The bill was signed into law by President Nixon on October 26 as Public Law 91-508.

Today, less than a month later, the Board of Governors of the Federal Reserve System has issued a proposed amendment to Regulation Z—the regulation which implements the Truth in Lending Act—to carry out the intent of Congress in Public Law 91-508 on credit cards.

I commend the Federal Reserve for its prompt action in drafting a proposed regulation and offering it for comment and critical review by the businesses which will be covered under the new law and by the consumers who also have a big stake in this issue.

THE FED'S GOOD RECORD ON TRUTH IN LENDING

I have said many times that the Federal Reserve has done an outstanding job in the past 2 years as a consumer agency of the Government in its work on the issuance of all regulations under the Truth in Lending Act title I of the Consumer Credit Protection Act of 1968, Public Law 90-321. The basic law was enacted in May 1968. Late in 1968, the Federal Reserve issued for comment its draft of the historic Regulation Z, and well before the July 1, 1969, effective date of truth in lending, it provided business with excellent guidance in complying with the new and far-reaching Truth in Lending Act.

It has not had equal leadtime in which to prepare its credit card regulation, because one of the most significant parts of the new credit card law, limiting the liability of a cardholder to only \$50 for the unauthorized use of a card, takes effect January 24, 1971, only 90 days after enactment of Public Law 91-508 on October 26.

Mr. Speaker, because of the widespread interest in this issue, as reflected in the many, many letters Members of Congress have received in recent years complaining about the distribution of

unsolicited credit cards and the potential liability of individuals for large debts charged to their names through use of stolen or intercepted credit cards, I am sure the Members will want to review the proposed credit card liability amendment just issued today by the Federal Reserve to Regulation Z. The proposed amendment is intended to become effective January 24, 1971—the effective date of the liability section of the new law. The Federal Reserve has invited comments on this proposed regulation up to December 28.

Without having an opportunity myself to study the proposed regulation in detail, I want to repeat my congratulations to the Federal Reserve for acting so promptly in this matter, and getting its draft of the regulation out to the public for full study and review well before it is to take effect.

The press release of the Board announcing the proposed amendment, and the text of the amendment itself, follow:

TEXT OF PROPOSED AMENDMENT TO REGULATION Z

The Board of Governors of the Federal Reserve System today issued for comment a proposed amendment to its Truth in Lending Regulation Z to implement credit card legislation recently enacted by Congress. Comments should be submitted to the Board no later than December 28.

The proposed amendment, in the form of an addition to Regulation Z, implements Title V of an Act (Public Law 91-508) that was signed last October 26 and relates to bank records and foreign transactions, credit cards, and consumer credit reporting. The credit card portion of the Act prohibits the mailing of unsolicited cards and generally sets a \$50 limit on a cardholder's liability for unauthorized use of a credit card.

That portion of the Act prohibiting mailings of unsolicited cards was effective immediately, while the section relating to limits on liability becomes effective on January 24, 1971.

As proposed, the amendment would incorporate the provisions of the Act and would:

1. Generally permit a creditor to send a renewal for a credit card if the original card had been requested or used.
2. Specify that the method of identification for a cardholder under the liability section must be by signature, photograph or fingerprint on the card, or by electronic or mechanical confirmation.
3. Contain a model notice form for the card issuer to use in advising a customer of his potential liability for unauthorized use.
4. Specify that notice of a lost or stolen card may be given by the cardholder by telephone, letter, telegram, radiogram, cablegram or other written communication. The regulation would also provide that notice shall be considered given at the time of mailing, at the time of filing for transmission in the case of a telegram, radiogram or cablegram, or at the time of delivery to the card issuer for other written notice.
5. Require card issuers to retain records of requests for cards, including oral requests, for at least two years. This is similar to an existing requirement in Regulation Z relating to retention of disclosure records.

[Federal Reserve System, 12 CFR Part 226—Reg. Z]

TRUTH IN LENDING: CREDIT CARDS—ISSUANCE AND LIABILITY

Pursuant to the authority contained in the Truth in Lending Act (15 U.S.C. 1601), as amended by Public Law 91-508, October 26,

1970, the Board of Governors proposes to amend Part 226 by adding § 226.13 as follows:

§ 226.13 *Credit Cards—Issuance and Liability*
(a) *Supplemental definitions applicable to this section.* In addition to the definitions set forth in § 226.2, as applicable, the following definitions apply to this section:

(1) "Accepted credit card" means any credit card which the cardholder has requested or applied for and received, or has signed, or has used, or has authorized another person to use for the purpose of obtaining money, property, labor, or services on credit. Any credit card issued in renewal of, or in substitution for, an accepted credit card becomes an accepted credit card when received by the cardholder.

(2) "Adequate notice" means a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning.

(3) "Card issuer" means any person who issues a credit card, or the agent of such person for the purpose of issuing such card.

(4) "Cardholder" means any person to whom a credit card is issued and any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

(5) "Credit" means the right granted by a card issuer to a cardholder to defer payment of debt, incur debt and defer its payment, or purchase property or services and defer payment therefor.

(6) "Credit card" means any card, plate, coupon, coupon book, or other credit device existing or created for the purpose of obtaining money, property, labor, or services on credit.

(7) "Unauthorized use" means the use of a credit card by a person other than the cardholder

(i) who does not have actual, implied or apparent authority for such use, or

(ii) who has only apparent authority for such use if the cardholder receives no benefit from the use.

(b) *Issuance of credit cards.* No credit card shall be issued except:

(1) In response to a request or application therefor, or

(2) As a renewal of, or in substitution for, an accepted credit card.

(c) *Liability of cardholder.* A cardholder shall be liable for the unauthorized use of a credit card only if,

(1) The credit card is an accepted credit card;

(2) Such liability is not in excess of \$50;

(3) The card issuer has given adequate notice to the cardholder of the potential liability for unauthorized use;

(4) The card issuer has provided the cardholder with an addressed notification requiring no postage to be paid by the cardholder to be mailed by the cardholder in the event of the loss, theft, or possible unauthorized use of the credit card; and

(5) The unauthorized use occurs before the cardholder has notified the card issuer that an unauthorized use of the credit card has occurred or may occur as the result of loss, theft, or other occurrence.

(d) *Other conditions of liability.* Notwithstanding the provisions of paragraph (c) of this section, no cardholder shall be liable for the unauthorized use of any credit card which was issued on or after January 24, 1971, and, after January 24, 1972, no cardholder shall be liable for the unauthorized use of any credit card regardless of the date of its issuance, unless:

(1) The conditions of liability specified under paragraph (c) of this section are met; and

(2) The card issuer has provided a method whereby a cardholder can be identified by signature, photograph, or fingerprint on the

credit card or by electronic or mechanical confirmation.

(e) *Notice to cardholder.* The notice to cardholder pursuant to paragraph (c) (3) of this section may be given by printing the notice on the credit card, on the periodic statement of account, or on the statement required under paragraph (a) of section 226.7, or by any other means reasonably assuring the receipt thereof by the cardholder. An acceptable form of notice should read substantially as follows, but it may include any additional information which is not inconsistent with the provisions of this section:

"You may be liable for the unauthorized use of your credit card [or other term which describes the credit device]. You will not be liable for unauthorized use which occurs after you notify [name of card issuer or his designee] at [address] orally or in writing of loss, theft, or possible unauthorized use. In any case liability shall not exceed [insert—\$50.00 or any lesser amount under other applicable law or under any agreement with the cardholder]."

(f) *Notice to card issuer.* For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information with respect to such loss, theft, or other unauthorized use of any credit card, whether or not any particular officer, employee, or agent of the card issuer does, in fact, receive such notice or information. Irrespective of the form of notice provided under paragraph (c) (4) of this section, at the option of the cardholder such notice may be given to the card issuer or his designee by telephone or by letter, telegram, radiogram, cablegram, or other written communication which sets forth the pertinent information. Notice by mail shall be considered given at the time of mailing; notice by telegram, radiogram, cablegram, or other such communication shall be considered given at the time of filing for transmission, and notice by other writing shall be considered given at the time of delivery to the card issuer.

(g) *Preservation of records.* A card issuer shall preserve evidence of a request or application for a credit card for a period of not less than 2 years after the date of request. A written notation of the date, name of applicant, and the manner in which the request was received will serve as evidence when such request is not made in writing.

(h) *Action to enforce liability.* In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in paragraphs (c) and (d) of this section, have been met.

(i) *Effect on other applicable law or agreement.* Nothing in this section imposes liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

(j) *Effective date.* The provisions of this section are effective January 24, 1971.

The proposed amendment implements Title V of an Act (Public Law 91-508) dealing with Bank Records and Foreign Transactions; Credit Cards; and Consumer Credit Reporting. Title V is an amendment to the Truth in Lending Act (82 Stat. 146). The statutory provisions have been incorporated into the proposed amendment to the Regulation so that it may be used by affected creditors as a single source of the requirements of both Title V and the Regulation. Section 132 of the

new Act dealing with issuance of credit cards became effective on October 26, 1970.

The Regulation allows a creditor to send a renewal of a credit card provided the original card or a renewal thereof was requested and received, signed or used.

The Act provides that a method whereby the cardholder can be identified must be provided by the issuer for cards issued after January 24, 1971, and for all cards after January 24, 1972, in order for the card issuer to hold the cardholder liable for unauthorized use. The Regulation specifies that such identification must be by signature, photograph, or fingerprint on the card or by electronic or mechanical confirmation. It also specifies that a card issuer's notice to the cardholder of his potential liability should read substantially as the form of notice set forth in the Regulation.

The Regulation provides that a cardholder may notify the card issuer of loss, theft, or possible unauthorized use by using the form of notice provided by the issuer or by telephone, letter, telegram, radiogram, cablegram, or other written communication. Notice is considered given at time of mailing, filing for transmission in the case of telegram, radiogram, cablegram, or delivery in the case of other written communication. Evidence of requests for cards must be preserved for 2 years.

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 28, 1970. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, November 24, 1970.

[SEAL]

KENNETH A. KENYON,
Deputy Secretary.

SERVING THE MILITARY

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. DEL CLAWSON. Mr. Speaker, the month of November is recognized as a month in which Americans give thanks, thanks for many of the good things of life that we enjoy.

A recent editorial in the Church News, a publication of the Church of Jesus Christ of Latter-Day Saints contained comments in connection with Veterans Day for which thanks should also be given.

The reaffirmation of patriotism, love of country, observance of the law of the land, and willingness to support the Constitution and the "Establishment" resulting therefrom might well be considered by all of us.

I recommend the opinions expressed in the Church News of November 7 to my colleagues:

SERVING THE MILITARY

At the close of the first World War, Nov. 11 was made a national holiday marking the signing of the truce which ended that four-year conflict. Its designation was Armistice Day.

After the second World War there were

new victories to be celebrated and new heroes to be honored. The 1918 armistice was eclipsed by the peace of 1945. After that came the Korean conflict and now that in Vietnam.

Many military men were involved in every war, and they too are honored quite as much as the heroes of earlier times. So the day became known as Veterans Day, for men of all wars.

Some have urged that recognition of this day be discontinued. But should it? Do we not owe a sacred obligation to our heroic men who served in every war, those who died for us or were wounded, crippled or made blind, as well as those who served without injury?

The Savior taught that there is no greater evidence of love than for one man to give his life for another. Our valiant veterans fought and many died for us. This all must admit. Their love of country and fellowmen cannot be discounted, and must never be.

Their cause was our cause. We are safe and well at home because of their defense of us.

Our way of life in which we are free to grow, develop, advance, and perfect ourselves, is the life for which they fought. They did not die to protect criminals in their crimes, rioters in their defiance of law and order, nor arsonists in their destructive methods. They did not die to protect snipers who shoot down firemen seeking to control the dastardly work of arsonists, nor those who murder police officers doing their duty.

Those veterans fought for life, not death; for lawful and honorable peace, not peace at any price which is no peace at all. They fought for the right to marry well, to have virtuous children, and to live in law-abiding communities where women and children are safe on the streets and can live without fear.

They fought for the right to worship God according to the dictates of their own conscience. They fought to preserve goodness, not evil; to promote the common wealth, not the avarice of predators.

God gave us a free government which allows for all the good things of life. Our Church is committed to the protection of good government. We believe in being subject to duly elected rulers, and we are pledged to obey the law.

It is part of our religion to do so. Criminality in all its forms is opposed to true Christianity. No one can be an arsonist and a true Christian at the same time, nor will a true Christian riot against law and order, nor shoot down police and firemen, nor in any other way seek to destroy "the establishment."

"The establishment" as we know it—our Constitutional Government—is God-given. To fight against it is literally to fight against the purposes of the Almighty.

And to fight for that government is to defend that which is divinely given.

So when men enter the military service and defend this land—and its flag—they are in a righteous service.

And so it is that the First Presidency, in addressing the youth of this land have said: "We believe our young men should hold themselves in readiness to respond to the call of their government to serve in the armed forces."

Latter-Day Saints are not slackers. They are not conscientious objectors, and they are not pacifists in the usually accepted definition.

Latter-Day Saints are loyal citizens of the countries in which they live, and "believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring and sustaining the law."

Therefore they honor the veterans of our wars—men who risked their lives—for the sake of their fellow men—that right may prevail in the world.

INTOLERABLE TREATMENT OF
SOVIET JEWS

HON. ROBERT N. GIAIMO

OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 24, 1970

Mr. GIAIMO. Mr. Speaker, the Soviet Union has intensified its efforts to deprive its 3 million Jewish citizens of their freedom, religion, and identity.

On November 9, Leonid Rigerman, a 30-year-old physicist, was arrested in front of the U.S. Embassy in Moscow. Mr. Rigerman, whose mother was born in the United States and whose father was a U.S. citizen, was attempting to enter the Embassy to confirm his American citizenship at the time of his arrest. Embassy officials filed a formal protest with the Soviet Foreign Ministry on the grounds that the arrest violated the terms of the Soviet-American Consular Convention.

While there is little that can be done to effectively counteract this brazen, cowardly use of force, I have joined with more than 60 of our colleagues to urge Secretary of State William P. Rogers to confirm immediately Mr. Rigerman's citizenship so that he may be afforded all the protection to which a U.S. citizen is entitled.

Unfortunately, Mr. Speaker, we cannot grant this citizenship to the 31 Soviet Jews who are charged with involvement in a reputed "hijacking plot" and will face a "show trial" later this month. We cannot provide this protection to the thousands of Soviet Jews who wish to be reunited with their families outside the Soviet Union. All we can do, Mr. Speaker, is denounce the blatant anti-Semitism of Soviet officials in the strongest possible terms. This I have done and this I shall continue to do.

In 1966, Russian Premier Aleksei Kosygin stated that Russian families separated by the ravages of war could be united with relatives outside the U.S.S.R. Since that time more than 50,000 applications for family reunions outside of Soviet borders, many of them from Soviet Jews, have not been acted upon. For many years, Soviet officials have claimed that theirs is a land of freedom. Yet, these same officials have harassed Jewish citizens, placed limits on their freedom of worship, and refused to allow them to leave the country. Is this the "freedom" which exists in the Soviet Union?

Because of the increasing ties between the Soviet Union and the Arab States, because of the arrest of Mr. Rigerman, because of the upcoming "show trials," I fear that the plight of Soviet Jews will grow worse in the days to come. It is time for all decent citizens of the world to protest this intolerable situation and to demand the humane treatment by the Soviet Government of its Jewish citizens. It is time for the rest of the world to morally sanction the Soviet Union for these crimes against her own people. It is time to turn the propaganda about freedom and tolerance in the Soviet Union into reality. I pledge, Mr. Speaker, to do all I can to help.

I wish to insert at this point in the RECORD several newspaper articles which depict the treatment of Soviet Jews and the newsletter "Student Struggle for Soviet Jewry" which describes the continuing quest for freedom in the face of "show trials" and other harassment:

[From the New York Times]

SOVIET POLICE STOP A JEW AT GATES OF
U.S. EMBASSY

(By James F. Clarity)

Moscow, November 10.—The United States Embassy said today that it had complained to the Foreign Ministry that Soviet policemen had prevented a Jew from entering the embassy in an effort to establish American citizenship.

An embassy spokesman said the action of the guards in twice restraining the applicant, Leonid Rigerman, violated a consular agreement between the United States and the Soviet Union.

Mr. Rigerman, a 30-year-old physicist who has been active in efforts to ease Soviet restrictions on emigration, has filed an application through the embassy's consular section to be recognized as a United States citizen. The embassy said that because the application was under consideration by the State Department the consular provisions on free access of persons to American officials applied to Mr. Rigerman.

BASIS FOR CLAIM STATED

Mr. Rigerman says he based his claim on the citizenship of his parents. His mother, Esther, was born in Brooklyn and married his Russian-born father in the United States. Mr. Rigerman said his father was a United States citizen because his paternal grandfather had been a naturalized citizen. His parents moved to the Soviet Union in 1931.

Mr. Rigerman, a thin, bearded man who works as a computer programmer, said in a telephone interview tonight that he had been ordered to appear in an administrative court tomorrow for a hearing on charges that he refused to follow police orders and deliberately lay on the ground.

"They accuse me of falling to the ground, and refusing to go away," Mr. Rigerman said. "That is not true. They pushed me down."

He said that, if found guilty by the single-judge court, he could be given a maximum penalty of 15 days' confinement or a fine of 20 per cent of his salary for two months.

The embassy said that it had not received a decision on Mr. Rigerman's application from Washington, but that he was summoned to the embassy yesterday to discuss the matter. His father is dead, but his mother wants to establish that she is still an American citizen.

MOTHER DECLINES COMMENT

Mrs. Rigerman declined tonight, in a conversation in which she spoke English with a discernible New York accent, to discuss the situation. Her son speaks English with a Russian accent.

An embassy spokesman gave the following account of the incident:

Mr. Rigerman was seized in the morning by two of the uniformed guards who are stationed at the embassy's two main entrances. He was placed in a car and driven away.

Mr. Rigerman was released and telephoned the consulate, which invited him to return in the afternoon. A consular official was waiting on the sidewalk outside the embassy when Mr. Rigerman approached the second time. Before they could meet, two policemen seized Mr. Rigerman.

The American official explained to the police that Mr. Rigerman had been invited, that he had the right to enter the embassy and that preventing him from doing so was a violation of the consular agreement.

"He is a criminal," one of the policemen told the American. Mr. Rigerman was again driven away in a car.

In recent months, Mr. Rigerman has been closely associated with groups that have protested in petitions to Soviet authorities against restrictions on emigration.

[From the New York Times]

ISRAEL ACCUSED IN U.N.

UNITED NATIONS, N.Y., November 10.—The Soviet delegate, Yakov A. Malik, today made public a letter from a Soviet woman and her daughter, both Jews, complaining that they had been mistreated and harassed while trying to hold teaching posts in Israel.

Mr. Malik said Cecelia Rozinman, and her daughter, Irma, of Haifa, Israel, had asked his help in obtaining visas for their return to the Soviet Union.

The letter said they moved to Israel from Moscow in the spring of 1961 to join the woman's husband, but that the husband soon obtained a divorce.

Mrs. Rozinman said that she had been accused falsely of spreading Communist ideas while teaching in Haifa, and that eventually both she and her daughter wound up jobless and without funds.

[From the Washington Post, October 12,
1970]

DEMONSTRATORS CALL ON SOVIETS: FREE JEWS
NOW

(By Alex Ward)

Nearly 1,500 Jews, most of them high school and college students, staged a rally in Farragut Square and then marched near the Russian Embassy yesterday to protest the treatment of Jews in the Soviet Union.

Though a city regulation prohibiting demonstrations within 500 feet of a foreign embassy kept the crowd a block away from the Soviet ambassador's residence, 1125 16th St., NW, the marchers were loud and enthusiastic.

Chanting, "Let my people go, now" and "1-2-3-4, open up the iron door," they flashed the V-sign to onlookers and beckoned them to join in. A number did.

The demonstration was peaceful and there were no arrests. Two members of the American Nazi Party marched back and forth on I Street, across from Farragut Square, but they were largely ignored by the crowd.

The rally, sponsored by the North American Jewish Youth Council, drew members of youth groups from all over the country. Many of them wore long hair and work shirts and came to Washington carrying back packs.

The mood of the rally, which began around 3 p.m., was generally light—there were games of touch football and tag interspersed with the speeches—but members of the crowd were deadly serious when discussing why they came.

"The Jewish people in Russia are denied the same rights as other people," said Reuven Persky, 26, a law school graduate from Jersey City, N.J. "They are constantly discriminated against, the victims of ethnocide. There are different ways of killing people, and that is certainly one."

Irvin Rosenfeld, 17, a high school senior from Portsmouth, Va., said, "I'd like to see the Jews in Russia allowed to go to Israel if they want. They should have that freedom."

Those interviewed felt that the United States was not doing all it could to aid Soviet Jews.

"Nixon and Agnew have turned their backs on the problem," said Beth Cohen, 15, of Silver Spring.

"I can't understand why the U.S. doesn't do more," said Mike Milenson, 17, a senior at Bethesda's Walt Whitman High School. "There is an outright plan to eliminate the Jewish religion in Russia and I think we could bring some sort of pressure as part of our over-all relations with that country."

The crowd heard several speakers, including author Meyer Levin, and were read a letter, allegedly signed by 83 Russian Jews

and smuggled out of that country, describing the persecutions suffered by many of the Soviet Union's 3.5 million Jews.

"... We are dismissed from our jobs, expelled from our institutions, and... branded as 'enemies of the people' and 'traitors'" the letter said in part.

There also was the singing of traditional songs, a good deal of hand-clapping, and a dance skit depicting the Russian Jews in bondage.

Throughout the rally, members of a guerrilla theater walked about with pieces of red tape across their mouths, a red Star of David on their backs, and wrapped in chains.

[From the Christian Science Monitor, Nov. 6, 1970]

ON SOVIET JEWS

(By Charlotte Salkowski)

Moscow.—A steady rain could not dampen the exuberant spirits of Moscow's young Jews.

It was the ancient holiday of Simchas Torah—Joy of Torah—and thousands of Jews thronged the street in front of the synagogue to sing, dance, and share a feeling of community.

Simchas Torah celebrates the conclusion of the annual reading of the Torah and the Jews' gratitude for their book of laws. But here in the past few years it has become the most important day of self-identification for Soviet Jewish youth.

"It's the most joyous day of the year for us," exclaimed a dark-haired youth.

Smiling, laughing, jostling each other, the well-dressed young men and women seemed to revel in just being together. "Shalom, Sasha!" shouted a voice happily. "Shalom!" came a response from out of the dark.

CHANTS RING OUT

On the steps of the columned synagogue—full to overflowing inside—stood a small band playing lively folk tunes to the accompaniment of guitar and tambourine. In the street, groups of youths, linked arm in arm in circles, danced and sang the few words of Yiddish or Israeli songs they knew. Their chants rang out over the crowds:

"Sho-lom alei-chem! Sho-lom alei-chem! (Peace be with you!)"

"Jews! Jews! All around us only Jews!"

"Is-ra-el! Is-ra-el!" resounded the refrain on an old Yiddish song.

Interspersed among the throngs was a scattering of uniformed militiamen as well as numbers of secret policemen. It is rare that the regime permits such a spontaneous celebration, one that has grown each year since the Arab-Israeli war in 1967. Events in the Middle East and the government's virulent anti-Zionist campaign seem to have had the effect of making Soviet Jews more aware of their nationality.

This year's celebration Oct. 22—despite the weather—drew perhaps as many as 10,000 Jews. Crowds began forming about 6 in the evening and did not disperse until 11 o'clock.

TRADERS NO LONGER

"They feel their Jewishness," remarked a middle-aged man. "The older Jews have more or less assimilated, but the young people now have a greater interest in Jewish traditions. They are trying to learn Hebrew from their parents or by radio or occasional books. Many are applying to emigrate to Israel."

How strong is the empathy for Israel and the desire to emigrate there among Moscow's some 300,000 Jews is impossible to know. Only a fraction turn out to celebrate Simchas Torah, to share this sense of fellowship on a Jewish holiday.

"A small percentage undoubtedly wants to leave," said another man. "But on the whole we have adapted here. We have homes and jobs. We're not traders as we once used

to be. Now many Jews become engineers and scientists."

"Do you know Hebrew?" I asked.

"Oh, no, there's little opportunity for that," he replied.

"What do you mean 'little'?" put in an older Jew standing nearby. "There's no opportunity. We have no Jewish schools or books."

As we chatted briefly, a circle of spirited dancers buffeted us, forcing us to move on.

WOMEN IN BALCONY

Two days later the scene at the synagogue was one of striking contrast. It was the first sabbath of the Jewish New Year, when the reading of the Torah began anew.

In the congregation were about 250 men, wearing hats or scull caps and white prayer shawls around their shoulders. In the balcony sat perhaps 50 women. There was only a sprinkling of young people.

"My sons don't take any interest," sighed one woman in a tone of sadness.

Another Jew said it is difficult for young people to attend services because of the official opprobrium that attaches the church-going. "More and more young Jews are turning to Judaism," he commented. "Like Russian youth, they are reaching out for something spiritual. But they usually seek this in private."

[From the Washington Post, Nov. 13, 1970]

JEWS, RUSSIA AND ISRAEL

"What it all comes down to," a young Jew who had left Moscow told writer Ben Wattenberg earlier this year, "is that they want us to disappear. Not to leave, but to disappear quietly into the surroundings. But we won't. We will retain our identity, hopefully outside Russia, but in Russia if necessary. We will be Jews, real Jews, come what may." This is an accurate summary of one of the most remarkable developments inside the Soviet Union in years: the growth within a submerging and officially persecuted community of a sense of pride and peoplehood, that sense expressing itself not merely in demands for equal treatment under Soviet law within the Soviet Union, but in a passion to emigrate to Israel. Only there, an increasing number of Soviet Jews have come to believe, can they lead decent lives as human beings and as Jews.

This development has come as a surprise to many who had noted the previously sparse, furtive and pathetic quality of Jewish life in the Soviet Union, a country in which official anti-Semitism remains a dark fact. But the awakening to group consciousness of many other sleeping communities elsewhere in the world also touched Soviet Jewry. Especially important was the 1967 Arab-Israeli war. Its sequence of threat to Israeli survival, and deliverance from that threat, provoked a tide of Jewish self-discovery. The Jewish renaissance in Russia drew strength from and added strength to the broad-based human rights movement in the country. Similarly, it suffered from neo-Stalinist practices that afflicted writers and intellectuals, young people, Ukrainians and other Soviet minorities.

The Soviet Jewish renaissance has had one unique quality: for many, fulfillment requires not just better treatment by the Kremlin but departure from the country. It scarcely need be pointed out that, with Moscow moving close to the Arabs' side, Soviet Jews could not have chosen a worse moment to appeal to go to Israel. Even so, with stunning courage, thousands of them have legally petitioned for exit visas. A few, in their desperation, have tried to flee. Last summer one group evidently tried to hijack an airplane—their trial begins next Friday. The Kremlin has fought back by trying to identify an interest in emigration with treason.

It is to aid these people, who want only to avail themselves of a right—emigration—taken for granted by a free people, that foreign friends of Soviet Jews have voiced their concern. A year ago the Israeli government abandoned discretion for political confrontation and began to speak up for Soviet Jews in all available forums. Its purposes are to help some get out and to keep faith with the rest. In Washington there have been dozens of demonstrations in behalf of Soviet Jews. At a dinner next Sunday the American Jewish Committee will honor 17 of them currently in prison for trying to assert their rights; the speaker is to be a former American ambassador to Moscow, Charles Bohlen. For as long as the Soviet government "imprisons" a Jewish community which yearns to leave, free men will want to ease its fate.

[From the Chicago Tribune, Oct. 2, 1970]

RUSS DEMAND U.S. ACTION TO CURB JEWS

(By Frank Starr)

Moscow, October 1.—The Russian government today demanded that the United States muzzle American Jews who protest to Soviet officials in the United States over the treatment of Jews in Russia.

An official note handed to the U.S. Embassy here complained that "threats and provocations [and] direct acts of violence" are being directed against Soviet representatives in America. The note said these acts are done by Zionist organizations as part of "an unbridled anti-Soviet campaign."

WARN OF CONSEQUENCES

Russia said inaction by American authorities contributes to "this hostile campaign and can have unfavorable consequences for the relations between our two states."

[The Associated Press reported from Washington that the State Department declined to comment, saying that the text of the note had not been seen.]

The only public demonstrations allowed here are government-organized and Russian officials insist that anti-Soviet demonstrations in the U.S. must also be government-planned.

Russian newspaper editors who were the object of such demonstrations during an American tour last February told this correspondent that they believed the demonstrations were officially planned. Secretary of State William P. Rogers offered them an apology.

Today's note said that the situation has not changed despite assurances that appropriate measures would be taken.

CITES JEWISH LEAGUE

It said "criminally hostile actions" had been directed at several groups and organizations. The note listed these as representatives of the Soviet Embassy, the United Nations delegation, the state airline Aeroflot, the state tourist agency Intourist, and Amtorg, the agency for bilateral trade.

The note mentioned the Jewish Defense League as being "particularly active," but did not specify the kind of activity.

There have been other complaints that concerts by Soviet artists were interrupted and that Soviet flags were burned or painted with swastikas.

Boris Klosson, second in charge of the U.S. Embassy, was summoned this morning to the Foreign Ministry, where the note was handed to him by G. M. Kornienko, head of the ministry's United States division.

[From the New York Times, Oct. 31, 1970]

MRS. MEIR GIVES U.N. SOVIET JEWS' PLEA

UNITED NATIONS, N.Y., October 30.—Premier Golda Meir of Israel today gave Edvard Hambro of Norway, the President of the General Assembly, a letter addressed to him and signed by 77 Moscow Jews appealing for help to leave the Soviet Union.

The Israeli delegation also charged in the Social and Humanitarian Committee, which is discussing racial discrimination, that at least 31 Jews were about to be tried in the Soviet Union on trumped-up charges of planning to escape from the country by hijacking aircraft.

Mrs. Meir's covering letter said that the appeal was only one of hundreds reaching the Israeli authorities on what she termed "one of the gravest humanitarian issues in the world."

In the letter, the Moscow group said: "We Jews, who reside in the territory of the Soviet Union and wish to leave for the state of Israel, appeal to you, the head, and to the delegates to the anniversary session of the United Nations General Assembly, to raise your voices in protest against the trampling of human rights and justice."

[From the New York Times, Nov. 4, 1970]

TWO FROM UNITED STATES ACCUSED BY
MOSCOW ON JEWS

Moscow, November 3.—Tass, the Soviet press agency, said today that customs officers seized "slanderous" information about Soviet Jews from two Americans as they were leaving the Soviet Union after a visit in August.

Quoting from an article in the weekly magazine Ogoniok, Tass identified the two as Arthur Quell of Philadelphia and Linda Lebowitz of New York, both students. [The two Americans could not be reached immediately for comment.]

An American Embassy spokesman said they had registered with the embassy during a visit from Aug. 19 to 29, but he said the embassy had not been informed of the accusations.

The Soviet article said the students had distributed postcards saying, "Protest against oppression of Soviet Jews." Customs officers were said to have seized movies and a notebook "with notes of a slanderous nature" from Miss Lebowitz and postcards "with a provocative inscription" from Mr. Quell.

[From Student Struggle for Soviet Jewry,
fall 1970]

"A TRIAL IS BEING PREPARED . . ."

Hilel Shur, Arkady Shpilberg, David Chernoglaz, Meri Khanokh, Leib Khnokh, Boris Maftstier, Vulf Zalmanson, Vladimir Mogilever, Shlomo Dreisner, Silya Zalmanson, Hilel Butman, Victor Boguslavsky are twelve of the much larger number of Soviet Jews arrested during the past several weeks in a new wave of harassment and arrests of Jews seeking permission to leave the Soviet Union for Israel.

Events are racing ahead in the drama of Soviet Jewish resistance. The number and rhetoric of the appeals smuggled out is escalating, and so has the response of the Soviet authorities.

According to information now available, a plan was devised by Soviet party chiefs and the K.G.B. to round up "troublemakers" and determine the extent of the free world public outcry on their behalf.

THE PHONEY "HIJACK" PLOT

It appears that a secret police agent provocateur was able to convince a group of 12 persons from Riga, including 9 Jews desperate to leave for Israel, that he could fly them from the USSR. [This tactic was similar to an entrapment by the Soviet secret police of Vilna Jews in 1945.] When the twelve arrived at the Leningrad Smolny Airport on the morning of June 15th, they were arrested and charged with "treason."

Within an hour of this incident, a pre-planned series of coordinated arrests and searches began in Leningrad, Riga, Moscow, Kharkov and other cities. "Tools of crime" as Hebrew textbooks were seized to substantiate charges of "treason." Eight Leningrad Jews were arrested that day, as detailed in the

dramatic letter of Victor Boguslavsky (photo on page 1; text below), himself arrested three weeks later. From June 15th on, at least 28 Russian Jews have been arrested. Their only "crime" is a desire to learn the language of their ancestors and to return to their ancient Homeland.

Where will all this lead? "A trial is being prepared" states one appeal smuggled from Leningrad. The trial or trials, open or secret, will surely try to break the spirit of much of the Jewish resistance movement in the USSR. Soviet Jews told Rabbi Steven Riskin, chairman of our Governing Board, during his recent harrowing visit to Russia that the situation might develop to become comparable to that of the "Doctors' Trials" during the last months of Stalin's life.

But our crying out gives them protection, these Jews insist. If faced with an aroused world public opinion, the arrests might well cease and the trials not occur. If not, the way might be open for further official retaliation.

"Free my comrades!"—Victor Boguslavsky.

OPEN LETTER TO THE PROCURATOR GENERAL OF
THE USSR, RUDENKO, R.A.

Free my comrades!

On June 15, 1970, my comrades David Chernoglaz, Lev Kornblit, Lev Yagman, Lassal Kaminsky, Vladimir Mogilever, Anatoly Goldfeld, Solomon Dresner and Hilel Butman were arrested in Leningrad. Following their arrest, on the same morning of June 15th, searches were made in the homes of those arrested and in many other homes, including mine.

The searches were made with the aim of removing the "tools of crime." The tools removed were letters and postcards from relatives and acquaintances in Israel and also all texts containing the word "Jew" and "Jewish", particularly typewritten texts. The typewriters were also proclaimed as "tools of crime" and were removed. . . .

However, an even more terrible "tool" was found—textbooks and self-teaching books for learning Hebrew, sent from Israel by mail and partly photographed. All this, together with the letters and articles on Jewish history, novels and tapes of Jewish songs, was evidently supposed to serve as irrefutable evidence of crime.

Of what crime?

On June 15th, the newspaper *Vecherny Leningrad* and on June 16th, the newspaper *Leningradskaya Pravda* reported in three lines of "chronicles" about an attempt to hijack a passenger plane in the Smolny Airport. "The criminals have been detained, and investigation is in progress," the newspapers reported. . . .

Their only guilt is that they were born Jews and wanted to remain Jews . . . They never had any intention of hijacking a plane. But they would have been happy if they could buy a plane ticket to Vienna, even if they had to sell their last shirt for this. They dreamed of raising their children in the home of the national Jewish culture and tradition.

Chernoglaz's daughter is half a year old, Dreisner's son is 2 months old, Mogilever's son is a year old, Butman's daughter is 3 years old, Yagman's children are 3 and 5 years old, Kaminsky's children are 4 and 16 years old, Kornblit's daughter is 19. My comrades dreamed of hearing their own language from the lips of their children. Is this a crime? No. An active interest in the fate of one's people and love for one's people cannot be considered a criminal offense.

My comrades are innocent! Free my comrades!

LIST OF RECENT JEWISH "PRISONERS OF CONSCIENCE" IN THE SOVIET UNION

Boris Kochubiyevsky.

Lilla Ontman, from Chernovitz, Ukraine. Sentenced 1/70 to 2½ years in prison for seeking exit to Israel.

Nine Jews arrested June 15th on the phoney "hijacking" charge; 8 from Riga:

Leib G. Khanokh, 26 years old; married.

Meri Mendelevich Khanokh, 23 years old; wife of Leib Khanokh.

Yosif M. Mendelevich, 23 years old; brother of Meri K.

Edward Kuznetsov.

Silya Zalmanson Kuznetsov, wife of Edward Kuznetsov.

Isaac Zalmanson, 26 years old; brother of Silya Z. K.

Wolf Zalmanson, 31 years old; brother of Isaac.

Zalmanson and Silya Z. Kuznetsov.

Anatoly Altman, from Odessa; 38 years old. Boris Pestner.

Leningrad Jews arrested June 15th:

Vladimir Mogilever, 30 years old; married.

Lassal Kaminsky, 40 years old; married.

David Chernoglaz, 30 years old; married.

Hilel Butman, 37 years old; married.

Lev Kornblit, 48 years old; married.

Solomon Dreisner 38 years old; married.

Anatoly Goldfeld 24 years old; unmarried.

Lev Yagman 30 years old; married.

Victor Boguslavsky author of 6/26 letter above; arrested 7/10.

Two Georgian Jews arrested 6/70 for persisting in seeking exit:

Abraham Danilashvili.

Binyamin Razenashvili.

Also arrested since June 15th:

Semion Burshtein, from Sukumi, Georgia, 53 years old; married.

Arkady Shpilberg, Riga; 32 years old; married.

Boris Maftstier, Riga; 23 years old; married.

Hilel Shur, Leningrad; 34 years old; married.

Mendel Bodnie, from Riga.

Alexander Galperin, Kishinev; 24 years old.

Also from Kishinev:

Ari Kirsiner.

David Rabinovich.

Arkady Voloshin.

Abraham Trachtenberg.

Ruth Alexandrovich.

RUTH ALEXANDROVICH ARRESTED

Ruth Alexandrovich of Riga, a leading Soviet Jewish activist, was formally arrested on October 7th, following a two-month detention on the excuse she had possibly contracted the cholera germ. Both Ruth and her mother, Rivka, have signed appeals protesting the denial of their applications to leave for Israel. Ruth was charged with anti-Soviet activities.

There is a further cruel note to this arrest. Planning to be married on about the 14th of October, Ruth approached a top Soviet police official, asking permission to wed either before she was imprisoned or in prison itself. She was refused.

OTHER PROTESTORS REACH ISRAEL

Under slowly mounting public pressure from abroad, several other activist Jews from Russia have reached their goal—Israel. They include Mark Elbaum, Tina Brodetskaya, Lubov Bershatskaya, Boris Schlein, Rozalia Plotkina and Gedalia Pecharsky, who was imprisoned for actively demanding equal Jewish rights in the early 1960's. Semion Burshtein, one of the recently arrested, was also let go to Israel.

SIMCHAT TORAH "FESTIVAL OF REDEMPTION"

Several thousand people packed the New York Hunter College Assembly Hall on the evening of October 18th for the Student Struggle for Soviet Jewry's "Festival of Redemption" in unity with the defiant Russian Jews who dance each year before Soviet synagogues. The program, held one block from the Soviet U.N. Mission, featured noted singers Jo Amar, Theodore Bikel, Shlomo Carlebach and Sherwood Goffin who, along with eyewitness speakers, captured the mood of despair and defiance pervading the Soviet Jewish community today. A call was issued

for the formation of Release Committees in every community for those currently imprisoned.

You are urged to write to the Soviet Prosecutor-General, R. A. Rudenko [Kremlin, Moscow, USSR; air postage 25¢/half-oz.] demanding the release of the arrested and free exit for those Russian Jews seeking to leave for Israel.

NEW AND RECOMMENDED

The Jews in Soviet Russia Since 1917. Lionel Kochan, ed. (Oxford U. Press, New York, 1970).

Three Million More? by Gunther Lawrence (Doubleday, Garden City, N.Y.; 1970).

DING DONG BELL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BINGHAM. Mr. Speaker, while Congress was in recess, FCC Commissioner Nicholas Johnson delivered a provocative address before the Digitronics Users Association Conference in Chicago. In it, Commissioner Johnson makes the case that the American Telephone and Telegraph Co. has been making decisions that are detrimental not only to the public interest but to its own stockholders as well.

As a result of this address, A.T. & T. filed a formal petition for disqualification with Commissioner Johnson, saying that this address revealed such a "manifest bias against the Bell System" that Commissioner Johnson should disqualify himself from all future proceedings before the FCC involving any companies of the Bell System.

Reaction to the address and to A.T. & T.'s petition was swift. The Communications Workers of America, AFL-CIO, issued a statement which begins:

It appears that someone in the Bell System management has blown his cool in attempting to stifle commentary by a knowledgeable public official, whose sole obligation is to the American public.

California Rural Legal Assistance, on behalf of various Mexican-American associations, wrote a letter to FCC Chairman Dean Burch, stating:

Our organizations feel that if, in fact, A.T. & T.'s ground for disqualification of Commissioner Johnson is correct, then we too have a ground for seeking the disqualification of the remaining six Commissioners.

On November 13, Commissioner Johnson issued a 36-page legal opinion denying the A.T. & T. petition.

Mr. Speaker, since this address has generated so much comment, and since I am sure we are all vitally interested in assuring the best communications system in the country, I insert the full text of Commissioner Johnson's speech in the RECORD at this point:

WHY I AM A CONSERVATIVE OR FOR WHOM DOES BELL TOIL?

(By Commissioner Nicholas Johnson)

You may be wondering why a conservative like I would have so much trouble with the telephone company. Well, let me tell you.

Now that Vice President Agnew has spilled

the beans, and all the world knows that I have been just a "super permissive government official" all along, I might as well confess.

The Vice President's right. It is no coincidence that I should come to Chicago to speak on economic issues. The fact is that I have picked up a great deal of my economic philosophy right here. Milton Friedman and his colleagues have made a believer out of me.

It hasn't been easy. There aren't many genuine conservatives left—especially in Washington. And when folks found that I was getting some of my regulatory philosophy from Barry Goldwater's economic advisor I knew I would have to pay the price of trade press ridicule and industry suspicion.

In fact, I have spent most of my career as a government official—first as Maritime Administrator and now as an FCC Commissioner—unsuccessfully preaching the doctrine of free private enterprise competition and less government regulation to reluctant American businessmen committed to socialized enterprise and government protection of monopoly.

I didn't believe in socializing and subsidizing the American merchant marine and shipyards. I felt that with the genius of American management, we ought to be able to win in world-wide competition—as the American computer and industrial machinery companies have done. I wanted less government involvement in shipping—the industry wanted more regulation and socialization. Now it has won out, as you may know. President Nixon's proposals for dramatic increases in maritime subsidies have been approved—notwithstanding the fact that almost every independent economist in the country argues there is absolutely no commensurate economic benefit whatsoever from this expenditure of tax dollars.

Why is it that principles of competition sound so good at Rotary and so frightening when competitors threaten to move in next door?

If the best products are to win out in the market place, if the theory is to work in practice, there must be informed consumers. Why is it that consumer product industries almost universally resist efforts to provide relevant information about their products in advertising, packaging and prices that make comparisons easier?

If there is to be competition there must be competitors. Why is it that an industry run by men like America's newspaper executives—whose editorial commitment to free enterprise is unmatched—are distressed that only 94% of the cities with daily newspapers have monopolies? Why is it they feel compelled to press for a newspaper monopoly authorization bill (Administration-backed—over the protests of the Assistant Attorney General for Antitrust) in order to further reduce competition in their business?

You get the idea. In general, you see, my problem involves the distinction between the articulation of a theory and its application in practice. It's the carrying of a conservative philosophy like private enterprise to its logical conclusion that gets me in trouble.

My problems are only rendered more extreme by the integration of my conservative economics into my conservative politics.

My politics are equally old-fashioned. They are based on an American theory developed by a 200-year-old landed aristocrat named Thomas Jefferson: democracy. He believed that the best government would come from an educated and informed people participating in the decisions that affect their daily lives. Hardly anybody believes in this conservative doctrine anymore.

It's kind of a lonely crusade I wage. For example, I felt that local citizens should participate more actively in the license renewal process of their local radio and tele-

vision stations. This was preferable, in my judgment, to regulation by the federal government in Washington. I admit this sounds sort of like a George Wallace position. And I suppose I shouldn't have been surprised that those Radic-Libs who control the broadcasting industry—and therefore the Congress, Administration, and FCC—wouldn't see it my way. But I was a little saddened.

And so it goes. The life of a conservative is hard.

The purpose of this long introduction has been to make it easier for you to understand the problems I've had with the telephone company.

You all recall the telephone company. You have to recall the telephone company. You lose your dime on the first try.

Well, a part of my responsibility as an FCC Commissioner is to see to it that the Bell System serves the public interest, convenience and necessity.

That it is a necessity no one doubts.

Just how convenient it is raises other issues.

As for the public interest, that seems to have been forgotten.

I used to talk and write about the public interest in telephone matters a lot: lower rates, more flexible services, optimal rates of technological growth and plant expansion, and so forth—you know the litany. Well, I've stopped. It's not that I'm not interested, you understand. It's just that it's not working. It's kind of like falling in love by yourself. It's a beautiful trip, but it's kind of lonely.

So I've decided to talk about Bell's interests. That seems to be what most of the people who come to the FCC these days are talking about. It's a tougher ball game to play, but that just makes it more of a challenge. And at least you're not talking to yourself.

You can imagine my surprise, as I got into the subject, to discover that Bell management has been urging policies that don't even serve the company's interests. I mean, I could understand how Bell's pursuit of its own interests would not always serve the public interest. That probability was, after all, the original reason for regulation. But why would Bell deliberately adopt policies that simultaneously produce (a) higher prices and worse service for the public, and also (b) lower profits for its shareholders? That I just couldn't understand. But the evidence was clear that higher prices, lower quality service, and lower profits had been the result of a number of Bell management's policies. It was then it dawned on me: perhaps if I could present my case for public service from Bell in terms of Bell's own profit picture I might at least get the ear of some of the company's policy makers for a moment. And so I continued my research into the uncharted wilderness on the way to higher profits for Bell. What I have to report today are the results of preliminary investigation. But I thought it might be of interest to you.

There are, as always, a few basic assumptions. I assume that lower costs, and higher revenue from increased communications use and improved technology are in the private interests of the company. I also assume some regulatory lag—that is, that the company is allowed to keep a certain amount of windfall profits (from reduced costs or increased revenues) before the FCC and state commissions catch up with extravagant rates of return.

There are three basic areas where I believe the Bell System has not served its own interests—what I will call financial operations, promotion of service and technological improvements.

FINANCIAL

Debt-equity structure. A big company like Bell needs capital. Lots of it. Last year it went to the market for a total of roughly \$2

billion in external financing. A few percentage points can make a big difference—especially if you're a shareholder. But basically, anytime you're a shareholder in a company with a regulated maximum rate of return your interests are served by its raising as much capital as possible through debt rather than equity—up to a point. Every dollar raised through equity dilutes your share of profits and reduces the rate of return on your investment; interest on every dollar raised through debt is tax deductible (unlike dividend payments), thus cutting the capital cost in half at the outset, and automatically contributing to your profits whatever the company makes above its costs. The more cheap money the company can borrow the richer you get. That's how the electric utilities rated A and B, with an average rate of return of 6.6% in 1968, earned for shareholders an average of 12.3% on equity. Bell, by contrast, while earning 7½% on its investment earned for shareholders only 9.3%. It's dramatic and shocking contrast, but true.

Only under intense questioning during the 1967 FCC hearings did Bell management finally concede the error of its ways over to these many years. So long as the interest rates Bell must pay for debt are lower than the total rate of return it must pay on equity (which is virtually always the case), it is in Bell's interest to borrow rather than sell stock.—I am assuming Bell's current debt-equity ratio. There would, of course, come a point when additional debt might pose financial risk. Most economists agree, however, that Bell is still a long way from that point. But it is a bit ironic and tragically costly for everyone involved that Bell is only now going to more debt financing—when it has to pay some of the highest interest rates in our nation's history (8½ to 9%)—and that it failed to borrow more during all those years when it could have borrowed in the 2% to 4% range.

Needless to say, the public has also been grossly disserved by Bell's financial policies. Every dollar raised through equity rather than debt can cost the consumer five times as much. But so long as our principal focus is on the shareholders' interests we needn't dwell on the public interest aspect of Bell's folly.

Stock options and stock financing. As a part of the Bell miscalculation on debt-equity ratio, there was for some time a rather extensive program of stock options for employees. This program has now ended, but its effect was significantly to dilute ATT stock—with a rather meager return in terms of financing and employee incentives. It was nice for management and employees—but mighty costly for shareholders.

There are two other matters which still may be considered in the FCC's lagging, five-year-old investigation of Bell's rates and services. I will express no final position before examining the full record. But I think there is significant evidence for the following two propositions.

Accelerated depreciation. You don't have to know very much accounting to know about depreciation—the annual "cost" of your plant wearing out. But when your plant is worth \$41 billion, like Bell's is, how that depreciation is handled by the accountants can make a big difference in your costs, your taxes, your regulated rate of return, and your shareholders' profits. Now there are a lot of inequities in the tax code favoring the corporations and the rich. I think many of them ought to be changed. But I'd agree with Milton Friedman that, as long as they're there, management's role is to minimize its company's tax burden—not to make social policy judgments that the government might put the money to better use than the shareholders. Since the 1954 Internal Revenue Code took effect Bell has been permitted to use "accelerated depreciation"—that is, to charge off as a tax deductible business ex-

pense more depreciation than was formerly permitted. Instead of figuring its federal taxes based on accelerated depreciation, however, Bell continued to use "straight line" (normal) depreciation.

As a result the potential tax savings—at least millions and perhaps billions of dollars—have been lost forever for Bell's shareholders. In a tight money market when the company has to obtain increasing amounts of additional financing, and is reportedly considering competing with the U.S. Treasury for the hearts and minds and money of America's savings bond holders, the use of accelerated depreciation in computing Federal taxes would have provided glit-edged returns. Finally, in 1970, Bell changed its policy. But its failure to use this technique for 16 years simply increased its own costs and those of its customers.

Western Electric. The Bell System owns its own supplier, the Western Electric Company. Of course, it can set the prices it pays Western at whatever it wants. But even under Bell's pricing it is currently "paying" Western more than \$4 billion a year. It's not a small business. In part because of the tremendous economic power this gives Bell now, and would give Western if it could compete with other manufacturers, the Justice Department brought an antitrust action to make Bell sell Western. Bell fought the action (unwisely, as we will see shortly), and the case was settled with a "consent decree." The decree permits Bell to keep Western, but prohibits Western from entering the market to compete with other electrical and telephonic manufacturing companies. It is clear that Bell's position has enhanced the position of its management: they have a "bigger" company to manage, and hence a good argument for higher salaries and more prestige. But what has it done to Bell's shareholders? A strong case can be made that they would be much better off if Bell would distribute the stock of Western Electric to them and at the same time move to abrogate the 1956 consent decree. This may seem like a drastic move on ATT's part—but the artificial constraints on Western Electric mean that the company cannot participate fully in the communications technology revolution that is only now beginning. An obvious example is that Western Electric does not sell to non-Bell companies even though Bell claims Western Electric's prices are lower. And this market may be one of the smaller that the present consent decree prevents Western Electric from serving. What markets might Western Electric exploit if it were not held down by the consent decree: computers, satellites, CATV, television, photography, duplicating, educational systems and libraries? The point is obvious. With stock in both Bell and a viable, independent Western, most economists agree that Bell's shareholders would be a whole lot richer. And the odds are that consumers would also enjoy the fruits of more intense competition: more technological innovation and lower prices.

Rate of return. Fundamental to Bell's financing is its authorized rate of return on capital investment. The current theory of public utility regulation is that public commissions must hold down the monopolistic utilities' rate of return to reasonable levels. It has occurred to me that this may be backwards. Perhaps the public interest would be better served if we just forgot about the rate of return, and simply concentrated on reducing the costs-per-unit-service to customers and improving performance criteria. At the very least, it seems to me we ought to have some idea of how the country would be different if Bell had a rate of return of 4%, 6%, 8%, 10%, 12% or whatever. What would be Bell's response in terms of rates of technological innovation, new plant investment, quality of service, and so forth. Well, the answer is that we don't know the answer.

For a company where every percentage point increase in the rate of return means

\$250 million annually, one would think the issue would have been addressed. It has not been.

Indeed, during the 1967 hearings I put the question to Bell's lawyers, after roughly this kind of introduction. How would Bell like a much higher rate of return, I asked. How would it spend the money? The answer? Here is an excerpt from the transcript:

"Commissioner JOHNSON: I appreciate you may not have prepared yourself to address yourself to such a question, but what would be unwarranted in your judgment about or permitting a rate of return to exceed 8½ percent? What would be the day-to-day consequences in day-to-day operations for the company and the public?"

"Mr. GARLINGHOUSE (Bell Counsel): . . . I would say when we get above the range of 8½ percent we would not be hampered in furnishing good service if the earnings were brought down to 8½ percent. The service is the ultimate goal that we are trying to achieve and earnings are a vehicle to get there.

"Now how much higher than 8½ percent would be warranted by the economic facts, I don't know. What may be right today, may be wrong tomorrow, and it could very well be the rate of return should be higher in the future." [Tr. pp. 10, 310-11].

How would the shareholders react to that? I was offering them the chance to try for additional hundreds of millions of dollars a year and I couldn't even get the company's lawyers to address the question!

PROMOTION OF SERVICE

It is rather disturbing that Bell management would make fundamental errors in financing that cost shareholders and consumers alike millions or billions of dollars. I began with the financial examples because they involve (1) such rather obvious blunders, (2) such large sums of money, and (3) are so directly and obviously related to shareholder losses. But finance is, after all, common to all enterprises. It is not unique to the expertise of Bell management.

Some of the most disheartening and fascinating of Bell management's errors involve the telephone business itself. How has management responded to the opportunities to increase its business and reduce its costs? It is in this area that we begin to uncover some rather fundamental lapses in communications and economic philosophy.

There is no one who I have ever been able to discover within ATT—management, sales, or scientific research—who has a sense of the social-political-economic role of the telephone in a modern-day industrialized society. They can design, promote, distribute, and install a "Princess telephone" that will transmit the human voice—even if they don't think to make it heavy enough to keep it from sliding off the bedside table. But they are seemingly incapable of thinking about the ways in which people might use that instrument in their lives.

You can point out the fact that it costs more to call Washington from Alaska or Hawaii than from London. What's the political consequence of that for the United States? They haven't thought about it.

You can ask about the role of the telephone in uniting far-flung families and friends. What would be the social impact of universal availability of a low-price WATS service ("long distance" service without a per call charge)? They don't know. What factors now affect telephone usage in local exchanges—where there is a flat monthly fee and every call is "free"? In what ways does the pricing of "long distance" service inhibit usage? How much lost revenue has Bell suffered as a result?

What would be the economic consequences for our nation if WATS (inward and outward) were made generally available? We know what air freight has done to the warehousing business in some industries. What is the correlation between "no cost" telephone

service and the profits of a firm? What are the economics of a company's closing local offices and taking calls at a single national number?

So many of Bell's decisions suggest a philosophy reminiscent of the story of the two librarians at a convention discussing the condition of their respective libraries. "Oh, I'm so pleased," said one. "All my books are in and on the shelves except for two, and they're coming in next Tuesday."

It's not the telephone company's job to encourage us to keep the phone on the hook any more than a librarian is doing her job if she wants to keep the books out of circulation.

And yet I cannot help but get the impression, at almost every turn, that the telephone company mentality is of exactly that character. Management seems almost panicked at the prospect of the company's business expanding. In a moment I will discuss their attitude toward off-peak pricing principles, the Carterfone, the New York Telephone breakdown, the Public Broadcasting network, cable television and data. But the common impression running throughout is that of a company not only failing to promote increased usage of its service, not only failing to serve the increased business brought its way, but a company that would actually rather fight through Commission and courts—with considerable vigor, expenditure, and occasional success—than switch.

It's a tragicomic posture of the keepers of a disintegrating, condemned old plantation home seeking its shelter in a storm—because it's all they know. But the humor quickly fades—for shareholders and customers alike. Bell's failure to understand telephone usage enough to develop new business, its failure to anticipate even the comparatively modest growth that has come along without cultivation, has cost its shareholders billions of dollars in potential profits forever lost. Of course, it has also caused the public an awful lot of grief, inconvenience, and excess costs.

One of the most ironic features of Bell's failure to expand to meet demand is that it is one of the few companies in the world that could have done so at absolutely no risk whatsoever to itself. Bell is authorized its "rate of return" on its capital necessarily employed in the business. In other words, every time it can plant a dollar bill in the ground with Commission approval (seldom if ever denied) the dollar immediately starts earning 7 to 7½% for the shareholders. Even if the business does not develop to warrant the business the shareholders get their return. It's not only a no-risk investment, it's an investment with a guaranteed return. In fact, one of the responsibilities of a regulatory commission is to see to it that the company does not "gold plate" and overbuild beyond what is warranted, because of the unfair burden that places on customers. But there is absolutely no incentive whatsoever for the telephone company to want to hold back in building to meet anticipated demand.

Off-peak pricing. In any business there are times when plant is idle—and when any business at all will contribute to necessarily fixed costs. "Off-peak pricing" is a simple principle widely used. Anytime demand for goods or services increase substantially during limited times—whether times of day or seasons of the year—economies can often be effected by spreading that demand more evenly over time. One of the easiest ways to do this is by changing prices, making them higher during the "peak" and lower during "off peak" periods. For example, the airline industry and CAB, have come up with an intricate scheme of pricing to keep the planes in the air.

There is a significant peak in telephone usage during the four or five hours around noon every work day. During many of the 20 other hours of the day the telephone system is almost totally idle. But the Bell System, and the FCC, have had great difficulty in responding to this obvious problem with

as much imagination as the airlines and CAB. This is especially tragic for Bell's shareholders, because with a \$41 billion investment in plant, any minute when it is not being used to peak capacity is costing them a great deal in lost profits. It is also costing the consumer unjustifiably—for he must sustain the financial and other costs of a facility which is substantially overbuilt. Most of the limited off-peak pricing changes (lower rates at night and weekends)—each of which has produced higher revenues for Bell—have come grudgingly. In most instances Bell has vigorously fought them at the FCC—delaying their effective date and reducing this impact. The price cuts are always substantially less than the nature of the off-peaks would justify—and the shareholders are entitled to. As a result, Bell has shown a much less smooth demand curve than it very easily could have achieved by fuller plant utilization. It has lost revenue. It has charged unnecessarily high prices. It has suffered the excruciating embarrassment of breakdowns in the system. For all of these failures its shareholders have paid a high price indeed.

Carterfone. The saga of Tom Carter and his Carterfone is another prime example of a whole flock of instances in which corporate intransigence has won out over common sense and common shareholders' dollars. Bell is afraid of anything that has not received its papal imprimatur being plugged into its telephone system. In an extreme burst of jingoism, it even has the FCC referring to such equipment as "foreign" attachments. This is kind of like the electric company trying to discourage the installation of air conditioners and washer-dryer combinations. However, it is more than just an hilariously funny posture in which to find a twentieth century telephone company.

If the phone company would only encourage the use of its system by innovative equipment manufacturers (rather than discourage them), it would suddenly find 200 million Americans working for Bell on their own time—rather than working against it. The increase in communications traffic in this country—which ought to be Bell's principal concern and measure of effectiveness—would jump enormously; because 200 million people can think of a lot more things to do with a communications network for themselves than one corporation can think up for them—particularly if it's not thinking.

Tom Carter's device was simple, popular, effective, and harmless to the telephone system. It was scarcely even an attachment. It simply permitted a coupling between a telephone set and a land mobile radio transmitter-receiver. It increased the use of the telephone system—and the potential profits of Bell's shareholders. It was fought by Bell through the FCC and courts—for 11 years.

New York telephone service. We are all familiar with the costly breakdown in New York telephone service and the subsequent Bell implicit and explicit admissions of management failure. As ATT Chairman Romnes has candidly conceded, "There's no question but that our people in New York missed the boat in estimating the growth." But New York is not atypical of a basic ATT falling. We used to assume the company could handle a slowly growing homogeneous demand for Plain Old Telephone Service (appropriately known to company men as "Pots"). Now not even that assumption is safe. But it certainly is not a company geared to rapid growth and accelerating change. In New York it wasn't simply that Bell's plant expansion wasn't fast enough—investment was actually cut back at crucial time periods. New York serves to illustrate the long lead times in the ATT system. Lower cost planned expansion was replaced by high cost crash programs. Many customers went unserved. And how does one calculate the costs to the company of the failure to inaugurate interstate Picturephone, or the problems with rate increases in New York state, or in the

general deterioration of the service reputation of the company—all of which were consequences of the New York fiasco? It all could have been avoided. It wasn't. The shareholders suffered.

ETV service. In 1966 the Ford Foundation proposed that the benefits of satellite technology be used for educational broadcasting. In 1967 the Public Broadcasting Act was passed—providing for free or reduced rate interconnection for public broadcasting. Here was a golden opportunity for ATT to respond to a national challenge that had commanded national support. Quick provisions of reliable service at a price public broadcasting could afford would have provided great benefits to the image of the company. It was a new growth field. Investments here would pay big dividends. The investment would return profit immediately, and even more in the future. What happened? ATT had to be dragged, kicking and screaming, to the FCC where it has fought for three years the service to public broadcasting that Congress ordered. For a period of time Public Broadcasting was getting horrendous, interrupted service and the FCC was forced to intervene on that account. The company blew a public relations dream—and to this day it is presenting a most unstatesmanlike posture which can only continue to have adverse long-term consequences. Bell's position is even more difficult to understand in light of its treatment of the commercial networks. The tariff for commercial network interconnection was filed in 1947 as a promotional tariff, but the rates remained unchanged for more than 20 years, being raised only recently. Now the FCC is holding a hearing to decide, among other things, whether these rates are high enough. There is strong evidence to suggest that commercial networks enjoyed "reduced rates" during part of this time period. The shareholders seemingly can't win. Bell can't optimize on selling service to commercial enterprises or on giving it away to public corporations.

CATV. If you believe the pundits, we may be on the verge of a nationwide revolution in communications—as mass communications and personal communications services merge in a new technology that will change our nation. One thing seems sure. Whatever happens the Bell System will play at best a minor role. Bell is not a particularly significant factor in CATV. There are no test communities where the Bell System is applying its expertise for CATV communications. Suppose in the early sixties Bell had successfully argued that CATV should be a common carrier service available to all comers, and then moved to demonstrate its potential. How different things might be today, as the Bell System seemed ready to rewire the nation with the most cost-effective combination of cable and Picturephone. It is apparently not to be—and no one will ever know what Bell has missed. But one can safely estimate the shareholders have once again been robbed of a multi-billion dollar profit potential.

Privacy. The usefulness of the nationwide telephone system depends in large part on the fact that it is a private communications network. You and I would like a telephone conversation to be as close a substitute for a private face-to-face conversation as possible. We assume that no one else is listening. But the past few years we have seen an increasing erosion of the privacy and integrity of the telephone system.

Especially disturbing is the fact that Bell has had so little to say on this issue. There have been no strong oppositions to amended wiretapping legislation, no court actions against private or public wiretapping, no public opposition to unauthorized public agency wiretapping. In fact, one increasingly hears reports of Bell Systems local company cooperation with all types of communications interception.

The effect of this Bell policy is cumulative and growing. As people come to believe that

the telephone is untrustworthy, their usage declines. The company loses the patronage. By failing to resist unauthorized and unnecessary "interconnection" to its system, Bell falls to protect one of its most important assets—people's trust in the privacy of the telephones, and the company's public commitment to the users' (and shareholders') interests.

Coin phones. It's a little matter, in some ways, but one of great consequence to individual users on occasion—and significant to shareholders. I'm talking about the pay phones—their geographic distribution, the number that are out of service, and Bell's delay in converting to a system where you can dial an operator without depositing a dime. There is no way of computing the social costs for all those individuals who were prevented from making emergency calls for the want of a dime—or an operating phone. But the economic costs to shareholders have been significant. Any time someone might have made a long distance credit card or collect call and didn't—for want of a dime—they have been the losers. Bell insisted that direct operator access without a dime was impossible—notwithstanding the fact that those "backward" telephone systems in foreign countries have offered the service for years. Finally, it relented—after years of lost profits had passed.

Data Communications. Because of the pendency of Commission proceedings, I do not want to say much about service in the data field. There is much to be said, and many have already spoken. A Bell official recently said: "[W]e recognize that we haven't always been on top of the job in serving our data customers." The Commission's staff has concluded: "In an industry of the size and growing complexity of the communications common carrier industry, the entry of new carriers could provide a useful regulatory tool which would assist in achieving the statutory objective of adequate and efficient service at reasonable charges." Bell now proposes to build a 60 city digital network to be available by 1973-1974.

TECHNOLOGY

Satellites. If there is a cow more sacred than all others at Bell, it is its belief that its performance in technological innovation knows no equal. The definitive evaluation of technological change in the communications industry has not been written. It should be. At least in satellites, however, it's clear that Bell forfeited an early lead in the technology. Bell built Telstar—a random orbit satellite. Then it relaxed. It failed to develop the much lower cost synchronous satellite system, which does not require the elaborate tracking and telemetry devices and uses fewer satellites. Bell has been virtually absent from the development of an entirely new international industry. Bell banked on an obsolete, capital-intensive technology (random-orbit satellites) when innovation was taking place toward a much less capital-intensive development (synchronous satellites).

TD-2 Microwave. TD-2 microwave is simply the engineers' name for an improved system of microwave transmission. It is, however, one area of communications technology where we have some industry case studies. Competitors had jumped ahead in developing this particular type of microwave. Bell had to make a crash effort to catch up. Whether this crash effort would have been successful without Bell's basic monopoly advantages of FCC protection of Bell-maintained barriers to competitive entry cannot be determined. But TD-2 Microwave does suggest that Bell is not the fountainhead of all innovation.

My next two examples of technological innovation are ones I feel I need to be a little more tentative about. Based on conversations with a number of people in communications, in and out of the Bell System,

I feel my conclusions in these two areas are correct. But I do want to note that the evidence is not as clear as in the TD-2 microwave and communications satellite cases.

Transistors. Bell is very proud of its role in developing transistors. But the evidence is in many ways much more ambiguous. In any event, many of the developments since transistors have taken place outside the Bell System—for example, in semi-conductors. Certainly the very competitive Japanese are now simply exporting the applications of this new technology right back to use.

ESS. Bell is now in the process of installing its version of electronic switching. Depending on the time schedule, it will have made the conversion by the year 2000. Whatever the schedule, Bell may be installing obsolete technology. Those who have studied the ESS technology decision at Bell suggest that it may have chosen a less-advanced technology than that available—in a decision which overemphasizes risk minimization, and an ultraconservative concern over system capability. As a result the Bell System may have to make costly revisions in its pattern of technological innovation in switching. This question also illustrates the difficulty in assessing the optimal pattern of technological innovation in a monopoly with vertical integration. Bell is now buying Japanese PBXs for use in the New England area where solid-state equipment is required.

I cannot close this discussion without some comment about international comparisons in telecommunications. Whenever one questions Bell's performance, the non-sequitur reply is usually "have you ever used the British or French telephone system?" This is a strawman, as anyone who has made comparative studies in this industry recognizes. I would suggest that we can learn a great deal about performance from telecommunications systems in other countries such as Sweden, Switzerland, West Germany, or Japan. Isn't it ironic that while we can use our space technology to put a man on the moon, we will have to suffer the humiliation of seeing Canadian and Indian domestic satellites in the skies before ours? In many countries there are numerous other services, technologies, or lower prices that we do not have in this country—even if it can be shown that on some absolute scale an evaluation might find the American system superior.

CONCLUSION

This speech is already much too long. But I felt a few examples were really necessary to make the point.

Bell management's policies disserve the public interest in many ways. We all know that. Few in the company—or the FCC—seem to care very much.

The point is that many (thought not all) of these socially retrogressive policies also fail to serve Bell's shareholders—robbing them of billions of dollars. Sometimes the benefits go to management. Often as not they go to no one.

For whom does Bell toll? It's hard to tell. It's not the public. It's not the shareholders. Management? Well, yes, but it's not that simple either.

The fact is that a national monopoly with a \$41 billion plant, and over 50 federal and state regulatory agencies, enjoys the benefit of neither a competitive spur nor an effective regulatory check. When the FCC fails to probe, and question Bell management; when the FCC does not permit its staff to play a tough adversary role in Bell's rate hearings; the shareholders of the company are seriously diserved as well as the public.

Some form of competition may be the answer. Whether such a conservative approach can still muster any adherents in a Republican Administration under the influence of Radio-Lib American businessmen remains to be seen.

STUDENTS VIEW OF THE MIDDLE EAST CRISIS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. ROBISON. Mr. Speaker, one of my interns from last summer, Mr. Dennis Horn, wrote me concerning his recent trip to Israel, and I would like to share with my colleagues his views on the tense Middle East situation, as follows:

I have just finished my two week visit to Israel and I thought that you might be interested in some of my impressions with reference to the Middle East crisis.

I have had occasion to talk extensively with both Arabs and Jews. What I observed with regard to Jewish reaction to the conflict has been frequently reported by the American press. The first thing that an Israel says when asked about the war is that he prays that peace will come soon. He also invariably points out that Israel has known nothing but war since her inception. Soldiers are everywhere. Taxes are high. A car has a 100% tax and a radio costs double or triple what it would cost in the states. Everyone however accepts high prices and very few luxuries as the natural state of life. They seem satisfied that better times will come and that in any case, what they have is pretty wonderful.

The reaction to the cease fire is that while it is a first tentative step towards peace, little is expected to develop from it. The people seem to want peace very badly and those with whom I have spoken do not believe that Israel seriously wants to keep the occupied lands (with the exception of Jerusalem).

Interestingly, the war is seen as being out of the hands of either Israel or the Arabs. According to the Israeli press and to public opinion, the war is controlled by and perpetuated by the super powers, the U.S. and Russia who are using the Arabs and the Jews in a dangerous power game. The Jerusalem Post today reported Dyan as saying "The Americans are certainly not interested in the war and the Soviets do not want it either. Since none of the principals wants it, I assume that they will find a way to peace or at least something leading to a cessation of hostilities". Notice who are the "principals" of the war. This opinion may be a statement of fact. It may also be a transferral of responsibility for the war based on the fanciful hope that the U.S. and the U.S.S.R., are Big Brothers who watch over the little countries of the world and who may allow minor disruptions of the international social fabric, but who would never allow a major conflagration which would seriously damage the social framework. This may be wishing the U.S. and Russia more power over international politics than they actually have. It also assumes that even if the U.S. and Russia have the power to regulate the intensity and the direction of rival world politics, they will be able to act together to administer this direction.

If the Soviet Union and the U.S. cannot work together to exercise their joint power over world politics, then that power is problematical instead of actual and Israel's expectation that the big powers will eventually extricate them from this war in their own self interest can never be realized.

I suppose what all of this means is that Israel does not expect to win this war by herself. She expects to win a stand-off. But she actually depends upon the U.S. and Russia to end the war. The ball is in our court.

In a different area, I have formed some impressions about the Arab side of the prob-

lem that is not so well reported in our press. I spent two days with an Arab family (some of whom were displaced refugees in 1948) in a small Arab village near the Golan Heights. While admittedly my original prejudices inclined me to favor Israel, I must admit that the Arabs have suffered a real injustice that is not fully recognized in America.

One man with whom I spoke is a U.N. official responsible for Palestinian refugees. Before 1948 he had owned a home and property near Jerusalem. In the 1948 war his property was confiscated by Israel. His home is now occupied by Israelis. To date he has received no compensation for his lost property. Many of the Arabs who were displaced were not wandering Bedouins as we have been told but were propertied, and very civilized town dwellers. These people declare quite movingly that they love their homes and that they will not be deprived of them without a very long fight. It is these people who form the Al Fatah.

It must also be admitted that within Israel, the Arab is treated as a second class citizen. The village that I visited had no electricity or central water system. Jewish villages of similar size have been given such improvements. It may be that until now the central government has simply considered it too expensive to electrify this particular Arab region with no discrimination intended. It is striking however to visit the highly industrialized Jewish sections of Israel and then to see the poverty stricken, underdeveloped rural Arab regions. Seemingly very little effort has been made to help them advance, yet these Arabs are Israelis as much as the Jews are. (Before the 1967 war there were 300,000 Arabs and about 1.8 million Jews in Israel.) It is also apparently more difficult for Israeli Arabs to get such things as teaching certificates. I spoke to one Arab who has been teaching "on temporary permit" for 2 years. He has his B.A. degree and is working on his M.A. In two years he has not gotten an answer, either positive or negative on his application for permanent certification. The situation seems analogous to our own black-white problem.

While this internal Israeli politics may not have direct bearing on forming a settlement in the Middle East it is helpful for me that I can now understand the issues over which this war is being fought. The Arabs were thrown out of their homes—with no compensation. The Jews want a homeland and have done a magnificent job in building Israel. Israel is both green and industrialized and it seems a far older nation than its 22 years. The Israelis do not want to lose their hard won lands.

The case that both sides can make is compelling. I think that Israel must retain her sovereignty. I also think that she has an obligation to pay indemnity to displaced Arabs and to allow many of them back into Israel.

Perhaps it is in fact only an agreement by the United States and Russia that can bring about these possibly conflicting aims and bring a final peace to the Middle East.

JACK VALENTI—MAN OF THE YEAR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. RODINO. Mr. Speaker, I welcome the opportunity to pay tribute to a cherished friend.

Last week Jack Valenti was honored by the National Foundation—March of

Dimes—as the motion picture industry "Man of the Year."

For many of us, however, Jack has held that title many times. Both in private and more public roles, Jack has distinguished himself as a man of compassion and sensitivity—a man of integrity, wise counsel, kindness—a man who has given of himself freely and unstintingly, who has asked ever so much more of himself than of others, and who has won a very special place in the hearts and minds of all who have had the good fortune to know him.

I am proud to count myself as one of those who has been warmed by the humanity and friendship of Jack Valenti.

I join with his countless other admirers in wishing him the peace and fulfillment which he has earned. And, it is my hope that his talents shall continue to be felt for many years ahead.

EULOGY FOR A YOUNG JOURNALIST

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SYMINGTON. Mr. Speaker, today I wish to join with all who knew and respected the late Timothy Bleck, a member of the staff of the Washington Bureau of the St. Louis Post-Dispatch, in offering my deepest sympathy to his wife and his family.

All of us who worked with this singular, young man in Congress will miss him. Tim, at age 30, had been in Washington almost 2 years, mainly covering congressional activities, with particular emphasis on the civil rights and peace movements and unrest among youth.

He was a superb reporter, quietly and coolly inquisitive about Government, and careful to report the facts both impersonally and accurately. Tim's coverage of Capitol Hill was characteristic of his style of energetic involvement in each assignment. As one of his fellow correspondents said:

When Tim first came to Washington, Congress was not his special interest. But he applied himself to this assignment and developed what was a respected sensitivity and understanding about Capitol Hill events.

Tim joined the Post-Dispatch staff in St. Louis in June of 1966. The following year, his coverage of the St. Louis black ghetto and the race riot in Detroit won him the Con Lee Kelliher Award from the St. Louis chapter of Sigma Delta Chi for promising young reporters.

He was born February 19, 1940, in New York City and grew up at the family home, Storybook Farm, in Lebanon Township near Califon, N.J. He was sports editor of his high school paper and editor of the Scout at Bradley University, where he graduated in 1962.

Before joining the Post-Dispatch, Tim was a reporter for the Bloomington, Ill., Daily Pantagraph; sports editor of the Fairborn, Ohio, Daily Herald; and a reporter for the Dayton, Ohio, Journal Herald. While with the Journal Herald,

he won an Ohio Associated Press award for his coverage of the civil rights march from Selma to Montgomery, Ala., in 1965.

Timothy Bleck was a very special sort of man, badly needed by the profession he served and the Nation it serves. The loss is clearly a public as well as a private one.

SPEECH FOR 25TH ANNIVERSARY OF U.N.

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. STANTON. Mr. Speaker, I am pleased to commend to the attention of my colleagues a recent speech by Mr. Thomas Vail, the distinguished publisher and editor of the Cleveland Plain Dealer, delivered at the Governor's Luncheon for the Observance of the 25th Anniversary of the United Nations at Drake University in Des Moines, Iowa. Tom Vail is currently serving on the President's Commission on the United Nations and his remarks at Des Moines are most incisive and provocative as to the role of the U.N. over the past quarter century and the support we must continue to give it as "our imperfect best hope for peace" in the years ahead.

The speech follows:

ADDRESS BY THOMAS VAIL, PUBLISHER AND EDITOR OF THE CLEVELAND PLAIN DEALER

Dr. Murray, Governor Ray, Dr. Sharp, Mrs. Schramm, Congressman Gallagher, members of The President's Commission for the Observance of the 25th Anniversary of the United Nations, distinguished guests, ladies and gentlemen: I have been invited to comment on the importance of the United Nations on this its 25th birthday. It is a perfect occasion to do so. This Governor's U.N. lunch has established the tradition of constructive analysis. And current world crisis demands a new look at an old friend. The members of our Commission and most of this audience who have made the U.N. their particular interest, know far more about the pluses and minuses of the United Nations than I do. However, perhaps I can make some small contribution to your U.N. thinking from the point of view of a newspaper publisher and editor.

I will start with a premise. The U.N. itself is a miracle. The fact that the nations of the world should have agreed to form an international body at all, is unusual in the extreme. Most of the governments of the world are a combination of ideals which their representatives talk about, and realities which guide their action. The formation of the United Nations was a combination of both these qualities. The miracle is not only that nations agreed to form a world body, but that it has survived for 25 years and can still be the subject of a meaningful examination today.

Twenty-five years after the founding of the United Nations we are still considering it. Less than 25 years after the founding of the League of Nations it was virtually dead. The reason the U.N. is still with us is that the two strongest powers, Russia and America, have continued to support the U.N. America never joined the League of Nations which doomed the League from the start as far as peacekeeping was concerned.

The effectiveness of the United Nations reflects directly interest or lack of interest on

the part of Russia and the United States. It may be that in the future the U.N. cannot survive in any meaningful way without mainland China. But that moment has not arrived just yet.

The United Nations in 1970 is suffering from the effects of a worldwide attack on all institutions, and on all authority. Governments, educational institutions, unions, religions, and parents are all being questioned, and often defied, as never before. The most popular movie of today has as its central theme a contempt for authority. Along with the questioning, much of the change we have been experiencing in this country and throughout the world is accompanied by violence. The United Nations is directly affected by this world process.

In our Interim Report to the President, we note that public support for the United Nations has gone down. Public faith in U.N. peacekeeping ability has declined from 80% to 50%. The United Nations as a newsmaker has declined at least as much as this or more. The media does not attach the kind of importance to the U.N. and its activities it did ten years ago. The media itself is in some part responsible for lack of faith in the U.N. We have helped, through our message and our technology, to raise expectations beyond what can be delivered.

It is not only the public and the media which are attaching less importance to the United Nations. Recently during a five hour background briefing in Chicago, neither President Nixon, Dr. Henry Kissinger, nor Mr. Joseph Sisco, Assistant Secretary of State for Near-Eastern Affairs, mentioned the United Nations once. It underlines our Commission's task when leaders of United States foreign policy, dealing with an explosive and important situation in the Middle East, talk for five hours and do not mention the world body we are honoring today.

Our U.N. Commission has been charged with submitting to the President of the United States, not so much an analysis of what is wrong with the United Nations, but rather a constructive program for reform. Specific suggestions that have been part of our Commission discussions on a strengthened United Nations have included: The possibility of a permanent force to patrol borders, or supervise elections; a revitalization of the U.N. Secretariat through vigorous recruitment of skilled personnel; a U.N. specialist on the U.S. National Security Council; and other ideas still under consideration.

It should be emphasized, however, that a complete reversal of present trends in the Nixon Administration will have to take place if a more vigorous U.N. is to be achieved. The Nixon Administration has initiated a series of moves to centralize policy making in the White House. This has downgraded the importance of Cabinet officers including the Ambassador to the U.N. as well.

Competent people are always attracted to those organizations and to those people who "make a difference." If it is known that the Ambassador to the U.N. helps to make American foreign policy, if he has easy access to the President of the United States, it is a lot simpler to attract competent people to the U.N. Unless President Nixon decides he wants the Ambassador to the U.N. to help him make foreign policy, and unless the U.S. in particular pursues a more vigorous use of the U.N. for its own purposes, there is little chance that the decline in U.N. importance can be arrested.

Debates in the Congress concerning the U.S. financial contribution to the U.N. appears more a reflection of a decline of interest in the whole subject than anything else. The total U.S. contributions to the U.N. system in 1969, including the Specialized Agencies and various other programs, amounted to approximately \$250 million. This is a tiny percentage of our total budget of approximately \$200 billion.

During a White House dinner recently honoring Secretary-General U Thant, President Nixon stated a kind of case for the U.N. The President said, that in talking about the good points and the weaknesses of the U.N., he would turn the proposition around and ask us to consider where the world would be without it. While this is an excellent approach to the subject, our Commission is trying to go beyond that observation. We are trying to get away from the final summation that the U.N. may not be perfect, it may have declined in the past 25 years in quality and influence, but that it is still better to have it than not to have it. Through our distinguished Chairman, Ambassador Henry Cabot Lodge, we have started along this road. Our hearings here and throughout the nation are directed at this objective.

The most serious problem our Commission has already pinpointed, is the role of the U.N. in keeping peace throughout the world. It is in this area that the U.N. has been criticized the most. Peace, of course, is the most important concern of people everywhere. In peacekeeping it is obvious that the United Nations cannot impose its will. The U.N. exists by the support of Member Nations, particularly the two strongest world military powers.

World power relationships today are quite different from those of 1945. A quarter of a century ago, when the U.N. was founded, the United States had a monopoly on the atom bomb. This country then possessed the only large intact industrial plant in the world. In 1945 Europe was prostrate. Today, all these power relationships have changed.

While the Soviet Union has failed these past 25 years to come any closer to the United States economically, she has dramatically increased her military power on land, in the air, and particularly on the sea. The tremendous military ability of the Soviet Union is apparent everywhere—in Czechoslovakia, in the Mediterranean, in Egypt and along the Russia-China border. While Russia is still said not to want a war that no one can win, her tremendous military power is affecting her diplomacy. What we have to find out now is whether Russia wishes to continue her support of the United Nations, and if she does, in what way. Ironically, it may be fear of China that will keep Russian interest in the U.N.

As for the only other power areas of the world, Europe and Japan, they are relatively small in military strength and their role in peacekeeping is thereby diminished. Thus I submit to you that as a peacekeeper the United Nations must first of all devise a way of dealing right now with the United States and Russia, and help guide these two giants to an agreement on ways of preserving world peace.

Perhaps luckily for us all, the coming of the nuclear age and the super-powers has so far made it mutually beneficial to avoid World War. However, the nuclear monopoly may not exist for long in the hands of only the super-powers. The next phase of U.N. peacekeeping may have to deal with the control of lesser powers which might pull the nuclear trigger.

I cannot, however, avoid a great degree of optimism about the future of the United Nations for a simple reason: There is no other organization to which we can turn when everything else fails. When the late U.N. Ambassador Adial Stevenson replied to critics of the U.N., he cited Adam's proposal to Eve in the Garden of Eden. Quoting Eve thinking it over Stevenson said: "She hesitated for a moment, whereupon Adam asked, 'Is there somebody else?' " The U.N. remains today the safety valve, the mediator, the "fall guy" if you will, when we finally get to the brink of hopelessness.

Discussions about the U.N. being a debating society or comments that the United States should not continue to contribute

about 30% of the U.N. budget, seem to evade the central point. The amount of money being spent on the U.N. compared to what is being spent worldwide on armaments is minuscule. The U.N. debates, while often meaningless, give an opportunity to soothe the pride of many small nations struggling for existence and recognition. Besides, I think you will agree the U.N. is not the only place we are treated to "meaningless debates."

The use of the veto power in the Security Council is unavoidable. No nation, including this one, will ever turn over its security to other nations. But with these realities in mind we can, as we have indicated in our Interim Report, concentrate on improving and financing a more competent U.N. administration to use peacekeeping machinery when it is possible to use it.

The U.N. can, as our Commission has suggested, develop further means of solving world environmental, food, and population problems for the benefit of all nations. The U.N. can try to bring about better international control of drugs and hijacking of airplanes. There are, of course, many other things which are mutually beneficial to all nations where the U.N. can play an ever increasing role. These suggestions will undoubtedly be included in our Final Report to the President in April, 1971.

The most heartening thing about the United Nations is that it still remains a vehicle of the two greatest world military powers. They still use it. Thus, when the Middle East controversy burst forth in all its historic virulence, the United Nations once again entered the news. While it is without power itself, the U.N. still reflects some world opinions and in that sense at times saves face and saves peace as well.

If we deal with the United Nations from this realistic understanding, I think we can be hopeful about its future importance.

Finally, I would like to mention the United Nations as a symbol and as an ideal. It has become quite fashionable in some circles to downgrade the United Nations because it raises hopes sometimes beyond its means of delivery. I would like to take strong exception to that point of view. For centuries humanity has thrown up ideals beyond its means. But these ideals give hope for the future and usually raise the level of human performance. The United States itself was an ideal in 1776. So was the walk on the moon before we had the technology to achieve it. Ideals always precede performance. However, that is hardly an argument against ideals.

As we assemble the news of the day at the Cleveland Plain Dealer from sources throughout the world, it is obvious that if there is one thing that young people need everywhere it is something to hope for and something to work for. In this regard there are a few lines you may recall; idealistic, yes, but as pertinent today as they were 25 years ago. I quote in part from the Preamble of the U.N. Charter:

"We the Peoples of the United Nations Determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

And For These Ends—to practice tolerance and live together in peace with one another as good neighbors, and . . . to employ international machinery for the promotion of the economic and social advancement of all peoples.

Have Resolved to Combine Our Efforts To Accomplish These Aims . . . and do hereby establish an international organization to be known as the United Nations."

I know of no better way to conclude this birthday greeting on this 25th anniversary of the founding of what remains as our imperfect best hope for peace.

MEDICARE AND EXTENDED CARE FACILITIES

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. ROBISON. Mr. Speaker, I have asked to have printed in the RECORD the article which follows entitled "Medicare Is Double-Crossing Our E.C.F. Patients!" which appeared in the October 26, 1970, issue of Medical Economics. This article points to a need that is not being presently met by Medicare or other programs: the need for adequate coverage for extended illnesses. It was this problem to which I directed my attention when I cosponsored H.R. 19631 along with a number of my colleagues, and it is upon this problem that we must soon focus the legislative machinery. I would hope that this article might stimulate some additional interest in and concern over the problems attendant to long-term illness, and I highly commend the article which follows to the attention of my colleagues:

"MEDICARE IS DOUBLE-CROSSING OUR E.C.F. PATIENTS!"

(By Ralph M. Thurlow)

We'll call her Mrs. M because she doesn't want publicity. Until September of last year, she lived in her tidy little house in Maryland on a widow's modest income, relying on Medicare to pay for whatever major illnesses came her way. She suffered a massive coronary that month and was in the hospital for nearly seven weeks. At discharge, her family doctor ordered her into an extended-care facility for further rehabilitation before returning home. Her progress was slow, and only after exhausting the 100-day benefits allotted by Medicare for extended care did she go home. Three weeks later she received a letter—a bolt from the blue—notifying her that her final 45 days in the E.C.F. were not covered and that she therefore owed the facility \$1,600. The shock put Mrs. M right back where she started from—in the hospital—and her family doctor right back where he started—among the many physicians convinced all over again that Medicare is not the medical godsend patients were led to expect, and certainly not the financial panacea.

Despite such shocks, the fact remains that five years ago when the great debate over Medicare enactment was going on, doctors warned that patient care would eventually be determined by the funds available to the Government, not by the medical needs of patients. Today, Medicare's soaring costs, which have doubled its benefit expenditures in the past four years and seem likely to produce a \$216 billion deficit over the next 25 years, give new credibility to the old warning.

Among claims for Medicare's extended-care from 2 per cent in 1968 to 7.2 per cent in 1969. Preliminary figures indicate that approved claims for patients in E.C.F.s totaled 82,693 for the month of October in 1968; for October, 1969, approved claims totaled 53,137—a drop of 36 per cent. The result, according to Senator Frank E. Moss (D., Utah), chairman of the Senate Special Committee on Aging's subcommittee on long-term care, has been a "step-by-step dismantling of the Medicare nursing-home program . . . to the point where programs for the ill and elderly rank in Mr. Nixon's priorities just above raising funds for the Democratic National Committee." Though Democrat Moss clearly overstates the case, many doctors would be hard put to say by how much.

Caught between Medicare economy crack-downs, angry families, and embittered patients, physicians are finding out what it means to try to deliver on somebody else's promises—especially the Government's. As one internist in the Southwest puts it: "It's like being told to bring all your friends to a birthday party. When you get there, however, the host takes back the cake and says he couldn't possibly be expected to serve all your friends, you must have misunderstood." Misunderstanding, it so happens, is at the heart of the Medicare E.C.F. muddle. Who's to blame for the misunderstanding is not easy to resolve.

The purpose of the Medicare law's provision for extended care was to hold down expenditures and increase the availability of hospital beds by transferring patients who no longer needed intensive hospital care to a less expensive E.C.F. From the first, the law made clear that Medicare did not cover mere custodial care; it was specified that the recipient must have been treated in a hospital for at least three days, must need further treatment of the condition for which he was hospitalized, and must be admitted to an E.C.F. within 14 days after discharge from the hospital in order to receive up to 100 days of extended care. What could be clearer than that? Yet in a program that today may reject five out of 10 seemingly identical hip-fracture cases for extended care, doctors are findings that although the law may have been clear from the beginning, its application was not. And in attempting to clarify the application, Medicare has made the program more baffling to many physicians.

"At the outset," says David W. Stewart, managing director of the Rochester (N.Y.) Blue Cross plan, one of Medicare's fiscal intermediaries, "such a massive new program couldn't reasonably be expected to start off with a complete set of criteria. The nitty-gritty of deciding on each individual case was left up to the fiscal intermediaries, and without firm guidelines and precedents they weren't prone to demand strict adherence to what was at best a vague law." When Medicare began to realize what the program was going to cost, he continues, a "clarification of intent" began. Critics of the program, confused and disappointed by its steadily hardening position on E.C.F. eligibility, angrily accused Medicare of ducking out on its promise of long-term care for the aged. Doctors, who at one time may indeed have had 10 out of 10 hip-fracture cases get E.C.F. benefits without question, suddenly found the rejections piling up.

If doctors were mystified by the unannounced "tight ship" policy, patients were dumb-founded. Testifying this year before a Senate Finance Subcommittee, William C. White Jr., Prudential Insurance Co.'s vice president for governmental health programs, summed up patients' confusion over extended care. "The general impression left by the literature describing the benefits," White asserted, "is that all health-care services are covered under Medicare but, of course, this is not true." The situation, he says, is particularly aggravated because beneficiaries believe that they are entitled to 100 days of E.C.F. care on any doctor's authorization.

"That red, white, and blue Medicare handbook that tells little old ladies what the programs is going to do for them is the bane of many an M.D.'s existence," says one Midwest physician. "When it raises false hopes, the doctor catches all the hell." From all appearances, doctors will go on catching hell until Medicare tells its beneficiaries, in ways that all can hear and understand, about the restrictions on E.C.F. benefits. The beneficiary must be clearly warned that, even though his E.C.F. care is authorized by a physician or even a utilization review committee, his claim may be rejected by a fiscal intermediary and he will then find himself,

like Mrs. M, being billed for his care through a policy of retroactive denial.

As its expenditures soared, Medicare has demanded ever-stricter adherence to its tightening requirements for E.C.F. eligibility. But it has done so through more than 1,000 letters and written and oral instructions to state agencies and fiscal intermediaries. Communication of sometimes drastic changes to recipients has been nil. To doctors it has been spotty, depending on the informational channels each fiscal intermediary chose to use. In fact, if misunderstanding is at the heart of the Medicare E.C.F. muddle, lack of communication is at its center.

One of the most important communications Medicare has issued, for instance, is intermediary letter No. 371, dated April, 1969. Its nine pages, according to some, constituted the first sign that Medicare was whittling down on benefits promised. It purported to provide details to guide intermediaries in "coverage determinations on extended-care facility admissions involving types of care that are neither clearly covered nor excluded."

"The trouble" says Dr. Donald M. Duckles, acting medical director of the Genesee Valley Medical Foundation's Regional Utilization and Medical Review Project in New York State, "is that most physicians are completely unfamiliar with the guidelines set down in that letter, which started the big change." Their unfamiliarity with the regulations and guidelines, Duckles feels, combined with several other factors to produce greater confusion than might have been expected. The doctors' anti-Government feelings and genuine concern for patients created a resistance to study of E.C.F. regulations.

Added to that recalcitrance was the physician's traditional way of thinking about nursing-home care. Dr. Morton W. Adler, an assistant vice president of Blue Cross and Blue Shield in Chicago who works on Medicare problems, says that doctors were just not sophisticated in their thinking about E.C.F.s. "They thought of nursing homes in the old-fashioned sense of a place where the patient was bathed and fed, rather than in terms of the skilled nursing care provided by E.C.F.s." Thus an emotional desire to provide custodial care for their older patients tends to color many a doctor's thinking about the extended-care program, which from the start was limited to rehabilitative care.

However that may be, doctors who are familiar with such guidelines as letter No. 371 find that interpretations of individual cases seem to vary tremendously. Nor do they find all the Medicare requirements to be models of medical wisdom.

In a letter to Senator Moss concerning intermediary letter No. 371, the medical director of the White Plains (N.Y.) Center for Nursing Care, Dr. Michael B. Miller, cited two examples of how "fictitious and misleading" the definitions are as guidelines in caring for the aged. "Giving drugs by mouth is called an uncovered, unskilled service," he wrote, "yet a great many older patients can't be trusted to give themselves the proper medication. In the same context, the insertion of a catheter is defined as a covered, skilled service. The care and treatment after catheterization is classified as unskilled and uncovered, yet every doctor knows the use of catheters is fraught with dangers, and mishandling can lead to a patient's death."

The application of such general rules to a specific patient is a major stumbling block for physicians. "Finding out if the rules apply, how they apply, and when they apply is a big headache," says Alfred D. Klinger, a Chicago internist whose practice runs heavily to older patients. "Unless you're on the phone all the time, you just don't get the eligibility of extended-care patients straight-

ened out, and you find sometimes that it's the squeaky wheel that gets the oil."

For example, Klinger cites the case of a 72-year-old patient with poor circulation to the brain resulting in very frequent blackouts. The patient was so weakened by these spells that he couldn't take care of himself after hospitalization, and Klinger wanted him admitted to E.C.F. on the basis of a diagnosis of syncope. He was advised by a coordinator of hospital and E.C.F. care that with such a diagnosis the patient's application would be turned down—better call it a stroke. That was rejected, but numerous Klinger letters and phone calls finally got the patient approved. "Over a two-month period," he says, "I put in roughly half an hour to an hour a week on the telephone for just this one patient, so it's easy to imagine the amount of time being wasted by doctors on behalf of E.C.F. eligibility."

Once a patient is approved, Klinger adds, just as much time may be spent in trying to find an E.C.F. that will take him. Social Security may insist that these facilities are not dropping out of the program, he says, but experienced doctors know how reluctant E.C.F.s are becoming to admit Medicare patients.

The extent of that reluctance can be measured in different ways. An estimate by the general counsel of the American Nursing Home Association holds that fully half of the nation's 7,800 accredited nursing homes are sharply phasing down participation in the Medicare program. Several state nursing-home associations say their members want to get out of Medicare entirely. And a report from Georgia, as an example of how far the trend has gone, notes that out of that state's 7,000 E.C.F. beds, only about 300 have Medicare patients in them at any given moment. In Rochester, N.Y., the Pavilion Nursing Home says approved Medicare admissions have nearly stopped; of 167 patients recently counted, only three were on Medicare. While the situation in Rochester does not point to retroactive denial of benefits as the reason for this paucity of Medicare patients, elsewhere in the country such denials are the current basis for the uproar over Medicare's extended-care policy.

The Social Security Administration denies that retroactive rejections are numerous, or that the medical judgments of utilization review committees and patients' doctors are often disregarded. But one New Jersey doctor refutes these claims from firsthand experience.

Frederick M. Offenkrantz, medical director of the nonprofit New Jersey Rehabilitation Care Foundation, reports that there were 50 retroactive cutoffs in one year—including 18 in one day—at his institution. "Every cutoff was made despite referrals from general hospitals whose utilization review procedures embody referrals to E.C.F.s," Offenkrantz says, "and in every instance a referring physician from a general hospital certified to the need for E.C.F. care." Also disregarded were the certifications by attending physicians at the Foundation, preadmission reviews on the need for E.C.F. care, and certification by the faculty's own utilization review committee. Cutoffs were made retroactive up to as long as seven weeks after admission, and in most cases no portion of the patient's chart, which would have been necessary to make a medical determination, was requested or reviewed by the person ordering the cutoffs.

"In many instances," Offenkrantz continues, "attending physicians flatly refused to order discharge of patients following the cutoffs. Because of the severity of the patients' illnesses, these doctors felt strongly that discharge would constitute malpractice." The upshot was that patients stayed and the facility sank ever deeper into debt. "Not once in my two years as medical director," he says, "has a physician from the intermediary or Social Security contacted me regarding a

cutoff. It seems inconceivable that unnamed and possibly nonmedical persons can affect a life-and-death decision over patients whose need for additional treatment is certified by referring and attending physicians, consultants, and utilization review physicians."

To such complaints, a recent Medicare statement replies: "The physician and the utilization review committee make a medical decision that the patient be given further institutional care. The intermediary in no way questions that decision, but must carry out its separate and different responsibility of determining whether this care constitutes covered 'extended care' [under the law]."

If some doctors find Medicare's extended-care regulations and decisions obscure or obstructionist, however, there are other physicians who maintain it could be the doctors who are to blame when patients are hit by retroactive denials. Morton Adler of the Chicago Blue plans is one of these. To show how M.D.'s can influence the course of Medicare approval or rejection, he cites the case of a doctor who treated an elderly hospital patient for a hip fracture. When the patient developed phlebitis while his hip was on the mend, the doctor ordered his transfer to an E.C.F. on the strength of the phlebitis. But the only special care he ordered was that the leg be raised as aid to bed rest. Medicare rejected the claim for E.C.F. benefits. Another doctor with the same type of case and situation might order an anticoagulant administered, and find his patient approved for E.C.F. benefits. Such seemingly small differences, says Adler, often go far toward explaining the mystery of those divergent rulings on supposedly identical hip-fracture cases. Since no two cases actually are alike, Adler declares, it is imperative that doctors spell out the small differences completely when seeking extended care for Medicare patients. "The doctor who uses a maximum of medical language on his applications and charts can better expect to impress laymen and be understood by other physicians," he observes.

Other physicians, to be sure, are more likely to point to capricious rulings on E.C.F. eligibility than to any advantages of fully documented medical necessity. A general surgeon in the East, for example, is still shaking his head over two hip-nailing cases he treated not long ago and the E.C.F. benefits pattern that developed. The surgeon swears he did everything by the book in applying for Medicare coverage on both cases, yet one was accepted and one was denied. One case, he learned, was rejected because the patient had been in the hospital 10 days and his condition was therefore considered stabilized; the other was hospitalized for three days and was accepted for E.C.F. benefits because his condition had presumably not stabilized. It would be hard to convince this surgeon that rulings on E.C.F. eligibility and on length of stays are not the product of "rule of the book" decisions by nondoctors.

What's the way out of the Medicare E.C.F. labyrinth? In some parts of the country there are well-organized programs for coordinating patient care from hospital to E.C.F. that spare doctors most of the headaches. At the Hackensack (N.J.) Hospital, for example, an attending physician requests the hospital's social service department—or the community nursing department, which is also hospital-based—to initiate transfer proceedings for a Medicare patient he wants moved to a lower level of care. Since each department deals constantly with the requirements and regulations for E.C.F. eligibility, it is better able to cut through the outcroppings of red tape and produce acceptable claims or admission forms. "The added value of a well-run program of coordination," says Dr. Irving M. Levitas, head of the hospital's rehabilitation department, "is that it tends to keep the family of the Medicare patient who wants E.C.F. benefits out of the doctor's hair,

E.C.F. frustrations and pressures on physicians often begin when they permit themselves to be talked into, coerced into, or suckered into trying to get benefits for elderly patients they know can't qualify."

The procedures followed at Hackensack Hospital would, of course, go a long way toward freeing doctors from Medicare E.C.F. entanglements. But most areas lack such a well-coordinated program, and many doctors argue that coordination will remain uncertain as long as Medicare persists in trying to save money at the extended-care level without explanation to patients and physicians.

The Social Security Administration is known to be formulating definite guidelines of eligibility and length of E.C.F. stay for all common pathological conditions of the aged. And there are doctors who give the agency the benefit of the doubt—believing that such guidelines will recognize that individual patients have different rates of progress and differing rehabilitative potential. In the past, however, flexible guidelines have tended to become inflexible rules at the enforcement level of the program. There are those who feel that the only workable solution is complete flexibility, to be achieved by recognizing that custodial care is the commonest need of the aged and by abandoning the concept of rehabilitation. "Then," says Richard C. Bates, Lansing, Mich., internist, "if a doctor said a patient needed to be in a nursing home, that would be it. The real need of older patients for traditional long-term nursing-home care would be met." To be sure, the yearly cost of such a free-for-all program for shelving aged relatives might well exceed that of a small war.

Raymond Benack, a Wheaton, Md., internist and president-elect of the Association of Physicians in Chronic Disease Facilities, suggests a more practicable way out. "No matter how you look at the problem," he declares, "the Medicare E.C.F. relationship is past the point of rescue. It's dying, if not dead, and poor planning killed it. What we need is a Medicare E.C.F. complex in which hospitals would maintain satellite extended-care facilities providing care with salaried physicians. The aged would receive treatment, and a number of the country's doctors could get back to practice with fewer headaches." To that, a number of the country's doctors would say, "Amen."

OPERATION SER PRODUCTIVE IN NEW MEXICO

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. LUJAN. Mr. Speaker, in view of the manpower training bill passed yesterday, I would like to make it clear that to my knowledge Operation SER is substantially productive to my home State of New Mexico.

The program under the direction of Ray Armenta and Robert Barela placed 2,763 persons in gainful employment who are still employed today. Of these, 1,826 were trained by Operation SER, and would not have otherwise been employed.

Job training and employment opportunities are a basic need in New Mexico. It should be in the interest of the Manpower Administration to authorize the continuation of the specialized services of Operation SER, which have been found highly successful in meeting the needs of individual workers.

AN OUTSTANDING ADDRESS BY A
DISTINGUISHED AMERICAN, THE
HONORABLE CLIFFORD O'SULLIVAN

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. HARVEY. Mr. Speaker, it is a great honor and privilege for me to bring to the attention of all Members of this body an outstanding address by Federal Judge Clifford O'Sullivan, of Port Huron, Mich. Judge O'Sullivan was honored just a few weeks ago by the Freedoms Foundation of Valley Forge for a speech he gave in 1969. The foundation's George Washington Honor Medal was presented to him at a meeting of the Economic Club of Detroit on November 9, 1970.

I would point out that Judge O'Sullivan's address was given at Law Day observances conducted by the Chattanooga Tenn., Bar Association on May 1, 1969.

The Port Huron Times Herald, Port Huron, Mich., shared in the high opinion of this fine message and reprinted it in its entirety. Thus, I am able to commend it to all for, as a separate editorial mentioned, the speech is as timely today as it was over a year ago.

The speech by Judge O'Sullivan, one of our Nation's finest jurists, follows:

[From the Times Herald, Nov. 9, 1970]

JUSTICE AND EQUALITY DEPEND UPON LAW AND
UPON YOU

(By Judge Clifford O'Sullivan)

(NOTE.—Federal Judge Clifford O'Sullivan, Port Huron, is being honored by the Freedoms Foundation of Valley Forge for a speech he gave last year. The Foundation's George Washington Honor Medal was to be presented to him today at a meeting of the Economic Club of Detroit. Judge O'Sullivan's talk was given at Law Day observance conducted by the Chattanooga (Tenn.) Bar Association, May 1, 1969. Here is the full text of the award-winning address.)

The slogan for this Law Day, 1969, is "Justice and Equality Depend Upon Law and Upon You." Prefatorily, may I assume that the justice, the equality and the law that we talk about are not merely words of shifting definition, with every judicial officer at liberty to employ them to fit his current notion of their meaning.

In considering the direction of the remarks which I might make here today, I wondered whether it would not be good for me to talk confidently of the future—reassuring my audience that the road we are on is not, as some fear, leading to an early twilight of this country's greatness—to an end of whatever it was that for most of two centuries made this land the heart's desire of the poor and the oppressed of the entire world.

I considered whether it would be good that I now repeat the substance of a talk I gave about 30 years ago on the eve of our entering World War II. I gave that talk a formal title, "Apology for Optimism." It was my effort then to persuade the doubters of that time, the gloomy ones, not to read the discouraging signs with the pessimism they then appeared to justify. At that time I was in the prime of life. Now I have passed three score and ten, and while I retain the hopes of those days, I do not have the bright confidence that motivated that long ago talk. I do not have the stomach to assert that on this Law Day 1969 we have cause for optimism.

Honest intelligence today calls for pessimism. Not a passive, brooding and unspoken

pessimism, but a loud, articular pessimism; a shouted pessimism that may arouse those—so many—who are aware of, but refuse to look directly at, the signs about them. They do not wish to believe that there can ever come an end to the "fun and games" which today's swift pace of material affluence provides, or that the great society we reach for can be mortally hurt by amused indifference to the ever-widening moral permissiveness of our time. I hope that my misgivings are merely the vagaries of an old timer who just doesn't understand. Never before have I so ardently wished that I was wrong. But neither this seeming humility nor my respect for the views of those who disagree with me will permit me to remain silent.

In the closing paragraph of Arthur Krock's book, "Sixty Years on the Firing Line," the author said:

"These are among my personal assessments of the consequences of the political and social new American revolution. And from these consequences I have contracted a visceral fear. It is that the tenure of the United States as the first power in the world may be one of the briefest in history."

This was not the utterance of a John Birch, a right-winger, a conservative, and maybe he isn't even a Republican. It is the view of a man who continued for most of his life a liberal, a thrilled and quondam disciple of the spectacular social and governmental changes that have come in our time and are reaching fruition on this Law Day, 1969. I do not believe that merely because we are Americans we have some hereditary right that our country remain always "the first power in the world." But I am convinced that if we lose that position at this time, our descent will jeopardize the entire western civilization as we know it. We had better begin to think about that kind of society that will take our place when, and if, we cease to be the "first power in the world." We know that there is only one nation that now combines seeming ability and strong desire to replace us. There are none among our old friends and allies who have the strength or the will to do so.

The message that I wish to bring you, my fellow lawyers, is that the gloomy forebodings of the Arthur Krock and others may indeed come to pass, unless those who do not wish for their fulfillment decide now to speak and act in loud and spectacular resistance. In illustrative point, may I say that I am weary of being told that what is going on at our universities and colleges represents the attitude of a small minority of our young Americans. If so, when is the majority to speak out? How far must pornography, lewdness and immorality go before the majority, whom we are told are against it, decide to do something about it? How much more crime can our society take before the majority let those who struggle to enforce the law know that we are on their side—that we do not expect that every policeman will be able to exhibit the patience by their disreputable tormentors? Will we, the lawyers of America, on and off the bench and in and out of the schools, talk and act as if we understand that the Bill of Rights was conceived to protect the just man from the imposition of despotic government? May I quote from remarks made by me some years ago to a meeting of federal judges:

"Will we, the judges of the land, be accused of wrong thinking if we believe that some part of our responsibility is the protection for the worthy and the innocent of their inalienable right to life, liberty and the pursuit of happiness? Are we not correct in thinking that among the liberties which all of our governmental structures are designed to protect, is the right to be free from destruction of life and property by predatory crime?"

Permit me to give expression to some miscellaneous and random thought that may

illustrate what I am trying to say to you today.

(1) I do not believe that if we destroy every slum in the land and if everyone in this country has all of the food he or she can eat, and is comfortably and even luxuriously housed and clothed, and if every girl and boy is educated to his or her full capacity, we will have solved much, unless there will remain in the beneficiaries of all these good things a moral code. Let us be aware that those who make up the so-called—and very much hated by some—establishment, represent the well fed, the most educated, and the best-housed of today's and yesterday's society. If then, those who have, and have had, all of these things in generous measure are the ones who created this evil and hated establishment, why do we expect that new possessors of these advantages will be any less evil than their hated predecessors?

(2) I believe that however far we advance materially, scientifically and intellectually, we should keep God in our planning; we should listen again to the admonitions of Washington's advice to a new, young nation:

"Of all the dispositions and habits which lead to political prosperity. Religion and Morality are indispensable supports . . . Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure—reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

(3) I do not believe that today's campus revolutions are the product of spontaneous resistance to defects or shortcomings of today's colleges. I believe that in the main they are the product of the evil designs of men and women who would destroy our scheme of social order, and I believe that they would not be enjoying their present success without the participation and connivance of substantial numbers of today's teachers. I do believe that those who have provided and continue to provide the means for the creation and maintenance of our great colleges have the right to demand better performance by our school administrators.

(4) I do not believe that schoolmen and churchmen can make up for their failures as educators or men of God by taking part in demonstrations and lawless acts of violence.

(5) I believe that most of those who call upon our courts to protect their constitutional guaranty of free speech would serve our society best by silence. I do not believe that the intellectual growth of America's youth would be stunted, nor that they would be culturally starved if Lady Chatterley's Lover, Fanny Hill and their companions were not available at every book stall in the land. I do not believe that our skies would fall if a few of the intellectuals who produce and perform in some of our current "off Broadway" shows would be unceremoniously tossed into the "hoosegow" with or without their clothes on.

(6) I join one Detroit parent who said that he did not believe that it was necessary to the education of his children that they learn all about the mechanics of sex before they quit believing in Santa Claus.

(7) I do not believe that young women who go about their business, whether as waitresses or otherwise, nude from the waist up—topless—are engaged in expressing something that is protected by the free speech provision of the First Amendment. One of today's courts has so held.

(8) I believe that we should keep in mind that no society in the world has long existed

in a state of anarchy. Either a majority, desiring order, will find a way to restore it without destroying freedom, or a strong man, or strong men, will take charge and those who do not like anarchy will exchange their freedom for the order of a dictatorship.

It is to be regretted, too, that so many who make conspicuous use of the sacred right of free utterance seek dramatic redirection of our society. For my part, I would hear out those articulate and colorful antagonists—jealously guard their freedom of speech—but with one terribly important caveat, that the rest of us do not walk away in silence. In this land of ours too many of those who believe in our institutions and love this nation's great history devote their time and strength to gaining larger and larger shares of the material rewards which these institutions make obtainable and leave to others the task of defending them. Irreparable damage is too often the product of the silence of those who should speak. The pattern of society is frequently fashioned by the blatant voices of demagogues.

Many wars would not have been fought, many tyrants would never have gained their frightening stature, and nations of people would not have visited tragedy upon themselves had the right thinking not been silent. We count among our allies today great nations who but a short time ago were led to catastrophe because so many watched in silence the disastrous progress of popular Pied Pipers who but yesterday strutted the world's stage.

If there are some brave men, willing to incur the wrath of intellectual demagogues by publicly expressing what we privately believe, our agreement with them should not be limited to saying so at cocktail parties to those that we know already agree. Each one of us has known the bitter regret that follows a failure to speak when we should have—a failure to be conspicuously identified with a cause or a man in whom, in our hearts, we believe.

There is no more poignant passage in all the scriptures than the account of Peter's denial of Christ. An angry and, for the day, popular mob accused him, "Thou also wast with Jesus, the Galilean," and Peter said, "I do not know the man," and when accused the third time, St. Matthew's gospel tells us, "Then he began to curse and to swear that he did not know the man. And at that moment a cock crowed and Peter remembered the word that Jesus had said, 'Before a cock crows, thou wilt deny me three times,' and he went out and wept bitterly." How often in history have a people wept in desolation because they were silent while the demagogues carried the day.

We are justly proud of our scientific age's ever-increasing multiplication of the means of communication. But we must be aware that these advances have also facilitated the spreading of misinformation and untruth. Unfortunately, those public men whose voices are most frequently heard seek to please as many as possible and offend as few. As a consequence, their public utterances oftentimes leave unsaid their deepest convictions.

All of this prompts me to wish that more people—people who are not inhibited by fear of being in the minority or by the need of being politically, socially or intellectually acceptable—would exercise their right to free speech.

If these gloomy forebodings are not to be fulfilled, we, the lawyers of this country, must take a very big part in resisting such fulfillment. We cannot do it alone, but our profession has always assumed and carried a big share of the responsibility for any forward movement or resistance to disastrous change. While we are trying in our own field, we can hope that others will be fighting on their ground. Dramatic changes are taking place. We as lawyers must explain to a well

intentioned laity the wisdom and correctness of such of today's judicial innovations as we believe are good. Conversely, we must not be afraid to conspicuously resist what we find to be clearly wrong. You men of the practicing bar must take cognizance of what is going on. To the practicing lawyers, the law, procedural and substantive, is an applied science, not an abstraction. I suggest that the practicing bar, more than we of the judiciary or our fellows of the academy, know the need for the rule of law—for the continued respect for stare decisis—and the importance of maintaining in their proper and singular prerogatives our three great branches of government.

The practicing lawyers and his client are the chief sufferers when justice miscarries, whether from unwise procedural rules or decisions which announce bad substantive law. There is more involved in the trial of a lawsuit or other discharge of a practitioner's responsibilities than the delights of intellectual speculation or abstract dialectics. But with many honorable exceptions, most of today's able practitioners appear content to leave research and contemplative study of the law and the changing of it to the judiciary and the academicians.

We should, and do, give credit to the schoolmen of our profession for the hard work and aggressiveness that prompts their espousal of dramatic changes in our legal system which have come in a relatively short period of our legal history. But the practicing bar's pre-occupation with enjoying the rewards of practice should not prevent their taking a much more active part in the study and exposition of the legal philosophy of this country. They should not be timid in expressing whatever disagreement they may have with the dramatic changes that are occurring in our substantive law and procedure methods.

Much of the procedural law of this country is being rewritten by our college professors, and the substantive law by pioneering judges who are not much impressed by anything that has been said or done by the giants of our past. It is my view that our rules of procedure as well as the substantive law should be the product of nicely balanced contributions of the practicing bar, our academicians, and the judiciary. In the doing of this the special prerogatives of the executive and legislative branches should be properly respected. If one day the current momentum in such direction accomplishes complete abandonment of the rule of law, I hope it will not have come about through the silence and default of the practicing lawyers of this country.

Gentlemen, I hope that what I have said here today is in good taste and not unbecoming to a judge of an appellate court. It may be that those who have adopted the serenity of an "after me, the deluge" attitude have chosen well. But if there are some of us, now nearing the end of the course, who observe what appear to us to be disquieting trends, are we privileged to make such a choice? Do we not have a duty to employ the privilege of free speech so that whether we are right or wrong, and as we leave the scene, we will have said our honest convictions and apprehensions? If wrong, we may at least excite a vigorous and more convincing explanation of the right of an opposite view.

To conclude, may I join you and all our countrymen in the hope that the now nearly 200 years of our nation's service to its high purpose—an ordered freedom for all men—may prove to be but the first of many centuries stretching ahead in generous vista in which man will ever move on to a greater and greater society. Let us hope that the giant problems that now torture men's minds are but the travail that precedes great success; that they are not portents of an end to the dreams of those who laid out the plans which brought to us the success we have known up

to now. Let us hope that the answer will not ultimately have to be "No" to Lincoln's awesome question "whether that nation or any nation so conceived and so dedicated can long endure." We have the privilege of living in exciting and prosperous times. More and more people have more and more material things. It would be history's greatest calamity if, after our auspicious beginnings in the habits of freedom and with our currently swelling affluence, today's adventures in law, morality and religion lead us to a sophisticated and prosperous decay with everyone's constitutional right to contribute and proceed to such decay fully protected.

It should be our prayer that what we do, or fail to do in our own time will not create a society manageable only by an all powerful government upon whose dispensations will depend the weal or the woe of its citizens. I dare to believe that the majority of today's Americans still hold fiercely to the faith that God is in His Heaven, and even though we cannot share Browning's confidence that "All's well with the world" there is much that is right in the hearts of men. This righteousness can prevail if courageous voices insist that it control the methods chosen to implement the plans for today's and tomorrow's society.

SALT TALKS MISGIVINGS CITED

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SCHMITZ. Mr. Speaker, at this point I would like to include in the RECORD a recent column by Edith Kermit Roosevelt. This column which appeared in the Manchester Union Leader of November 18 makes several good points that we should all stop and consider when evaluating the SALT talks which are currently underway.

The article follows:

SALT TALKS MISGIVINGS CITED

(By Edith K. Roosevelt)

WASHINGTON.—As U.S.-Soviet arms control talks get underway in Helsinki, some experts outside government have strong misgivings over the likely results. This reflects several things: growing awareness that any initial agreement will be limited in scope and worry over our declining strategic position vis-a-vis the Soviet Union and the worsening of U.S.-Soviet relations.

Some of these concerns were raised in conversations with Dr. Robert A. Kilmarx, research principal at Georgetown University's Center for Strategic and International Studies and research director of the Mediterranean Study Organization. Dr. Kilmarx, who recently completed the direction of two special Center studies entitled "Soviet Seapower" and "New Trends in Kremlin Policy," declared:

"We may be curbing yesterday's arms race and doing nothing to prevent the acceleration of tomorrow's race with new weapons to be put into inventory."

The current talks are only concerned with deployed systems. In July of this year, our government reportedly proposed a detailed package that would entail a ceiling on the numbers of land and sea-based intercontinental ballistic missiles, antiballistic missiles and strategic bomber forces.

Thus, each side would be free to continue its research and development programs. One of the problems involved here is that our democratic system of government, in contrast to a Communist system, must take into account the pressures of a volatile public opinion and the competing economic de-

mands of domestic lobby groups. This makes the United States terribly responsive to what is known as "detente euphoria." Dr. Kilmarx said:

"The danger is that if we have an agreement with the Soviets there could arise the conviction that the vestiges of the cold war are long past and we are getting into a period of political sunshine, negotiations and peace."

That this sort of wishful thinking may have already exerted a dampening effect on weapons programs is evident from disclosures by Dr. John S. Foster Jr., director, Defense Research and Engineering. In a speech before the National Security Industrial Association, Foster said:

"This year the Soviet Union is investing the equivalent of \$16 to \$17 billion in such defense-related research development and applications. The United States is investing \$13 to \$14 billion in comparable activities. It is disquieting to realize that Soviet defense related research and development are already 20 per cent larger than ours. More alarming is the rate at which their efforts are still increasing." In a subsequent speech before the American Newspaper Publishers Association, Foster went so far as to make a projection of the effect of the slowdown on our military research and development programs on the nation's security.

TRENDS CLEAR

"The trends are clear," he said. "Ten years ago, Soviet spending for all their national research and development was half of ours. Today, Soviet funding is estimated to be only 20 per cent less than ours. In another few years, if the trends continue, we will clearly be in second place."

What does this mean as far as its impact on a SALT agreement is concerned? As Foster pointed out in his April speech, the research and development picture is especially important since if we are ahead technologically, we can interpret fragmentary intelligence data about Soviet weapons developments and deployments. Thus, it follows that as our military research and development programs are cut back, our ability to detect SALT treaty violations by advanced means declines correspondingly.

This brings up the problem of effectively policing SALT agreements.

"We will have no agreement except one that is verifiable," a State Department spokesman told this correspondent. Understandably, the Department refuses to comment on the specifics of proposed policing while it is still under discussion. But it is certain that the Soviets will not agree to on site inspection so an agreement could only be arrived at by negotiations on matters that may be policed without having inspectors on Communist soil.

The difficulties entailed in dealing with a closed society means then that any realistic arms control agreement that would preserve U.S. security would have to be confined to those weapons systems that can be effectively policed by national systems. Therefore, we can expect continuing and even greater difficulties in monitoring weapons systems under development.

UNTOLD SURPRISES

In the past, we have experienced untold surprises in peacetime when the Soviets were secretly working on weapons programs all the way until final testing or operational capability. Our failure to detect these advances raises a question about the overall efficiency of our national monitoring capabilities, particularly if we are operating under the theory that "the cold war has entered a tepid phase."

The Soviets have continually added to the record of their unwillingness to interpret arms control agreements in both the spirit and the letter in which they were meant. They have found ways to violate arms con-

trol understandings precipitously once the power balance put us in a position where we could not readily respond.

In the case of the Fractional Orbital Bombardment System that the Russians placed in space, they violated the spirit of the agreement that neither side would orbit weapons of mass destruction in space. We forsook this ability to test an important weapons system. The Soviets did not.

Then there was the blatant case of the Soviets violation of the nuclear moratorium in early 1962. They conducted a series of tests that permitted them to catch up with us in some areas of nuclear technology and gain superiority in others which we can never match.

By such high yield nuclear weapons tests, the Soviets gained more information about the effects of these weapons in space than we did. They also tested the effects of nuclear shots on incoming warheads and their effect on the electronic environment of our radar defense capabilities.

In a background briefing with this correspondent, a State Department spokesman asserted that "if they (the Soviets) suddenly abrogated an arms control agreement, we would still be able to respond in sufficient time."

However, a careful study of Foster's provocative April speech raises some doubts among informed observers concerning our ability to respond quickly enough, Foster said:

"We used to be the ones who made the jumps. In the future, a dangerously large proportion of the surprises could come from the other side, while we scramble to catch up."

Would there be time for us to "scramble to catch up" since there would have been an overall erosion of our technological base and important design and research teams would have been broken up as has happened already at the Massachusetts Institute of Technology?

CAUSE DELAY

Dr. Kilmarx pointed out that already the SALT negotiations have in themselves caused a delay in spending for new strategic weapons programs even without an actual agreement. Arguments have been raised in the Senate that some important military programs would be a waste of money since there are prospects that the new weaponry will be outlawed.

Hopefully, the new Congress will be more responsive to the dangers of our deteriorating military posture but there is evidence that already serious restraints have been placed on important weapons programs, according to Dr. Kilmarx. He listed these as our sea-based offensive programs such as the Poseidon submarine program and, until recently, the Undersea Long Range Missile System as well as our Multiple Independently Targeted Reentry Vehicle capabilities and our Safeguard land-based Anti-Ballistic Missile Systems.

According to one assessment, reduction of the future mix or level of strategic arms through SALT or without it could have a destabilizing effect on regional balances unless the spokesmen for these areas too are invited to the negotiating table.

In the Middle East, the Soviets have reached a preeminent position of power without provoking an effective counter from our 6th fleet.

The recently announced augmentation of the 6th Fleet does not change this situation since we are still faced with the problem of bloc obsolescence of our ships.

We also must not forget, Navy League officials remind us, that the Indian Ocean is a military vacuum that is speedily being filled by the Soviets. Ominously too, we are closing our eyes to Soviet designs to establish a permanent Soviet military presence throughout the Caribbean.

SIX-MAN GROUP

There is also the question of the skill and background of U.S. negotiators vis a vis the Russian team. To handle the most sensitive negotiations of the nuclear age, the U.S. government selected a six-man delegation headed by Gerald Smith, director of the Arms Control and Disarmament Agency a Republican lawyer who served on the Atomic Energy Commission during the Eisenhower Administration and became John Foster Dulles' aide for atomic affairs.

The other U.S. delegates are Paul Nitze, former secretary of the Navy and deputy secretary of defense during the McNamara years; Dr. Harold Brown, former secretary of the Air Force, another McNamara era figure; Llewellyn E. Thompson, former U.S. ambassador to Moscow; Graham Parsons, former ambassador to Sweden and Gen. Royal B. Allison, an Air Force officer with extensive experience as an assistant to the Joint Chiefs of Staff.

The Charleston's News and Courier's well known military affairs writer, Anthony Hargigan, commented recently:

"Each of these men is able and dedicated. Yet the combination is somehow curious. Why were these two McNamara men selected? It was during the McNamara regime that the United States lost the immense lead in nuclear armaments that it had enjoyed since 1945.

"The McNamara concept of parity with the Soviets in nuclear weaponry—a doctrine to which Nitze and Brown evidently subscribed since they were instruments of the U.S. policy then—constituted unilateral disarmament by the United States."

A warning against what can only have been intended to be the well known symptoms of detente euphoria came from Vice President Spiro T. Agnew in an address before a Navy League dinner in New York City. Agnew declared:

SOBER LOOK

"The time has come for the American people to look soberly at the needs of our potential adversaries. While we in this country reorder our allocation of resources to benefit the people, there is disturbing evidence that the Soviet Union may be reordering its priorities for allocation of their resources in a different direction.

"The Soviets are now spending about \$17 to \$18 billion a year for strategic offensive and defensive forces, while we are spending between \$7 and \$8 billion. The total Soviet budget for strategic forces approximates 25 per cent of their national security budget in contrast to 12 per cent for the United States. By 1975, they will be spending at twice our level."

What this adds up to is plain enough. We are approaching a position where not only are we unable to engage in confrontation but we are unable to negotiate to further our own interests through strength.

HOUSE RESOLUTION NO. 144 CONCERNING THE PRESERVATION OF PEACE IN THE MIDDLE EAST

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Honorable Vincent F. Scarcell, chief clerk of the House of Representatives, Commonwealth of Pennsylvania, has advised me House Resolution No. 144, concerning the preservation of

peace in the Middle East, has been adopted by the house in Harrisburg. I should like to call this important resolution to the attention of my colleagues:

HOUSE RESOLUTION No. 144

IN THE HOUSE OF REPRESENTATIVES,

September 30, 1969.

The necessary steps must be taken to preserve the peace of the world. The Middle East presents a possible danger to that peace due to the saber rattling of Egypt and her allies, which threaten the nation of Israel. In order to prevent an attack upon Israel by Egypt and her allies, it is necessary that they know that such an attack would be immediately repulsed and that the aggressors would again suffer defeat, as they have in the past for unwarranted aggression; therefore be it

Resolved, That this House of Representatives memorialize the President and the Congress of the United States to take all necessary steps to preserve peace in the Middle East, particularly by considering and acting favorably on the Israeli request for more military equipment; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each House of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

**REACTION FROM UNION WHEN
EMPLOYEE JOINED UNION**

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. CRANE. Mr. Speaker, recently the leadership of several rail unions rejected a 37-percent, 3-year pay hike.

Presently the United Automobile Workers locals are voting on the General Motors settlement which is estimated to cost 30 percent.

At the same time, it is interesting to note how a major union, the UAW, reacts when it has to change positions and take the role of management.

I commend the following article by Mike Royko of the Chicago Daily News, which appeared in Human Events on November 14, 1970, to the attention of my colleagues:

**HOW ONE UAW LOCAL REACTED WHEN ITS
EMPLOYEE JOINED A UNION**

(By Mike Royko)

I admit to being personally suspicious of the United Auto Workers local in Danville, Ill.

Several months ago somebody sent me an unsigned column from their union paper. The column was quite good. Brilliant, in fact. But it seemed strangely familiar to me. Then I remembered why. I had written it two weeks earlier.

So I called the union and asked why they would filch somebody else's property like that. It's only a column, I told them, but the least they could do is put the author's name on it.

And what kind of union, I asked, exploits somebody else's labor. A day's work for a day's pay, right? So if they were too cheap to pay somebody to write a column, they could at least put the little traditional credit line at the bottom saying, "reprinted from . . ." etc.

The union office gave me a short grunt and a fast brushoff.

So I am not surprised to hear the way the Danville UAW, which consists of more than 2,000 members, is treating Joan Anderegg, their office manager, secretary and all-around Girl Friday.

Mrs. Anderegg decided to do something about her working conditions. She hadn't had a raise for the last two years. Picture Detroit's assembly line if the UAW didn't get a raise for two years. So she did what workers traditionally do in this country—she joined a union, the Office and Professional Employees Union.

Her union notified the UAW that they would be Mrs. Anderegg's bargaining agent.

And what did the UAW say? Did they say, fine, everybody ought to be in a union? Did they say, what's good enough for us is good enough for her? Did they sit down and negotiate a decent contract?

"They were furious with me for joining a union," Mrs. Anderegg said. "The first thing the local president said was that they could get along without me, that they'd put somebody else in the job or do away with my job altogether."

Just picture General Motors telling the UAW that they will put other people on the assembly line!

"Then he told me that I had made a big mistake, that I'd regret it and that I should have asked his permission before I joined the union."

Shortly thereafter, a time clock was installed in the office and Mrs. Anderegg was ordered to punch it.

"After five years they suddenly decided that I should punch in and out. Can you imagine a time clock for an office that has two employees—me and the janitor? They told him to punch it, that because he joined the union with me."

The idea of a time clock for two people becomes even more fascinating if you consider that one of the UAW's national demands is that time clocks be eliminated where they work.

Finally, the UAW agreed to negotiate with Mrs. Anderegg's union. Mrs. Anderegg asked for a 21-cent-an-hour cost-of-living ceiling, which is what the UAW workers were getting. She also asked for a \$25-a-week pay increase.

The UAW offered about \$5 or \$6. Let GM offer them \$5 or \$6.

The negotiations bogged down. The giant UAW wasn't going to give in to Mrs. Anderegg's great demands.

Having worked for a union, Mrs. Anderegg knew what the next step was in dealing with a nickel-nursing, tight-fisted employer—she went on strike.

On the Tuesday after Labor Day, Mrs. Anderegg and the janitor showed up in front of the UAW office with their picket signs, and began picketing the union.

"They were really mad," Mrs. Anderegg said. "They threatened to throw me in jail, to sue me, and all sorts of things. But I screamed right back at them and they left us alone."

But the UAW hadn't given up. It informed Mrs. Anderegg and the janitor that they couldn't be on strike, because they didn't work for the union anymore—they were fired.

That's not the way employers are supposed to treat workers who go on strike, so Mrs. Anderegg's union complained to the National Labor Relations Board that the Danville UAW was engaging in unfair labor practices, an embarrassing thing for a big union to be accused of.

That's not good for the union's image, so the UAW grudgingly agreed to resume negotiations on a contract for Mrs. Anderegg and the janitor, while moaning that a raise in the

two salaries would prove a terrible hardship on the local's treasury, and that dues would have to be increased. They sounded just like Ford or GM moaning that they would have to raise prices if they give the UAW a raise.

And that is where it stands now. Every day, Mrs. Anderegg and the janitor go march in front of the Danville UAW.

The UAW is very touchy about people crossing their picket lines when they strike, but they are not hesitating in crossing Mrs. Anderegg's little picket line.

The negotiations have not yet resumed, but when they do, Mrs. Anderegg's demands will be much less than those the UAW has thrown at General Motors. GM would be delighted if it had to deal with Mrs. Anderegg and the janitor.

In the old days, unions had ringing, idealistic slogans. Today, they might get by with something simple. Such as: "I've got mine."

ON RECRUITING VOLUNTEERS

HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. SCHWENDEL. Mr. Speaker, my hometown of Davenport, Iowa, has a rather unique organization. The Volunteer Bureau of Scott County is the agency to which I refer. Its uniqueness lies in the fact that its principal function is to get people to work—voluntarily—for other organizations. In the enclosed guest editorial from the Davenport Times-Democrat, Mrs. Thomas S. Douglass, director of the bureau, describes the rewarding work of the bureau:

LEARNING TO SMILE AGAIN

"I can smile again, now."

That was the statement of a retired man now volunteering regularly in a nursing home to help others. He's giving of himself but finding the reward of helping himself.

A little more than two years ago, the Volunteer Bureau did not exist, and that man might not have found the place to give of his ability and time. Today, that man and nearly 700 other individuals have received untold satisfaction and personal reward in volunteer work.

Another retired man began providing transportation occasionally. He still gives this kind of volunteer help, but he has now become "really involved" with several agencies and spends many of his weekdays in a variety of other volunteer services. He has also interested his wife in volunteering, and she is now a reliable worker in a preschool program learning the charm of little ones.

A hundred young adults, teens and college-age people found rewards other than money this summer when they spent their vacation months volunteering, and many adults learned a great deal as they witnessed the love and commitment of these young people. Staff people with whom they worked were heard to say, "They were as reliable as the professionals," and "They added a one-to-one dimension to our program that we've never had before."

Many persons are simply not aware of the tremendous opportunities for volunteer service that exist in the community—long-time residents and newcomers alike.

One newcomer, still living from a suitcase at a motel while she and her husband waited for their house to be ready, called the Volun-

veer Bureau and wanted to know where she could help. She started her volunteer work a week or two later, and she is still working to help an inner city agency's program.

Then, too, people have called to inquire if the town to which they are moving has a volunteer bureau. Most likely it has (if it hasn't, we suggest they try to start one) because nationally, volunteer bureaus are not new. While we have only two candles on our cake, some volunteer bureaus have celebrated their 40th birthday.

The Volunteer Bureau of Scott County is an accredited member of the Association of Volunteer Bureaus of America, a national organization over 20 years old and number about 80 member bureaus.

In 40 years of growth, volunteer bureaus have developed from the single purpose of recruiting and referring volunteers to their strategic contemporary role as an integral part of the total community-planning process. Volunteer bureaus today have primary responsibility in the community for developing standards for volunteer programs, coordinating volunteer participation, and providing for training and consultation to all local agencies and citizens groups on building volunteer programs. The scope of each bureau's work depends on the size and the support of the community; the extent and need for service, and the size of the bureau's staff. Bureaus are clearinghouses, "people banks," or coordinating centers for all voluntary activities and ideas in the community.

But, not since our country was young and neighbor helped neighbor, has there been the current widely-spread increased interest in citizen participation for human welfare. This is true today both on the local and the national level. There is hardly any type of agency program that is not, at least somewhere in the country, successfully using volunteers. They work! People will be reliable and confidential. They can learn how to help the professional capably.

There is, however, a right way and a wrong way to work with volunteers. They need to be taken seriously. They need to understand that what they are doing, as volunteers, affects the achievement of an agency's goals. They should have an accepting climate in which to work. They should be allowed to progress at their own rate, yet be challenged and given a chance to grow. They also need real responsibility and real appreciation. To give all these things means there must be training and continuing supervision on the part of the agency.

Today's volunteers are interested in action. Today's volunteers are doers. Today's volunteers want to learn and to make a real contribution. The new ideas that volunteers have and their tremendous capacity for service must be channeled into areas where they can be used appropriately and where the volunteers can enjoy their work. This is the important and most intriguing work of the Volunteer Bureau—finding the best place for each individual according to his time, interest, ability, and concern. Volunteers want to work with an agency whose work is of particular interest to them.

If you're just one of the many concerned about the nation's growing racial problems and the problems of the poor and the disadvantaged but who feel at a loss to know what to do about it, or if you may be one of those who complains about "the government" spending all that money on welfare, poverty, and job training programs and who says it ought to be done by private individuals or private business, then, now is your chance to do something about it. Call us at 323-2239. Never before has there been a greater need for persons with a commitment to help; to come forth and be counted; and to volunteer and do something. It won't cost you any money or increase your taxes. All it will take is some time and effort, and you might even learn to smile again.

WAGING A SUCCESSFUL FIGHT AGAINST MALNUTRITION AND HUNGER

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SEBELIUS. Mr. Speaker, the Kansas State University Department of Grain Science and Industry is the largest university baking and milling research facility in the world. The university's research program and the dedication of two outstanding men in the field of grain research have given promise of better things to come both for the Kansas wheat grower and the many countries who are striving to produce more nutritious foods to feed the malnourished and hungry.

It is worth repeating that perhaps our greatest weapon in the arsenal of peace is our willingness to share our agricultural expertise and abundance with those who are less fortunate. In this regard an announcement by the Kansas State University research team of Dr. Cho C. Tsen and Dr. William J. Hoover does indeed mean better things to come in our Nation's fight against malnutrition and hunger.

Mr. Speaker, the following article from the November 7 issue of the *Kansas Farmer* tells how the Kansas State research team is closing the gap in high protein bread. It is significant that in closing this gap, they are also making it possible for increased farm exports and for waging a successful fight against malnutrition and hunger. The article follows:

[From the *Kansas Farmer*, Nov. 7, 1970]

WAGING A SUCCESSFUL FIGHT AGAINST MALNUTRITION AND HUNGER

Kansas wheat growers haven't had too much to cheer about in recent months. But they should do some rejoicing now as the result of "high protein" bread research accomplished by the Department of Grain Science and Industry at Kansas State University.

Basically the research has resulted in the novel use of additives to wheat flour to produce high quality protein-fortified baked goods.

Dr. William J. Hoover and Dr. Cho C. Tsen of the K-State Department of Grain Science and Industry announced their discovery last month on the National Day of Bread at a press conference in Kansas City.

Dr. Hoover declined to call the research news a breakthrough. However, the findings sounded very much like top news to the editors at the press conference.

Hoover and Tsen pointed out that in many parts of the world wheat-based foods are the main part of the diet. These countries want to build in more nutrition to such foods, primarily through improved protein quality.

Unfortunately, the scientists explained, the addition of protein to wheat flour has affected the flavor, color, texture, appearance, aroma and volume of the products.

"Thus it has been impossible," Hoover said, "to add any significant amounts of non-wheat nutrient additives to breadstuffs without losing desirable qualities."

The research team of Hoover and Tsen found how to do the desired job and the "new bread" is protein-enriched without loss of any of its traditional appeal.

Hoover and Tsen used additives to accomplish their purpose, and these have been previously employed in the baking industry and have the blessing of the Food and Drug Administration. The additives can be described as dough conditioners or emulsifiers.

Technically, the two ingredients used to produce high quality protein-fortified baked goods are Sodium-Stearoyl-2-lactylate (SSL) and Calcium Stearoyl-2-lactylate (CSM).

Part of the team's research was with a third ingredient, ethoxylated monoglyceride (EM), which was found to greatly facilitate the use of high levels of non-wheat starches and flours in bread and related baking products.

How important is all this? Consider that 95 percent of the world's population consumes most of their calories, either directly or indirectly, from a cereal. Wheat is the staple for about 36 percent of the world population. The grains (rice, wheat, corn) provide the largest proportion, 50 percent of the world's supply of protein, though grains are not a particularly good source of protein.

We have a world protein shortage and the so-called "green revolution" hasn't done too much to alleviate this. New techniques in underdeveloped nations have produced more food, but this is in the form of grains, short of protein quality and quantity.

Now enters the K-State discovery. We can include high protein additives such as soy flour, which contains up to 50 percent protein and is of fairly consistent quality in breads at a level to significantly improve the nutritional value of breadstuffs. And none of the other qualities of the finished product is sacrificed in the process!

Soy flour is one of the most practical ways to boost bread protein. But nonfat milk solids and other high protein material could be used.

American and French style breads are being consumed in increasing quantities throughout the developing world. Not only have they been accepted in Asia and South America by former rice and corn eaters, but they have become a prestige or status food.

These food consumption trends are good for American wheat and flour exports, but they present real problems to developing nations. These countries want to lessen their dependence on outside sources for food to save foreign exchange and to stimulate local agriculture and industries.

For example, in some of these countries it is mandatory for bakers to add prescribed amounts of starches and flours from native crops to bread. In tropical areas, for example, this means bakers use starches and flours from corn and cassava with wheat flour to make bread.

Up until now, trying to fortify such bread with protein resulted in loaves that were rather small and hard. Now, the native starches and flours can be used with the additives to produce an acceptable loaf of bread.

Will this help Kansas wheat farmers? Hoover says, yes. He reasons that the utilization and export of U.S. wheat should increase due to increased consumption of bread. The bread may also be sold to the consumer at a lower price, because part of the composition would be based on low-priced native crops.

There's another facet to the Tsen-Hoover studies. They learned that less shortening is required in baked goods when the dough conditioners are used.

Hoover said that normally 3 percent shortening is used in bread, 8 percent in doughnuts and up to 55 percent in cakes. He said that by using the additives excellent bread can be made without shortening. He indicated that up to one-half the amount of shortening normally used in cakes could be eliminated.

This should be good news for weight watchers who may be able to eat cakes, rolls

and doughnuts which will have a lower fat content and thus a lower calorie content.

It will be good news to the baking industry as well as there is a potential cost reduction in the formulas developed by Tsen and Hoover. By using the additives, bakers can significantly decrease shortening normally used in baked goods.

Incidentally, the scientists say the producers of bakery products will have few, if any, alterations to make in their present manufacturing processes using the new formulations.

Many questions were directed at Hoover and Tsen during our meeting with them. Hoover was asked, for example, about the demand for a high-protein bread in the U.S.

The scientist replied that he did not expect the "new bread" to make a big ripple on the market immediately. He said he didn't think consumers would take notice of the new bakery products unless they were advertised on the basis of lower calorie content. Incidentally, the calorie reduction in bread would be insignificant.

"The high protein bread," he said, "should have a place in school lunch programs and in some other government food programs. It is a perfect vehicle to insure adequate protein intake."

It looks like we have some new abbreviations to put in our "active" file—SSL, CSM, and EM. Through their usage, the K-State scientific team may have taken a major step forward in preparing bread products for feeding the world. Certainly, the basic diet of the world will continue to be based on grain.

Wheat flour is short in the amino acid lysine. Soy flour has lysine. So by adding the latter to wheat flour, the protein content of bread can be raised from 8-9 percent to 13 percent protein.

In this way, Dr. Tsen told us, bread becomes balanced in protein. You could live on this bread alone and have a fairly respectable diet.

Non-wheat starch dilutes the quality of food flour. As little as 3-5 percent of such starch causes loss in loaf volume, poorer texture and poorer taste. Twenty to 30 percent casava starch can now be used in wheat flour if .25 percent EM is in the formulation. And a high percentage of corn starch can be added to wheat flour and still acceptable bread will result. Dr. Hoover believes all this is not so much a breakthrough as it is part of an evolutionary process to help feed the world and improve the image of wheat. The novel use of the dough conditioners has been patented and use patents will be licensed by the Kansas State University Research Foundation.

The K-State Department of Grain Science and Industry is the largest university baking and milling research facility in the world. Late last month the KSU department held an open house for its modernized feed milling facility. The program was built around the general theme, "dedication to the future."

Better things to come? When outstanding grain scientists are so dedicated—and have the funds and facilities—you can count on it.

OUR FINE YOUNG MEN

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. KUYKENDALL. Mr. Speaker, I learned Thursday night of the death of a friend and a constituent, Lt. Col. William Groom Leftwich, Jr., of Memphis, who died while serving a second voluntary tour in Vietnam.

Any time we worry, Mr. Speaker, about the modern generation, we need look no

further than our fine young men serving in Vietnam. And we mourn the loss of such a one as Bill Leftwich, whose life was ended last week in a helicopter crash. He was 39 years old.

Bill Leftwich did not have to return to Vietnam. He was on a voluntary second tour, after earning the Navy Cross, the Purple Heart, and the Legion of Merit on his first tour. At that time General Westmoreland called him the best military adviser in Vietnam.

Every Member of this House, Mr. Speaker, indeed every American, owes a debt of gratitude to Col. Bill Leftwich and to his comrades in Vietnam. His wife and two young sons in Alexandria, Va., and his mother in Memphis, should take some measures of comfort in their grief today, to know that this man represented the very spirit of all that is good in our country.

This is the debt we can never repay.

HUNGARIAN REVOLUTION—1956

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. EILBERG. Mr. Speaker, these fall days bring to mind events occurring at this time of year 14 years ago in Hungary. For a few brief days a proud people who had loved and fought for freedom for a thousand years, knew liberty once again. The heritage of St. Stephen and Louis II, or Hunyadi and Corvinus, of Kossuth and Bem has risen triumphant again for all the world to behold. Briefly though, only briefly—for the heel of the Russian invader ruthlessly extinguished free Hungary in 1956. The New York Times noted on the day Soviet tanks entered Budapest, that—

This Hungarian revolution was not one from the top. It came from the bottom. It originated among the intellectuals. It was started by the writers and journalists . . . the University students participated. The workers—the base on which Communism is supposed to be built—trailed behind.

Thus, the revolution of 1956 was a clear expression of the desire and hope and will of the Magyar nation to be free.

My colleague from Pennsylvania (Mr. FLOOD) once said when speaking on this same subject that—

The fire, the inspiration, the whole emotional impact of events fades with the passage of time. In some cases this is a healthy phenomenon. In others it is a danger to be avoided. The revolt in Hungary in October 1956 is one case which should never be forgotten.

So that we do not forget, it seems useful that those memorable events of a few short weeks 14 years ago be recounted.

The year 1956 was a decisive one for Europe, especially for the Soviet satellite states in Eastern Europe. During nearly a decade after World War II, Stalin had established iron-fisted Russian control over these states: all were rigidly structured in every way according to the Soviet model, and collectively they created the image of a monolithic Com-

munist empire. In March 1953, Stalin died, and the political forces of change, unleashed by the new leadership during the next 3 years, were to shake the foundations of this monolith.

Reconciliation with Tito in 1955, heretofore the prime target of Soviet attacks, and subsequent revisionist ideological declarations by Khrushchev—who by that time had control of the Soviet power apparatus—quicken the pace of revolutionary ferment. By coming to terms with Tito, Khrushchev in effect justified "Titoism," or in his words sanctioned as ideologically pure the principle of "other roads to socialism." Thus the principal heresy of international communism for nearly a decade, "Titoism," was no longer heretical, but its sanctioning raised fundamental doubts about the presumed infallible judgment of the Soviet Communist leadership. Such doubts were confirmed, and indeed magnified by Khrushchev's secret speech at the 20th Party Congress in February 1956. In this speech Khrushchev launched his de-Stalinization program: all the sins and errors of Stalin's past were laid open before the Congress, and the deceased Soviet leader, heretofore virtually deified by his Communist believers, was condemned.

Doubts created by reconciliation with Tito, by the ideological revision of accepting "other roads to socialism," and by the dethronement of Stalin, combined with growing discontent over economic stagnation, intellectual suppression, and political tyranny to produce revolutionary conditions in Hungary by the summer of 1956. In July, Rakosi, the Stalinist leader of Hungary, was removed because of the agitation among Hungarian writers, mounting resistance in the country, and open attack by Hungarian intellectuals in the Petofi Circle. Parallel discontent emerged in Poland where the workers in Poznan rioted in June 1956. But revolt in Poland was forestalled by the timely removal of the Stalinists from power and the election of Gomulka to the Polish party leadership. Events took a different turn in Hungary.

From all appearances the Hungarian revolution was spontaneous, almost accidental. On October 23, university students in Budapest organized a demonstration of sympathy for Poland; they used this occasion to publish demands for independence, free elections and the end of Soviet political control and exploitation. Large crowds joined the demonstrators. The Hungarian police—AVO—and later Soviet troops, called by Hungarian Premier Gero, fired into the crowds, igniting a revolution that enveloped the country. Revolutionary workers' councils and local national committees were formed to carry out the purposes of the revolution.

On October 30, the revolution succeeded, at least temporarily. Imre Nagy, a former Hungarian Communist Premier, formed a genuine coalition cabinet, announced a return to conditions that existed before the Communist seizure in 1947, abolished the one-party system, promised free elections, and negotiated for the immediate withdrawal of Soviet troops. Momentarily, the Russians appeared to acquiesce and accept the

Hungarian fait accompli. However, on November 1, Soviet military units surrounded Hungary's airfields and Budapest, the capital. Fresh troops were reported pouring into the country. Nagy responded with a proclamation of neutrality and a request to the West and the United Nations for assistance. Direct assistance was not forthcoming; by November 4, the Soviet military forces attacked Budapest. Heavy fighting went on for days; a general strike paralyzed the country for several weeks.

Within a few days the Russians crushed the rebellion; they installed a new regime under the Hungarian Communist leader, Janos Kadar. During the weeks of disorder an estimated 160,000 Hungarians fled the country; thousands were killed in the fighting.

Retaliation against the rebel forces began in 1957. Thousands of Hungarians were executed or imprisoned. In 1958, Premier Nagy, Gen. Pal Maleter, commander of the resistance forces, and several associates were secretly executed. Thus, Soviet control was reasserted over Hungary. To insure continued Soviet control, the Russians stationed between 50,000 and 80,000 Soviet troops in the country.

The American people were stirred by the events in Hungary, much as they were when the Russians crushed the revolution in 1849. No doubt President Eisenhower expressed the sentiments of the entire American people when he wrote the following letter to Soviet Premier Nikolai Bulganin on November 4, urging the U.S.S.R. "in the name of humanity and in the cause of peace" to withdraw the Russian troops from Hungary:

I have noted with profound distress the reports which have reached me today from Hungary.

The Declaration of the Soviet Government of October 30, 1956, which restated the policy of non-intervention in internal affairs of other states, was generally understood as promising the early withdrawal of Soviet forces from Hungary. Indeed, in that statement, the Soviet Union said that "it considered the further presence of Soviet Army units in Hungary can serve as a cause for an even greater deterioration of the situation." This pronouncement was regarded by the United States Government and myself as an act of high statesmanship. It was followed by the express request of the Hungarian Government for the withdrawal of Soviet forces.

Consequently, we have been inexpressibly shocked by the apparent reversal of this policy. It is especially shocking that this renewed application of force against the Hungarian Government and people took place while negotiations were going on between your representatives and those of the Hungarian Government for the withdrawal of Soviet forces.

As you know, the Security Council of the United Nations has been engaged in an emergency examination of this problem. As late as yesterday afternoon the Council was led to believe by your representative that the negotiations then in progress in Budapest were leading to agreement which would result in the withdrawal of Soviet forces from Hungary as requested by the government of that country. It was on that basis that the Security Council recessed its consideration of this matter.

I urge in the name of humanity and in the cause of peace that the Soviet Union

take action to withdraw Soviet forces from Hungary immediately and to permit the Hungarian people to enjoy and exercise the human rights and fundamental freedoms affirmed for all peoples in the United Nations Charter.

The General Assembly of the United Nations is meeting in emergency session this afternoon in New York to consider this tragic situation. It is my hope that your representative will be in a position to announce at the session today that the Soviet Union is preparing to withdraw its forces from that country and to allow the Hungarian people to enjoy the right to a government of their own choice.

DWIGHT D. EISENHOWER.

Throughout the entire crisis, the United States assumed the leadership in denouncing the Soviet action in the United Nations and in urging United Nations sponsorship of a resolution requiring Soviet withdrawal from Hungary and the admission of United Nations investigators to Hungary. But the Russians opposed such measures, and the United States, unwilling to risk possible thermonuclear war by any direct military intervention, was compelled to acquiesce in the Soviet military reconquest of Hungary. The United States rendered whatever help was possible by lifting immigration barriers to accept thousands of Hungarian refugees and by dispatching medical supplies and other forms of relief for those Hungarian refugees awaiting transfer to other lands.

So, after a few autumn days more than a dozen years ago the light of Hungarian freedom was tragically extinguished. However, we know that the love of and desire for self-determination remains fervently alive in the hearts of Hungarians everywhere. As free men dreaming of ascendant justice in our world, we know that there will come a time when this desire of the sons of the ancient Magyars will be fulfilled. Until then we will weep for the heroes who fell so gallantly during those October days, while taking courage in the example they set for unborn ages of free men.

AIRCRAFT HIJACKING

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BINGHAM. Mr. Speaker, the sixth—Legal—Committee of the United Nations General Assembly adopted on November 20 by a vote of 99 to 0 with 10 abstentions a strong resolution dealing with the hijacking of aircraft. This will be considered later this session by the General Assembly plenary, and is expected to receive the same vote at that time in favor of its adoption.

In view of the great concern about this subject, and in view of the interesting fact that the Soviet bloc nations voted in favor of this resolution—Cuba abstained—I would like to include the full text of the resolution in the RECORD at this point.

The General Assembly, recognizing that international civil aviation is a vital link in the

promotion and preservation of friendly relations among states and that its safe and orderly functioning is in the interest of all peoples.

Gravely concerned over acts of aerial hijacking or other wrongful interference with civil air travel.

Recognizing that such acts jeopardize the lives and safety of the passengers and crew and constitute a violation of their human rights.

Aware that international civil aviation can only function properly in conditions guaranteeing the safety of its operations and the due exercise of the freedom of air travel.

Endorsing the solemn declaration of the extraordinary session of the assembly of the international civil aviation organization held at Montreal in June 1970.

Bearing in mind resolution 2551 (XXIV) and the resolution adopted by consensus at the 1552nd meeting of the security council.

1. Condemns, without exception whatsoever, all acts of aerial hijacking or other interference with civil air travel, whether originally national or international, through the threat or use of force and all acts of violence which may be directed against passengers, crew and aircraft engaged in, and air navigation facilities and aeronautical communications used by, civil air transport;

2. Calls upon states to take all appropriate measures to deter, prevent or suppress such acts within their jurisdiction, at every stage of the execution of those acts, and to provide for the prosecution and punishment of persons who perpetrate such acts, in a manner commensurate with the gravity of those crimes, or, without prejudice to the rights and obligations of states under existing international instruments relating to the matter, for the extradition of such persons for the purpose of their prosecution and punishment;

3. Declares that the exploitation of unlawful seizure of aircraft to take hostages is to be condemned.

4. Declares further that the unlawful detention of passengers and crew in transit or otherwise engaged in civil air travel is to be condemned as another form of wrongful interference with free and uninterrupted air travel;

5. Urges states to the territory of which a hijacked aircraft is diverted to provide for the care and safety of its passengers and crew and to enable them to continue their journey as soon as practicable and to return the aircraft and its cargo to the persons lawfully entitled to possession;

6. Invites states to ratify or accede to the convention on offenses and certain other acts committed on board aircraft, signed in Tokyo on 14 September 1963, in conformity with the convention;

7. Requests concerted action on the part of states, in accordance with the charter, towards suppressing all acts which jeopardize the safe and orderly development of international civil air transport;

8. Calls upon states to take joint separate action, in accordance with the charter of the United Nations, in co-operation with the United Nations and the International Civil Aviation Organization to ensure that passengers, crew and aircraft engaged in civil aviation are not used as a means of extorting advantage of any kind;

9. Urges full support for the current efforts of the International Civil Aviation Organization towards the development and coordination, in accordance with its competence, of effective measures with respect to interference with civil air travel;

10. Calls upon states to make every possible effort to achieve a successful result at the diplomatic conference which has been convened in The Hague in seizure of aircraft, so that an effective convention may be brought into force at an early date.

QUESTIONS STAY AFTER
CEAUSESCU TRIP

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. DERWINSKI. Mr. Speaker, Rumania has managed to stimulate considerable attention in the Western World by its ability to conduct an independent foreign policy. The interest in Rumania was obviously further stimulated by the visit President Nixon paid to that country last year.

It is practical for us, however, to objectively study Rumanian foreign policy, specifically the actions of its Government and party leaders. Therefore, a column by the distinguished correspondent of the Copley Press, Dumitru Danielopol, in the November 10 *Aurora*, Ill., *Beacon-News* should be carefully read. Mr. Danielopol was a member of the Rumanian diplomatic corps prior to and during World War II and he is a very penetrating analyst of the Rumanian Communists and their activities.

The article follows:

QUESTIONS STAY AFTER CEAUSESCU TRIP

(By Dumitru Danielopol)

WASHINGTON.—In the aftermath of the Nicolae Ceausescu visit to the United States some nagging questions remain.

Is Rumania's Red boss the genuine article he claims to be, a Communist leader who is breaking away from the Soviet monolith?

I confess I have always doubted his "independence." Now I am more convinced than ever that he is a clever Soviet pawn put forward to fool the West and especially the United States.

Throughout his discourses at the United Nations, at the Foreign Policy Association in New York and in Washington, he consistently advocated moves that in no way help Rumania, but which could be to the advantage of the Soviet Union.

He plugged, for instance, for the disbanding of NATO, the "dismantling of military bases on the territory of other states and the withdrawal of foreign troops within their national borders."

This of course implies the withdrawal of American troops from Europe as well as Soviet troops from Czechoslovakia and East Germany. That would leave Soviet forces within a few hundred miles from West Germany and only a few yards from the Rumania border while U.S. troops would be some 6,000 miles away across an ocean.

Every country in Europe would be at the mercy of the Soviet Union. Under the Brezhnev Doctrine all of Eastern Europe would

have the status of the Baltic States. Though Ceausescu denied the existence of such a doctrine, the Kremlin has claimed a "legitimate" right to intervene in any errant socialist country.

Another point that Ceausescu and his foreign minister Corneliu Manescu harped on was an All-European Security Conference "which would include the United States, of course."

Such a conference, they argued, would develop a pact that would be an extra safeguard for small countries against domination by big powers. If it is such a safeguard, why has the USSR given high priority to such a meeting?

The term "All-European" is enough of a clue. Moscow has long dreamed of a Europe subject only to its whims and powers.

"Their proposal for what they call a European Security Conference is a major weapon in this offensive to dominate all Europe," said British Kremlinologist Malcolm MacKintosh in a recent interview to the *U.S. News and World Report*.

The British expert says Russia traditionally, for centuries has considered that "by natural law they should be the paramount influence not only over Eastern Europe but also over Western Europe...."

Herman Achminov, chief researcher of the Institute for the Study of the USSR in Munich, maintains that the Kremlin has never flinched from a 1952 Stalin plan to conquer the whole of Europe.

Ceausescu advocates policies that would hasten the achievement of those goals.

SENATE—Wednesday, November 25, 1970

The Senate met at 10 a.m. and was called to order by Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts.

Rabbi Joshua O. Haberman, Washington Hebrew Congregation, Washington, D.C., offered the following prayer:

THANKSGIVING PRAYER

O Lord of the universe and protector of all mankind, from Thee come all our blessings from day to day and from year to year. In this land of ours so richly blessed by Thee, we raise our voice in joyous thanks. To these shores Thy children have come from many climes seeking liberty and a new hope in life. All have been pilgrims to this land of promise. Here they found renewed purpose, increased strength and the opportunity to outgrow old fears and suspicions. Let not a disgruntled spirit despise the bounties of this gracious land, nor belittle its power for good.

Fervently we invoke Thy blessing upon our country and our Nation. Enlighten with Thy wisdom and sustain with Thy power those whom the people have set in authority, the President, his counselors and advisers, the judges, lawgivers, and executives and all who are entrusted with the guardianship of our rights and our liberties.

May peace and good will obtain among the inhabitants of our land and exalt our Nation in righteousness. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, D.C., November 25, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. KENNEDY thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. ROGERS of Florida, Mr. CARTER, and Mr. HASTINGS were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendment to the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES

of Alabama, Mr. WRIGHT, Mr. JOHNSON of California, Mr. DON H. CLAUSEN, and Mr. SCHWENGLER were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. FRIEDEL, Mr. DINGELL, Mr. SPRINGER, and Mr. DEVINE were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 670) to amend section 19(a) of the District of Columbia Public Assistance Act of 1962.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 4183) to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits.

The message further announced that the House had agreed to the amendment