Mr. THOMPSON of New Jersey: Committee on House Administration. S. Con. Res. 2. Concurrent Resolution authorizing acceptance for the National Statuary Collection of a statute of the late Senator E. L. Bartlett, presented by the State of Alaska (Rept. No. 91–1661). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 18874. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; with amendments (Rept. No. 91–1663). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENNETT: Committee on Armed Services. S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Roger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands; without amendment. (Rept. No. 91–1664). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.R. 19877. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; with amendments (Rept. No. 91–1665). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 10634. (Rept. No. 91–16666). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 2108. (Rept. No. 91–1667). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 3418; without amendment(Rept. No. 91–1660). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 17750. A bill to declare the tidewaters in the waterways of the Ford Point Channel lying between the northeasterly side of the Summer Street highway bridge and the easterly side of the Dorchester Avenue highway bridge in the city of Boston nonnavigable tidewaters; with amendments (Rept. No. 91–1669). Referred to the House Calendar.

Mr. POAGE. Committee on Agriculture. H.R. 19888. A bill to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act, and for other purposes; with an amendment (Rept. No. 91–1670). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ERLENBORN:

H.R. 19907. A bill to provide for regulation of public exposure to sonic booms, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD (for himself, Mr. PRICE of Illinois, and Mr. HOSMER):

H.R. 19908. A bill to amend Public Law 91–273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. MILLS:

H.R. 19909. A bill to amend the Renegotiation Act of 1951 to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 19910. A bill to amend the Postal Reorganization Act of 1970; to the Committee on Post Office and Civil Service.

By Mr. MORGAN:

H.R. 19911. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STEIGER of Arizona:

H.R. 19912. A bill to authorize the partition of the surface rights of the Hopi and Navajo Indian Tribes in undivided trust lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PUCINSKI:

H.J. Res. 1412. Resolution; urging the President to seek release of "Simas"; to the Committee on Foreign Affairs.

By Mrs. GREEN of Oregon:

H. Con. Res. 790. Concurrent resolution to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women"; to the Committee on House Administration.

By Mr. STRATTON (for himself and Mr. BROCK):

H. Res. 1292. Resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. GUBSER:

H.R. 19913. A bill for the relief of Hernan Saavedra; to the Committee on the Judiciary.

H.R. 19914. A bill for the relief of Arnold D. Smith; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

AMENDMENT TO POSTAL REORGANIZATION ACT

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. NIX. Mr. Speaker, the bill I introduce today is designed to remedy an inequity that has been unintentionally worked upon approximately 4,000 employees of the Post Office Department.

In August of this year Congress enacted, and the President signed into law, the landmark "Postal Reorganization Act of 1970." Among the numerous far-reaching provisions of the act is a provision which for the first time vests postal employees with the right to bargain collectively for wages, hours, and working conditions. Title 39, United States Code, section 1202, contains the collective bargaining mechanism under which the National Labor Relations Board will first make appropriate unit determinations in the postal service and then certify bargaining representatives in those units following elections.

It will be at least a year and perhaps longer, however, before this section of the act becomes effective and the NLRB can proceed to perform the function Congress has assigned to it. Recognizing this unavoidable delay, Congress provided in section 10(a) of the act for transitional bargaining—meaning interim collective bargaining in the postal service while the machinery is being set up to establish the permanent system of collective bargaining.

In establishing this transitional bargaining procedure, Congress unintentionally omitted a large group of employees. Congress provided that the Postmaster General could sign transitional agreements with the seven postal craft unions upon behalf of the employees represented by such labor organizations. This means that the only employees who will receive the contemplated increases in wages and benefits will be those employees who have been designated into one of the seven craft classifications.

In addition to employees within these seven crafts, however, there are approximately 4,000 employees working either in one of the 15 departmental regional offices, or in postal data centers, mailbag depositories, or mail equipment shops. Under the literal language of section 10 (a), the Postmaster General has determined that he does not have the power to sign agreements with these employees or automatically extend the benefits of transitional agreements to these employees.

On November 19, 1970, the Postmaster General signed an agreement with the seven postal craft unions upon the compression issue dealt with in section 10 (b) of the act. This agreement reduces from 21 to 8 years the time it takes an employee to reach the top of a grade. Under the terms of section 10(c) of the act, and the terms of the agreement, the benefits of the compression agreement are to become effective immediately. I am advised that the agreement will be reflected in the paychecks received by employees covered by the agreements on December 4, 1970.

Congress certainly did not intend to treat the 4,000 employees not in a designated unit any differently than the employees in one of the seven craft units. The purpose of this bill is simply to provide that the agreement reached upon compression on November 19, 1970, shall apply as well to those nonsupervisory employees who were inadvertently omitted from the reach of the statute. It would provide that the Postmaster General shall extend to these employees the same benefits given to other employees under the compression agreement.

DR. W. M. HACKENBERG, A GREAT SERVANT OF THE LORD

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. LANDGREBE. Mr. Speaker, on September 20, the finest Christian I have

ever known delivered his last sermon, capping a 66-year career of service to his church and to his God.

I refer to Dr. W. M. Hackenberg, who delivered this sermon at Trinity Evangelical Lutheran Church in Dayton, Ohio, the same church where he had preached his first sermon, 66½ years earlier.

In recent years, I have been privileged to associate with Dr. Hackenberg in Lutheran Synod activities and as a warm, close personal friend.

Now 95 years of age, Dr. Hackenberg was born on a farm near Three Rivers, Mich. In 1901, he was graduated from Wittenberg College, and in 1904, he was graduated from Hanna Divinity School. In 1923 he returned to Wittenberg to receive an honorary Doctor of Divinity degree.

His entire ministry has been to the people of Ohio; he was the pastor of flocks in Dayton, Shelby, Mansfield, Zanesville, and Wakefield. From 1929 to 1936, he also served as secretary of the Ohio Synod and superintendent of home missions.

Dr. Hackenberg retired in 1950 and moved to Canton, Ohio, where he lived until the death of his wife in 1963. They had been married nearly 55 years.

Still in excellent health, he now lives with his daughter and son-in-law, Mr. and Mrs. Paul Renz of Columbus, Ohio. His son, the Rev. Willard J. Hackenberg, is pastor of Resurrection Lutheran Church in Havertown, Pa.

Mr. Speaker, I insert the text of Dr. Hackenberg's last sermon at this point in the RECORD:

ORIGINAL COPY OF DR. W. M. HACKENBERG'S LAST SERMON PREACHED ON SEPTEMBER 20, 1970, AT TRINITY EVANGELICAL LUTHERAN CHURCH

Grace be unto you, and peace, from God our Father, and from our Lord and Saviour, Jesus Christ. Amen.

Some years ago one of my favorite preachers began a sermon by making a question. Here is a question.

"What is the biggest thing on which the human mind can be exercised?" Then he gives an answer to challenge any who might be interested enough to attempt an investigation.

"There are the vast lone spaces of the Steller Fields, peopled with countless worlds, crossed by mysterious highways with stars as the pilgrims, ever moving unto their unknown journeyings, and we can lose ourselves there."

"Then there is the dark backward abysm of time, opening door after door in ever receding epochs, back through twilight and dawn into the primevil darkness where the inquisitive mind falters and faints. We can lose ourselves there."

"Then there is the apalling wilderness of human need, baginning with my own life, with its taint of blood, its defect of faculty, its dreary gap in circumstance and condition, and repeated in every other life, in every street, and in every city and village and country throughout the inhabited world. We lose ourselves there."

"Then there is the deadly, ubiquitous presence of human sin, in all its chameleon forms, well-dressed, ill-dressed, blazing in passion, mincing in vanity, and freezing in moral indifference and unbelief. Sure, we can lose ourselves there."

"But he reminds us that there is something more majestic than the heavens, more wonderful than the far, mysterious vistas of time, more pervasive than Human need, and more abounding than human sin."

"The biggest thing you and I will ever know, is the love of God in Christ Jesus Our Lord."

And how exceedingly casual nearly all of us regard the marvelous, infinite love of our God!

Saint Paul, whom I consider the greatest Christian of all time, when he discovered this gloriously, wonderful fact, made his confession in these remarkable words, Galations 2:20, "I am crucified with Christ: nevertheless I live; yet not I, but Christ liveth in me; and the life which I now live in the flesh, I live in the faith of the Son of God, who loved me, and gave Himself for me."

I cannot make the same confession St. Paul makes here, I have never suffered anything like the persecution he suffered. However, I must, as a humble, sincere Christian, never neglect to acknowledge and respond to this greatest of all Biblical truth: The Son of God, who loved me, and gave Himself for me.

That great redeeming love Paul acknowledges and confesses here, is the same, exactly the same, for me, and for each one of you. All of the love of God is mine, and yours. You cannot take the Love of God and break it up into small portions, like the estate of a well-to-do relative.

I am asking myself again this morning, "What have I ever done to reveal to the world about me, anything like a reasonable, respectable reaction to God's redeeming Love?

And you know to me, the most wonderful thing about the wonderful character of our Lord and Saviour, is His persistence. We recall that gracious pleading recorded in the book of Revelations 3:20: "Behold I stand at the door and knock, if any many hear my voice, and open the door, I will come in to him."

Or that other wonderfully appealing scene, spoken by our Lord Himself in that "Parable of the lost sheep. He goeth out after that which is lost, until He find it. Until he find it."

"And none of the ransomed ever knew
How deep were the waters crossed,
Or how dark was the night the Lord passed through,
E'er He found the sheep that was lost."

Recently someone asked: "We know all the past tenses of the Christian Religion: Born of the Virgin Mary, suffered under Pontius Pilate, was crucified, died and was buried; Rose again from the dead and ascended into heaven. We know all the past tenses. Are there any present tenses in our religion?

I have a feeling here is the awful weakness in the Christian life of so many of the professing Christians today. Bear with me for a moment as I suggest a question or two.

How conscious are you of the presence of Christ here in this service this morning? Don't you know the Lord Christ is sitting beside you, is anxious to go home with you after this worship? Whom or what are you worshipping here in this very hour? I hope not this old, worn out preacher!

The story is told of a very wealthy Church in New York City—the ushers were dressed in stylish cutaway coats, gloved hands. An elderly, poorly dressed gentleman entered the door, walked down well to the front of the church, and took a seat. One of the ushers went to him, suggesting that he would not feel at home in that Church, had he not better go elsewhere to worship. The stranger replied, that since he was there, if they didn't mind he would stay for that service. The next Sunday the gentleman was back in the same pew. Another usher tried to persuade him to go elsewhere. The gentleman replied he would stay, then go home and talk to the Lord about it. The third Sunday the gentleman was back, took the same seat and the usher came to inquire of him if he had talked to the Lord about attending another Church? He replied he had, and that he had gotten an answer, and that the Lord had told him to persevere, that He Himself had tried for years to get into that Church, but had not been able. I believe we have such churches today; Society and Pomp, but No Christ.

How well do we know the Christ who loved us, not only at Bethlehem, were He shared our human iot; not only in Galilee, where He laid His hands on leper's sores, healed the broken hearted, and called the prodigals home; not only on Calvary, where His love lighted a beacon blaze which a thousand ages haven't been able to put out! But right now, today, tomorrow and forever. All these are the present tenses of our Christian Religion.

The Apostle Paul put his response this way; "Whatsoever things were Gain to Me, I counted Loss for Christ. Yea, doubtless, and I count all things but loss for the excellency of the knowledge of Christ Jesus My Lord; for Whom I have suffered the loss of all things, and do count them but refuse, that I may know Him, and the power of His resurrection, and the fellowship of His suffering. "The life that I now live in the flesh, I live in the faith of the Son of God, who loved me, and gave Himself for me."

And that reminds me of the other wonderful word of Paul, which I have been accustomed to call the "Pastor's Prayer." Ephesians 3:14–21, "That Christ may dwell in your hearts by faith; and that you, being rooted and grounded in love, may be able to comprehend with all saints, what is the breadth and length, and depth, and height; to know the love of Christ which passeth knowledge, that you might be filled with all the fullness of God." Can we ever be like that?

That's Paul's prayer for the Church at Ephesus. He tells this same congregation that "Christ loves the Church, and gave Himself for it; that He might sanctify and cleanse it with the washing of water by the Word, that He might present it to Himself a glorious church, not having spot, or wrinkle, or any such thing; but that it should be holy and without blemish."

And you know there is still an awful lot of washing to be done, for the spots and wrinkles and blemishes on the Church are on my life, and on each one of yours.

Maybe it will help some one if I suggest that life is not made up, first of all of days, and months, and years! Life is made up first of just moments. We used to sing:

Moment by moment I'm kept in His love;
Moment by moment I've life from above;
Looking to Jesus till glory doth shine,
Moment by moment, O Lord, I am Thine.

If that is true, and I am sure it is, then no point of time is as important as just this very instant,—this very moment. Remember, a succession of holy moments make a holy hour; a succession of holy hours make a holy day; A succession of holy days make a holy year.

But try as we may, every one of us will remain sinful. But we have Christ's precious promise, that if we keep the Faith, if we try our best, all sins will be blotted out, all errors erased, all mistakes forgotten, and at the last our Christ will cast the robe of His perfect righteousness about us, and thus present us to the Father.

A Methodist preacher, very spiritual, very poetic, made this claim:

"When I stand some day at the Judgment
And the books are all thrown open wide,
Not the deeds that I've done
Nor the laurels I've won,
Only this will I plead,
I have tried!"
"Aye, this be the power of my pleading
To the Judge with the hands crucified,
Not my laurels nor bars,
But the depth of my scars;
Yea, this will I plead,
I have tried!"

And remember, you cannot fool that Judge!

Let me have just this one precious moment, for my own personal acknowledgement:

I am fully conscious of the fact that I am living on the Sunset Side of the Hill; I am keenly aware of the lengthening shadows; I am not afraid, I feel myself quite ready. However, so long as God gives me days, I shall try to enjoy them to the glory of my gracious God and to my pleasure. I shall try to keep on keeping ready.

"The golden evening brightens in the west;
Soon, soon to faithful warriors cometh rest;
Sweet is the calm of paradise the blest."

"But, lo: there breaks a yet more glorious day:
The saints triumphant rise in bright array;
The King of Glory passes on His Way."

"From Earth's wide bounds, from ocean's farthest coast,
Through gates of pearl, streams in the countless host,
Singing to Father, Son, and Holy Ghost:
Alleluia! Alleluia!

I mean to join that procession! How about you?

The peace of God which passes all understanding, keep your hearts and minds in Christ Jesus our Lord. Amen.

PRESIDENT NIXON URGED TO CALL UPON RUSSIA TO RELEASE SIMAS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. PUCINSKI. Mr. Speaker, I have today introduced a joint resolution expressing the regret and dismay of the Congress and the people of the United States as a result of the inexcusably callous action taken by the commander of the Coast Guard cutter *Vigilant* on November 23 when he ordered American seamen to forcibly restrain and return a refugee sailor to a ship of the Soviet Union.

My resolution also calls for President Nixon to personally appeal to the Soviet Union for the release of the Lithuanian refugee and his family.

Not only, as I have said earlier in this Chamber, is this action by the Coast Guard unconscionable, it is totally alien from the traditions of the United States. Have we come so far in our pursuit of efficiency and systems, that we have abdicated our responsibilities to think as rational men? In our devotion to the perfectibility of the systems, have we not sorely neglected the processes by which such systems are perfected?

Mr. Speaker, as important as it is to have rules and regulations, it is equally important to have some instinct for the common humanity we share. The man "Simas" doubtless had been assured by radio broadcasts and underground reports that he would be safe if he could reach an American sanctuary. The action taken by our own Coast Guard on November 23 makes a mockery of those assurances and will undoubtedly add immeasurably to the burdens of fear and desperation felt by countless captive men and women who devote years of their lives planning an escape to the United States.

We cannot permit such disregard for the lives of individual people. If this Nation stands for nothing else, it stands for the distinct right of every individual to seek his own destiny in accordance with his special talents, wishes, and beliefs. Mr. Speaker, it is time each of us was reminded of that tradition.

I am including in my remarks today the excellent Washington Post editorial expressing our outrage that this suffering and cruelty could have been inflicted on a human being by American men with the power to help him. I urge my colleagues to join with me in supporting the resolution imploring the President to make a personal appeal for the release of Simas and his family. My resolution follows the Washington Post editorial:

SIMAS

No more sickening and humiliating episode in international relations has taken place within memory than the American government's knowing return of a would-be Soviet defector to Soviet authorities on an American ship in American territorial waters off Martha's Vineyard last week. Here was a man, known only as "Simas," who had jumped across 10 feet of open water to a Coast Guard cutter (named Vigilant), which a Russian ship was approaching for fishing talks; who asked for but was denied political asylum because of an unbelievable breakdown in judgment and compassion on the part of both the State Department and the Coast Guard; who went down on his knees in prayer and then fought with his fists to be kept from being dragged back to the Russion vessel by Russian crewmen; who was given not a word or a gesture of assistance from the Americans who for hours witnessed his struggle; and who was finally rowed back, bound, to captivity and to God knows what other misfortune by *American* sailors in an *American* "lifeboat." The mind closes; the heart clogs at contemplation of this fantastic parable of our times. It is a profound stain upon every person who, by omission or commission, had a role in it.

Of course, the President ordered an investigation, which evidently is not to be made public, but a more hollow one could not be imagined. For what is required is not just the usual kind of inquiry which concludes, if it is not more or less a whitewash, that certain procedures which should have been followed were not followed and that various individuals exercised bad judgment. There should be, on all levels and by individuals examining themselves, a deep look at the values and the condition of our society, whatever it is that allows a man's freedom, if not his very life, to be sacrificed needlessly, carelessly, by an unfeeling bureaucratic machine.

Moreover, we believe it to be appropriate politically and essential morally for President Nixon to make a direct intercession with the Soviet Union for the release of "Simas," and his family. The American government's embarrassment should not be allowed to obscure the Soviet government's fundamental duplicity in inventing a criminal charge against the sailor in order to balk his defection and then in seizing him against his will. The collective shame and indignation of the United States can be of no help to that poor man unless it is expressed in a specific urgent plea for his liberty.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the brutally dispassionate treatment accorded a refugee sailor seeking asylum aboard an American coast guard vessel on November 23 be repudiated by every member of our government. That the Congress, in light of the unprecedented actions resulting in the forcible return of this refugee by American seamen to a ship of the Soviet Union, entreats the President to make a prompt, personal appeal to the government of the Soviet Union for the release of this man, known only to the Western world as "Simas," as well as his family.

That our nation once again publicly and emphatically reaffirms its longstanding commitment as a sanctuary for the victims of political, religious, and racial oppression. That the Congress and the people of the United States join in expressing their profound sorrow, anger, and regret for this action and their unanimous resolve that such conduct will never again be sanctioned.

SST, ITS ENVIRONMENTAL IMPACT

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. KYROS. Mr. Speaker, Members of Congress are asked to evaluate the merits of continued support for development of a supersonic transport. To do that, we need the most complete information available, including that on the SST's environmental impact. My colleague from Maine, Senator MUSKIE, and Senator PROXMIRE, of Wisconsin, have requested such information from the Transportation Secretary. They have explained the law in this respect very clearly and for the future information of my colleagues, I would like to share this letter with you. I ask unanimous consent for its insertion into the RECORD:

PROXMIRE, MUSKIE SEEK SST REPORT FROM VOLPE

Senators William Proxmire (D-Wis.) and Edmund S. Muskie (D-Me.) Tuesday jointly sent this letter to Transportation Secretary John A. Volpe:

DECEMBER 1, 1970.

DEAR MR. SECRETARY: Last September, the Office of SST Development submitted a preliminary draft report on the SST's potential environmental impact to the Council on Environmental Quality. This draft represented the first step in complying with Section 102(C) of the Environmental Quality Act, which requires that legislative requests involving programs with potential environmental impact be accompanied by a "detailed statement by the responsible official on—the environmental impact of the proposed action."

The Act also stipulates that "the responsible Federal official shall *consult with* and *obtain the comments of* any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, state, and local agencies . . . shall be made available . . . to the public."

At the time the preliminary draft was made available, DOT announced that it was circulating the draft for comments to 11 Federal agencies, as required by the Act. The agencies were given 30 days to respond.

It is now more than 2½ months since the Department submitted its preliminary draft on the SST's environmental impact. No comments have been made available to the public.

The Senate may act upon the appropriations request for the SST this Thursday.

Members of the Senate would be most interested in what these agencies have to say.

A few days ago, one of our staff members inquired about these comments. He was told that not all the comments had been made, and that those that had come in would not be made available now.

We strongly believe that these comments should be made available immediately. Your compliance with this request by close of business December 1 will be greatly appreciated.

Sincerely,

EDMUND S. MUSKIE,
U.S. Senate.
WILLIAM PROXMIRE,
U.S. Senate.

FEDERAL CIVILIAN EMPLOYMENT, OCTOBER 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

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

FEDERAL CIVILIAN EMPLOYMENT, OCTOBER 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of October was 2,875,588 as compared with 2,888,698 in the preceding month of September. This was a net decrease of 13,110, due primarily to seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

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

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of October totaled 2,838,650. This was a net decrease of 13,225 as compared with employment reported in the preceding month of September. Employment by months in fiscal 1971, which began July 1, 1970, follows:

Month	Executive branch	Increase	Decrease
July 1970	2,942,517		−1,595
August	2,901,856		−40,661
September	2,851,875		−49,981
October	2,838,650		−13,225

Total employment in civilian agencies of the Executive Branch for the month of October was 1,673,485, a decrease of 5,689 as compared with the September total of 1,679,174. Total civilian employment in the military agencies in October was 1,165,165, a decrease of 7,536 as compared with 1,172,701 in September.

The civilian agencies of the Executive Branch reporting the largest net decreases during October were Interior with 3,486, Agriculture with 2,918, Department of HEW with 1,781 and Post Office with 1,393. The agency reporting the largest increase was Commerce with 3,141.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 3,218, the Navy with 3,076 and Air Force with 856.

Total Executive Branch employment inside the United States in October was 2,624,334, a decrease of 9,948 as compared with September. Total employment outside the United States in October was 214,316, a decrease of 3,277 as compared with September.

The total of 2,838,650 civilian employees of the Executive Branch reported for the month of October 1970 includes 2,526,380 full time employees in permanent positions. This represents a decrease of 3,735 in such employment from the preceding month of September. (See Table 2 of accompanying report.)

The Executive Branch employment total of 2,838,650 includes some foreign nationals employed abroad, but in addition there were 102,037 foreign nationals working for U.S. agencies overseas during October who were not counted in the usual personnel reports. The number in September was 102,379.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of October totaled 30,012, an increase of 68 as compared with the preceding month of September. Employment in the Judicial Branch in the month of October totaled 6,926, an increase of 47 as compared with September.

DISADVANTAGED PERSONS

The total of 2,875,588 reported by the Committee for October includes 17,498 disadvantaged persons employed under federal opportunity programs, a decrease of 4,584 over the preceding month of September. (See Table 4 of the accompanying report.)

In addition, Mr. Speaker, I include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during October 1970, showing comparisons with June 1969 and the budget estimates for June 1971:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	October 1970	Estimated June 30, 1971 [1]
Agriculture	83,425	82,524	85,300
Commerce	25,364	27,501	26,700
Defense:			
Civil functions	31,214	29,756	31,000
Military functions	1,225,877	1,099,271	1,110,100
Health, Education, and Welfare	102,941	105,009	105,100
Housing and Urban Development	14,307	14,765	16,000
Interior	58,156	57,796	61,100
Justice	35,106	38,779	39,100
Labor	9,723	10,256	10,800
Post Office	562,381	566,147	585,000
State	24,658	23,310	23,400
Agency for International Development	15,753	14,038	14,400
Transportation	60,386	65,545	70,300
Treasury	79,982	86,321	93,500
Atomic Energy Commission	7,047	6,898	6,900
Civil Service Commission	4,970	5,177	5,500
General Services Administration	36,176	36,194	36,800
National Aeronautics and Space Administration	31,733	29,698	30,600
Office of Economic Opportunity	2,856	2,319	2,500
Panama Canal	14,731	14,486	14,900
Selective Service System	6,584	6,657	6,500
Small Business Administration	4,099	3,934	4,100
Tennessee Valley Authority	11,987	13,048	13,300
U.S. Information Agency	10,500	9,918	10,100
Veterans' Administration	147,606	149,477	150,200
All other agencies	26,200	27,556	28,900
Contingencies			15,000
Total [2]	2,633,762	2,526,380	2,597,200

[1] Source: As projected in 1971 budget document; figures rounded to nearest hundred.

[2] October figure includes 116 disadvantaged persons employed under Federal opportunity programs (public service careers).

THE FEELINGS AND EMOTIONS OF A FORMER POW

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. MICHEL. Mr. Speaker, President Nixon and Secretary Laird have been the targets of criticism from certain individuals both in and out of Congress as a result of the brave and daring attempt to rescue some of our American boys who are being held prisoner in North Vietnam.

The same old cries of gloom and doom were heard from these quarters, immediately after the President's decision to clean out the Communist sanctuaries in Cambodia last spring and as we all know, none of their pessimistic predictions came true.

A constituent of mine, Mr. Jay D. Trimmer from my home town of Peoria, was a prisoner of war and was good enough to send me a copy of his letter to the President commending him upon the decision to make an effort to free our men. His letter provides us with a graphic picture of the other side of the situation in presenting the feelings and emotions of a former prisoner of war which I am sure will coincide with those of our men who are still imprisoned.

I insert the text of Mr. Trimmer's letter in the RECORD at this point:

PEORIA, ILL.,
November 30, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: Although I have never before written a letter to a public official, the issue of the recent attempt to rescue the Prisoners of War resulted in my writing this letter. As a former Prisoner of War, I thought you would like to hear from someone who's been there.

Although the attempt to rescue the Prisoners was unsuccessful, it no doubt gave the men encouragement to continue. During my own captivity, I know there were many days when I looked at the sky and wished a helicopter could have done the same thing that we recently attempted.

I wonder what the so-called liberals

who are so against any attempts to go into the so-called sanctuary of North Vietnam would feel if they slept on lice-infested sleeping mats, dying of starvation, plus many diseases including diphtheria—which I had—no type of heating, etc.

I hope you encourage the Military to continue this type of action and that my two senators, who are receiving copies of this letter, will vote and back this action. I know my Representative (Robert H. Michel) does.

I feel that the main problem in Vietnam at the present time is that the Military have to debate the pros and cons of public opinion on every action they make, thereby causing too much indecision. No one can be decisive when he has several groups questioning his every move.

Respectfully yours,

JAY D. TRIMMER.

SENATOR STROM THURMOND DELIVERS ADDRESS AT KEEL LAYING OF U.S.S. "SOUTH CAROLINA"

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DOWNING. Mr. Speaker, last Tuesday the keel of the nuclear powered guided missile frigate, U.S.S. *South Carolina*, was laid in impressive ceremony at the Newport News Shipbuilding & Dry Dock Co. in Newport News, Va.

Hundreds of prominent congressional, governmental, industry, and civic leaders heard our colleague Senator STROM THURMOND of South Carolina deliver a most interesting and informative address. Senator THURMOND is a great American whose words are always inspirational and I include his remarks in the RECORD:

REMARKS OF SENATOR STROM THURMOND

Secretary Chafee, Admiral Zumwalt, Admiral Rickover, Congressman and Mrs. Rivers, Congressman Dorn, Congressman Mann, Mr. Ackerman, Distinguished Guests, Ladies and Gentlemen: you who have come here today are witnessing a milestone in the building of our Navy for the future—the keel laying of another nuclear powered warship.

Look around you. On the waterfront, you see our first nuclear carrier, the famous *Enterprise*, which is now undergoing testing of reactor cores which will fuel her for more than 10 years. In a graving dock on your right the nuclear-powered carrier *Nimitz* is half finished. On building ways to your right the nuclear carrier *Dwight D. Eisenhower* is taking shape. On building ways to your left the hull of the nuclear frigate *California* is well along in construction.

These ships and the nuclear carriers and frigates to follow will provide our Navy with the most powerful naval surface striking forces the world has ever known.

Our Nation's greatest deterrent to all-out war is our nuclear triad of strike forces which includes our fleet of 41 *Polaris* nuclear submarines as an essential component. Two of these are now in this shipyard being converted to carry the *Poseidon* missile.

There are now 49 nuclear attack submarines in operation with more under construction in this and other yards. The first of a new class of high speed nuclear attack submarines which was insisted upon by the Congress will soon start construction in this yard.

I am proud that the name of the great State of South Carolina will be borne for the rest of this Century by one of the mighty nuclear warships of this fleet. I am also proud that among those participating in this ceremony is Vice Admiral Hyman G. Rickover.

Ten years ago a photograph accompanying an article published in the *New York Times* showed the then Rear Admiral Rickover standing in his civilian suit of clothes—as you see him here today—with his vision on some distant point, with a painting of a naval ship in the background and with two telephones a hand's grasp away. The *Times'* article made these elements of the photograph self-explanatory. It stated that the Admiral "has been driven to greatness and controversy by a consuming personal philosophy that 'the more you sweat in peace, the less you bleed in war.'" It pointed out that "in peace and war the Admiral stands forth as a leader in this country—and in the world—in harnessing nuclear energy. More than any other man, he was responsible for two epochal achievements": The first nuclear submarine, followed by a growing fleet of nuclear submarines and surface warships; second, the world's "first large-scale, all-civilian atomic power plant at Shippingport, Pennsylvania." The article observed that "his disdain for established procedures almost cut short his naval career before he could score his atomic triumphs."

I firmly believe that every thoughtful American—including those in the Navy who opposed him—must today be grateful that Congress intervened to prevent the termination of the naval career of this brilliant and dedicated officer.

Every American should be glad that for the past 20 years the Congress has heeded the advice of Admiral Rickover to provide nuclear propulsion for our submarine and surface striking forces and that Congress has seen to it that he has been allowed to carry on this vital work. This great Fleet will provide our Nation with credible and flexible responses to the inexorable pressures of international affairs so vitally needed if our freedom is to survive. I assure you that I shall continue to do everything within my power to see that our nuclear fleet is expanded as rapidly as possible to counter the rapidly expanding Soviet naval threat.

The ship whose keel we are laying today is a guided-missile frigate, the second one of its class. It is propelled by two nuclear reactors, and will have a speed of over thirty knots. It will have at least ten years of normal ship operation before refueling is required. It will have the most advanced anti-aircraft guided-missile, anti-submarine warfare weapons and electronic warfare systems in the world, and will carry 562 officers and men. Traditionally, States' names have been reserved for the most powerful surface ships in the Navy, originally ships-of-the-line and later battleships. In order to carry on this tradition, the Navy has assigned States' names to the nuclear-propelled ships of the DLGN–36 class.

The American custom of naming Ships-of-the-Line after the sovereign states of the Federal Union is a good one. Ships, like states, have dignity and power, and, like states, they must be ever vigilant in defense of our liberties.

Because the names of states are so suitable for the names of fighting ships, we use these names again and again; and each ship which is given the name of a state anew naturally inherits the history and exploits of its predecessors. The ship which we name today has some interesting ancestors.

The *Carolina*, leading ship of the tiny expedition that settled South Carolina three hundred years ago, should surely be considered the first of these, although she was not, strictly speaking, a Man-of-War. She was certainly a fighting ship—not because of the meager armament that she carried, but because of the dangers which she faced and overcame. She fought her way through storms which wrecked two of her companions, and made an amphibious landing on territory claimed by the hostile Empire of Spain. Her success established South Carolina as the southwestern outpost of the English-speaking world.

Other ships, among them some named *Carolina* and *South Carolina* carried settlers during the ensuing century to the new world, and helped South Carolina grow great. As a leader in the fight for American independence, South Carolina undertook to play its part in naval affairs, notably by commissioning the frigate *South Carolina*, built in Holland—a celebrated and formidable ship—carrying 40 guns . . . her keel about 160 feet long and strong as a castle. . . . She took a number of prize vessels and helped in the capture of the Bahamas before her own capture by the British in December, 1782. During the Confederate War another fighting ship was named after South Carolina—not by her proper name but by her nickname *The Palmetto State*, an early ironclad ram constructed in Charleston, which was for a time successful in driving off the federal blockade.

The most recent ship to be named after the State was the battleship *South Carolina* commissioned in 1910. Like the ships of Theodore Roosevelt's "Great White Fleet," this *South Carolina* carried as the figurehead on her prow a replica of the Great Seal of the United States. This type of figurehead was discarded in 1909, but the one from the *South Carolina* was saved and now graces the main entrance-way under the north portico in the State House in Columbia. The wardroom silver from this *South Carolina*, presented by Governor Ansel in 1910, was returned to the State after the ship was decommissioned in 1921. It is now the prized possession of the Governor's Mansion.

South Carolina has been honored to have these ships bear her name. The new *South Carolina*, however, might well remember other stirring events in the State's naval history. South Carolina respects seapower because she has felt its effects on a number of occasions.

After an unsuccessful invasion attempt in 1671, the Spanish ravaged the South Carolina coast in 1686. South Carolina took her revenge in 1706 in repelling a combined French and Spanish invasion of Charleston. In this campaign one South Carolinian was lost and 230 of the enemy captured.

Harried by pirates in the early 1700's, South Carolina ships drove them from the coast in 1718, hanging forty-nine of these marauders in one month. Throughout the colonial period a little South Carolina Navy ranged down the present inland waterway toward Spanish Florida. One of these "scout boats" was called the *"Carolina."*

During the American Revolution, South Carolina staved off attack by the British Fleet at the Battle of Sullivan's Island, June 26, 1776—a date immortalized on the Great Seal of the State, but British seapower succeeded in overwhelming Charleston in 1780. During the Confederate War the South Carolina coast again suffered amphibious invasion, when the Federal forces captured Port Royal under Admiral Samuel DuPont; but one of the greatest military feats of all time was South Carolina's containment of this invasion for over three years until the end of the War. Fort Sumter, poised like a battleship on station at the mouth of Charleston Harbor, frustrated all Yankee attempts at entrance. Charleston Harbor, scene of this mighty naval deadlock, also saw the first use of the spar torpedo and the first successful submarine *CSS H. L. Hunley.*

The active naval base at Charleston today carries on a great tradition. The ship which bears the name *South Carolina* will, however, be carrying more than a naval tradition into

the future. It will carry with her as a sacred trust the honor and the character of the State. This is no time to trace fully the history of my great State for you, but I think I should tell you something of the character she bears. South Carolina is a State which prefers to work in concert with other States, but she has never hesitated to disagree when she has thought that honor or truth or right were at stake.

If I were to name the two greatest sons of South Carolina, I would name John C. Calhoun and Andrew Jackson. Both were men of unimpeachable integrity and strong conviction. They believed in principle, and they were men of action. It was perhaps inevitable that they would disagree. But the one was the greatest Vice President we have ever had, and one of the most remarkable minds in the history of American politics; and the other was the first President that brought the office of the Presidency to the people of the Nation. South Carolina has given the nation a legacy of unyielding courage and dedication to public service in both war and peace.

Now I submit that it was not by chance that South Carolina produced such great leaders. These men emerged because the South had not only high character but a high civilization as well. The South had the means to support a highly refined and articulate culture. In the decade before the War for Independence, exports to Britain from the port of Charleston alone were three times the value of exports from all the ports of New England combined, and one-and-a-half times the value of all the exports of New England, New York and Pennsylvania combined. In fact, on the very eve of the hostilities, the Southern ports exported goods worth over one billion pounds sterling, well over twice the export trade of the Northern ports. Economically speaking, the South had far more at stake than the North in the War for Independence against Great Britain.

What kind of a society was it? The first Charter or Constitution for South Carolina was drafted by the great philosopher, John Locke.

In 1685, South Carolina was the first province in the New World to plant rice for sale, thus opening up a basis for the agricultural economy of the South.

In 1698, the first free library in America was started by the provincial General Assembly.

In 1712, the first state health officer in America was Gilbert Guttery of South Carolina.

In 1735, the first opera advertised by title on American soil was given in Charles Town.

In 1736, the first building in America devoted wholly to drama was built in South Carolina.

In 1740, the first free school for Negroes in America was founded in South Carolina.

In 1762, the first musical society in America, the St. Cecelia Society, was organized in Charles Town and is still flourishing.

In 1773, the first public museum—which also happened to be the first museum of Natural History—and the first city Chamber of Commerce were founded in Charles Town.

In 1776, South Carolina was the only State whose signers of the Declaration of Independence were all natives of the State, and all college men, educated in England. They were: Edward Rutledge; Thomas Heyward, Jr.; Thomas Lynch, Jr., and Arthur Middleton. The oldest was 34; the others were 26, 27, and 29.

We see here a picture of a society that was in the forefront of intellectual and artistic cultivation. Historical studies show that more Carolinians went abroad to receive their education than from any other colony. When the war was over, the first municipal college in the United States, the College of Charleston, was chartered in 1785, and still lends distinction to the city. The first education institution in the nation entirely supported by State funds, the University of South Carolina, was chartered in 1801. It was no accident that the South was a creative society, brimming over with energetic, intelligent, and resourceful men.

It is in the character of South Carolina to value individual distinction. "South Carolina" is a name applied to a government and to a territory; but mostly it means people, and people dedicated to individual freedom, individual skill, and individual accomplishment; people with service to State and to Nation. A good ship like a good State, values and honors the people who serve her. The *USS South Carolina* will be a great ship because of the officers and crew who will man her. As I have indicated, the American custom of naming ships after States is a good one. South Carolina is proud to lend her name to a new fighting ship of the United States Navy. May she long roam the seas, and may she triumph over the enemy wherever she goes. May the ship *South Carolina* gain a fame comparable with that of the State whose great name she bears. May her exploits in the cause of honor and duty bring lasting credit to our State and to the Nation.

BLOODY LESSON IN TELLING BAD GUYS IN LAOS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. SCHMITZ. Mr. Speaker, an interesting article appeared in the Chicago Daily News of March 27, 1968. It was an account of how an American doctor working in Laos learned to distinguish the good guys from the bad guys. The newspapers had not proved much help in this regard.

The article follows:

[From the Chicago Daily News, Mar. 27, 1968]

BLOODY LESSON IN TELLING BAD GUYS IN LAOS

(By Keyes Beech)

SAN THONG, LAOS.—Two offbeat, dedicated Americans sat beside the fireplace having a beer after a long hard day's work. At 3,800 feet in the sawtoothed mountains of Northern Laos, the nights are chilly.

"You tell me what to tell these people," rasped Edgar (Pop) Buell, a 55-year-old Hoosier farmer whose heart and soul are wrapped up in the mountain tribesmen of Northeastern Laos.

"Go ahead and tell me," "Pop" challenged. "I do not know what to tell them. but I'd like to tell them something in the name of America."

"Take it easy, 'Pop,'" said Dr. Charles T. Weldon, 48, a quiet-spoken Louisiana country doctor. "Don't get yourself all worked up."

"I'll damn well get worked up if I want to," Pop said furiously. "Pop" is generally furious about something, but this night he was more furious than usual. He had just watched more than 1,000 refugees, most of them hardy Meo tribesmen, pour into San Thong from Sam Neua province. They were fleeing advancing North Vietnamese Communists who have systematically wiped out every remaining Meo enclave in Sam Neua.

The fiercely independent Meos have waged relentless guerrilla warfare against the Communists for the last six years.

Now the North Vietnamese are having their revenge. They have sent 50 battalions of disciplined, well-armed regulars into Northern Laos to wage what amounts to a war of extermination against the Meos, who are armed and supplied by the United States.

"The chips are down for these people," said "Pop," who has lived and worked among the Meos for eight years as a U.S. AID field representative.

"We organized them. We gave them a bunch of surplus World War II weapons. Now they're up against people armed with a whole new family of weapons: AK-47 rifles, bazookas, rockets and artillery.

"We've let them down, that's what," "Pop" raged. "People tell me we're staging 250 strikes a day against the Ho Chi Minh Trail, but do you think we can get an air strike for our people? Hell, no."

"When I first came out here five years ago with my wife (she's a doctor, too)," Weldon said mildly, "I wondered what this war was all about. Anybody who reads the papers back in the states must wonder, too, because it's hard to tell the good guys from the bad guys when you read the paper.

"Well," he went on, "I think I know. I learned the hard way. It started when 'Pop' and I were working in a place not far from the North Vietnamese border. One night the Communists came into this village where there were only women and children and seven old men. All the young men were away in the hills.

"The villagers gave them rice and a place to sleep. The next morning before they left the Communists lined up the seven old men and shot each one of them in the leg.

"At first, I thought that was pretty stupid of the Communists. That was no way to win friends. Then I got the message. The message was this: You are either for us or against. If you are against us, this is what will happen to you."

Weldon, a World War II marine, looked reflectively into the fire and continued: "Now, these people don't know anything about communism. They never heard of Marx or Engels or Stalin, but they know how it works, and they don't like it. The Communists took away their young men. They imposed taxes. The people didn't understand. They told them what to do, and so these people turned to us for help against the bad guys.

"They aren't fighting for us, they aren't fighting for the free world or any of that stuff. They're fighting for themselves and their survival." "The bad guys didn't like this," Weldon said. "In 1965, the NVA (North Vietnamese Army) decided to wrap up the mountain areas in one enclave. We had about 5,000 people guarded by 250 soldiers. The NVA hit with three battalions.

"The bulk of the people fled. They kept walking because they knew the enemy intended to destroy them. They walked for four days, and finally they stopped on a mountain top to rest.

"The bad guys surrounded them and opened up with mortars and automatic weapons. The people panicked and started running. The bad guys thought they could stop them because they had all the escape routes covered.

"But the people kept going. The bad guys kept after them. They picked up babies and bashed their heads in against the rocks. They were saying, 'Damn you, you do as I say.'

"But still the people kept going. Those who couldn't make it were shot by their own families. They walked for 12 days before it was over. When they finally stopped the Communists had killed 1,200 of them.

"That was in April 1965," Weldon said. "That's how I learned to separate the good guys from the bad guys."

TRIBUTE TO DR. W. M. HACKENBERG

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. WYLIE. Mr. Speaker, I would like to associate myself with the remarks of

the gentleman from Indiana (Mr. LANDGREBE).

It is my very great privilege to have this distinguished American, Dr. Hackenberg, as a resident of my congressional district. We are all grateful to Dr. Hackenberg for his dedicated service to God and country.

We acknowledge his propensity for work for his great cause. We congratulate him for the rewards which came to him as a result of his tremendous efforts in his chosen profession and wish him well in his retirement which will probably be frustrating to one who has worked so hard, so effectively for so long.

JUDGE MILTON KRONHEIM

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. McMILLAN. Mr. Speaker, I knew Judge Kronheim during the 20 years he was serving on the court of general sessions here in Washington. He always expressed a great interest in the garnishee laws and debts in general. On several occasions he furnished me with valuable material which I included in H.R. 836 and report No. 203 relating to attachment and garnishment of salaries and commissions of debtors.

This was during the 86th Congress and was enacted into law. I must give Judge Kronheim the majority of the credit for preparing the information contained in this bill and report. I feel that this field of legal activity here in the Nation's Capital had been sadly neglected.

I personally want to congratulate Judge Kronheim since he is now retired after 20 years of loyal service as a judge here in the Nation's Capital.

I include the following:

EXCERPT FROM BROADCAST BY DAVID BRINKLEY

One of the better shows in Washington these days is Judge Milton Kronheim against the credit merchants who keep the docket in small claims court clogged and filled to overflowing. Judge Kronheim, as you know, was appointed just a few months ago. Since his confirmation he's served exclusively in small claims court. And several times he's had harsh words from the bench for merchants filing hundreds of two-bit suits against credit customers who're late in paying their bills.

Some of them on Seventh street mostly seem to use the Small Claims court as a kind of tax-supported collection agency, filing dozens of suits for three or five or ten dollars or so. This time, for example, Kronheim had something to say to the management of the Hollywood Credit Clothing Company of Seventh Street which sells clothes on the installment plan. Every week it files in small claims court as many as 50 lawsuits, seeking to collect two or three or more dollars from somebody who hasn't paid for his suit or shoes or hat. In each case Hollywood asks also to collect the court costs. Kronheim became a little annoyed as he often has before. And said hereafter he will not require defendants to pay the court costs unless the company can prove it's entitled to them. He pointed out the law gives a Judge discretion in assessing court costs. The law says that's to discourage frivolous and vexatious suits that interfere with the administration of justice. The lawyer for Hollywood asked Kronheim. "Do you maintain these suits are frivolous and vexatious?" Said Kronheim: "I do indeed."

He pointed out Hollywood in several cases took legal action against customers less than three weeks after they'd made their purchases, including a case where the customer had told the store she was ill and at the moment couldn't pay. The store filed suit anyway.

On an average day the audience in small claims court will see a procession of two-dollar lawsuits, dozens of them filed by the same stores, week after week. They generally are stores that specialize in and advertise heavily their easy credit terms with such catch-phrases as magic credit, easiest credit terms in town, no money down, etc. Of course there's nothing illegal about it. But some stores down there exercise little or no responsibility in granting credit. They'll sell merchandise to customers who obviously can't afford it, obviously can't make the payments and who've failed to make them in the past. Then the stores will file suit and either force the payments by law or will repossess the merchandise, keep what payments have been made and sell the same stuff again.

The town's reputable merchants like that process as little as anyone else. Better stores won't grant credit to people who haven't the income to pay, whose history shows they can't or won't pay their bills. And they seldom show up in court. But this one group of stores is there every day with dozens of suits.

It's been going on for years. Kronheim, since he's been on the small claims bench, has tried to discourage it. He refused a claim, for example, by a store that had sold a pair of $19-shoes on credit to a blind, unemployed laborer. On that and other occasions he's had some caustic remarks to make about this indiscriminate credit.

We say more power to him.

A JUDGE RETIRES

Amid all the fanfare surrounding the appointment of 18 new judges and the change of name from General Sessions Court to Superior Court, a judge quietly retired. He is Milton S. Kronheim, Jr. who served for 21½ years before stepping down last month.

General Sessions judges usually serve and retire without leaving a mark or lasting impression. However, Judge Kronheim has made two monumental contributions to society during his career on the Bench—which should be noted at this time lest we forget who set the wheels in motion to bring these much needed changes.

In June of 1949, three months after he was sworn in, Judge Kronheim refused to give a judgment to a store which had sold a $15.00 pair of shoes to a man with several dependents making $18.00 per week. He said he did not think there was any sound basis for granting credit in such a case. In August of the same year the D.C. Court of Appeals reversed the decision and the high pressure credit stores breathed a sigh of relief. However, in 1965—sixteen years later, the United States Court of Appeals reversed a similar decision in the D.C. Court of Appeals, establishing a new theory of law, "Let the *Seller* Beware." The Appeals Court said that a court may well refuse to enforce a contract which it finds to be unconscionable. This is what Judge Kronheim tried to say as far back as 1949. And this doctrine was finally made law in the District of Columbia by the 1965 decision. (Williams v. Walker-Thomas Furniture Co., #18604, August 11, 1965).

The second important change in the District of Columbia brought about by Judge Kronheim was a new garnishment law passed in 1958. When he took his place on the Municipal Court bench in 1949 he was appalled by what he found. Over 1,000 garnishment cases came before the Court every week. He decided that most of these cases involved people who should never have had credit in the first place. The old garnishment law was heavily weighed for the creditor. He could seize up to 100% of the paycheck. Debtors were harassed and were fired by employers. Judge Kronheim began to work on Congress to amend the law. "Garnishment seems like reasonable protection against deadbeats," he said, "But in the hands of these merchants, it has become a monstrous law which results in widespread exploitation of the poor, the uneducated and the underprivileged."

After almost ten years Congress changed the law allowing garnishment of only 10% of the first $200.00 each month and prohibiting more than one attachment at a time. (Public Law 86–130, 86th Congress, H.R. 836, August 4, 1959).

This is the law today and it works. Employees are better protected, employers are no longer harassed and the promiscuous extension of credit to questionable risks has been greatly curtailed.

MARINE CORPORAL MACHEN, 21, WOUNDED IN VIETNAM, DIES

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. LONG of Maryland. Mr. Speaker, Marine Cpl. Arthur W. Machen, a brave young man from Ruxton, Md., died on December 1 from wounds received in Vietnam last June. I should like to honor his memory by including the following article in the RECORD:

[From the Baltimore Sun, Dec. 3, 1970]

MARINE CORPORAL MACHEN, 21, WOUNDED IN VIETNAM, DIES

Marine Cpl. Arthur W. Machen, 21, of Ruxton, died Tuesday of wounds he received from friendly forces while on a combat patrol in Vietnam last June.

Corporal Machen, son of Mr. and Mrs. Arthur W. Machen, Jr., died at Bethesda Naval Hospital of abdominal wounds.

The Defense Department originally reported the corporal had been wounded June 19 in an enemy ambush while on patrol in Quang Nam province. However, a subsequent bulletin said he had been wounded by friendly forces.

DISAGREEMENT NOTED

Two Communist Ak-47 bullets were removed from his abdomen, said Mr. Machen, the soldier's father. The corporal's description of the incident also indicated he was wounded in an enemy ambush, he added.

Within minutes, Corporal Machen was transferred by helicopter to the hospital ship Sanctuary where five abdominal operations were performed, his father said.

He remained aboard the hospital ship until late July when he was transferred to Clark Air Force Base Hospital in the Philippines.

His parents, informed that his prognosis was poor, flew to the Philippines to be with him while he underwent two additional operations.

Mr. and Mrs. Machen remained with their son throughout August and returned with him aboard the plane that brought him back to the United States.

DECORATED ANEW

The plane stopped en route at Hickam Field in Hawaii, where at 2 A.M. Corporal

Machen and another seriously wounded marine received combat decorations from Brig. Gen. A. H. Adams. The corporal had previously been awarded the purple heart.

"His initial reaction to the war in Vietnam was 'gung ho'," his father recalled. "As the months wore on his enthusiasm waned and his letters indicated a growing disillusionment with the political objectives of the war."

"However," Mr. Machen said, "he always maintained an intense pride in being a member of the Marine Corps."

Known to his friends as Peter, he was a member of a Maryland family long active in civil and legal affairs. His father is a partner in the law firm of Venable, Baetjer & Howard.

Besides his parents, the corporal is survived by his grandmother, Mrs. Arthur W. Machen; his maternal grandparents, Mr. and Mrs. John C. Purves; and two brothers, John Purves Machen, a sophomore at Princeton University, and Henry Lewis Machen, a student at the Gilman School.

Funeral services will be held tomorrow, but arrangements are incomplete.

SAFETY DISAGREEMENT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, as Members of this body know, the House-passed version of the Occupational Safety and Health Act and S. 2193 as passed by the Senate are soon to go to conference. At stake, literally, are the lives and well-being of over 50 million laborers who work in interstate commerce.

In an effort to reach an effective but fair agreement on this crucial legislation, I wish to introduce in the RECORD two recent editorials which reveal that the American public wants a strong industrial safety bill. For it is their lives, their health, and their families who are irreversibly affected by disability and lost compensation.

The editorial appearing in the Toledo Blade on November 28, 1970, astutely concludes that the House-passed bill would leave "the Department of Labor with no more than inspection authority," which is hardly appropriate "for the agency closest to the workingman." Both articles recognize that standards-setting responsibility should rest with the official who is duly authorized to represent workers, the Secretary of Labor.

I am very hopeful that our deliberations in conference will yield legislation which has the confidence and future cooperation of workers, management, labor unions, and the American public. The editorials follow:

[From the Evening Star, Nov. 28, 1970]

SAFETY DISAGREEMENT

The House and Senate now are at odds over the occupational health and safety bill. There is still time for them to get together on a compromise product before the adjournment bell rings and we hope for early evidence of willingness to do that.

Continued denial of federal statutory protection to the nation's workers cannot be justified; the industrial accident toll is intolerably high and state safety laws aren't affording much relief. More than 15,000 employes were killed last year in on-job accidents and almost 2.25 million were disabled. That loss magnitude surely calls for a national life- and limb-saving effort.

Last week the Senate passed, with some modification, a bill advocated by organized labor and most Democratic senators. This week the House passed, with no major alterations, a conflicting version backed by business and the Nixon Administration. There is no good reason why the twain should not be quilted together in conference committee sessions.

The question at issue is whether the responsibility for implementation of the law should be concentrated or diffused. The labor people favor the former; they want the secretary of labor to formulate health and safety standards and be in charge of inspection and enforcement. That process appears to hold the most hope for efficiency, but business claimed there would be too much concentration of power and a possibility of abuse of that power. So the administration backed a plan under which a new presidentially appointed board would set the standards, another such board would handle enforcement, and the Labor secretary would be left only with inspection duties. That's what the House approved, rejecting the advice of its Education and Labor Committee. Some labor representatives say they would rather have nothing than this offering; they fear industry domination of the two panels.

Certainly the Senate-passed bill is more desirable. It would allow the Labor secretary to draft regulations and conduct the inspections, and would create only one new board—for enforcement and adjudication. The conference committee, in the interests of economy and effectiveness, should try to create no more than one new commission. The wisdom of tripartite authority in this field totally escapes us. It seems a formula for getting nothing accomplished.

The House obviously wasn't contemplating any snappy action—its bill allows one of the panels three years for drafting of the health and safety standards. A lot of accidents won't wait that long to happen. The Labor Department already knows where many hazards exist.

[From the Toledo Blade, Nov. 28, 1970]

WILL CONGRESS MOCK KILLED AND DISABLED?

There is no arguing with statistics which say that every year about 14,500 workers are killed and another 2.2 million are disabled in industrial accidents. Even in Congress there has been no dispute over the need for federal protection of most of the nation's workers in factories and on construction sites.

This responsibility for setting standards of health and safety, supervising them, and enforcing them is largely in the hands of the states. Regulations vary widely, unevenly, and in some areas are virtually nonexistent or simply winked at.

Nonetheless, health and safety standards rigorously enforced could be so costly as they might be applied to work rules on top of existing union contracts that for three years a lobbying battle between business and labor has been raging behind the scenes in Washington.

The nature of it has surfaced in the House-passed occupational health and safety bill backed by business interests and the Nixon administration. The bill, an amendment to the original approved by the Education and Labor Committee, has taken the program away from the Department of Labor.

Instead, it would create a presidentially appointed five-member board to draft the standards and a separate three-member panel to enforce them. It would leave the Department of Labor with no more than inspection authority—a bone with barely a scrap of meat for the agency closest to the workingman.

The most valid protest raised against the substitute bill is that presidentially appointed regulatory boards tend to be ineffective and captives of the industry they are regulating.

At the least, there should be a more balanced sharing in the regulation drafting and enforcement provisions. A Senate-passed compromise gives the labor secretary authority to set safety standards but provides for a three-member panel to rule on alleged violations. It comes much closer to equity for both sides.

A chance to settle for this much is possible when the two bills are taken up in conference. The death and disabling statistics demand something more than callous dismissal predicated on cost-analysis.

U.S.S. "SOUTH CAROLINA"

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. RIVERS. Mr. Speaker, on December 1, 1970, at Newport News, Va., the keel was laid for the U.S.S. *South Carolina*, the second in a new class of naval vessels.

We in South Carolina are proud and honored to have this mighty nuclear warship bear our name, a name last borne by the battleship *South Carolina* during the First World War. We are proud to play a part in the upgrading of the fleet—a task essential to our continued existence as a sea power and as a nation.

The principal address at the keel laying was given by the Honorable STROM THURMOND, the distinguished senior Senator from South Carolina.

In his remarks, Senator THURMOND reviews at length the history and accomplishments of South Carolina and its people; he shows that the character and the ability of its citizens has produced greatness for the State for 300 hundred years; he affirms that this ship will bear a proud and honored name.

Senator THURMOND delivered one of the finest speeches it has ever been my pleasure to hear. I include his remarks at this point in the sure knowledge that all who read them will find them both stirring and informative:

REMARKS OF SENATOR STROM THURMOND

Secretary Chafee, Admiral and Mrs. Zumwalt, Admiral Rickover, and other Distinguished Naval Officials; Congressman and Mrs. Rivers, Congressman Dorn, Congressman Mann, Congressman and Mrs. Holifield, and Congressman and Mrs. Downing; Mr. Ackerman and Officials of the Shipbuilding Company; Distinguished Guests and Ladies and Gentlemen; You who have come here today are witnessing a milestone in the building of our Navy for the future—the keel laying of another nuclear powered warship.

Look around you. On the waterfront, you see our first nuclear carrier, the famous *Enterprise*, which is now undergoing testing of reactor cores which will fuel her for more than 10 years. In a graving dock on your right the nuclear-powered carrier *Nimitz*

is half finished. On building ways to your right the nuclear carrier *Dwight D. Eisenhower* is taking shape. On building ways to your left the hull of the nuclear frigate *California* is well along in construction.

These ships and the nuclear carriers and frigates to follow will provide our Navy with the most powerful naval surface striking forces the world has ever known.

Our Nation's greatest deterrent to all-out war is our nuclear triad of strike forces which includes our fleet of 41 Polaris nuclear submarines as an essential component. Two of these are now in this shipyard being converted to carry the Poseidon missile.

There are now 49 nuclear attack submarines in operation with more under construction in this and other yards. The first of a new class of high speed nuclear attack submarines which was insisted upon by the Congress will soon start construction in this yard.

I am proud that the name of the great State of South Carolina will be borne for the rest of this century by one of the mighty nuclear warships of this fleet. I was highly pleased when I learned that Mrs. Margaret Middleton Rivers was chosen to authenticate the keel of the USS *South Carolina,* as she is one of our State's most charming, lovely and distinguished ladies. I was also pleased that she selected as her Matron of Honor her beautiful daughter, Mrs. Robert G. Eastman, and regret that her Maid of Honor, Miss Marion Rivers, her other daughter, could not be present.

It is gratifying that among those participating in this ceremony is Mrs. Rivers' distinguished husband, Congressman L. Mendel Rivers, Chairman of the House Armed Services Committee. No one in this country is doing more to support a strong national defense and help preserve the freedom of the people of this Nation than Mendel Rivers. He is a true patriot and a great American.

Today, I would like to pay special tribute to another great American patriot, the father of the nuclear navy, Admiral Hyman Rickover. Ten years ago, a photograph accompanying an article published in the New York Times showed the Admiral standing in his civilian suit of clothes—as you see him here today—with his vision on some distant point, with a painting of a naval ship in the background and with two telephones a hand's grasp away. The Times' article made these elements of the photograph self-explanatory. It stated that the Admiral "has been driven to greatness and controversy by a consuming personal philosophy that 'the more you sweat in peace, the less you bleed in war.' " It pointed out that "in peace and war the Admiral stands forth as a leader in this country—and in the world—in harnessing nuclear energy. More than any other man, he was responsible for two epochal achievements": The first nuclear submarine, followed by a growing fleet of nuclear submarines and surface warships; second, the world's "first large-scale, all-civilian atomic power plant at Shippingport, Pennsylvania." The article observed that "his disdain for established procedures almost cut short his naval career before he could score his atomic triumphs."

I firmly believe that every thoughtful American—including those in the Navy who opposed him—must today be grateful that Congress intervened to prevent the termination of the naval career of this brilliant and dedicated officer.

Every American should be glad that for the past 20 years the Congress has heeded the advice of Admiral Rickover to provide nuclear propulsion for our submarine and surface striking forces and that Congress has seen fit to it that he has been allowed to carry on this vital work. This great Fleet will provide our Nation with credible and flexible responses to the inexorable pressures of international affairs, a capability so vitally needed if our freedom is to survive. I assure you that I shall continue to do everything within my power to see that our nuclear fleet is expanded as expeditiously as possible to counter the rapidly expanding Soviet naval threat. In recent unannounced tests, the Russians have made significant progress toward achieving a MIRV of their own on their giant SS–9 rocket.

The ship whose keel we are laying today is a guided-missile frigate, the second one of its class. It is propelled by two nuclear reactors, and will have a speed of over thirty knots. It will have at least ten years of normal ship operation before refueling is required. It will have the most advanced anti-aircraft guided-missile, anti-submarine warfare weapons and electronic warfare systems in the world, and will carry 562 officers and men. Traditionally, States' names have been reserved for the most powerful surface ships in the Navy, originally ships-of-the-line and later battleships. In order to carry on this tradition, the Navy has assigned States' names to the nuclear-propelled ships of the DLGN–36 class.

The American custom of naming ships-of-the-line after the sovereign States of the Federal Union is a good one. Ships, like States, have dignity and power, and, like States, they must be ever vigilant in defense of our liberties.

Because the names of States are so suitable for the names of fighting ships, we use these names again and again; and each ship which is given the name of a State anew naturally inherits the history and exploits of its predecessors. The ship which we name today has some interesting ancestors.

The *Carolina,* leading ship of the tiny expedition that settled South Carolina 300 years ago, should surely be considered the first of these, although she was not, strictly speaking, a Man-of-War. She was certainly a fighting ship—not because of the meager armament that she carried, but because of the dangers which she faced and overcame. She fought her way through storms which wrecked two of her companions, and made an amphibious landing on territory claimed by the hostile Empire of Spain. Her success established South Carolina as the southwestern outpost of the English-speaking world.

Other ships, among them some named *Carolina* and *South Carolina* carried settlers during the ensuing Century to the New World, and helped South Carolina grow great. As a leader in the fight for American independence, South Carolina undertook to play its part in naval affairs, notably by commissioning the frigate *South Carolina,* built in Holland—"a celebrated and formidable ship . . . carrying 40 guns . . . her keel about 160 feet long and strong as a castle . . ." She took a number of prize vessels and helped in the capture of the Bahamas before her own capture by the British in December, 1782. During the Confederate War another fighting ship was named after South Carolina—not by her proper name, but by her nickname, *The Palmetto State,* an early ironclad ram constructed in Charleston, which was for a time successful in driving off the federal blockade.

The most recent ship to be named after the State was the battleship *South Carolina* commissioned in 1910. Like the ships of Theodore Roosevelt's "Great White Fleet," this *South Carolina* carried as the figurehead on her prow a replica of the Great Seal of the United States. This type of figurehead was discarded in 1909, but the one from the *South Carolina* was saved and now graces the main entrance-way under the north portico in the State House in Columbia. The ward-room silver from this *South Carolina,* presented by Governor Ansel in 1910, was returned to the State after the ship was decommissioned in 1921. This prized possession was brought to the Governor's Mansion while I was the Chief Executive of the State.

South Carolina has been honored to have these ships bear her name. The new *South Carolina,* however, might well remember other stirring events in the State's naval history. South Carolina respects seapower because she has felt its effects on a number of occasions.

After an unsuccessful invasion attempt in 1671, the Spanish ravaged the South Carolina coast in 1686. South Carolina took her revenge in 1706 in repelling a combined French and Spanish invasion of Charleston. In this campaign only one South Carolinian was lost and 230 of the enemy captured.

Harried by pirates in the early 1700's, South Carolina ships drove them from the coast in 1718, hanging forty-nine of these marauders in one month. Throughout the colonial period a little South Carolina Navy ranged down the present inland waterway toward Spanish Florida. One of these "scout boats" was called the "Carolina."

During the American Revolution, South Carolina staved off attack by the British Fleet at the Battle of Sullivan's Island, June 26 1776—a date immortalized on the Great Seal of the State, but British seapower succeeded in overwhelming Charleston in 1780. During the Confederate War the South Carolina coast again suffered amphibious invasion, when the Federal forces captured Port Roya. under Admiral Samuel DuPont; but one of the greatest military feats of all time was South Carolina's containment of this invasion for over three years until the end of the War. Fort Sumter, poised like a battleship on station at the mouth of Charleston Harbor, frustrated all Union attempts at entrance. Charleston Harbor, scene of this mighty naval deadlock, also saw the first use of the spar torpedo and the first successful submarine CSS *H. L. Hunley.*

The active naval base at Charleston today carries on a great tradition. The ship which bears the name *South Carolina* will, however, be carrying more than a naval tradition into the future. It will carry with her as a sacred trust the honor and the character of the State. This is no time to trace fully the history of my great State for you, but I think I should tell you something of the character she bears. South Carolina is a State which prefers to work in concert with other States. but she has never hesitated to disagree when she has thought that honor or truth or right were at stake.

If I were to name the two greatest sons of South Carolina, I would name John C. Calhoun and Andrew Jackson. Both were men of unimpeachable integrity and strong conviction. They believed in principle, and they were men of action. It was perhaps inevitable that they would disagree. But the one was the greatest Vice President we have ever had, and one of the most remarkable minds in the history of American politics; and the other was the first President that brought the office of the Presidency to the people of the Nation. South Carolina has given the nation a legacy of unyielding courage and dedication to public service in both war and peace.

Now I submit that it was not by chance that South Carolina produced such great leaders. These men emerged because the South had not only high *character* but a high *civilization* as well. The *South* had the *means* to support a highly refined and articulate culture. In the decade before the War for Independence, exports to Britain from the port of Charleston alone were three times the value of exports from all the ports of New England combined, and one-and-a-half times the value of all the exports of New England, New York and Pennsylvania combined. In fact, on the very eve of the hostilities, the Southern ports exported goods worth over

one billion pounds sterling, well over *twice* the export trade of the Northern ports. Economically speaking, the South had far more at stake than the North in the War for Independence against Great Britain.

What kind of a *society* was it? The first Charter or Constitution for South Carolina was drafted by the great philosopher, John Locke.

In 1685, South Carolina was the first province in the New World to plant rice for sale, thus opening up a basis for the agricultural economy of the South.

In 1698, the first free library in America was started by the provincial General Assembly.

In 1712, the first state health officer in America was Gilbert Guttery of South Carolina.

In 1735, the first opera advertised by title on American soil was given in Charles Town.

In 1736, the first building in America devoted wholly to drama was built in South Carolina.

In 1740, the first free school for Negroes in America was founded in South Carolina.

In 1762, the first musical society in America, the St. Cecelia Society, was organized in Charles Town and is still flourishing.

In 1773, the first public museum—which also happened to be the first museum of Natural History—and the first city Chamber of Commerce were founded in Charles Town.

In 1776, South Carolina was the only State whose signers of the Declaration of Independence were all natives of the State, and all college men, educated in England. They were: Edward Rutledge; Thomas Heyward, Jr.; Thomas Lynch, Jr.; and Arthur Middleton. The oldest was 34; the others were 26, 27, and 29.

We see here a picture of a society that was in the forefront of intellectual and artistic cultivation. Historical studies show that more Carolinians went abroad to receive their education than any other colony. When the war was over, the first municipal college in the United States, the College of Charleston, was chartered in 1785, and still lends distinction to the city. The first education institution in the nation entirely supported by State funds, the University of South Carolina, was chartered in 1801. It was no accident that the South was a creative society, brimming over with energetic, intelligent, and resourceful men.

It is in the character of South Carolina to value individual distinction. "South Carolina" is a name applied to a government and to a territory; but mostly it means people, and people dedicated to individual freedom, individual skill, and individual accomplishment; people with service to State and to Nation. A good ship like a good State, values and honors the people who serve her. The USS *South Carolina* will be a great ship because of the officers and crew who will man her. As I have indicated, the American custom of naming ships after States is a good one. South Carolina is proud to lend her name to a new fighting ship of the United States Navy. May she long roam the seas, and may she triumph over the enemy wherever she goes. May the ship *South Carolina* gain a fame comparable with that of the State whose great name she bears. May her exploits in the cause of honor and duty bring lasting credit to our State and to the Nation.

FACT SHEET—U.S.S. "SOUTH CAROLINA"
(DLGN-37)

Builder: Newport News Shipbuilding and Dry Dock Co.

Number of Ships in Class: Two (DLGN-36 and DLGN-37).

Type of Vessel: Antiaircraft and antisubmarine warfare for first line striking forces.

Propulsion: Two Nuclear Reactors.

Speed: Over thirty knots.

Overall Length: 596 feet.
Extreme Breadth: 61 feet.
Full Load Displacement: 10,000 tons.
Complement: 562 Officers and Men.
Number of Propellers: Two.
Keel Laying: December 1, 1970.
Delivery: 1973.

Significant features

Nuclear Propulsion—At least 10 years of normal ship operation before refueling is required.

Naval Tactical Data System.

Helicopter Facility—Capability to land, service and launch helicopters.

Two 5"/54 Guns.

Long Range Sonar.

Most advanced antiaircraft guided-missile, antisubmarine warfare weapons and electronic warfare systems.

Two Tartar surface-to-air missile launchers.

ASROC launcher.

TRIBUTE TO CONGRESSMAN MASTON O'NEAL

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. STEPHENS. Mr. Speaker, the Georgia Stockman, a publication of the Georgia Livestock Association, has in its November-December issue a well-deserved and laudatory editorial on the services of Congressman MASTON O'NEAL of the Second District of Georgia. Also in recognition of his service to the livestock industry of America, the same magazine paid Congressman O'NEAL the compliment of putting a full page picture of him on the cover.

I include the editorial from the Georgia Stockman in the CONGRESSIONAL RECORD as a tribute to Congressman O'NEAL at this point:

PRESIDENT'S REPORT

(By Nolan E. Cloud)

For six years Maston O'Neal has represented Georgia's Second Congressional District in the United States Congress. He and his gracious and very charming wife Charlott have also proven to be great ambassadors of good will in Washington for all of Georgia.

The Georgia Livestock Association is indebted to Mr. O'Neal for many things during his tenure in Washington. His seeking and getting appointment to the House Agriculture Committee demonstrated his interest and concern for agriculture, Georgia's largest industry. The leadership of this organization has sought his help and guidance many times and on every occasion he has given a full measure of cooperation.

He was a dedicated and effective spokesman for us when the Commerce Department imposed an export quota on cattle hides. For two years in a row he introduced legislation to plug the loopholes in the red meat import quota law.

In our legislative battles to protect the interest of livestock producers we have won some and we have lost some but win, lose or draw Congressman O'Neal has been there with us.

Mr. O'Neal did not seek reelection this year because of his health. His departure from the United States Congress is a loss to Georgia livestock producers and indeed to all Georgians who believe in free enterprise and responsible conservative government.

FINAL TRIBUTES TO F. WARD JUST

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. McCLORY. Mr. Speaker, the passing of F. Ward Just, editor and publisher of the Waukegan News-Sun, on October 24, 1970, marked the end of a long and successful career as a journalist and publisher, as well as a life of public service to the community, State, and Nation.

It is not my purpose to chronicle the events which occurred during Ward Just's eventful lifetime. Still, I want to memorialize him appropriately as a friend and as a citizen of honor and distinction.

A most fitting tribute to F. Ward Just was composed by his talented and individually successful son, Ward S. Just, formerly associated with Newsweek magazine and with the Washington Post.

In a final tribute to his dad, Ward S. Just wrote an editorial which appeared in the News-Sun issue of October 27, 1970, as follows:

F. WARD JUST

This community knows the career, so there is no need to recount it here. One of the officials whose words appeared on page one last Saturday called him a tower of strength; he was that, and more besides. We could produce a mountain range of statistics and facts which would prove a successful life, as Americans are accustomed to measuring successful lives. Enough to say that it was impossible to tell where the newspaper left off and my father began. And his father before him. His countless kindnesses and strong loyalties are known best to their recipients, among them his family. My father's life was the newspaper, his family and his friends—sometimes in that order, sometimes in other orders. So take the public career as a given, and move on to more difficult matters.

A man who had met and defeated most of what life had thrown at him found out about a month ago that there was something else he hadn't reckoned on. The kind of talent and nerve that had built a good paper from a mediocre one and an astonishingly successful one from a failure was no good in dealing with a doctor's report. Neither was money. There was the report, and it was irreversible.

He told me about it on a Thursday, sitting in a chair in his library, the ever-present pile of newspapers close at hand. He told me what they had said, and then went on to give his reaction to it. Dammit, we are not going to sit here and cry together; we are going to be serious men, he said. For himself he was "philosophical." It was the only time I ever heard him use the word. He seemed to me that afternoon to be staring something in the face, and staring it down, as he had stared down other things in his life.

Courage has been defined as grace under pressure, which is satisfactory if you are describing a soldier or some other man of combat. But there seemed to be nothing here to defeat. The enemy could not lose. So what Ward Just's family did was watch a man accommodate himself to fate, and each day he had to accommodate himself a little more.

It was not in his nature. He was a fighter and did not believe in defeat; a man struggled and if he struggled hard enough he

would win. You could destroy a man but not defeat him. It was a new and unfamiliar battle he waged, and in the beginning he seemed puzzled by it. We watched for the signs of surrender, but they never came. We will never know if he was in pain, because he did not speak of it. He talked instead about his newspaper, joked with the nurses and reminisced with his family.

Alexander I. Solzhenitsyn, the great Russian novelist who a month ago won the Nobel Prize, speaks in his book "The First Circle" about "the last inch." What has gone before can be spoiled or ruined if the last part—of a building, a work of art, a life—is neglected or incompletely felt. With infinite strength, gentleness and grace Ward Just dealt with the last days of his life. Those who were near to him tried to give him some of their strength, but he didn't need any of it. He had quite enough of his own; enough to smile in appreciation at the letters he'd get. The last day of his life he regretted that his illness was causing sorrow. Tell them I'm all right, he said.

I do not know how greatness is measured, but if the measurement has anything to do with largeness of spirit, then Ward Just was a great man. But among other things, he disliked hyperbole. So perhaps it will do to say simply that we have lost a man. Some man.

While there is little that can be added to the eloquent and moving eulogy there are literally hundreds of friends and distinguished citizens whose final comments are worthy of reproduction here. For example, Ward Just's friend and attorney, Murray R. Conzelman, remarked:

At the time of his death Mr. Just was the Editor and Publisher of the Waukegan News-Sun. He had been a founding member of the Board of the Waukegan Port Authority and one of the outstanding civic leaders in Lake County, Illinois. Most of the important public projects in Lake County would not have been completed except for his leadership and ability to get divergent interests working together. Of course these are only the material things that we see everyday. Of far greater importance was the fact that the mere working together of people created a harmonious atmosphere for progress. Without such an atmosphere there could be no progress despite everybody's best efforts, so that in truth F. Ward Just's real contribution to his community was that he created that atmosphere.

A close friend of the late Ward Just, Ward L. Quall, vice president of WGN Continental Broadcasting Co. of Chicago, paid tribute to his late friend in these words:

It was my good fortune to meet Ward Just shortly before World War II.

It was a brief session at Tribune Tower and little did I realize at the time that we would develop a very warm and rewarding friendship.

Although I didn't get to see Ward Just during the four years that I served in the Navy, I was in contact with him by mail, and since that time we have been very closely associated on countless business and social occasions. As a result of this experience I came to admire everything for which he stood.

I regard Ward Just as one of the outstanding figures in newspaper publishing in the history not only of Illinois but of the entire nation. He was a man who made some truly great contributions to the advancement of his profession. In this respect, I would like to say that one of his greatest memorials is the daily publication of the "Waukegan News-Sun" which is one of the very finest newspapers if not the finest in a medium sized community in the entire United States.

Ward Just was a warm and wonderful friend. Along with countless others, I shall miss him so very much.

George G. Crawford, who served as editor of the Waukegan News-Sun for many years under both F. Ward Just, as well as his late father, Frank W. Just, made this poignant observation:

F. Ward Just was one of the few newspaper publishers I have known who were deeply imbued with the idea that his newspaper was a servant of its readers, and a medium of education geared to help in the never-ending fight to preserve the freedoms so dearly won for all Americans. His goal was to preserve those freedoms and to help all Americans become effective in their zeal to maintain the advantage of our Constitutional government.

Mr. Speaker, the influence which F. Ward Just brought to bear on the Waukegan and Lake County communities and upon the 12th district of Illinois—will continue for many years to come. Many in this Chamber have noted his passing and will recall his presence in affairs relating to the news media and to the business of government. These remarks, and particularly the tribute of Ward S. Just to his dad, are appropriately placed in this most permanent of public records—the CONGRESSIONAL RECORD.

Many others in this Chamber join with me today in expressing respect for the memory of F. Ward Just. Likewise they join with me in extending to his widow, Elizabeth Just; his son, Ward S. Just; his daughter, Mrs. Lawrence G. Steiner, as well as his brother, William Just, and a sister, Mrs. Richard Anderson, and other members of the family, our deepest sympathy.

THE FAMILY NUTRITION ACT OF 1970

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. GREEN of Pennsylvania. Mr. Speaker, the gentleman from Washington State (Mr. FOLEY) and I had the privilege of introducing the original Family Nutrition Act last year aimed at significant reform of the present food-stamp program.

It is therefore an honor for me to add my name to the sponsorship of the Family Nutrition Act of 1970. This legislation which will be offered as a substitute on the House floor by the gentleman from Washington (Mr. FOLEY) and the gentleman from Minnesota (Mr. QUIE) is a bipartisan effort to replace the House Agriculture Committee's food stamp bill. The latter proposal would severely cripple the present program.

At this time, I should like to introduce into the RECORD a comparison of the present food stamp program, the Agriculture Committee's bill—H.R. 18582—and the bipartisan substitute—H.R. 19889—proposed by Mr. FOLEY and Mr. QUIE:

A COMPARISON OF THE MAJOR PROVISIONS OF FOOD STAMP BILLS TO BE CONSIDERED BY THE HOUSE OF REPRESENTATIVES

The following table contains a comparison of the major provisions of three food stamp programs—1) the existing Food Stamp Act of 1964 and regulations pursuant thereto; 2) H.R. 18582, the House Agriculture Committee bill as reported on August 10, 1970; and 3) H.R. 19, the Family Nutrition Act of 1970, introduced on December 1, 1970, by Representative Albert Quie, Republican of Minnesota, and Representative Thomas S. Foley, Democrat of Washington.

The section numbers appearing after each provision of the House Agriculture Committee bill and the Family Nutrition Act of 1970 refer to the section of the specific bill in which they appear, not to the Food Stamp Act of 1964.

Item	Present program (Public Law 88-520)	House Agriculture Committee (H.R. 18582)	Family Nutrition Act of 1970 (H.R. 19889)
1. Term of program and level of funding	Authorization: Fiscal 1971 (through Dec. 31, 1970 only)—$170,000,000. Sec. 16(a).	Fiscal 1971–73—such sums as Congress may appropriate. Sec. 10.	Authorizations: Fiscal 1971—$2,000,000,000. Fiscal 1972—$2,500,000,000. Fiscal 1973—$3,000,000,000. Sec. 10.
2. Carryover of unexpended funds	None. Unspent funds automatically revert to the Treasury.	Unspent funds continue to remain available until expended. Sec. 10.	Same as in House Agriculture Committee bill. Sec. 10.
3. Territorial coverage	50 States only and the District of Columbia. Sec. 3(j).	50 States, District of Columbia, Puerto Rico, Virgin Islands, Guam. Secretary to establish special standards of eligibility and allotment schedules for Puerto Rico, Guam, and the Virgin Islands which reflect average per capita income and cost of obtaining a nutritionally adequate diet. Maximum standards and allotment schedules set at those of the 50 States and District of Columbia—no minimums specified. Sec. 2(b) and 4(b).	50 States, District of Columbia, and, after July 1, 1971, Puerto Rico, the Virgin Islands, Guam, and, if the Secretary after consultation with the Secretary of Interior determines, America Samoa. Secretary may establish coupon allotments and proportionate charges that reflect the cost of obtaining a nutritionally adequate diet. Sets minimum level at 80 percent of allotment value and charges for the 50 States and the District of Columbia. Sec. 3 (j).
4. Individual coverage	Group of related or nonrelated individuals living as 1 economic unit sharing cooking facilities and for whom food is customarily purchased in common. Not residents of institutions or boarding houses. Also individuals with cooking facilities. Sec. 3(e).	Present program extends coverage to persons 60 years or over who are housebound, physically handicapped, or otherwise disabled to the extent that they are unable adequately to prepare all of their meals. Sec. 2(c) and 6(b).	Present program plus (1) all persons 60 years or over regardless of availability of facilities or whether they can or do prepare their own meals, or are handicapped and (2) those under 60 who are unable adequately to prepare their meals because they are physically or mentally handicapped. Specific exclusion of communes. Sec. 3(e).

Item	Present program (Public Law 88-520)	House Agriculture Committee (H.R. 18582)	Family Nutrition Act of 1970 (H.R. 19889)
5. Product coverage	Any food or food product except alcoholic beverages, tobacco, imported package foods, and imported meats or meat products. Sec. 3(b).	Present program plus meals which are prepared by political subdivisions or private nonprofit institutions, which do not receive federally donated foods, and which are delivered to the homes of persons over 60 years who are housebound, handicapped or disabled so as to be unable to adequately prepare all their meals. Sec. 6 (b).	Any food or food product regularly available in domestic supply except alcoholic beverages and tobacco; also meals prepared by public agencies or private nonprofit organizations for consumption at any location other than an institution or boarding house by handicapped or persons 60 years or over. Sec. 3 (b) and (f).
6. Household income eligibility	States set standard of maximum income consistent with income standards used by State in its federally aided public assistance programs. Present range extends from $2,160 for a family of 4 in South Carolina to $4,320 in New Jersey. Sec. 5(b).	Secretary of Agriculture (in consultation with HEW Secretary) to establish uniform national standards of eligibility; with a planned maximum income slightly over $4,000 for a family of 4. Sec. 4(b).	Secretary of Agriculture (in consultation with HEW Secretary) to establish uniform national standards annually at no less than $4,000 per year for a family of 4 or the equivalent. Sec. 5(b).
7. Other eligibility qualifications	Requires that States shall place a limitation on the resources to be allowed eligible households. Sec. 5(b).	Standards set by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources, including both liquid and nonliquid assets to be used as criteria of eligibility. Also excludes, for a 2-year period, any household which includes a member over 18 who is claimed as an income tax dependent by another taxpayer not in the household. Sec. 4(b).	National resource standards exclude home, household goods, personal effects, or other property essential to household's means of self-support. Sec. 5(b).
8. Work test	No statutory requirement but many States impose one.	Excludes from eligibility and denies stamps to any household with any able-bodied adult between 18 and 65 (except mother of dependent children under 18 or bonafide students or persons caring for incapacitated aduits or dependent children) who fails to register for employment or refuses to accept employment or public work at the higher of State, Federal, or regulatory wage, or no wage floor at all, if none applicable.	Reduces household's coupon bonus according to share attributable to individuals in household (other than mothers of children under 16, bona fide students, the ill and incapacitated, persons caring for incapacitated adults, children under 16, or persons employed 35 hours or more per week or earning at least $56 per week) who either fail to register or accept suitable employment at no lower than the Federal minimum wage. Sec. 5(c)-(g).
9. Certification procedure	In accordance with the genera. procedures and personnel standards used for certification for federally aided public assistance programs. Sec. 10(e)(2).	Same as under present program. Sec. 6(a)(2)	Solely on basis of simplified statement conforming to standards prescribed by Secretary coupled with subsequent verification through sampling and other scientific techniques, except 100 percent verification for college students. Sec. 7(b)(1).
10. Coupon issuance location and frequency.	State agency responsible for making issuance arrangements; may delegate to other agencies of local governmental units. Regulation requires at least semimonthly issuance. Sec. 10(b).	Same as under present program	Purchase through post offices, banks, credit unions, community action agencies, other public or private nonprofit organizations subject to such regulations as the Secretary may prescribe. Coupons to be issued on a weekly schedule. Sec. 7(b)(2).
11. Maximum purchase price of coupons.	Equivalent to household's normal expenditure for food (in practice up to 33 percent of net income). Sec. 7(b).	Reasonable investment test—not to exceed 30 percent of income. Sec. 5(b)(2).	Not to exceed 30 percent of income, except maximum of 25 percent of income for those households with annual income equal to or less than the equivalent of $167 per month for a family o. 4. Sec. 6(b).
12. Free stamps	Only in experiment in 2 counties in South Carolina. No statutory provision permits.	Prohibited—minimum charge of 50 cents per person per month (household of 5 or less) or $3 per household (6 or more) with State, local, and charitable sources to help insure participation at minimum level. Sec 5(b)(1).	Only for households of 4 with incomes equal to or less than $30 per month for a family of 4, or, in 1972 and 1973, such higher sum as the Secretary shall prescribe. Sec. 6(b).
13. Partial purchase and simplified purchase for Federal assistance recipients.	No special provisions (coupon issuance schedules permit, but do not require, weekly purchase of portion of allotment at fractional price). No simplified purchase.	Secretary to provide reasonable opportunity to purchase less than full allotment. States may permit households receiving federally aided public assistance to authorize withholding of purchase price from assistance payments upon joint approval of Secretaries on USDA and HEW. Secs. 5(b) and 6(a).	Secretary to establish schedules for variable purchase with regular participation not required. Authority to withhold payments for coupons from payments made to household under the Social Security Act if household requests such withholding. Sec. 7(b)(2).
14. Total coupon allotment	Such amount as will provide household with an opportunity more nearly to obtain a low-cost nutritionally adequate diet. (Defined by regulations as economy food plan—$106 a month for a family of 4.) Sec. 7(a).	Amount which Secretary determines is necessary to obtain a nutritionally adequate diet. (USDA has indicated that this would be the economy food plan). Sec. 5(a).	Equivalent of 35 cents per person per meal in 1971 adjusted thereafter to reflect the cumulative change in the Consumer Price Index for food; provided that if the Secretary determines that the appropriation for fiscal year 1971 or authorization levels for fiscal years 1972 and 1973 are insufficient for the entire fiscal year, he may reduce the value of the coupon allotment to not less than the economy food plan or 30 cents per person per meal whichever is higher. The Secretary shall review such decision quarterly and advise Congress 30 days prior to instituting a reduction in the value of coupon allotment. Sec. 6(a).
15. Administrative responsibility	State welfare agency is responsible for intrastate administration and must request program for each subdivision. Sec. 10 (b) and (e).	Same as under present program	Secretary shall operate directly through any appropriate Federal, State, county, public or private nonprofit agency if (1) Governor or State fails to administer program in area without an operating program 210 days after enactment, or (2) State or other operating agency fails to comply with law after reasonable period. Secretary may so operate if Governor of State fails to administer program in area in which, 180 days after program has begun to operate, less than ⅓ of poor in the area participate over a 3-month period. Sec. 7 (g)(1) and (2).
16. Program cost sharing	Secretary to finance cost of bonus coupons and 62.5 percent of travel and salaries of State personnel engaged in certifying nonpublic assistance households. State and local governments pay for 100 percent of issuance costs. Sec. 15(b).	States required to finance a maximum of 10 percent of bonus costs by fiscal year 1974, starting at 2½ percent in fiscal year 1971 and climbing to 2½ percent every fiscal year thereafter. Secretary to pay same administrative costs as under present law plus 62.5 percent of travel and salaries of State hearing officials and outreach personnel. Sec. 15 (b) and (c).	Same as present program plus Secretary to pay 62.5 percent of salary and travel of State and local hearing officials and outreach and nutrition education workers. Secretary to pay 50 percent of issuance cost if program serves 50 percent or more of poor in area. Secretary would pay 100 percent of all costs of public agencies or private nonprofit organizations operating the program or engaged in outreach or nutrition education of program participation. Sec. 9(b).
17. Concurrent food stamp program and commodity distribution.	Not unless emergency situation caused by a national or other disaster as determined by Secretary: interpreted to exclude long-term, nonnatural disaster, but not short-term economic disaster. Sec. 4(b).	Authorized in the case of: (1) temporary emergency situations; (2) during transitions from commodity distribution to food stamp programs; and (3) on request of the State agency if State agency pays for distribution costs, subject only to prohibition that individual participating shall not benefit from both programs simultaneously. Sec. 4(b).	Authorized in the case of: (1) temporary emergency situations; (2) during transition from commodity distribution to food stamp program until the number of food stamp participants in country exceeds the average number of commodity participants in the three most recent prefood stamp months; and (3) at request of State agency if State agrees to pay distribution costs and at request of any public agency or private nonprofit organization that agrees to pay distribution costs. No simultaneous participation. Sec. 4(b).

Item	Present program (Public Law 88-520)	House Agriculture Committee (H.R. 18582)	Family Nutrition Act of 1970 (H.R. 19889)
18. Penalties for misuse of program.....	Criminal offense knowingly to use, transfer, acquire, or possess coupons in unauthorized manner (over $100-felony). Sec. 14 (b) and (c).	Same as under present program PLUS extends provision to include illegal possession or use of "authorization to purchase" cards. Sec. 14(b).	Same as under House Agriculture Committee bill PLUS criminal offense for knowingly making a false declaration. Contains administrative provisions to control fraud resulting in participation by ineligible households or receipt of excessive coupon allotments. Sec. 8(b) and 9(h).

The Family Nutrition Act of 1970, unlike the House Agriculture Committee bill, would make changes in the commodity distribution program to provide uniform national income and resource eligibility tests, certification by declaration, guaranteed access to foods of sufficient caloric quantity (with other foods necesary to provide a nutritionally adequate diet available in so far as possible), and fortified foods in areas with known nutritional deficienes. Sec. 4 (c). The Family Nutrition Act would also authorize the Secretary to conduct, or to contract for the services of public agencies or private non-profit organizations for the purpose of research, demonstration, or evaluation projects designed to test or assist in the development of new approaches or methods to achieve the purpose of the Act, including fortification of staple foods. Sec. 10(a).

POGROMS—SOVIET STYLE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. BRASCO. Mr. Speaker, on June 15, a group of Riga Jews were arrested at the Leningrad Airport on a false hijacking charge. Others have been arrested and imprisoned in several Russian cities. All evidence points to the kind of trial that has all too often characterized the policies of the Soviet Union. This time the people in dock will be guilty of one heinous crime—wanting to live freely, surrounded by the symbols and daily life of their Jewish faith.

I find it utterly fantastic that the present-day Soviet Government can continue to keep alive czarist barbarism against these persecuted people. Yet it seems to be true. The Soviet Union promised freedom to all its citizens when the Russian revolution became an accomplished fact. Today, after more than five decades of Communist rule, the Jews of Russia still live in torment, fear, and apprehension.

In the past, the Jews were driven from pillar to post in many lands because they insisted on living within the framework of their law and beliefs. For this they were shoved into exile, discriminated against, physically assailed, and finally murdered—first singly, and finally in larger groups. We all know what eventually transpired against these people. Genocide was practiced against them.

The Soviet Union would have the world believe that her mantle of international respectibility is real. She desperately yearns for the trappings of such recognition. Only by this behavior does she bar herself from such acceptance by civilized men and women.

The Nazis murdered more than 20 million Russian civilians. The Soviet Union fought a desperate, thunderous conflict to help annihilate nazism from the face of the earth. Yet now, this very same nation, in stamping out a free people's desire to live their beliefs, is adorning itself with the mask Hitler wore.

What have the Jews done now? How have they offended the world, and especially Russia, this time? Do they murder children? Do they seek to debauch innocent women into lives of sin? Do they plot the overthrow of the world through a secret conclave of their elders? Is it all a plot to replace all nonkosher coldcuts with the products of Hebrew National and Zion salami?

Is not the world heartily sick and tired of this disgusting repetition of old bigotry and medieval-style searches for scapegoats? Are we not out of the cradle of human emotional maturity yet?

There are 2½ million Soviet Jews in bondage in Russia today. That same nation is reputed to possess a population of some 240 million. It is a police state armed to the teeth. I am certain that tomorrow morning the very gates of the Kremlin itself will be inundated by hordes of elderly Soviet Jewish revolutionaries, who will seize power and proceed to set up a Jewish state. I am also certain that the Soviet Armed Forces will be forced to surrender in shivering terror by legions of Jewish grandmothers armed with mops and brooms. How ridiculous. How incredible that a nation armed with thermonuclear might in awesome proportions must act in such a way toward a tiny group of persecuted, innocent people.

I do not think it a crime to seek religious freedom. I do not believe it is criminal to seek the right to migrate to Israel. I do not feel it a heinous act to take pride in the Ten Commandments and a cultural heritage that is the envy of many nations.

If Soviet Russia dares to put these innocent people in the dock for a show trial at gunpoint, she will brand herself with the mark of Stalin and Hitler once more. She will not frighten Russia's Jews into silence. She will not cow their spirit or prevent them from seeking admittance to Israel. She will not succeed in anything except blackening her own name and reputation in the eyes of the world for years to come.

Pharoah is forgotten, save by Egyptologists. Nebuchadnezzer is dust. The torturers of the middle ages are despised. The persecutors of Dreyfus are object lessons in ignorance for students of history. Hitler is an abomination in the eyes of all honest men. So is Stalin. Now Nasser is gone. Yet the Jewish spirit still lives. It will take more than a Soviet court and its secret police to accomplish what all these failed to do. The rulers of Russia would do well to ponder the lessons of history, as well as the rules of elementary decency.

THE VIETNAM ROLL OF HONOR

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DUNCAN. Mr. Speaker, today I would like to place in the RECORD a list of names of young men from my Second Congressional District and surrounding east Tennessee communities who have made the supreme sacrifice for freedom in Southeast Asia.

Of course, there is no way we can justly honor these brave men. Placing their names in this public document is only a token tribute to that which they deserve. Generations of the future too are indebted to these men who fought and gave their lives for freedom.

Our thoughts, prayers, and deepest sympathy is extended to the families and friends.

[From the Knoxville News-Sentinel, Nov. 11, 1970]

THE VIETNAM ROLL OF HONOR—EAST TENNESSEE, SOUTHWESTERN VIRGINIA, SOUTHEASTERN KENTUCKY

As the war in South Vietnam gradually deescalates, we frequently read and hear, "Casualties reported light," or "only" such-and-such a number killed in action this week.

But to the family of a man who died for his country, the casualty is not "light."

It is immaterial whether you believe in the war or not. It is time to remember only the individual and his sacrifice, even if on this roster he is "only a name." It is time to recall also the untold thousands who have died for America throughout her history. They have given us the freedom to disagree with the very things they died for. Where else but in the United States of America?

On July 14, 1968, The News-Sentinel carried the names of all area war dead up to that time. Today's list, our contribution to Veterans Day, includes the original list and the names of those who have lost their lives in Vietnam and Cambodia since then, as carried in our files.

KNOXVILLE AND KNOX COUNTY

Pfc. Gary D. (Joe) Smith, Concord.

Pvt. Wayne T. Long, 18, 222 Hawthorne St.

Sgt. Raymond Hill, 26, Middle St.

Sp-4 Jimmy Allen Marcum, 23, Concord.

Boatswain's Mate 2.C. Tommy Edward Hill, 33, 1222 W. Baxter Ave.

Pfc. J. R. (Rob) McLemore, 23, Brakebill Rd.

Lt. Don Lumley, 29, 4812 Gwinfield Dr.

Sgt. Jesse J. Coffey, 29, Corryton.

Cpl. Charles Wooliver, 21, 1716 Massachusetts Ave.

Pvt. John Henry Morgan, 18, 1209 W. Fourth Ave.

Lt. Gary Glandon, 26, Powell.

Sp-4 Donald A. Sherrod, 23, 2843 Woodbine Ave.

Pfc. Dan Steven Allen, 18, 1140 Baker St.

Pvt. Billy Joe Harrison, 19, Knoxville.

Pfc. Charles O. Reed, 20, Powell.

Sgt. Sam Raymond Jones, 22, 4965 Ball Camp Pike.

Pfc. Jerry Lynn Noe, 18, 1733 Mississippi Ave.

Lance Cpl. Melvin Roy Wright, 20, Branch Lane.
Hospital Corpsman Thomas L. McCarter, 20, 3603 Eaker St.
Pfc. Charles Edward Merriman, 19, Holston River Rd.
Capt. Gary Frank Wallace, 27, Knoxville.
Lance Cpl. James David Travis, 22, Westland Drive.
Sp–4 George Edward Clark, Jr., 23, Woodbrier Rd.
Sp–4 Robert Dwayne Nelson, 21, Shady Oak Lane, Karns.
S.Sgt. Warren Dane Campbell, Knoxville.
Pfc. Jimmy Yoder, 18, 2411 Fenwood Dr.
Pfc. Robert L. McCarter, Mount Olive Rd.
Pfc. W. F. Dail, Jr., 19, 231 E. Oldham Ave.
Cpl. Tom A. Varner, Jr., 20, Brownsview Rd., Karns.
ADR 1.C. J. C. Newman, 35, Simpson Rd.
Cpl. Benjamin F. Pitts, 23, 1101 Texas Ave.
Sgt. Larry Wayne Barnard, 20, Powell.
Lt. John Richard Ruggles III, 23, 6926 Stone Mill Rd.
Platoon Sgt. Jonathan R. Gaddis, 30, Knoxville.
Cpl. John W. Van Sant, 20, 2311 Washington Pike.
Sp–4 Donald E. Nipper, 20, 3314 Ragsdale Ave.
Sp–5 John H. Pate Jr., 27, Pine Grove Rd.
Cpl. Gerald E. King, 20, 602 Renford Dr.
Sgt. James W. Dial, 38, 98 Summit Ave.
Sp–4 Alvin Wiles, 21, 2812 North Hills Blvd.
Sgt. Thomas H. Goodman, 21, 3824 Maloney Rd.
Pfc. James Edward Byrd Jr., Powell.
Pvt. Leeverne Richard Achoe, 23, Knoxville.
Cpl. Robert A. McLoughlin Jr., 21, 1638 North Hills Blvd.
WO James Alfred Brady, 39, Woods Creek Rd.
Cpl. Jerry L. Weaver, 20, Norris Freeway.
Sp–4 Donnie L. Damewood, 20, Sharps Chapel.
Pfc. Vernon L. Headrick, 20, Sevierville Pike.
Sgt. Ray A. Hayes, 24, Nashville, formerly of Knoxville.
Pfc. Larry Grant Bradley, 22, of 3806 Knox Lane.
Maj. William W. Ford, 41, of 3716 Essary Drive.
Lt. Sterling E. Cox, 27, of 5504 Inwood Drive.
Pfc. Robert Roebuck III, 19, of 2121 Riverside Drive.
Pfc. David S. Whitman, 19, of 416 Hembree St.
Pfc. Walter T. Bryant, 22, of 1745 Massachusetts Ave.
Sp–4 James H. Watson, 21, of 4141 Felty Drive.
Sp/4 Paul Maples, Hendron's Chapel Rd.
Lt. Anderson Neely Renshaw III, 25, of 1333 Gatewood Lane.
Sp/4 John D. Sexton, 22, Hendron's Chapel and Widner Rds.
Pfc. Roger Alan Vandergriff, 22, of 106 Overbrook Drive.
Lt. Charles Harder (Chip) Pilkington Jr., 22, of 809 Northshore Drive.
WO Allen H. Robertson, 20, of 1209 McSpadden St.
Lt. John Bomar (Beau) Balitsaris, 21, of 7201 Rotherwood Drive.
Sgt. Bobby Glenn Oliver, 21, Neubert Springs Rd.
Lance Cpl. Michael David Dawson, 20, of 813 Hidden Valley Rd.
Pfc. Bedford Frederick White, 20, of 1714 Western Ave.
Lt. Ronald H. Knight, 26, Rt. 3, Strawberry Plains.
Cpl. Harold G. Curtis, 21, Rt. 7, Concord.
Sgt. William B. Bishop II, 22, of 1104 Burton Rd.
Sgt. Lennis G. (Ronnie) Jones, 23, of 1853 Beech St.
Sgt. William A. Blackburn, Knoxville.
Lt. J. Carroll Walker, 22, Ellistown Rd.
Sp-4 Lennis C. Gentry, 20, Copeland Rd.
Pfc. Wilbur Reed, 26, of 1526 Minnesota Ave.
Sp-4 William H. Scott, 20, of 513 Douglas St.
S.Sgt. V. B. Childress Jr., 137½ Hinton Ave.
Sp-4 Robert H. Lane Jr., 19, of 1107 Burning Trail.
S.Sgt. Mchael Ray Conner, 203 Laurel Circle.
Lt. Boyd Wayne Smith, 4512 Winterset Drive.
Capt. Leonard T. Higdon, 25, Benton Rd.
Lt. Jerry Smith, 24, of 3731 Ivy Ave.
Sp-4 David Harlon Marine, 18, of 1617 Reaves Ave.
Pfc. Bruce William Blakely, Forrester Rd., Halls Crossroads.
Frederick P. Broyles, 746 College St.
Pfc. Thomas Eugene Taylor, 18, of 1108 Middle St.

EAST TENNESSEE

Pfc. Benjamin Leety, Oak Ridge.
Cpl. H. W. Wilson, Oak Ridge.
Pfc. James M. Cornett, Elizabethton.
Sgt. Clarence Burns, Harriman.
Pfc. Daniel E. Walden, Jellico.
Pfc. John W. Watkins, Jefferson City.
Sp-4 Jimmy Wolfe, Cleveland.
Pvt. John Isaacs, Elizabethton.
Sp-4 James E. Cunningham, Harriman.
Pfc. Fred L. Richardson, Bristol.
Cpl. Estel Huskey, Sevier County.
Pfc. Mack L. France, Newport.
Gale D. Crawford, Rogersville.
Pfc. Frank Shelton, Mosheim.
Sgt. Carl Spangler, Bristol.
Maj. T. F. Case, Oak Ridge.
Maj. Billy Nave, Johnson City.
Pfc. Harold G. Ayers, Jonesboro.
Sp-4 Johnny Hickey, Cleveland.
Cpl. Charles C. Roberts, Newport.
Sgt. D. W. Holmes, Crossville.
Pfc. D. E. Green, Oliver Springs.
Sgt. Roy M. Brooks, Rogersville.
Sgt. D. D. Spears, Rogersville.
Sgt. F. L. Gibson, Pioneer.
J. E. Bowers, Bristol.
Alvin Hutchings, Sparta.
Pfc. Donald Richardson, Copper Basin.
Cpl. Lorenzo Giles, Middlesboro.
Sgt. F. D. Brown, Polk County.
C. S. Hughes, Bristol.
Dennis T. Hayworth, Lenoir City.
Pfc. Billy Monahon, Pikeville.
Lt. Douglas Jones, Erwin.
Pfc. A. A. Teague, Middlesboro.
Airman John Campbell, Crossville.
Sp–4 Carroll Abbott, Sevierville.
Sp–4 Len Jenkins, Cosby.
Sp–4 Rex Armes, Wartburg.
Sp–4 Charles Owen, Athens.
Capt. Homer Peace, Johnson City.
Pfc. David Crabtree, Jamestown.
Pvt. Larry Wood, Mount Pleasant.
Pfc. R. J. Quinn, Morristown.
Sgt. H. E. Lee, Madisonville.
Pfc. W. D. Daugherty, Campbell County.
Sgt. Fred Russell, Maryville.
Sp–4 Gary Curtis, Johnson City.
Pfc. Garry K. Cook, Sharps Chapel.
Lt. L. P. Hule, Morristown.
Donald Eugene Madden, New River.
Cpl. Edward D. Dison, Clinton.
Lt. Hary Stewart, Johnson City.
Pvt. Gary Rowlett, Mount Carmel.
Pfc. Wayne O. Gay, Maryville.
Cpl. W. W. Hall, Shouns.
Pfc. Karl Brown, Kingsport.
Sp–4 A. C. Hensley, Limestone.
Sgt. 1.C. Gomer Hoskins, Clinton.
Sgt. James L. Parker, Alcoa.
Pvt. Charles McKinney, Bristol.
Harold P. King, Jonesboro.
Capt. Gordon Walsh, Johnson City.
Pfc. Gary Fox, Gatlinburg.
Lt. H. H. Payne, Elizabethton.
Pfc. Edward Sharpe, Calhoun.
Michael Gibbs, Del Rio.
Bobby Hunt, Chuckey.
Cpl. Oscar Parrott, Maryville.
Pfc. Dorsey Williams, Johnson City.
A–3.C. Eddie Mavis, Gatlinburg.
Pfc. Johnny Lee, Crab Orchard.
Lance Cpl. Jack Sutton, Maryland.
Cpl. J. H. Simpson, Loudon.
Pfc. James W. West, Oneida.
Danny King, Loudon.
Lt. Allen T. Rogan Jr., Johnson City.
L. C. Hays, Crossville.
Gary Murray, Elizabethton.
Pfc. Freddie Gray, Sweetwater.
Pvt. W. C. Allison Jr., Sparta.
Pfc. Doyle Holcomb, Johnson City.
Pvt. W. C. Allen Jr., Sparta.
Pfc. William Williams, Elizabethton.
John A. Harlan, Jonesboro.
Pfc. Donald Coulter, Maryville.
Sgt. J. H. Patterson, Oliver Springs.
Pfc. G. A. Voiles, Armathwaite.
Larry L. Sexton, Morristown.
Sgt. Charles H. Gobble, Johnson City.
Cpl. Robert Mason, Greene.
James F. Daniel, Cleveland.
Cpl. Joe Bradly, Oak Ridge.
Lonnie Robbins, Caryville.
Sp4 Bobby Shelton, Erwin.
Lt. Larry Flowers, Niota.
Sgt. Charles Otis Neal, Greeneville.
Cpl. J. D. Avery, Elizabethton.
Cpl. Donald Sleeder, Johnson City.
Pfc. Randy Cogdill, Pigeon Forge.
Nelson P. Henry, Crossville.
Cpl. William Dykes, Kingsport.
T. Sgt. James C. Krause, Lenoir City.
Sgt. Robert L. Lovelace, Wartburg.
Pfc. Guinn, Elizabethton.
Larry Arwood, Sweetwater.
Pfc. G. T. Dobbs, Etowah.
Roy K. Jones, Jonesboro.
Lt. Roy E. Southerland, Morristown.
Pfc. Roy Taylor, Tazewell.
C. R. Holland, Gainesboro.
William Earl Bridges Jr., Lenoir City.
Pfc. R. W. Barrister, Erwin.
Sgt. Fred Ford, Church Hill.
Lt. R. J. Yeary, Kingsport.
Sgt. M. P. Oliver, Butler.
Pfc. W. C. Roberts, Kingsport.
Sgt. Joe D. Brown, Petros.
Pfc. Douglas Ward, Wartburg.
Pfc. Everett Johnson, Harriman.
George McReynolds, Bristol.
Cpl. Robert L. Shaffer, Elizabethton.
Billy W. McGhee, Rockwood.
Bennie McCorkle, Johnson City.
Sgt. James T. Davis, Decatur.
Capt. James Reed, Kingsport.
C. W. Watson, Morristown.
James C. Thomas, Sweetwater.
Pfc. W. C. Hopper, Maryville.
Richard L. Dunlap, Maryville.
Sp4 D. L. Edney, Erwin.
Sgt. Jimmy Harrison, Greeneville.
Pfc. Danny Blevins, Alcoa.
Sgt. B. C. Burns, Lenoir City.
Cpl. John L. Matlock, Blaine.
Sgt. F. D. Spaker, Harriman.
Pfc. Elgin G. Hanna, Church Hill.
Sgt. Larry Lyons, Johnson City.
Pfc. Gary Carter, Church Hill.
Sgt. Ronnie Roman, Athens.
Pfc. James Allen Pettit, Maryville.
Joe Edward Griffith, Robbins.
Lloyd Terry Jr., Oak Ridge.
Sgt. William L. Dyer, Cleveland.
Pfc. Kenneth L. Hennant, Johnson City.
Sgt. S. T. Barnes, Jonesboro.
Lt. R. G. Price, Church Hill.
Sgt. Fred L. Doyle, Jellico.
Sgt. Joe A. Reed, Niota.
Pfc. William Morow, Farmer.
Pvt. Nilon K. Bacon, Fall Branch.
Pfc. Ronnie S. Daugherty, Newcomb.
Cpl. James D. Bowers, Johnson City.
Cpl. James A. Russell III, New Market.

Pfc. Roy W. Neal, Blountville.
Pfc. Ernest Witt, Johnson City.
Sgt. Jerry A. Campbell, Jamestown.
Sp–4 Larry T. Ownes, Jamestown.
Pfc. David C. Williams, Bluff City.
Sp–4 Conley Bradshaw, Church Hill.
Sp–4 William C. Poole, Kingsport.
Kirby Hamby, Glenmary.
Capt. Gordon A. Hawkins, Maryville.
Sp-4 Jerry R. Ferguson, Harriman.
Pfc. Thomas D. Bernard, Rogersville.
Sp-4 Freddie Greene, Athens.
Cpl. Wayne C. Williams, Maryville.
Sgt. James H. Roulette, Sr., Maryville.
S.Sgt. Jerry L. Lively, Oliver Springs.
Sgt. Clarence E. Watson, Madisonville.
Sp–4 Hubert A. Meredith, Turtletown.
Daryl Culver, Telford.
Sgt. Philip R. Fink, Rt. 3, Mosheim.
Sp–5 Thomas C. Treadway, Rt. 1, Elizabethton.
S.Sgt. Jeppie Payne, Cooper Hill.
James Edward Self, Madisonville.
Lt. James Tarte, Kingsport.
Pfc. John Woolbright, Mosheim.
Sp–4 Lloyd D. Doering, Bristol.
Pfc. Ervin Proctor, Townsend.
Pfc. Steve Dockery, Tellico Plains.
James Kelly, Greeneville.
Cpl. Larry D. Moss, Nashville, formerly of Meigs County.
Sp–4 Hershell L. Gossett, Athens.
Sp–4 Lee Roy McElhaney, Ten Mile.
Dennis Wayne Vaugn, Wartburg.
S.Sgt. Willard Morelock, Kingsport.
Pfc. John Dingus, Kingsport.
Lance Cpl. Gregory Weber, Oak Ridge.
Pfc. Ronald Hibbard, Oak Ridge.
S.Sgt. Ernest Lowe, Caryville.
Capt. Roy Wilson, Elizabethton.
Lt. Donald F. Fletcher, Kingsport.
Pfc. Robert Hodges, Rt. 4, Jonesboro.
Maj. W. B. Reams, Jr., Morristown.
Cpl. Allen E. White, Erwin.
Pfc. Bobbie D. Lewis, Pikeville.
Pfc. Harold C. Itells, Greenville.
Cpl. Daniel L. Gregg, Kingsport.
S. Sgt. Charles Stringfield, Harriman.
Pfc. Larry Foster, Lenoir City.
Cpl. Jonny Britt, Erwin.
Boyd Hayes, Rhea County.
Pvt. Jerry McFalls, Kingston.
Cluster L. Barefield, Etowah.
Lt. Charles Ayers, Midway.
Pfc. Arnold Glenn Oakes, Pikeville.
Pfc. Joseph L. Meade, Kingsport.
Pfc. Larry Mott, Jefferson City.
Pfc. Larry R. Harris, Englewood.
Sp.-4 Larry Curtis, Johnson City.
Sp.-4 Tony Lea Griffin, Carter County.
Larry D. Milhorn, Washington County.
Cpl. Larry Whitehead, Maryville.
Cpl. John West, Culpeper, W. Va., formerly of Johnson City.
Cpl. Edward Minton, Rt. 4, Clinton.
Pfc. Freddie Guinn, Elizabethton.
Lt. Fulton B. Moore III, Johnson City.
Sp.-4 Jesse Archer, Kingsport.
Sgt. James Gilbert, Butler.
Sgt. Don Smith, Speedwell.
Pvt. Clifford W. Taylor, Elizabethton.
Sp.-5 Thomas J. Grindstaff, Maryville.
S. Sgt. Alvin G. Gunter, Rockwood.
Lt. William O. Stead, Erle.
Sgt. Joseph Oreto, Pikeville.
Sgt. Andrew E. Jarkins, Jacksonville, Fla., formerly of Maryville.
Chandler Scott Edwards, Rt. 1, Telford.
Sgt. Thomas E. Latham, Rt. 3, Niota.
Pfc. Jimmy L. Henry, Rt. 1, Kingsport.
Sp-4 John E. McCarrell, Lenoir City.
Sp-4 George Heatherly, La Follette.
Sgt. James A. Borden, Monroe County.
Pfc. Edsel W. Steagall, Rt. 1, Shady Valley.
Capt. Johnny Leon Bryant, Maryville.
Sgt. Jackie W. Troglen, Sparta.
Pfc. Winston O. Smith, Rt. 1, Madisonville.
Lt. Richard L. Patterson, Harriman.
Pfc. Leon Edward Barnard, Tazewell.
Pfc. Scott W. Thornburg, Loudon.
Bobby R. Brown, Armathwaite.
Harvey C. Crabtree Jr., Rt. 1, Loudon.
Jerry McCarter, Sevierville.
Pfc. William F. Malone, Greenville.
Jack E. Luntsford, Kingsport.
Pfc. James Ronald Rainwater, Dandridge.
Sp-4 Dannie Carr, Sevierville.
Donald Lee Grubb, Erwin.
Arnold Jackson, Greeneville.
Sgt. Gary L. Tinker, Rt. 6, Johnson City.
Pfc. Jimmy D. Cortney, Rt. 2, Mohawk.
Sp-5 Freddie M. Sherlin, Athens.
Pfc. Thomas D. Snyder, Johnson City.
Sgt. Stephen J. Torbett, Kingsport.
S.Sgt. Carl Parton, Loudon.
Pfc. Lawrence Humphrey, Piney Flats.
Pfc. Jimmy Jones, Kingsport.
Pfc. Ron Jackson Haynees, Rt. 3, Vonoore.
Sgt. Bobby Haynes, Flag Pond.
Pfc. Lonnie L. Gibson, Jellico.
Lt. Ronald H. Knight, Rt. 3, Strawberry Plains.
Sp-4 Monte L. Payne, Maryville.
Lt. Col. Robert L. Alexander, 38, Greeneville.
Sgt. Dennis G. Jones Jr., Seymour.
Sp-5 Oliver N. Thompson, Rt. 1, Checkey.
Navy Radarman 1C Michael L. Ferguson, Rockwood.
Sp-4 Jon A. Allen, Lowland.
Sp-4 James Casteel, Englewood.
Pfc. Macey Rucker, Washburn.
Pfc. Charles R. Rains, Newport.
Maj. David Knott, Norris.
Sgt. Frederick A. Hassler, Crossville.
Pfc. William O. Vaughn, Jamestown.
Pfc. Michael C. Vickery, Oliver Springs.
Cpl. William E. Haggard, Rt. 2, Powell.
Pfc. Randall E. Perry, Rt. 2, Dayton.
Pfc. Bill B. Long, La Follette.
Pfc. Donnie J. Swatsell, Greenville.
Capt. Larry Beek, Greeneville.
Sp-4 Danny Ron Roberts, Rt. 2, Etowah.
Sgt. James Paul Richards, Rogersville.
Pfc. James E. Hylmon, Rt. 8, Jonesboro.
Mitchell (Mitch) Spout, Lenoir City.
Pfc. Larry Brannum, Cleveland.
Sp-4 Marvin Shell, Rt. 3, Johnson City.
Sp-4 Gary L. Edwards, Rt 3, Oliver Springs.
Sp-4 Don M. O'Shell, Rt 2, Kingston.
Sgt. Kenneth Ray Hodge, Jonesboro.
Lt. John William (Bill) Wilson Jr., Lenoir City.
Gunners Mate George R. Crabtree, Jamestown.
Sgt. Donald H. Bloomer, Edson.
Pfc. Garry L. Worley, Bristol.
Capt. Samuel Earl Asher, Oak Ridge.
Sgt. David Barnett, Bristol.
Sp-4 Floyd W. Jason Lamb Jr., Chuckey.
Sp-4 Robert Joseph Huddleston, La Follette.
Sgt. Carl Crowe, Harriman.
Sp-4 David (Red) Horner, Mount Carmel.
S.Sgt. Luther Davis, Oak Ridge.
Cpl. Donnie Ashbury, Kingsport.
Sp-4 Dan G. Feezell, Maryville.
Sp-4 James William (Bill) Knight, Rockwood.
M.Sgt. Garry Lynn Weaver, Lake City.

HON. LAURENCE BURTON TO LEAVE THE HOUSE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. BOB WILSON. Mr. Speaker, one of our distinguished colleagues will be leaving this body at the end of the present session. I am sure most of us on both sides of the aisle will miss LAURENCE BURTON. He has had the rare quality of serving in the partisan way without developing the animosities that normally go with partisan activity. I know he is much respected by Democrats as well as Republicans.

LARRY is a relatively young man and I am sure he has a great future ahead of him in the service of his country. I wish him well in whatever endeavor he chooses to follow and assure him of my personal friendship and support in the years to come.

HUNGER AMONG THE POOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. EDWARDS of California. Mr. Speaker, I am placing in the RECORD a report on hunger among welfare families in Santa Clara County, prepared by the Social Services Analysis of the County Welfare Department.

I urge my colleagues to read this report with care, for while the county is in my district in California, I believe it probably reflects reality for most of the Nation's welfare families.

I think the report is particularly timely in view of the Senate Finance Committee's recent neanderthal abuse of the welfare bill. I wish those members of the committee who are so uncharitably disposed to our welfare recipients could have the opportunity to experience the reality that this report reflects.

Marie Antoinette once said of the people:

Let them eat cake.

We are all aware of the rage that attitude unleashed.

The authors of this report indicate that poor families living in one of the wealthiest communities in the Nation, in terms of per capita income, sometimes feed their children candy to reduce their appetities—because they have no more substantial food in the house. If this situation does not arouse our indignation and move us to provide remedies as quickly as possible we are a sorry lot and deserve whatever consequences follow such callous neglect of our duties.

MANY COUNTY WELFARE FAMILIES GO HUNGRY

SUMMARY

A study conducted earlier this year by the Santa Clara County Department of Social Services indicates that an estimated 5,200 persons receiving financial assistance from the Department go hungry one or more days at the end of each month. Over 4,000 of these are children, approximately 1,300 of them under five. This number of children approximates the entire student body of a large high school, or eleven average elementary schools.

This situation results from the woefully inadequate amounts of assistance allocated the families receiving Aid to Families with Dependent Children, or AFDC. The study found that 66% of AFDC families experienced the situation one or more times in the prior year of having not enough food in the house, and no cash with which to buy food.

Families interviewed reported that they meet this periodic crisis mainly by borrowing from relatives or friends, or occasionally by credit from a neighborhood grocery. When their next assistance grant arrives they must

repay this, leaving them short again the next month. Sometimes they postpone payment of rent, or other bills in order to stock up on food, or to purchase a needed pair of shoes or other clothing items.

After payment of rent and utilities AFDC families have very little left with which to meet needs for food, clothing, and other items. The U.S. Department of Agriculture estimates that an average of *$1.03* is needed per person per day for a family of four to eat adequately. The U.S. Bureau of Labor Statistics' "modest but adequate" budget sets a similar amount. Only about two-thirds of all AFDC families have enough remaining after housing costs to live at this standard. Twenty-three percent of the AFDC families are living on *$1.00* per person per day for *all* needs, not just food alone. This represents 3,900 families, or *16,000 persons*. Fifteen percent of the AFDC families are trying to exist on 67c or less per person per day to cover all needs. This represents 2,550 families, or about 10,300 persons.

The survey included an inventory of the kitchens of the families included in the study. This inventory revealed that even those who actually have enough food in the cupboard often do not have the kind of foods that are considered essential for a healthy and balanced diet. Typical of a family considered to have enough in the house to last until the next check was one who had 15 lbs. of flour, two lbs. of non-fat dry milk, one-half pound of margarine, 10 onions, two pounds of rice, one pound of macaroni, three loaves of bread, five lbs. of sugar, five lbs. of potatoes, and five lbs. of beans. This was expected to feed seven people for four days. Many families report that they give their children candy instead of a meal at such times because candy is cheap and "spoils the appetite". One family reported eating only rice with syrup the last several days of one month.

Food Stamps are thought to provide a supplemental resource for families with meager incomes. Unfortunately many of the families are not able to afford the amount required to purchase the stamps. Purchase of Food Stamps ties up cash in stamps good only for the purchase of food, leaving other urgent needs unmet. Therefore, often, families will skip a month or two, or not use stamps at all. An additional problem with Food Stamps is that they cannot be used for soap or paper products, or personal hygiene items.

The survey failed to point to the reasons some families can subsist on the level of assistance provided by AFDC while others, the majority, cannot. After interviews with the families it was concluded that many factors seem to be responsible, not all of which could be precisely identified. Prominent among these is probably a basic difference in ability to manage their meager resources. In addition, some families have more on hand at the time they apply for assistance than do others. Some get more help from family, friends, church, etc., in the form of clothing, meals, or other necessities. Some juggle debts, postponing payments in order to cover some essential need that is more immediate. Most families related a combination of methods for getting by from month to month. Food stamps and free school lunches help some, but not others.

Many AFDC Families Are Hungry!

PREFACE

The cost of living has risen sharply in the past year in all areas. California is no exception. Private industries as well as some government agencies have given cost of living raises to their employees to compensate for the gap between salaries and the rise in costs. It seems catastrophic that welfare recipients, who have very few financial resources to work with, become increasingly impoverished in a rising economy.

Describing the poor is an all encompassing task which has more variables than are possible to mention here. To study all these variables would be a tremendous task not within the present capabilities of this research program. Hence, it was decided to take one of the conditions associated with the poor, that of hunger, and study this situation in a selected group of welfare recipients.

A short background of the research in this field is worth mentioning. According to John Kosa, Irving Kenneth, and Aaron Antonovsky, authors of *"Poverty and Health,"* "poverty and the poor" have been rediscovered in the past decade. This appears to be true considering the research in this field and the public demonstrations that have taken place. In the past two years, studies have been done on the hunger problem across the nation. This interest seems to be stimulated as a result of the McGovern Congressional Hearings on *Nutrition and Human Needs*. Some of these studies are not in published form to this date, but preliminary reports indicate that hunger is a problem whose dimensions are just now being discovered. The California State Department of Health is currently involved in a statewide study on the effects, if any, of poor nutrition. On a more local level, the Sacramento Welfare Department recently completed a report on hunger in their county. They found that "forty-four percent of the families contacted had been without money and without food one or more times during the past year." This 44% they projected to the entire Sacramento County AFDC caseload to determine approximately the extent of hunger in the Sacramento AFDC welfare population. This number is staggering—4,900 families with 13,000 children.

HYPOTHESIS

USDA in June, 1969, published a table showing the cost of food for a low-income family. They stated that for an adult male between the ages of 20 and 35 it would cost $8.50 per week to prepare well-balanced and nutritional meals. A teenager (12 to 15) needs $7.90; an adult woman, $7.10 per week; a child age 6 to 9, $6.30; and a child 9 to 12, $7.90 per week. For a family consisting of a woman, a man age 30, and two children age 8 and 13, the cost of food for one week according to USDA would be $29.00. The AFDC cost schedule allows $26.00 per week, and families held to MPB (no outside income) receive 25% less, or $19.58 for one week.

The above figures indicate that in order for AFDC families to be fed nutritionally they must be more clever than USDA. It is true that a nutritionally balanced diet can be purchased for less, but such diets are extremely high in calories, uninteresting, and unsuitable medically for many people.

With this background information considered, it was hypothesized that AFDC families do suffer from real hunger.

METHODOLOGY

The purpose of this study, as stated in the hypothesis was to determine whether or not AFDC families suffer from hunger. In order to determine this, it was decided that the recipients interviewed would have to meet certain criteria: (1) The AFDC household interviewed must have been on welfare continually for at least 6 months. This time period was arbitrarily chosen, as it was felt that 6 months would constitute a period of prolonged financial deprivation. (2) Since the study was designed to look at the financial situation of AFDC families, it was determined that welfare families who lived with other families or persons who were working, would be excluded from the survey. In summary, the AFDC family studied had been on aid continually for the last 6 months and were living in an independent living situation.

A sample of 400 AFDC families were drawn at random from the January, 1970 payroll. Of these, 124 cases were eliminated because they did not meet the above criteria. Aid and income history was completed on each case. Interview schedules were forwarded to the social worker handling the case. Detailed instructions regarding each question accompanied each interview schedule. The workers were informed that every schedule must be completed during the week of January 26th and January 31st, 1970. This week was thought to be the critical period when families might have a problem managing. Interview schedules were actually completed on 202 AFDC households. The remaining 74 schedules were not completed because either the social worker could not contact the client, or the client worked during the daytime and could not be contacted in their home. The 202 families interviewed comprise the sample for this research study.

As can be seen in the appendix, the interview schedule is divided into two parts. The first part deals with questions about the family situation. The second section is an inventory of the food items in the kitchen. Each interviewer was to list the kind of food and the quantity of each item.

It is important to know what this research study means by a "hungry family". A family was determined to be hungry if the food and money they had left was inadequate to feed them until their next expected income was received. To help make this determination, a bulletin written by the Department of Agriculture, titled "Family Food Budgeting—Bulletin No. 94", was used as a guideline. The economy family food plan from this pamphlet was followed. (According to the Department of Agriculture this diet plan should only be used as a temporary measure.) It should be noted that a family was not considered to be hungry if they had enough staples (i.e., beans, potatoes, rice, or macaroni) to subsist on until the next income was received. This study did not take into consideration whether or not the diet of the family would be nutritionally good, but used only the food remaining in the larder.

Proving whether or not these "hungry families" *actually* went without eating was not attempted by this study. It intends merely to state that the food and money they had left could not feed them until they received their next income. How these families dealt with this problem will be discussed later.

HOW AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) GRANTS ARE COMPUTED

In order to understand some of the sections of this paper, it is helpful to know how AFDC grants are computed. The following paragraphs are taken from a bulletin published by San Mateo County for this purpose.

The State Department of Social Welfare issues each year a "Cost Schedule for Family Budget Units" constructed on the basis of pricing studies in various areas of the state, to use in determining the amount of the grants made to families who qualify for the AFDC program. This cost schedule determines the needs of a family depending on its size and the ages of each of its members.

For families with such income as earnings, child support, social security, unemployment or disability payments, this income is subtracted from the total family need (as determined in the cost schedule), and the difference is the correct grant for the month. For those families who have no income the state legislature has established a fixed maximum grant for each family, depending on the number of persons in the family. This is called Maximum Participation Base, or MPB.

FINDINGS

Basic characteristics of the sample

Data was collected on 1,061 people from 202 households for an average of 5.2 people per household. Household's headed by a male figure number 79, with 123 headed by a female. Questions were asked about ethnic background, California residence, and educational background of these families.

Table I illustrates the ethnic break-down found by this study. As can be seen, minority groups compose well over half of the AFDC population studied, and are definitely over-represented when compared to their numbers in Santa Clara County.

TABLE I.—ETHNIC DISTRIBUTION OF AFDC POPULATION

Ethnic group	Percent in sample	In county population[1]
Chicano	46	9.6
White	44	86.2
Black	6	1.1
Other	4	3.1
Total	100	100.0

[1] 1966 county census.

It is common belief that with the change of the residence law in June, 1968, California would have an influx of welfare recipients from other states. As can be seen in Table II, three-fourths of the AFDC recipients had lived in California for 10 or more years. Only 2% of the households were recent newcomers to California.

TABLE II.—*Distribution of length of California residency in sample*

No. of years in Calif. and percent of Sample Population:	
Always	33
10 years or more	42
5 to 10 years	12
1 to 5 years	11
0 to 1 years	2
Total	100

Previous research in the characteristics of AFDC recipients indicated that AFDC women had more formal education than the men. The findings of this study support the other research. It was found that the average AFDC woman had completed a higher grade in school than the AFDC man. Table III depicts this data.

TABLE III.—YEARS OF SCHOOL COMPLETED BY THE SAMPLE HUSBANDS AND WIVES

[Amount in percent]

Heads of households	None	7 or less	8th to 11th	12 or over	Total
Husband	13	46	25.0	16.0	100
Wife	5	24	39.5	31.5	100
Total for both	7	30	36.0	27.0	100

DIMENSIONS OF POVERTY

It was determined that 7.4% of the sample households would not have enough food or money to buy some, to last until their next expected income was received. These families were termed "hungry families". This number might seem relatively small until this percentage is projected to the total January, 1970, AFDC population in Santa Clara County. When the 7.4% is projected to over 13,000 families of AFDC in this county, the realization how many of them are hungry is staggering—an estimated 5,137 people, almost 4,000 of them children!

In addition to these 7.4% families who were hungry in January, 1970, 119 sample households reported that during the past year, at least once, they had no food, and no money to buy food. This is a total of 134 sample families who have been in this situation in the past year, or an estimated 66% of the caseload.

Twenty families reported that this condition, lack of food and money, existed every month, while only eight stated that it had happened to them only once. Table IV below, compares the frequency of hunger between the 15 "hungry families" and the 119 families who were without food and money at least once in the past year.

TABLE IV.—FREQUENCY DISTRIBUTION OF FAMILIES WHO HAVE BEEN WITHOUT FOOD AND MONEY TO BUY SOME

	In Percent				
Type of family	Only once	A few times (up to 5)	Almost every month	Every month	Total number
Hungry families	7	40	20	3	15
Families who experienced this situation	6	67	15	12	119

From the data collected, it seems safe to assume that almost any of these 134 families could fall into the definition of "hungry family" in a given month.

Along with the frequency of this condition it is important to know the duration. As can be seen in Table V, help did not come readily for some people. The people who were without food less than a full day generally stated that they planned ahead and borrowed from friends or relatives so that their families would not have to do without food.

TABLE V.—LENGTH OF TIME FAMILIES WENT WITHOUT FOOD BEFORE THEY COULD GET HELP

[In percent]

Type of families	0 days	1–2 days	3–4 days	5–6 days	7–8 days	9–10 days
15 hungry families	33	13	7	7	20	20
119 families	13	32	24	30	13	7
Total (134 days)	15	31	22	10	13	9

WHAT KIND OF HELP DO THESE FAMILIES RECEIVE WHEN THEY FIND THEMSELVES WITHOUT FOOD OR MONEY TO BUY SOME?

Help for these families seems to come from many different sources. The primary source for help, however, are the friends and/or relatives of these families. Of the families who found themselves in this predicament, 62% reported that they turn to their relatives or friends first for help. For those who receive help, 75% stated that it came from relatives or friends. Table VI illustrates the sources people turn to for help as well as who they receive help from.

TABLE VI.—SOURCES FAMILIES TURN TO WHEN THEY RUN SHORT OF MONEY AND THE SOURCE FROM WHICH THEY GET HELP

Source family turns to—	Percent	Source family receives help from—	Percent
Friends or relatives	75	Borrowed relatives.	45
Called social worker	18	Borrowed friends	37
Private agency	6	Private agency	7
Credit	6	No help	7
Churches	4	Private churches	7
Other	11	Credit	4
		Other	1
Total number	[1]162	Total number	[1]146

[1] Total could equal more than 134 since clients could respond more than once.

The remaining sixty-eight sample families reported that they had not experienced a time, in the last year, where they were without food and money to buy some.

The average income per household for the entire sample was $342.00. The amount of money available per person was computed by subtracting the amount of the rent and utilities from the net income to the family and dividing the remainder by the number of people in the household. This money must be used for the rest of their basic needs, i.e., food, clothing, transportation, etc. This monthly average was $39.14 per person, or $1.30 per person per day.

Table VII shows the income distribution per household, and per person.

TABLE VII.—DISTRIBUTION OF INCOME

Income distribution per household			Income distribution per person (after rent and utilities)		
Amount of money	Number	Percent	Amount of money	Number	Percent
Less than $200	34	17	Less than $10	7	4
$200 to $300	47	23	$10 to $20	22	11
$300 to $400	58	29	$20 to $30	47	23
$400 to $500	41	20	$30 to $40	48	24
$500 to $600	14	7	$40 to $50	27	13
$600 to $700	5	2	$50 to $60	23	11
$700 to $800	2	1	$60 to $70	11	5
$800 plus	1	1	$70 to $80	7	4
			$80 to $100	8	4
			$100 plus	2	1
Total	202	100	Total	202	100

FOOD STAMP PROGRAM

On the sample, 61% of the households were certified for food stamps in the month of January, 1970. Of those certified, 82% stated they were using the coupons, while 18% stated that they were not going to use the coupons. A total of 35 families (17%) stated that they have never used food stamps, with 22% stating that they were previously certified.

TABLE VIII.—FAMILIES CERTIFIED FOR FOOD STAMPS IN JANUARY 1970

	Yes	No	Total
Certified in January 1970	124	78	202
Number actually using food stamps of those certified	102	22	124
Previously certified	[1]44	35	[1]79

[1] One family reported that they were now certified, but had also been previously certified.

It is commonly known that there are many drawbacks to the food stamp program. It was considered worthwhile to attempt to find out what the food stamp users and non-users felt were the problems with the coupons. Over one-half of the food stamp users stated problems which they associated with food stamps. Inability to purchase paper products, soap, and other hygiene items necessary for a household was the primary problem. Families not certified for food stamps stated they could not afford them at all.

TABLE IX.—PROBLEMS ASSOCIATED WITH FOOD STAMPS

People certified for food stamps		People not certified for food stamps	
Problems	Percent of responses	Problems	Percent of responses
No problems	31	Could not afford at all.	50
No soap, paper products, hygiene items, etc.	25	Other	24
Cost too high	20	Too far to bank	14
Not enough food stamps for month.	11	Can't afford this month.	14
Cannot afford	10	Did not know about food stamps.	7
Welfare stigma	7	None	6
Other	4	New on welfare	5
Bank and store clerks insulting.	1		
No way to bank	1		
Total	[1]110	Total	[1]120

[1] Totals over 100 percent because respondent could state more than 1 problem.

Note: 124 certified for food stamps; 78 cases not certified for food stamps.

SCHOOL LUNCH PROGRAM

There are three school lunch programs available to low income families. A child may receive a free lunch, pay a reduced price for lunch, or he may work for his lunch. In the sample, 175 families had school age children. It appears that the school lunch programs are not well understood by the low income families. Over one-third of the sample families with school age children did not know whether or not their children's schools offer a school lunch program.

Table X illustrates the number of families involved in school lunch programs compared to the location where school children each lunch.

TABLE X

Type of lunch	Percent	Type of school lunch program used	Percent
School prepared	58.9	Not in special program	56
		Free lunch	22
		Reduced price	12
		Work for lunch	10
Brought from home	33.7		
Go home for lunch	20.5		
Other	2.8		

Note: Totals over 100 percent because various children in same family may eat at different locations.

SIGNIFICANCE OF FINDINGS

It has been shown that AFDC families often do experience periods when they are without food and money to buy some.

With this fact established, the need for further research became increasingly more evident. The more obvious factors did not seem to answer the question of why 68 families could manage while 134 could not. If there is an answer to this question it must then lie in some of the more subtle factors not explored. Many other questions can and should be looked at. Could a combination of these elements be responsible for whether or not a family is able to manage? Are these situational variables the same in every family or do they change with the family situation? We were haunted by the question: Did the families who generally stated that placing their children in the School Lunch Program was "embarrassing", also find it "embarrassing" to admit that they had experienced a time when they were without food and money? Perhaps the necessity for a particular family to buy a pair of shoes this month spelled the difference between being able to last out the month or not. It would thus be necessary to know how the total household budget is managed. This would require keeping detailed accounts of each penny spent.

Still another factor to be studied is the general health of the families. In this study we asked the families if they had health problems. The clients' statements were not accurate enough to test. Poor health of either the parents or the children can be a difficult problem to cope with. Further research should definitely include the study of the family's physical, as well as mental health. It is suggested that this be done by a physician, rather than asking the recipient if he has a health problem.

These questions need to be answered. To stop without attempting to find out what enables some families to manage when others cannot, would be a grave mistake. It is possible, however, that this is a phenomenon common to families in all income levels. Middle-class families merely show a Master Charge Card or Bank of America Card to purchase what they cannot afford in cash that month. These avenues are not often open to the poor. Instead they must seek help from their relatives or friends, or as one woman stated, "I had to steal from my neighbor in order to feed my family."

Whatever the outcome, research must be done, so that if an answer is available we will be able to use the information to aid in solving the problem of "hunger".

FREE WORLD FLAG SHIP ARRIVALS IN NORTH VIETNAM

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. CHAMBERLAIN. Mr. Speaker, during November, according to Department of Defense information made available to me, there were a total of three free world flag ship arrivals in North Vietnam, two flying the British flag and one the flag of the Somali Republic. This brings the total for the first 11 months of this year to 56 such arrivals as compared with the 92 during the same period in 1969. This represents substantial progress and reflects the continued efforts of the administration to reduce this source of supply to the enemy. The Cambodian operation has taught the significance of supplies and more progress can and should be made. I urge that efforts to eliminate this trade completely continue without letup so long as there is no peace in South Vietnam.

The item follows:

FREE WORLD FLAGSHIP ARRIVALS IN NORTH VIETNAM

	United Kingdom	Somali Republic	Cyprus	Singapore	Japan	Malta	Total
1969:							
January	8	2	1				11
February	6		1	2	1		10
March	6	1					7
April	7			1	1		9
May	9	1	1			1	12
June	6	2	2	1			11
July	6	1					7
August	4		2				6
September	4		1	1			6
October	4		1		1		6
November	7						7
December	7						7
Total	74	7	9	5	3	1	99

	United Kingdom	Somali Republic	Cyprus	Singapore	Japan	Malta	Total
1970:							
January	2	1				1	4
February	5	1					6
March	3	1					4
April	7	2					9
May	6	3					9
June	3	2					5
July	4	3	1				8
August	2			1			3
September	4						4
October	1						1
November	2	1					3
Total	39	14	1	1		1	56

UNITED STATES SHOULD LINK VIET PULLOUT TO POW RELEASE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an editorial by Mr. Crosby Noyes which appeared in the Evening Star this past week that certainly expresses my personal opinions.

The editorial follows:

U.S. SHOULD LINK VIET PULLOUT TO POW RELEASE

Whatever one may think of the unsuccessful effort to rescue American war prisoners from a camp near Hanoi, one must concede that it was a desperate venture.

A key factor in the attempt, according to Defense Secretary Melvin R. Laird, was information that some of the prisoners of war were dying in the camps. But it is a fair assumption that others would have died, as well as members of the rescue team, if the camp had been occupied and defended by a full complement of prison guards.

The raid, furthermore, even had it been brilliantly successful, inevitably would have increased the jeopardy of other American prisoners still held in North Vietnam.

According to Gen. Leroy Manor, who commanded the operation, it was hoped that "a good percentage"—Laird put the figure at about 70—of the 378 men believed to be in prison camps could be rescued at Son Tay. But many others would have been left behind. And the danger of retaliation against them is something which has been—and still is—very much on the minds of administration leaders.

Certainly this was not the kind of operation that can be repeated successfully many times. At the very least, the North Vietnamese can now be expected to move the POW camps to less accessible locations and assign substantial forces to defend them against possible future raids.

So the best one can say is that this mission, even had it been successful, would hardly have provided a solution to the overall problem of prisoners of war that confronts the United States.

No doubt, it was a bold and well-executed stroke. No doubt, either, that it served, as Laird emphasized, to demonstrate "our dedication to these men" and our determination to free them one way or another. But perhaps what it reflected most vividly is the helplessness and frustration of the administration in its efforts to find some practical way of obtaining their release.

For it is all very well for Laird to talk about unspecified "strong and unusual" measures that he may recommend to free the prisoners. The clear evidence is that they will not be freed until the North Vietnamese decide

that it is to their advantage to let them go. And no amount of strong-arm tactics is likely to produce this result.

The Communists, to be sure, already have laid down the conditions under which they would be willing to talk about an exchange of prisoners. In their minds, any such deal is directly tied to the departure of American troops from South Vietnam.

If the United States, the Communists said last September, "declares that it will withdraw from South Vietnam all of its troops and those of the other foreign countries in the United States camp by June 30, 1971 . . . the parties will engage at once in discussions on . . . the question of releasing captured military men."

Quite clearly, the American government, despite its deep concern for the prisoners' safety, is not going to declare any such thing. No government can capitulate to blackmail on this scale. And if the North Vietnamese can use their prisoner-hostages to force an American rout in Vietnam, they can use them equally effectively to impose all of their conditions for a political settlement of the war.

Yet the dilemma of the Nixon administration is only too painfully obvious. As the American withdrawal from Vietnam proceeds according to schedule, without any prospect of a negotiated settlement, the leverage that Washington can exert on Hanoi to obtain the release of the prisoners diminishes proportionately. Once the withdrawal is complete, desperate strong-arm tactics may be the only course available.

Before this happens, an effort should be made to reverse the bargaining process suggested by the Communist side. At some point, the President should serve public notice that there will be no further American withdrawals from Vietnam until the prisoner-of-war question is satisfactorily settled. Such a stand should have strong political support in this country. And it would do more to obtain the release of the prisoners than any threats or acts of derring-do.

A DEPLORABLE SITUATION

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. McKNEALLY. Mr. Speaker, the incident which occurred on the U.S. Coast Guard cutter *Vigilant* should give to each and every American pause, heartburn, and discouragement. There is not a man in his right mind who could sit in judgment really on the commander of the cutter who sought instructions and received none. What he was faced with was a simple problem of a young man who sought the refuge described by Emma Lazarus and inscribed on the base of the Statue of Liberty. He simply sought to be free. So confused is the American public, so confused is the American Government, so confused are the plethora of communicators and commentators and endless newsmen, that they cannot understand or even hear a plea or a cry for freedom. They do not know what it means. It seems almost axiomatic that the American commander would give charge to the Russian sailors of his ship, for we do not know whether the Communists are our enemies or our friends. We court them in Paris, we court them in Yugoslavia, we court them wherever it suits our confusions. Then we make an abortive attempt to free Americans from their prisoner of war chains in North Vietnam.

No man can charge the captain unless that man has himself applied his mind, his energy, and his spirit to the ordering of a sound, sensible, spiritual, and brave policy with reference to the division that is cracking the world. There is an awful sentence in the news release. It includes the words "considerable force was required—to return the sailor to his ship—as the defector was resisting strongly." Is there anyone who would not weep at the thought of this young man struggling to be free? Let his example once again point out that America has lost its destiny, has confused its purpose, and has stultified the symbol that stands aloft in New York's harbor. This incident could make a man say that the Statue of Liberty ought really to be dismantled with its noble and high symbolism and that its lamp to the darkness in the world should sink into the muck at the bottom of the waters of the lower bay.

TRIBUTE TO THE NEW PRESIDENT OF MEXICO

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. ROYBAL. Mr. Speaker, I would like to take this opportunity to congratulate Luis Echeverria Alvarez on his recent inauguration as the 24th constitutionally elected President of Mexico and praise the Mexican people on their long record of adherence to the principle of stable presidential succession. Certainly no greater indication of the stability and wisdom of the Mexican political system can be found than in its ability to elect a man of as great a caliber as President Echeverria.

Having dedicated his entire life to the service of Mexico, Luis Echeverria has proven himself to be both an ardent patriot of his country and an international statesman of great magnitude. To quote from his inaugural address—

We are not a walled country. Our borders are open to human, economic and cultural communication. We wish to strengthen our existing relations with the United States and Guatemala, on a basis of mutual respect, spirit of fair play and real understanding between our peoples.

The United States is also fortunate to have a man of such wisdom leading one of our own neighboring countries.

President Echeverria's greatest contribution, however, will most assuredly be in improving the life of his own people. For as he, himself, has promised—

The programs to be fulfilled will continue until the very poor have attained an adequate standard of living, providing a driving impulse for the people and their productive efforts for the rest of this century.

Yet, in his dedication to raise the standard of living of all his fellow citizens, Echeverria cautioned against infringing on such other equally important ideals as "unrestricted respect for individual rights and the use of public power for achieving the general will." In this day of dehumanized political movements which are willing to sacrifice the rights of the individual in the name of an abstract ideology, President Echeverria's assurances that individual liberties can be preserved along with rapid economic development are certainly well received by all Americans. Again, I wish to express my congratulations to the new President of Mexico and wish him well during his term in office.

SCIENCE, THE PUBLIC AND THE NEW REALITIES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DINGELL. Mr. Speaker, Dr. W. D. McElroy, Director of the National Science Foundation, addressed one of the sessions of the National Biological Congress in Detroit, Mich., on November 7, 1970. It was my good fortune to be a participant in this same program. I found Dr. McElroy's remarks to be of great interest and feel my colleagues will share this view. Therefore, I insert the text of Dr. McElroy's address at this point in the CONGRESSIONAL RECORD:

PROPOSED REMARKS BY DR. W. D. MCELROY, DIRECTOR, NATIONAL SCIENCE FOUNDATION, NATIONAL BIOLOGICAL CONGRESS, DETROIT, MICH., NOVEMBER 7, 1970

SCIENCE, THE PUBLIC AND THE NEW REALITIES

John Olive and other friends have accused me of building my own platform to advance my own views. To the extent that I assisted others in bringing together this extraordinary First Congress, I plead guilty. I do have things I want to say, and I feel strongly about them.

Tonight I wish to speak about science (and especially biology), the public, and what I see as the "new realities" of the latter part of the twentieth century. You may think I am radical or perhaps have been out of the laboratory too long, but from my point of view, I believe my views, in essence, conserve those essential values most of us share under the loose term of scientist.

Biologists are comfortable with change in their academic sphere of interest. Change is, after all, a fundamental law of life. We accept this as a fact when it comes to living organisms, but somehow that concept is not always applied to other areas.

Tonight I urge reasonable change in ideas and institutions as the surest way of preserving what is at the heart of our best science. Some of you, perhaps the vast majority, may be intellectually committed to these views. If so, my purpose is to reinforce you in your ideas and speed their implementation.

From the vantage point of Washington, these are not the best of times for the health of science. Last week Mr. Daddario's subcommittee on Science, Research, and Development published its report on the science policy hearings conducted this past summer,

hearings which I am told were the most extensive on record. The report makes the point that "certain new conditions" have materialized, then lists several (and I quote from the report):

A pronounced drop in the rate of increase of Federal support of science from a positive maximum annual rate of around 12 percent in the mid-1960's to a negative 5 percent for fiscal 1971.

A drop of about half a billion dollars each year in actual dollar numbers since fiscal 1968.

In terms of relative Federal budgets, a decline from a maximum effort of almost 13 percent of the total budget to a present level of about 7 percent.

An overall recession in value, when measured against inflationary factors and when viewed in terms of current purchasing power—of from between 20 and 25 percent from the peak years 1965–1968.

A public disenchantment with technology of uncertain dimension, induced by environment, social, and educational factors, among others.

A movement away from science as the glamourized activity to which government, scientists, and businessmen alike had responded favorably during the nuclear and space-engendered excitement of the past century. (End Quote)

The most obvious reason for the current financial situation is, of course, economic. As Senator Allott of Colorado reminds us: "High culture—including advanced scientific research—is precariously dependent on the uppermost margin of wealth that our economy provides in periods of peak health." The American economy is not, at present, in a peak state of health. Scientific research is apparently one of the delicacies that can be trimmed from our national diet.

We fervently wish the prescription could have been different. We recall with a melancholic fondness those wonderful years, not very long ago, when Congress and the American public vigorously supported our scientific endeavors. Perhaps we exaggerated, in our own minds, the enthusiasm that was in that public nod of approval.

It's critical for us to understand, however, that the change in public attitudes has been prompted by more than economic necessities. We would delude ourselves if we imagined an economic turnaround would automatically restore to basic science the growth rate it enjoyed a decade ago. I say "automatically" because, while such a growth rate is imaginable for the future, the scientific community would have to demonstrate anew, in ways relevant to the kind of society we are becoming, that it deserves support far in excess of the 5 percent increase it needs every year just to stay in place.

The truth is, I believe, American society is changing in fundamental ways. Old values are being discarded; new issues are pressing to the fore. You have read the litany of issues on protest signs: "Stop the War" "End the Injustices" "Punish the Polluters" "Put an End to Poverty." At times, I know this new-found concern for fellow men and the quality of the environment seems only a fad, sustained by a weak and romantic momentum. But unless I have entirely missed the signals of recent events, I am of the persuasion that our society is undergoing a severe wrenching at this moment.

Deep and fundamental issues provide an alarming number of schisms in our body politic. Americans, so often characterized as optimistic and confident in the past, seem upon occasion today to be either confused and ineffectual or driven to positions of extreme. As I said recently at Indiana University, a polarity seems to exist between those who believe the American Revolution ended at Yorktown and those who believe the opening shots were fired in Watts or Chicago last year or this. Too few believe America, like a species or piece of land, is in a constant state of evolution. America began and is continuing; it did not stop evolving 200 years ago nor did it start last year. Confidence and elan, I believe, will be restored only when reasonable men can accomplish systematic modification of our institutions in a responsible manner.

Perhaps one can see this new spirit on the campus in some of our better, more concerned students. Of course we're repelled by the gross exaggeration, of course there is a great deal of posing and grandstanding . . . but discounting all of this I perceive a substantive point of view about science that we in our laboratories have seemingly overlooked. Our better students seem to remind us that the virtues of commitments have been too long repressed; that the cult of detachment has been carried to extreme. "In the beginning," the young seem to say, "was the deed." Not rational thought, but the deed. As Champ Ward of the Ford Foundation put it so well, ". . . reforming moralism has replaced cultivation of the intellectual virtues."

One doesn't have to agree with all aspects of this new spirit of some of our more concerned young activists. But we dare not ignore them. They are not wrong. They are not all right either. But many Americans today believe that commitments and detachment are not opposite values, and that in general the science community has tended to emphasize the latter at the expense of the former.

Each of us here is rightfully shy about mixing morality with our science. In fact, I can think of nothing more destructive than such a combination. After all, modern science didn't really begin until it escaped from the dogma of theology and politics.

And yet it is this difficult combination of commitment and detachment that seems to be what society is asking us to do today.

We can reject the fringe that asks that every scientist's work be "relevant" (whatever that means), we can reject what might be called the Latter Day Luddites who would disband the science establishment. We can reject these extremes, but dare we reject out of hand the new spirit which implores us to help mankind in what John Platt has called the "crisis of transformation?" (Platt, you remember, frightened us all with, in his words, "a storm of crisis problems in every direction" in his article detailing the S-curve of change facing the human race.)

The challenge to science is not from Twentieth Century Know-Nothings. It is from the most sensitive, most thoughtful members of our society—a challenge to the scientist to become more involved in the affairs of mankind, to somehow increase the efficacy of science for the survival of man.

We are in a decade of transition and what will finally evolve is as hard for me to perceive as it is for you. I do know that the rate of change—and its potential for good and ill—is accelerating at a rapid pace. We can only dimly perceive the kind of society we will have a decade or so hence. But we can see the directions of change. The issues moving to the fore in our time have in common a concern with the quality of life, and I believe we are moving into an era in which the quality of life for every citizen will move far ahead of the gross national product as the measure of our well-being. Increasingly some of the classical views of property may be modified, giving way to the view that resources are not free for the taking but belong fundamentally to all the people. Increasingly this will mean that technological innovations are not automatically considered improvements. Nor will the marketplace be a sufficient test of their value. We will demand that technological innovations—both in use and in the process by which they are created—enhance the public good. Or, to put it more accurately, we will demand that they function with the least possible hazard to ourselves and the environment.

The future of science unquestionably will influence these new attitudes. But what is the meaning of this new spirit to the scientific community? It means, I believe, that in addition to the existing bases of justification for science, there is an emerging rationale which views science as a more positive instrument for the humanistic progress of our society than before.

I have described some aspects—however murky they may seem—of what might be called the "new realities" and suggested that during a transitional period the science community will have to evolve intelligent responses to these new developments. But more specifically, are there modifications in attitudes and actions which biologists might well consider as being responsive to the new world we apparently face?

I think so, although I hasten to add that I merely sketch possibilities and have no intention of describing categorical patterns.

First and foremost—and despite the seduction of popular appeal—the scientist must hold fast to those simple truths of scientific methodology, disciplined training, and critical review. If we compromise with these first principles, all is lost.

But there are opportunities to demonstrate our commitment to the new spirit. Let me discuss several possibilities.

As a citizen of our college or university we can strengthen not weaken those ties which make for a community of scholars. Scientists, more than any other academic group, have been accused of giving our highest allegiance to our discipline—or more perniciously, to the granting agency. Some of the students—and I might add younger faculty—are concerned precisely with this point. A good college or university should graciously tolerate the individual who wishes to remain aloof from his immediate academic community, but this should not be the fashionable attitude among the majority of the faculty.

As a teacher of biology and as a participant in curriculum decisions, we can redouble our efforts to relate modern biology to modern problems of society, especially for the nonscience student. Bruce Wallace's course at Cornell, "Biology and Society" is a perfect example of a successful approach. This course also listed as Biological Science 201–202, is given for credit and involves about 48 professors in the discussion sections. The course is divided into five portions: Man's Finite World, the Biology of Man, Man's Diseases, Problems of the Black Community, and Man's Use of Other men. Some of the individual lecture titles sound fascinating: The Social Economics of Conservation, the Biology of Birth Defects. Odyssey of the Unborn, Man's Right to Die, Muddling with Nurture or Meddling with Nature, Sickle-Cell Hemoglobin and the cost of Natural Selection, Cancer: A Population Explosion at the Cell Level. The enrollment is high, good faculty are involved, and no one has questioned the quality of the course.

As a teacher of graduate students, the biologist should give thoughts to possible alternate graduate degrees, underscored by the evidence that most biologists do not pursue research careers. Certainly we wish to encourage advance careers in science, but we owe it to our young people to consider alternatives to the research degree. As barriers between academic, industrial and governmental are reduced and individuals move more freely between them, continuing graduate education of adults can provide in-

dividuals with a level of flexibility now denied them.

As a research scientist, the future role of the biologist should emphasize an increasing sensitivity to society's problems. While acknowledging the central need for fundamental disciplinary work, I believe interdisciplinary research offers unusual opportunities to grapple with the complexity of, for example, environmental problems. There are a number of reasons why scientists are likely to welcome involvement in interdisciplinary research on socially relevant problems. Pollution, health care, population growth, urban development are matters that concern us as citizens, and when opportunities open for connecting one's research interest with a societal problem, an important satisfaction can be added to that of discovery for its own sake. Interdisciplinary involvement, it has perhaps been said too often, also affords exposure to different viewpoints and approaches, and hence to fresh perspectives toward one's own field. And by interdisciplinary, I also include work between the biological sciences. Moreover, while growth of new fields of specialization is not an unmixed blessing, it is a certain sign of progress; new fields of specialization tend to emerge at the interface of two existing disciplines, often as a result of one group of investigators sniffing around in the field of another. Bio-physics and bio-chemistry are good examples.

Some scientists, as a result of interdisciplinary involvement, will have their careers permanently deflected in new and pioneering directions, creating hyphenated sciences as yet undreamed. Others will find that their past and continuing interest jibe neatly with a particular interdisciplinary problem. Others will wisely give only intermittently of their talents and energies to such projects, because essentially these projects are diversions and distractions from their main interests. A great number of scientists, for a great number of sound reasons, will find such research projects wholly inappropriate investments of their time.

As biologists, most of us are also constituents of what might be called Organized Biology—the various associations and groups we have organized over the years. Several of the professional societies have established committees to consider public issues; the Biological Council of the AIBS and FASEB is a good example. These committees, it seems to me, offer a sound method for bringing our collective views before the right public. And yet—and perhaps this reveals my Washington sensitivity—wouldn't this type of professional committee benefit from the appointment of a minority of wise laymen? With active leadership and with the broader perspective of several generalists, these groups might considerably strengthen their impact upon the lay public.

I think too that individual biologists might give increased attention to their role as citizens. In this age of the environment, we are beseiged by what might be termed professional alarmists, individuals—often scientists—who apparently believe our citizenry can be motivated by fear to correct ecological evils. Many suspect, as I do, that this isn't the most rational approach. But one proven method for the individual scientist to contribute to his community is through active participation in local ecological issues. After all, our expert knowledge can be used by our neighbors as well as our students and associates.

If biology's future health depends upon a responsiveness to the new realities, so too must the National Science Foundation. Those realities confronting American science in the 1970's underscore the critical leadership role the Foundation should and must fulfill. I assure you that we are prepared to accept that leadership role—one which will not be passive as long as I am Director.

Clearly and most importantly, the Foundation's future orientation will be built around our primary mission—that of supporting fundamental research and education in the sciences. We intend to ensure that this basic objective will not be distorted and that the resources devoted to it will, to the extent possible, be adequate for the purpose.

Fundamental research is society's soundest investment in the future. Its practicality and utility to the immediate and pressing concerns of everyday life cannot be over emphasized. Fundamental research provides the essential underpinning of our applied science, engineering, and technology. I find few difficulties in relating the most advanced work in virtually every field to some specific human concern. Sometimes I suspect investigators who can't relate their work to some problem identified by the public probably haven't thought enough about their project.

However, in keeping with the Foundation's core mission, we must with equal vigor take cognizance of the emerging priorities of our society and make appropriate policy and program adjustments — "add-on" functions which do not detract from our traditional purpose.

It takes no great insight to see that there will be increasing social imperatives in two pertinent directions: first, to mobilize science toward solutions of environmental and social problems; second, to subject technology to far more careful scrutiny as to its social consequences. Moves in both directions seem likely to result in significant increases in mission-oriented, interdisciplinary research. Interdisciplinary efforts are required to overcome the exceedingly complex problems of the environment and the second-order effects of technology.

Technology assessment is a relatively new concept, and certainly not yet a developed science. The National Science Foundation has begun to sponsor research activities to perfect appropriate methodologies for this very complex subject. We regard this as a fitting role for the Foundation, since it has no mission interest in any of the technologies the studies will scrutinize.

These studies are part of a new program of the Foundation called Interdisciplinary Research Relevant to Problems of Our Society—which forms the unlovely acronym: IRRPOS. All of the research supported by IRRPOS is interdisciplinary, and much of it is focused on the dynamics of human and natural environments. While other federal agencies sponsor studies in specific environmental problems, such as water pollution and pesticides, we are supporting fundamental research on total environmental systems. Again, because the Foundation is not assigned an operating mission, it can concentrate on systematic analysis of alternatives to existing programs of environmental control. One of our aims, therefore, is to provide the fundamental research underpinning required by other federal agencies as the base of their own programs. I expect also that the imaginative new approaches that these Foundation-sponsored studies provide and others such as the International Biological and the International Decade of Ocean Exploration Programs, will stimulate other agencies, both in and out of government, to ask the same kinds of questions about environment and societal problems and to assemble the same kinds of teams to investigate them.

In addition to these interdisciplinary approaches, we plan to initiate several coordinated projects in a disciplinary problem. For example, NSF supports a number of investigators in human cellular biology. If we played a more active coordination role with these investigators, gaps in research activity could be more quickly identified and action taken; research teams on the project might be more easily kept together, and in general there could be a continuity of direction which would further the progress in the area.

I will resist the temptation to outline other new program and policy initiatives. To be sure the Foundation faces challenges on all fronts. I can't promise any quick and dramatic "turnarounds". But, we are moving ahead with a renewed sense of vigor and direction, and in large measure, our success in handling the newer programs will be dependent on the degree of cooperation and support from the scientific community.

In my comments tonight I have presented some highly opinionated views of what I have called the new realities. I have commented too briefly on ways biologists might respond to these developments, as well as what NSF is doing in the near future. But I have not emphasized sufficiently one central point, a point which has been in the background of everything I've said this evening.

If you believe we are entering a transitional decade which will produce a substantial humanization of many aspects of our society . . .

If you also believe science will play a decisive part in achieving man's needs and aspirations . . .

If you believe this, then for me it follows that scientists must convince the public, or more exactly the many publics of America, that they can effectively respond to society's wishes. In the final analysis, informed laymen, sensitive to the public, make the crucial decisions affecting the general health of science.

This, then, is not the time for the silent scientist. This is not the time to be content to write only for our learned societies, to talk only with our colleagues, to be concerned only with our work in the laboratory and the classroom.

As scientists, as biologists we have a heavy responsibility, a promise to keep with our fellow men. Our covenant is to provide a better world for all its people. We dare not violate that covenant; we dare not forget our purpose of serving.

In the years ahead, as we face accelerating change, I am confident we can accept the challenges of the new realities, and achieve a new level of service in accord with man's best hopes.

EDWARD H. ZIEGNER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. JACOBS. Mr. Speaker, Edward H. Ziegner, political editor of the Indianapolis News, rates the Opposite-of-the-1948-Pollsters Award of 1970.

On September 9, 1970, Mr. Ziegner wrote:

This could be the closest Indiana Senatorial election since 1962, perhaps even a Perils of Pauline cliff-hanger.

History has recorded that Mr. Ziegner's radar political climate prognostication turned out to be uncanny in its accuracy.

SIMAS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. HOWARD. Mr. Speaker, I would like today to introduce two very pertinent items into the RECORD, in order to bring to the attention of my colleagues, regarding the tragic affair of the refusal of the Coast Guard ship *Vigilant*, to grant political asylum to a Lithuanian sailor.

This action is a shameful blot on the American conscience—to think that the capital of the free world should be so heartless and inconsiderate of a man's life is incomprehensible.

I am glad to note that the House Committee on Foreign Affairs, Subcommittee on State Department Organization and Foreign Operations, is today beginning hearings on this matter, and was pleased also to note that the President has publicly deplored this act.

More can be done, however. The first item I would like to insert is the editorial from this morning's Washington Post, entitled "Simas," which I believe offers the best suggestion for restitution for this dreadful incident. That is: the President should personally intercede and request permission for this man, Simas, and his family to come to the United States as free persons.

The second item I would like to include in the RECORD today is a letter from my constituent, Mr. Juhan Simonson, who is secretary of the New Jersey Council of Estonian, Latvian, and Lithuanian Americans, and expresses the outrage of that organization over this incident. I feel their outrage is justified, and hope these items will be of interest to my colleagues in apprising them of the depth of feeling over this tragedy.

The editorial and letter referred to follows:

SIMAS

No more sickening and humiliating episode in international relations has taken place within memory than the American government's knowing return of a would-be Soviet defector to Soviet authorities on an American ship in American territorial waters off Martha's Vineyard last week. Here was a man, known only as "Simas," who had jumped across 10 feet of open water to a Coast Guard cutter (named Vigilant), which a Russian ship was approaching for fishing talks; who asked for but was denied political asylum because of an unbelievable breakdown in judgment and compassion on the part of both the State Department and the Coast Guard; who went down on his knees in prayer and then fought with his fists to be kept from being dragged back to the Russian vessel by Russian crewmen; who was given not a word or a gesture of assistance from the Americans who for hours witnessed his struggle; and who was finally rowed back, bound, to captivity and to God knows what other misfortune by *American* sailors in an *American* "lifeboat." The mind closes, the heart clogs at contemptation of this fantastic parable of our times. It is a profound stain upon every person who, by omission or commission, had a role in it.

Of course the President ordered an investigation, which evidently is not to be made public, but a more hollow one could not be imagined. For what is required is not just the usual kind of inquiry whose concludes, if it is not more or less a whitewash, that certain procedures which should have been followed were not followed and that various individuals examining themselves, a deep look at the values and the condition of our society, whatever it is that allows a man's freedom, if not his very life, to be sacrificed needlessly, carelessly, by an unfeeling bureaucratic machine.

Moreover, we believe it to be appropriate politically and essential morally for President Nixon to make a direct intercession with the Soviet Union for the release of "Simas," and his family. The American government's embarrassment should not be allowed to obscure the Soviet government's fundamental duplicity in inventing a criminal charge against the sailor in order to balk his defection and then seizing him against his will. The collective shame and indignation of the United States can be of no help to that poor man unless it is expressed in a specific urgent plea for his liberty.

NEW JERSEY COUNCIL OF ESTONIAN, LATVIAN, AND LITHUANIAN AMERICANS,
Lakewood, N.J., November 29, 1970.

Hon. JAMES J. HOWARD,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HOWARD: According to a news story "Russians Seize Defector Aboard Coast Guard Ship" on page one of *The New York Times*, Sunday, November 29, 1970, the United States Coast Guard recently handed over to the Russians, in violation of the Geneva Convention protocol on political asylum, a Lithuanian seaman who had sought political asylum on the U.S. Coast Guard cutter "Vigilant" near Martha's Vineyard. According to eye-witness reports, the Lithuanian seaman was beaten unconscious by the Russians aboard the U.S. vessel.

We urge you to contact the United States State Department and the United States Coast Guard to obtain clarification concerning this situation. We also urge you to speak out on this brutal incident on the floor of the House of Representatives.

We, New Jersey residents of Baltic descent, are distressed and we deplore this horrible human tragedy that occurred near the shores of the United States.

We urge you to do everything you can to help bring justice to this shameful national affair. Please inform us of the results of your actions.

Thank you.

Sincerely yours,

JUHAN SIMONSON.

NIXON TO HONOR MASSACHUSETTS GIRL

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, it gives me great pleasure and a feeling of pride to bring to the attention of the Members a young lady from Canton, Mass., which is in my congressional district.

Miss Maxine Lazovick who is presently a junior at Lesley College was today honored at the White House and presented with the National Young American Medal.

I am attaching an article from the Boston Herald Traveler which outlines many of her accomplishments over the years.

It is young people like Miss Lazovick who make us proud of our country and the caliber of youth it is capable of producing even in these troubled times.

Here is an example which can and will be followed by many of our youngsters who strive for a better world. My heartiest congratulations go out to her. I am indeed proud to represent a district which produces young people of such dedication of purpose and constructive attitude.

NIXON TO HONOR MASSACHUSETTS GIRL

A modest young woman from Canton did not even tell her closest friends that President Nixon will present her with the National Young American Medal at the White House today for community service.

Maxine Susan Lazovick, 20, a Lesley College junior who wants to teach the mentally retarded, is one of four persons chosen by the U.S. Justice Department to receive the annual reward.

At her college dormitory yesterday, a friend said enthusiastically, "Oh, terrific," when told of the honor bestowed on Miss Lazovick. "She didn't say a thing about it to us," the girl said. "She wouldn't tell us anything like that. I guess she is modest."

A conscientious dean's list student, Miss Lazovick left last night for Washington, D.C.

The only daughter of Mrs. Edith Lazovick and the late Abraham Lazovick, she was chosen to receive the award for her service to the community of Bridgeport, Conn., where she lived before her father's death.

In her senior year at Bridgeport Central High School in 1968, she was chosen "Girl of the Year" by the North End Girls' Club. That same year she received the Lucille M. Wright Citizenship Award from the Girls' Clubs of America and the Career Key Award from the Reader's Digest Foundation.

In addition to her girls' club activities, she found time to do volunteer work at several mental retardation centers and collected for many fund drives to aid research of children's diseases.

She also is a graduate of the Rodeph Sholom Hebrew High School in Bridgeport where she was a member of the leadership training fellowship. She was salutatorian of her Hebrew school.

Her college activities include being recording secretary of student government and a member of the Emerald Key honor society.

THE FUTURE OF BOXING

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. WOLFF. Mr. Speaker, on Monday I began to include in the RECORD testimonies of witnesses who participated in the informal congressional hearing which my distinguished colleague (Mr. BIAGGI) and I held on the future of boxing. Today, I would like to conclude this series:

THE FUTURE OF BOXING

Because of a commitment elsewhere, I will be unable to attend your informal hear-

ing on boxing's future on November 9, 1970. However, I do want to state briefly my opinon on the future of boxing and its regulatory requirements.

Some years ago, on the occasion of a formal Congressional inquiry into boxing, I stated in a letter to the sub-committee's chairman that I was in favor of national control of the sport. I also made it clear, at that time, that I was writing as an individual and not in my position as president of the Boxing Writers Association. The posture of individuality is assumed again.

However, my attitude toward boxing, toward the establishment of a Federal agency, has undergone revision. I no longer believe that there is a need for a national law to regulate the sport because boxing is dwindling to a point at which it is virtually nonexistent. It neither deserves nor requires Federal intervention, though, heavens knows, it is not without its dark sides. But national regulation would be a redundancy.

There are now in existence State and city commissions in most States. In many instances these regulatory bodies are virtual nullities because they have nothing to regulate. Public funds are expended fruitlessly. To enlarge this counter-productive system nationally approaches the absurd.

I do believe, however, that an informal inquiry such as yours serves a purpose, if only to keep those few brigands who still exist in boxing on their toes. In this regard, I wish you success.

Sincerely,

BARNEY NAGLER, *Sportswriter.*

STATEMENT BY BERT RANDOLPH SUGAR, PUBLISHER, BOXING ILLUSTRATED MAGAZINE

It is most appropriate and fitting that you selected this date—November 9th—for the informal Congressional hearing, for just five years ago today the lights all over the East dimmed and went out. And boxing's lights have been dim for the intervening five years—but its future is bright.

It's very "in" and knowledgeable to say that "boxing is a dying sport." Everyone says it, and like all cliches, it is repeated and repeated and repeated.

In fact, the person who authored the line isn't even a contemporary. He was Pierce Egan and he uttered it back over 200 years ago after the defeat of Jack Broughton in 1750. So, for accuracy's sake, we can say that "boxing has been a dying sport" for over 200 years.

But the phrase really caught on after the "Fight of the Week" was removed from television and it was felt that the combination of economic, sociological and electronic forces were going to bring boxing to its collective knees. The small clubs were doomed, the television procurers had milked all they could from the sport and cast it aside for their new love-affair—football; and the underprivileged no longer felt their only hope for elevating themselves in society was in the ring. Or, so said the doomsayers.

So, what has happened in the years since we last heard those famous and exciting words "The Gillette Cavalcade of Sports is on the Air" . . . and a little parrot began calling out for you "to look sharp, feel sharp and be sharp" and Don Dunphy's voice intoned the excitement of the battle in the ring? As Al Smith used to say: "Let's look at the record!"

Well, for one thing, attendance is way up. Those attending boxing matches have grown in number almost 20% in the last five years, with more than two million people crowding into arenas in the U.S. alone in 1969 to watch boxing. Not even baseball can match that rate of growth. And boxing outdrew the total attendance of the American Basketball League last year, according to a "Survey on Sports Attendance" made by Triangle Publications. How's that for a "dying" sport?

And, a Nielsen Television "Look at Sports" shows that among 29 televised sports events surveyed in the 1968–69 season, boxing placed fifth, outdrawing the average television audience watching the college football bowl games, the regular season NFL games, the regular season major league baseball games, National Hockey League games, the Olympics, the Triple Crown horse races, and just about every other sporting event except for the Super Bowl and the World Series. Not bad for a "dying" sport!

And these figures are for the United States alone. When you take the fact that formerly all of the champions were American and now no less than 8 of the 10 champions are non-Americans, you can see why boxing has a world-wide interest that has never manifested itself before.

And, as one final indicator of the sport's health, we'll look at the number of clubs opening up in small places like Portland, Maine; Victoria, Texas and elsewhere.

All of this, coupled with the 21 title fights held last year (almost twice the number of title fights held back in 1923—the height of "The Golden Age of Sports" and the year of the Dempsey-Firpo and Leonard-Tendler clashes—could it be that they were so remembered and cherished because there were so few title fights then?), indicates the overall health of boxing.

You can judge for yourself whether "boxing is a dying sport."

As Mark Twain said: "Reports of (his) death have been greatly exaggerated." So are boxing's. If it's dying, I've never seen so healthy a corpse!

And boxing's health can be preserved by the establishment of a National Boxing Commission to oversee the sport on a national basis and to establish uniform standards, inspection guidelines, medical measures and pensions, and not least of all, rankings, ratings and champions. For if boxing is healthy, it is, nonetheless, in a state of chaos, and needs the assistance that might be provided by these hearings.

Received your invitation to the Congressional hearing on the matter, what can be done to insure a better future for boxing.

I will not be able to attend, I would however like to submit herein some recommendations, which would be as follows:

1. Appointment of referees and judges on the bases of his experience and background in boxing.

2. Assignment of referees and judges should be on a rotation basis.

3. Have clinic sessions (referees & judges) twice (2) a year.

4. Compensation for referees & judges officating is inadequate.

5. Boxing Comm. should support his officials.

6. Eliminate incompetent referees and judges.

Sincerely,

JOSEPH F. SCALZO,
Fight Referee.

U.S. RAIDS INTO NORTH VIETNAM: WAS THE CAUSE OF PEACE REALLY SERVED?

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. MATSUNAGA. Mr. Speaker, in our effort to disengage ourselves from the conflict in Vietnam, we must judge each of our military and diplomatic moves by the application of one overriding criterion: Will it serve the cause of peace?

The recent raids into North Vietnam by U.S. bombers do not inspire an immediate affirmative answer when measured by that yardstick.

In a thoughtful editorial, the Honolulu Advertiser recently reflected on these recent raids, finding that they raised grave doubts about the judgments involved.

For the benefit of my colleagues and other readers of the RECORD, I submit that editorial for inclusion at this point:

A FLAIR FOR DANGER

There are very grave implications in the U.S. raids into North Vietnam.

The Nixon Administration might not have a flair for the dramatic since that implies a mixture of style with daring. But it does have a flair for the dangerous, both in terms of diplomatic fallout and in terms of risking lives for dubious reasoning.

Beyond everything else, there is a certain implied arrogance in any such raids, an assumption that we have a right to blast another nation as we have North Vietnam.

But even if it's possible for many to rationalize the morality, that still leaves the practical aspects. The national judgment over two years ago—as reflected by President Johnson's actions—was that the bombings were counterproductive:

They were a sign of seemingly endless and pointless escalation of a war that would never be won; they helped the enemy rally support at home; and they hurt the U.S. image in the world, as well as among our own people.

The weekend air raids had a Cambodia-invasion aspect about them, in that different rationales came out of Washington. As with Cambodia, any real result in relation to the outcome in South Vietnam will be subject to debate.

Moreover, the Communists are still capable of forms of dramatic terrorism; if this is in answer to their rocket attacks, we may be escalating one of war's most inhumane aspects.

The helicopter-borne raid right into a prisoner of war camp near Hanoi is a related but separate aspect which suggests somebody has been watching too many World War II movies on late TV.

Had it succeeded, it would have been hailed by many as a dramatic rescue of some (but far from all) Americans from imprisonment and perhaps (but not absolutely certain) bad treatment.

Since it failed as a rescue mission, it may now be denounced by the Communists as an "invasion" attempt and questioned in terms of what restrictions it may bring American prisoners.

Like the bombings, it is a case where the "tough" hawks will denounce the "soft" doves for being scared of taking "needed risks" for "peace." Unfortunately, the Vietnam war is a history of such risks, with no peace in sight.

Thus the U.S. has added a new "first" to the long line of others in Indochina. History may make the real judgment, but meanwhile we will carry the burden.

Whatever happens in Indochina these days must be judged against what President Nixon has stated is the basic U.S. policy.

The Nixon Doctrine, which calls for a pullback of U.S. military manpower commitments in Asia and elsewhere, is discussed in an article on this page.

It is neither easy nor uncontroversial in its assumptions. But at its best the Nixon Doctrine is, as the article states, an effort to

get down from the tiger of trying to be the world's policeman—a form of gradual deescalation.

Allowing that there will be changes of pace, many still feel the Nixon Administration has been going too slowly with its disengagement—that it is still using American lives to pay for the forlorn hope that Vietnam will somehow turn out all right, or at least that failure will be held off till after the 1972 election.

Such is the state of the Paris peace talks that our new raids probably won't hurt much there; at this point, another missed meeting is hardly the problem.

Still it is much easier to see the dangers of getting sucked back into a bigger war than it is to see any contribution towards realistic peace out of the weekend events.

ON CAPITAL PUNISHMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. RARICK. Mr. Speaker, Capital punishment—the imposition and execution of the sentence of death—is a problem inherent in civilization. Disagreement and debate over the propriety of such sentences and the method of execution is neither new nor unique to this country. Both proponents and opponents of the death penalty freely invoke arguments rooted in ethics, religion, morality, and utility, among others, in support of their diametrically opposed positions. And recently the U.S. Supreme Court has given dignity to a new argument—whether the Constitution permits capital punishment, and if so, under what circumstances.

A brief summary of the arguments pro and con seems to indicate that abolitionists are long on theory while realism preponderates among those who would retain capital punishment. If it is morally or ethically wrong to take human life, then to do so in the name of justice does not make it right. If the ultimate objective of our civilization is enhancement of the dignity of the individual, then the sanctity of human life has high moral value. Hence, the crowning indignity to the worth of an individual is the deprivation of life itself. Thus go the preponderance of the moral arguments.

The religious argument is basically available to either view. "Thou shalt not kill" or "An eye for an eye"—take your choice.

Human fallibility, the possibilities of error, and the irreversible consequences of execution are strong arguments in the arsenal of the abolitionist. Finally, and part of the most recent branching of the liberal egalitarian philosophy, is the theory that only the poor, the friendless, the minorities subject to discrimination, are actually executed—that the application of the punishment is inherently unequal.

On the other hand, the antiquity of capital punishment, proof positive of its preventative effect in the case at hand and a strong and continued assumption of its deterrent effect, and the want of a better practical solution to the maintenance of "law and order" and the protection of society from the criminal depredations of its dissidents and disrupters are the strongest arguments of those who oppose abolition. Often urged also is argument that unless society itself becomes the appropriate instrument of "vengeance" in emotionally charged crimes, the chain reaction of vendetta will cause impossible social disruption. For instance, who would write insurance on the life of the paroled, convicted killer of either Robert F. Kennedy or Martin Luther King?

The next problem is the burden of proof. As a practical matter, those who seek change in anything usually must prove their case, while the defenders of the status quo need only remain unconvinced. In the emotionally charged atmosphere of capital punishment against the sanctity of human life, it is argued that the burden should shift; that the terrible and final effect of death is such that life should be taken only if there is no possible alternate solution. The debate then degenerates to an emotionally charged deadlock, with believers of each cause loudly demanding that their opponents prove their case.

In such a state of affairs the theory of our system of government, with the division of powers between the executive, legislative, and judicial branches, clearly fixes the forum for debate as the legislature. This location of the forum, of course, also settles the question of the burden of proof. He who would change the law must first convince a working majority of the legislature to enact the change—in this case, to repeal capital punishment.

The public at large, responsible in the final analysis for the selection of those who make up the legislatures also becomes a forum, since if the people be convinced their legislature will be responsive to their desires. Thus the task of the abolitionist is massive—either to convince the Congress and the legislatures of all 50 States—or to find another method of bringing about the change which they desire.

The Constitution of the United States becomes immediately of interest as a possible method of approach. Under its supremacy clause, abolition on a Federal constitutional basis would mean abolition everywhere—State and Federal. But the ease of this solution carries within it another problem. It would be necessary to generate massive legislative action to bring about constitutional amendment. Congress and the legislatures of at least 36 States would have to be sold on abolition, an unlikely prospect at the present time.

There is, however, an attractive alternative. If the Supreme Court were to judicially amend the Constitution by an enlightened construction of one or more of its existing provisions—and any five justices could do this—the supremacy clause would immediately abolish capital punishment in all jurisdictions. To restore it anywhere would require clarifying amendment of the Constitution, placing all of the burden of amendment on the proponents instead of the opponents of the death penalty.

Since only 13 State legislatures have been persuaded to abolish capital punishment—and 4 of them retaining it under special circumstances—the deliberate and effective use of the courts generally and of the Supreme Court of the United States, rather than the legislative branch, has been adopted by abolitionists as the preferred method of accomplishing their objective. The fact that only 10 executions have been carried out since 1964, the last one in 1967, while the count of those sentenced to death but not executed approaches 500, is a real measure of the success of this approach.

The planned coordination of the legislative and judicial approaches to abolition is well illustrated in recent writings on the subject by well known abolitionists. One gentleman, deploring the reluctance of the Supreme Court to accept the argument that enlightened sociology and psychology now demand that capital punishment be included among the cruel and unusual punishments prohibited by the eighth amendment, suggests that more reliance be placed on the due process clause of the 14th amendment, to which he feels the Court is more amenable. In the same article it is suggested since laws permitting the burning of witches were repealed only after they fell into disuse, abolitionists must use every possible legal means to prevent executions, while at the same time redoubling efforts in the legislative fields in all jurisdictions.

A contemporary writing by the head of a prominent tax-free enterprise boasts of its success in obtaining from U.S. district courts in Florida and California blanket stays of execution for 138 convicts sentenced to death, while litigation of alleged denial of constitutional rights to a few went forward.

This particular organization caters primarily to Negroes, and consequently argues that capital punishment is inherently unconstitutional as applied to Negroes because the percentage of them convicted of capital crimes, sentenced to death, or executed is distinctly out of proportion to their percentage in the population. The statistics are unquestionably correct, but the proponents of this type of sociology conveniently ignore the equally available and equally unquestionable figures showing the distinct preponderance, far in excess of their relative numbers, of members of the Negro race both as perpetrators and victims of capital felonies.

In the 39 jurisdictions providing for capital punishment, the most common method of execution is electrocution, used in 20 States and the District of Columbia. Lethal gas is the method used in 10 States, while hanging is the practice of the remainder. Utah uses either hanging or shooting, while the United States, having no execution facilities of its own, utilizes the method and facilities of the jurisdiction where the execution occurs.

The crime most commonly punishable by death is murder, followed by such other felonies inherently dangerous to human life as kidnaping, rape, armed robbery, burglary, train-wrecking, arson, dynamiting and, almost as an oddity, perjury in a capital case.

The number of executions has steadily declined in recent years, primarily due to extended litigation. Judicial review of the conviction and sentence are not only extensive, but a great variety of post-conviction proceedings have developed in all jurisdictions. Finally, State avenues exhausted, it is customary for allegations of constitutional deficiencies in the conviction or sentence to be lodged in the Federal courts and appealed ultimately to the United States Supreme Court. As a result, it is not uncommon for a conviction to come at least twice to the Supreme Court, as did the Witherspoon case, and to have the conviction finally reversed after having once before been found good by the same Court, and for facts existing at the time of the original action on the case.

Despite the growing number of convicted occupants of death row, it is probable that there is a reduction in death sentences imposed and a probable increase in commutation of such sentences actually imposed, both due to the legal obstacle course which such sentences must run. Prosecutors are certainly more prone to clear their dockets by arranged pleas in such a manner that there is a noncapital disposition of a charge, knowing that the end result will be noncapital in all probability, even if there should be a death sentence. Trial judges, well aware of the facts of life, certainly take this particular fact of life into consideration in either approving guilty pleas, waiver of trial by jury, or in actually imposing sentence where the choice of a capital or noncapital sentence lies within the power of the judge. It is very probable that jurors, individually and collectively, follow the same process of reasoning when decision between a death sentence which will probably not be executed and imprisonement for a term of years lies in their hands. Finally, Governors and other officers exercising the authority to commute such death sentences to terms of imprisonment have been known to base their decisions on the administrative problems and other difficulties inherent in a prisoner sentenced to death who will probably never be executed. The analogy to the witches seems to be working quite well.

The obvious direct constitutional attack on capital punishment, as previously mentioned, lies in the eighth amendment. The Supreme Court has already held this provision, at first plainly intended as a restriction only on the Federal Government, applicable to the States through the due process clause of the fourteenth amendment. Guidelines for determining whether or not a particular punishment is prohibited by this amendment have been laid down cautiously by the Supreme Court and by other appellate courts. While it has never been seriously suggested by an appellate court that capital punishment in itself is either cruel or unusual, the precise definition of what these words may comprehend is a question older than the amendment itself.

The actual language of the amendment is:

> Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

When first debated in Congress, immediately after the adoption of the Constitution, and as a part of the "Constitution package" to immediately provide a Federal bill of rights, two Members of Congress took exception to the wording of the proposal. One "objected to the words 'nor cruel and unusual punishment,' the import of them being too indefinite." The other leveled similar criticism at the entire amendment:

> What is meant by the term excessive bail? Who are to be the judges? What is understood by excessive fines? It lies with the court to determine. No cruel and unusual punishment is to be inflicted; it is necessary sometimes to hang a man, villains often deserve whipping, and perhaps having their ears cut off; but are we in future to be prevented from inflicting these punishments because they are cruel? If a more lenient mode of correcting vice and deterring others from the commission of it could be invented, it would be very prudent in the Legislature to adopt it; but until we have some security that this will be done, we ought not to be restrained from making necessary laws by any declaration of this kind.

Although whipping is still practiced, apparently with appropriately deterrent effect in one jurisdiction, it does not require much clairvoyance to predict the interpretation which courts would place today on a criminal penalty which involved cutting off the ears of a villain. The result would be equally predictable if a sentence to death by burning were to confront the eighth amendment, although the last such execution by fire took place, quite legally, in 1825.

The Supreme Court held in 1910 that:

> It is the law that "cruelty" is to be defined not in terms of the excesses existing when the term was inserted in the Bill of Rights, but rather in terms of the contemporaneous condition of society.

Plainly, definition of the word "unusual," which inherently has a time base, would be held to be in terms of contemporaneous usage. Hence the death sentences relatively common in times past, although not necessarily in America, providing for execution by such ingenious devices as disembowelment, boiling in oil, or dragging by horses, and some methods of execution in use in other nations at this time, such as stoning, strangling, or even beheading, would probably not withstand an attack as cruel and unusual under the eighth amendment. The general rule developed is that the punishment should not be such as to shock the general conscience, violate the principles of fundamental fairness, be greatly disproportionate to the offense, or exceed any legitimate penal aim.

Generally such guidelines for civilized times in a relatively law-abiding community cannot be ground for serious objection. They clearly prohibit such situations, however, as the ironic practicality of the French court-martial, sitting at old Detroit in frontier days. Having convicted an officer of selling gunpowder to the Indians, which offense altered the local balance of power to the great detriment of the French garrison, it sentenced him to death. The sentence, however, was not to be carried out by shooting as would have been the normal method, but he was sentenced "to have his skull beaten in by musket butts, there being a shortage of gunpowder."

The role of the Supreme Court in the current efforts to abolish capital punishment should be considered both in the direct and indirect results of its decisions in particular cases before the Court, and in its approach to "de facto" rather than "de jure" abolition. Frequently, having noted the direction in which the Supreme Court majority has indicated that it would like to move in a proper case, a subordinate court will grab the ball and run with it when what appears to that court to be the proper case, comes before it. Thus there develops a natural process of "amplification" or guessing what the Supreme Court is apt to do with a particular case if it is appealed. Sometimes the hint is given by a strong dissent, or by a concurring opinion. This process is most apt to occur when counsel who are thoroughly familiar with the prior action of the Supreme Court, having quite possibly participated in the case, also appear in the new case. They are in particularly good position to grind their ax anew, and to build a body of case law from a series of decisions.

At the same time, if the appropriate legislature repeals a death penalty, or the appropriate court flatly outlaws it as constitutionally prohibited, there has been abolition "de jure" or by law. On the other hand, if the courts, through a decision or a series of decisions, leave the laws untouched, but simply place such obstacles in the way of their enforcement as to render them practically invalid, the result is the abolition of capital punishment "de facto" or in fact. The decisions of the Supreme Court of the United States have followed both routes. In the Jackson case the death penalty provision of the Lindbergh Law was declared unconstitutional as violative of the fifth and sixth amendments—abolition "de jure"—as a matter of constitutional law. In the Witherspoon case a death penalty for murder was disapproved in such a manner, and the guidelines for the imposition of simliar punishment so strictly redrawn, that as a practical matter the criminal procedures existing in most jurisdictions will make it impossible to effectively impose death sentences—abolition "de facto"—as a procedural matter.

THE JACKSON CASE

The Federal Kidnaping Act, popularly known throughout the country as the Lindbergh Law from the atrocity which inspired its enactment, provides:

"Whoever knowingly transports in interstate . . . commerce, any person who has been unlawfully . . . kidnapped . . . and held for ransom . . . or otherwise . . . shall be punished (1) by death if the kidnaped person has not been liberated unharmed, and if the verdict of the jury shall so recommend, or (2) by imprisonment for any term of years or for life, if the death penalty is not imposed.

The law thus denounces a Federal crime—kidnaping in interstate commerce—normally punishable by a term of imprisonment, but capital under certain conditions. Both of these conditions must exist for the capital penalty to be invoked: the victim must not have been liberated unharmed, and a jury must recommend death. It should be apparent that Congress made a great effort, for one reason or another, to hedge the capital punishment provided with specific safeguards. The law was enforced for some 34 years, including six executions under its provisions. Congress has never seriously considered any change in the penalty, and there certainly has been no public clamor for any such action. Quite the contrary was the case when the Lindbergh law was originally enacted.

In the early 1930's the Nation was beset with a crime wave not totally unlike it is witnessing in the late 1960's and early 1970's. Aside from organized crime resulting from prohibition law, the principal offenses consisted of bank robbery and kidnaping for ransom. The heigh mobility of criminals, the jurisdictional problems resulting from movement across State lines, and an unmistakable public demand that effective action be taken to restore order resulted in consideration of Federal action, possibly under the commerce clause. At this time, the infant son of a national hero, Col. Charles A. Lindbergh was kidnaped for ransom and killed by the kidnaper. Public outrage was real and public demands for action were plainly heard in Washington. Congress acted.

The problem, and the solution of the problem, can be regarded as models of legislative response to constituent desires. It was thought that a Federal kidnaping law would serve as a deterrent to such crimes, and that Federal action would result in more effective enforcement since there would be no jurisdictional problems. Such a bill was promptly introduced. Although all States had laws against kidnaping, none of them made the offense capital. There was a strong demand that the Federal law make kidnaping punishable by death. There were equally strong and cogent arguments against making the crime capital. In addition to the ethical and moral considerations there was the practical argument that making the offense capital would protect the victim, but would positively endanger his life. Facing a death penalty, it was argued that the criminal would simply eliminate the witness who would send him to the chair.

Against this very standard background of legitimate disagreement there was a problem of practical politics. The House was inclined to approve capital punishment, but the sentiment in the Senate was strongly against any death penalty in the proposed law. Representatives were concerned that insisting on a death penalty would result in the Senate failing to pass the bill prior to adjournment, so the legislative compromise was a new Federal crime bill, but with the maximum penalty life imprisonment. This is the proper method of resolving differences of this sort in our system of government.

Almost like a textbook situation, in 1934 the new Senate had lost its previous opposition to capital punishment. The passage of time, possibly communication with constituents, and perhaps even the intervening elections brought about this change in attitude. In that year, the House of Representatives, presumably still hearing from constituents, saw that the time was appropriate to increase the penalties under the Lindbergh law, and the present highly conditional death penalty resulted. The matter was closed—the national kidnaping emergency was abated—and the law remained in effect and was effectively enforced until 1968.

The repeal of the law, like its enactment is a function of the legislature—in the case of Federal law, of the Congress. But in this case, this legislative action was taken by the Supreme Court—and the reverberations from the action are just beginning to roll. The Supreme Court held that the capital punishment provision of the law was unconstitutional, and by the reasoning of its decision cast serious doubts on the validity of many other capital punishment laws and sentences of death from other jurisdictions in the country.

Under this law, a death sentence could result only from the recommendation of a jury. No jury, no death sentence. It was as simple as that. If a defendant charged with kidnaping in interstate commerce and not releasing the victim unharmed wished to avoid the death penalty all he had to do was avoid the jury. This he could do by pleading guilty, or by waiving his right to trial by jury and asking to be tried before the judge alone, sitting without a jury. For a third of a century it had been supposed that this rationale was a benefit to the defendant.

However, the Supreme Court held otherwise.

Delivering the opinion of the Court, Justice Stewart reasoned that:

In an interstate kidnaping case where the victim has not been liberated unharmed, the defendant's asertion of the right to jury trial may cost him his life, for the federal statute authorizes the jury—and only the jury—to return a verdict of death.

The simple logic which would seem to indicate that the action of the criminal in kidnaping and harming the victim, not in asserting his "right to jury trial" is what might cost him his life, and only then if the jury, hearing the facts thought that all of the circumstances were such that death was a proper penalty, seems to have been missed by the majority of the Court. Its reasoning became involved in the privilege against self incrimination in the fifth amendment and the right to jury trial in the sixth amendment, and reasoned that the total impossibility of a death sentence, no matter how heinous the crime or the abuse of the victim, if the defendant could but avoid the jury, amounted to an encouragement of either a plea of guilty or a waiver of trial by jury—unconstitutional.

THE WITHERSPOON CASE

In 1959, nearly 10 years before the Supreme Court decided his case, Witherspoon shot and killed a policeman in Chicago in order to escape arrest. This was pure and simple murder. Murder is illegal in Illinois—as it is elsewhere. It is punishable by death there as in most of the rest of the Nation.

There was not the slightest doubt about the facts of the case or the guilt of Witherspoon. He was positively identified at the hospital by the dying officer, and later took it upon himself to lecture the police for using such young and inexperienced officers. That murder was done and that Witherspoon did it was beyond question.

He was tried by a jury in Chicago, convicted of murder in the first degree, and sentenced to death.

At his trial he was represented by not one, but three, court-appointed attorneys. After his conviction another court-appointed attorney handled his appeal to the Supreme Court of Illinois. In a lengthy opinion that court affirmed the conviction.

By 1964, some 5 years after the murder of the young police officer, the Illinois Supreme Court concluded the case by its refusal to consider an application for habeas corpus and other post-conviction relief sought by the convicted killer.

With a third court-appointed attorney Witherspoon moved into the Federal forum. His application for habeas corpus was denied by the Federal district court, the denial was affirmed by the circuit court of appeals for the seventh circuit, and the United States Supreme Court denied certiorari. This should have terminated the matter and permitted the execution of Witherspoon.

In 1965 he went back to court in Illinois, alleging for the first time that the selection of the trial jury which had convicted him was improper. By 1968 the case was again before the Supreme Court, which had refused to consider it previously. But this time it struck a responsive chord. It was argued in April and decided in the closing days of the term last June.

The Supreme Court reviewed the conviction for the sole purpose of determining whether the death sentence could be constitutionally imposed by the jury which tried Witherspoon. At the time of the trial, Illinois law provided for the challenge for cause of jurors who stated that they had conscientious scruples against capital punishment, or were otherwise opposed to it. Under this law, the prosecutor challenged for cause

all prospective jurors who expressed qualms about capital punishment. It follows that those jurors who heard the case, and ultimately participated in the death sentence, were chosen from among those persons who expressed no qualms about capital punishment.

The Supreme Court, following the reasoning of its decision in the Jackson case, held that such a jury could not impose a death sentence, since it was composed in violation of both the sixth and 14th amendments. The theory behind this reversal is that exclusion from the jury of persons expressing qualms about the infliction of capital punishment results in a jury which is not representative of a cross section of the community, since it is apparent that many members of the community have such qualms. Justice Douglas wrote a separate opinion, arguing for the reversal of the conviction as well, on the theory that a jury which did not contain members having qualms about the imposition of capital punishment was a "hanging jury," more prone to convict than to acquit, and drew a parallel to a jury from which all women had been excluded.

The closing paragraph of the opinion of the court in the Witherspoon case seems to indicate that the court was far more concerned with capital punishment than with Witherspoon:

> Whatever else might be said of capital punishment it is at least clear that its imposition by a hanging jury cannot be squared with the Constitution. The State of Illinois has stacked the deck against the petitioner. To execute this death sentence would deprive him of his life without due process of law.

Thereafter the Supreme Court reviewed the death sentence imposed by an Alabama court on the killer of another policeman. Again, there seems to be not the slightest doubt of either the identity or the guilt of the condemned man. There was even a confession which the Court found unobjectionable. But it sent the Boulden case, tried long before its decision in Witherspoon, back down to lower courts for determination whether the fact that certain prospective jurors were excluded as indicating reluctance toward the imposition of capital punishment invalidated the penalty under the rule of the Witherspoon case.

Probably the matter is best summed up in the dissents of Justices Harlan, White, and Black to the Witherspoon decision. Harlan wrote, and White joined him:

> If the Court can offer no better constitutional grounds for today's decision than those provided in the opinion, it should restrain its dislike for the death penalty and leave the decision about appropriate penalties to branches of government whose members, selected by popular vote, have an authority not extended to this Court.

Justice Black pointed out the facts in the case, the long history of appellate review with court-appointed counsel, and then came directly to the heart of the matter, declaring:

> If this court is to hold capital punishment unconstitutional, I think it should do so forthrightly, not by making it impossible for States to get juries that will enforce the death penalty.

The Supreme Court might take that advice—we might see forthright de jure abolition prior to material alteration of the make-up of the present Court. Time alone will tell.

TRIBUTE TO A FALLEN AMERICAN

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. RIVERS. Mr. Speaker, the real strength of our country and the best hope for the survival of freedom throughout the world lie in the readiness of brave and loyal men to risk their lives in the service of our country's cause wherever and whenever freedom is endangered. Throughout our history we have been blessed with patriots who possess this readiness in abundant measure. They are the men who have met the challenges that face us. They are the men who possess the dedication, determination, and leadership that enable us to stand firm and to be a great nation.

On the 18th of November 1970, the country lost a man of this quality. He was Lt. Col. William Groom Leftwich, Jr., U.S. Marine Corps. He died while attempting to save others endangered in an area 22 miles southwest of Danang, Republic of Vietnam.

Because he represented the finest qualities of all Americans who have lost their lives in service of their country, and because his career is eloquent testimony to the long, dedicated contribution of so many Americans in uniform, I would enter in the record of this House of Representatives a summary of his service.

I would remind you also as you reflect on this record to remember that it is our grave responsibility to insure that our future actions substantiate the confidence and faith displayed by such fallen American patriots.

William Groom Leftwich, Jr., was born April 28, 1931, in Memphis, Tenn., and graduated from Central High School there in 1949. In 1953, he was graduated from the U.S. Naval Academy, Annapolis, Md. He played football and tennis and was one of three Midshipman Brigade Commanders in his final year there.

Commissioned a Marine Corps second lieutenant upon graduation, he attended the 24th special basic course, the basic school, Marine Corps Schools, Quantico, Va.

From January 1954 until March 1955, he was a rifle platoon commander with the 2d Marine Division, Camp Lejeune, N.C. He was promoted to first lieutenant in March 1955. After completing the supply school, Camp Lejeune, in June 1955, he was transferred to the 3d Marine Division in Japan and on Okinawa, where he served as an ordnance accountable officer.

In June 1957, Lieutenant Leftwich began a tour of duty as 21st Company officer, at the U.S. Naval Academy, and served in this capacity until August 1960 and imparted much of his dedication and sound philosophy to men who would soon be commissioned as officers of the armed services. He was promoted to captain on July 1, 1957.

Captain Leftwich returned to the 2d Marine Division as a company commander until March 1962, then served as aide to the commanding general of the 2d Marine Division until July 1963. Following this assignment, he was transferred to Quantico, Va., as aide to the Commandant, Marine Corps Schools, until August 1964. While stationed at Quantico, he was promoted to major on July 1, 1964.

After completion of the Vietnamese language course at the Foreign Services Institute, Washington, D.C., in December 1964, he was ordered to the Far East as an adviser to the Vietnamese Marines in the Republic of Vietnam. For extraordinary heroism as the senior task force adviser to Task Force Alfa, he was awarded the Navy Cross.

Upon his return to the United States in January 1966, Major Leftwich served in the tactics section at the basic school, then attended the Command and staff College, Marine Corps Schools, graduating as an honor student in June 1967. He was transferred to HQMC, where he was assigned as a system analyst for manpower being promoted to lieutenant colonel on November 7, 1967. In March 1968, he became special assistant and marine aide to the Under Secretary of the Navy, serving two Under Secretaries until detachment in February 1970.

He reported to the 1st Marine Division in the Republic of Vietnam in April 1970 where he was assigned as the commanding officer of an infantry battalion. In July 1970, he was reassigned as the commanding officer of the 1st Division's reconnaissance battalion. He served in this capacity until his death in a helicopter crash on November 18, 1970.

His decorations include: the Navy Cross, the Legion of Merit with Combat "V" and Gold Star in lieu of a second award, the Air Medal with one Gold Star, the Purple Heart, the Vietnamese Honor Medal First Class, the Vietnamese Distinguished Service Order, Second Class, and three Vietnamese Crosses of Gallantry.

Lieutenant Colonel Leftwich was chosen as the outstanding young man of Tennessee in 1965, was nominated by the Marine Corps to the National Junior Chamber of Commerce as a candidate for "Ten Outstanding Young Men in the Nation in 1966."

He is survived by his wife, the former Jane Ferrer of Memphis, Tenn., two sons, William Groom III—born February 11, 1959—and Scott Ferrer—born March 29, 1960. His mother is Mrs. Mattie Howard Leftwich of Memphis. His father is deceased.

William Groom Leftwich, Jr., was a splendid American. His record is one of honorable service and selfless sacrifice, and it is the collection of such records—the cumulative effect of them—that

makes our country a force for peace and freedom throughout the world. We need remember this. We need honor those who so serve. As a nation, we are poorer for their loss.

THE CARSWELL DEFEAT

HON. MICHAEL J. HARRINGTON
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. HARRINGTON. Mr. Speaker, the current issue of the New Yorker magazine contains an article by Richard Harris which I commend most strongly to the Members of the House. "The Annals of Politics" is the first of a two-part article describing how the Senate defeated the nomination of Judge Carswell.

Harris states that:

Of all the actions that President Nixon took during his first two years in office, probably none more clearly revealed the character of his Presidency—the regional and class appeals that divide the nation, the disregard for the Constitutional separation of powers, the embittered relations between the Administration and the Senate, the apparent confidence that the people would sleep through even the noisiest raid on their libertis, and the belief that members of Congress could be counted on to put their own political interest above the public interest—than his nomination of George Harrold Carswell, of Florida, to be an Associate Justice of the Supreme Court.

I agree with Mr Harris. This very thorough piece is an outstanding analysis of the case against Carswell as well as of the dynamics of the broadly based opposition to the nomination:

ANNALS OF POLITICS: DECISION—I

(By Richard Harris)

On the morning of February 25, 1970, Dr. Aaron Henry, a Negro minister and the head of the N.A.A.C.P. in Mississippi, appeared before the Senate Subcommittee on Constitutional Rights to urge that the Voting Rights Act of 1965, which was due to expire in a few months, be renewed for at least another five years. The law was one of the most effective pieces of civil-rights legislation on the books; it had enfranchised nearly a million Negroes in the Deep South and had led to the election of about five hundred black officials there in less than five years. Civil-rights supporters had been working frantically to renew the act, while members of the Nixon Administration had been working just as frantically to revise and, it appeared, gut it. Dr. Henry did not mention that there had been repeated attempts to murder him or that his home had been bombed and burned in retaliation for his work on behalf of Negro equality. But he did speak of what had happened to many other blacks, and a few whites, in the South. "Some of you remember . . . Dippy Smith, a friend of mine who was killed on the courthouse lawn in Brookhaven, Mississippi, as he attempted to participate in the election process," he told the subcommittee. "George Lee was shot down in Belzoni because he would not take his name off the books. None of you can forget January, 1965—at least, I never can—the last time the poll taxes were required as a prerequisite to voting in my home state prior to the passage of this act, and Vernon Dahmer, loyal friend and worker, decided that to be of assistance, because so many people were afraid to carry their poll tax to the sheriff in Forrest County, that he would collect it himself and pay it. This was his crime, and as a result . . . Vernon's house was firebombed, shot into. He died a martyr, trying to make sure that the democracy that we so proudly expound in our country becomes a reality. Certainly I knew all of these men personally and appear before you today in turn that they shall not have died in vain. While the death of these men is directly attributed to their action of voting, many more, some black, some white—Whorlist Jackson, James Chaney, Andrew Goodman, Michael Schwerner—all met death because their activity was devoted to voting rights as well as other general desegregation activity in my home state. And you see, when you have to live with the truth, Andrew Goodman, a young Jewish boy from New York City, a student at Queens College, came to Mississippi at my invitation. I brought him from his mama's house to my house, and the only night that Andrew spent alive in Mississippi was in my bed. We sent him to Meridian the next day, and, of course, they went on over to Philadelphia, where the church had been burned. Coming back home that night, they were arrested, and his mama never saw him alive again."

At the end of Dr. Henry's testimony, Senator Birch Bayh, Democrat of Indiana, who was serving as the acting chairman of the subcommittee that morning, told him, "I have heard a great deal of testimony in the period I have been in the Senate. I never heard any that I felt exceeded yours in its compassionate sincerity." When the session concluded, a few minutes later, Senator Bayh and one of his aides left the hearing chamber, on the second floor of the New Senate Office Building, and headed for the elevator and thence the tunnel leading to the Old Senate Office Building, across the street, where Bayh's suite of offices was. The Senator was still moved by what he had heard, and on the way he kept talking about the quiet bravery of men like Dr. Henry and about how the Administration's attempt to wreck the Voting Rights Act was one more piece of evidence—if any more was needed—that the President was pursuing a "Southern strategy." Finally, as Bayh reached the door of his office, he paused for a moment and muttered, "How can you listen to these stories and then let Carswell go on the Court?"

Of all the actions that President Nixon took during his first 2 years in office, probably none more clearly revealed the character of his Presidency—the regional and class appeals that divided the nation, the disregard for the Constitutional separation of powers, the embittered relations between the Administration and the Senate, the apparent confidence that the people would sleep through even the noisiest raid on their liberties, and the belief that members of Congress could be counted on to put their own political interest above the public interest—than his nomination of George Harrold Carswell, of Florida, to be an associate justice of the Supreme Court. Like many other senators, Bayh had become increasingly troubled, over the five weeks since the nomination had been sent to the Senate, by the conviction that the President's choice constituted final proof that the Administration was indeed pursuing a Southern strategy. The threat that this policy—affronting millions of black citizens—posed to the nation seemed obvious to Bayh.

Far less obvious was what could be done about it. No one wanted to go through another prolonged and politically bruising battle like the one over Judge Clement F. Haynsworth's nomination to the Court six months before, and the mood of the Senate following that was overwhelmingly to accept whatever name Mr. Nixon sent over next. In the view of some senators, the President's second choice was actually an attempt to get the kind of man on the Court he had wanted all along but had feared the Senate would not accept the first time around—that is, someone who would clearly demonstrate that the Administration meant to keep the promises Mr. Nixon had made in the South during the campaign in 1968. It was reported that Attorney General John N. Mitchell had gone over Carswell's record personally and afterward had said, "He's almost too good to be true." It was not reported what he meant by "good," but most Negro leaders assumed that what was good for Mitchell would probably be bad for them and their followers. William Raspberry, a Negro columnist on the Washington *Post*, pointed out that the test of a Supreme Court nominee was whether he was "committed to even-handed justice," and he added, "That is the test that Carswell, on his record, cannot meet. And his failure to meet it is the chief reason he has been nominated." In the view of one leading Republican who finally cast a crucial vote against Carswell, the choice was also an attempt to rub the Senate's nose in the mess it had made of the Haynsworth nomination. "I learned that the Justice Department had rated Carswell way down below Haynsworth and a couple of other candidates," this senator said later. "That made it clear that the choice of Carswell was vengeance—to make us sorry we hadn't accepted Haynsworth—and, at the same time, it was an attempt to downgrade the Supreme Court and implement the Southern strategy. The Attorney General obviously believed that we had no stomach for another fight after Haynsworth, and that we would accept any dog, so he took this opportunity to show his disdain for the Senate. He and a lot of the other fellows downtown seem to feel that they, and they alone, constitute the government of the United States."

Bayh, who had led the fight to block Haynsworth, had little desire for an active role in another struggle like it and even less for the task of actually leading it. "When a bad thing is before the Senate and it has the support of the President, any effort to defeat it has to be immense to succeed," he explained not long ago. "At the time, there seemed no chance that an effort of that magnitude could be pulled off—even though the Carswell nomination was clearly bad—because the senators' mood was 'God, don't put us through that again!' Also, there were other things for me to consider. One was that I had spent eight years here trying to build an image of myself as someone who isn't divisive, who isn't vindictive, who can get along with all factions. If I took on Carswell after having taken on Haynsworth, that could all vanish, because a lot of people would figure I was just out for blood." Despite these reservations, Bayh, along with a couple of other senators, had already gone to considerable lengths at least to keep the door open for an all-out campaign against Carswell, but so far they had concentrated largely on delaying tactics, and neither Bayh nor anyone else in the Senate was prepared at that time to actively lead such a campaign. That morning, though, the testimony at the hearing—and, perhaps even more important, the inevitable comparison of his own courage with that of Dr. Henry, who had fought the same fight not twice but hundreds of times, and not at the risk of his reputation but of his life—pushed Bayh closer to a decision.

That afternoon, Bayh happened to be in the Senate chamber when Senator Edward W. Brooke, Republican of Massachusetts, and

the only Negro member of the Senate, took the floor and said, "I will vote against confirmation of Judge Carswell." Only a handful of other senators were present—Charles E. Goodell, of New York, who had been the first Republican to announce his opposition to Carswell, three weeks earlier; Edward M. Kennedy, the Majority Whip, who was also opposed; and Republicans Mark O. Hatfield, of Oregon, Charles H. Percy, of Illinois, Charles McC. Mathias, of Maryland, and Robert P. Griffin, of Michigan, the Minority Whip, all of whom were known or believed to support the nomination—and each man listened intently as Brooke proceeded to defend his position. Everyone there knew that it was an important occasion, because Brooke, though a rather retiring man for a politician, was an adroit leader when he decided that the time and the issue were right for him to make a move. And, of course, everyone there knew that he had rounded up many of the seventeen Republican votes that were cast against Haynsworth. Brooke had delayed for five weeks before coming out against Carswell, and that delay angered, and still angers, some liberals who felt that the case against the nomination had been compellingly clear at least three weeks earlier.

It appeared that Brooke had not made up his mind to act until he was sure of two things: first, that the evidence against Carswell was strong enough to justify a determined attempt to defeat him, and not just the kind of standard political grandstanding that many senators engage in under such circumstances; and, second, that there was a fair chance that an impressive number of senators, at least a third of them, could be rounded up to show the black and the young people in the country that their demands were understood. Without such support, it was said, Brooke felt that he could not oppose a President of his own party twice in a row on a Supreme Court nomination without losing whatever influence he had with the White House.

Brooke's argument against Carswell that day was based on matters that had come to light about the Judge since he was nominated, on January 19th. The first of these was a speech that he made, on August 2, 1948, before a meeting of the American Legion while he was campaigning for a seat in the Georgia legislature. In that speech, Carswell said, "I am a Southerner by ancestry, birth, training, inclination, belief, and practice. I believe that segregation of the races is proper and the only practical and correct way of life in our states. I have always so believed, and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people. . . . I yield to no man as a fellow-candidate, or as a fellow-citizen, in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed." Immediately after the speech was turned up, two days after his nomination, Carswell went on television and said, "Specifically and categorically, I denounce and reject the words themselves and the ideas they represent. They're obnoxious and abhorrent to my personal philosophy." Carswell also explained that the speech had been made in the heat of a political campaign, that he had been only twenty-eight years old at the time, and that he had actually been the more liberal candidate in the race, which he had lost because of that. In the hearings on his nomination conducted by the Senate Judiciary Committee for five days at the end of January and the beginning of February, Carswell repeated his repudiation of the 1948 speech. Senator Philip A. Hart, Democrat of Michigan, who was perhaps the committee's gentlest and also most incisive cross-examiner, then asked Carswell whether he had believed what he said at the time.

Of course, that was like asking the Judge to choose between saying he had once been a liar and saying he had once been a racist. "I suppose I believed it," Carswell replied, and went on to say that it was entirely alien to his present way of thinking. To get a better idea of what that thinking was, Senator Kennedy asked him for a general exposition of what he saw as the major problems confronting the country, and Carswell listed those that came to mind—poverty, drug addiction, crime, and "the frustrations of many young people." He said nothing about race or civil rights.

Senator Brooke did not find Carswell's explanation of the reasons for his speech at all convincing. "I tried to put myself in the position of this man as best I could, under the circumstances prevailing at that time, to see if these were just political words or whether they went deeper," he told his fellow senators. "I found that they were deeply felt words. Then I examined the age of the nominee at the time the statement was made. He was twenty-eight years of age. At that age, I had spent five years in war. In many respects, Judge Carswell and I were passing through a similar period, since we were both coming out of military service and had both gone to law school at the same time. I think I was pretty much a man at twenty-eight years of age." Going on to observe that a man could change, Brooke added, "I searched the record looking for that change. But I must confess, regrettably, that I did not find any. In fact, I found considerable evidence to the contrary. I found that in periods along the way in Judge Carswell's public career he had made statements and had acted and conducted his court in a manner which indicated to me that there was no change, that he still harbored racist views. Then I thought about our country. Where is our country going today? Many things that have been happening in this country recently, including the statements of some of our highest political leaders, made me think: Are we really moving, as the Kerner Commission report suggested, toward two societies, one black and one white? Do we really want war between the races of this nation? Did President Nixon really mean it when he said he would bring us together?"

On the question of Carswell's civil rights record, Brooke cited a number of episodes to show that Carswell had by no means abandoned the racial views he had expressed twenty-two years before. Among these was that in 1953, while Carswell was engaged in private law practice in Tallahassee, he drew up the incorporation papers for a white-only fraternity known as the Seminole Boosters, of which he was a principal subscriber and a charter member. Then, in 1956, while he was serving as United States Attorney in Florida, he helped incorporate a Tallahassee golf course that was being transferred, on a ninety-nine-year lease at a dollar a year, from a public, city-owned facility, which had been built with thirty-five thousand dollars of federal money, to a private club—a move that was clearly made to circumvent a Supreme Court decision handed down about six months before prohibiting segregation in municipal recreation facilities. In the hearings, Judge Carswell repeatedly denied having been told that this was why the public course was made private. "I consider Judge Carswell's testimony on this episode disingenuous," Brooke said. "I cannot believe that he was unaware that the scheme had a discriminatory purpose transparently at odds with then current rulings of the Supreme Court. Indeed, affidavits from black and white citizens of Tallahasse attest to the fact that the private-country-club arrangements were commonly known to be a ruse to evade compliance with the Court's standards. Least of all is it likely that a U.S. Attorney, familiar with developing federal law in this field, could have been oblivious to the implications of this maneuver. Most serious is the indication that Mr. Carswell, who had sworn to uphold the Constitution and the laws of the land, would have lent his support to such an effort. What might be discounted, though not condoned, on the part of some private citizens is a grave breach of responsibility on the part of a federal official responsible for enforcing the guarantees of equal protection of the law to all citizens. It does nothing to remove the lingering suspicion that he continued to adhere to his 1948 views."

Brooke went on to point out that as a judge Carswell had an extraordinarily poor record in habeas-corpus petitions, which he had repeatedly turned down without so much as holding hearings, and that on the bench he had been demonstrably and continually antagonistic to civil-rights lawyers for no apparent reason other than that they were civil-rights lawyers. In evaluating the Judge's attitude toward school desegregation, Brooke said that he "consistently moved at the slowest possible pace, repeatedly stretching out judicial action and effectively delaying relief for those seeking reasonable compliance with the historic requirements of the 1954 Brown [v. Board of Education] decision." Brooke then asked the small group of senators who were present in the chamber, "Is it really suggestive of a commitments to equal opportunity that Judge Carswell consistently approved desegregation plans that would have postponed compliance until the mid-seventies, two decades after the Court decreed that school boards should act with all deliberate speed?"

Although it was unusual for a senator of Brooke's standing to oppose his President on an issue of this magnitude when only a handful of Senators from either party had taken that position (he was the eighteenth member of the Senate to announce his opposition to Carswell, and the second Republican), the speech got little attention in the press. In all likelihood, reporters, like just about everyone else in Washington, believed that Carswell could not be defeated, and saw little reason to cover what probably looked like nothing more than another futile speech on behalf of a lost cause. But Mary McGrory devoted her column in the Washington *Evening Star* the following day to the episode. Observing that "the most powerful speech against the Carswell nomination to the Supreme Court was the least attended," she went on to say that "few Republicans wanted to hear the Senate's only black member eloquently laying out the case against Carswell and removing, one by one, the props they are leaning on to justify a vote for a Southern judge whose partisans have admitted is mediocre." That few senators were on the floor at the time was by no means uncommon. While many senators claim that they carefully read the preceding day's business in the *Congressional Record* each morning to make sure that they are abreast of current developments, it is unlikely that more than a handful of them actually do. Unfortunately, some of the most crucial speeches pass unnoticed unless the newspapers pick them up and alert other members of the Senate to what took place on the floor during their absence. Miss McGrory's column made up for the daily reporters' omission, and made it certain that word of the speech would now reach Brooke's colleagues and prompt them to read it in the *Record*.

A more immediate result of Brooke's speech was that Hatfield, Percy, and Mathias were clearly, if unhappily, impressed by it. As for Bayh, when he returned to his office after listening to the speech he summoned his staff and said, "If we really mean what we're saying about the Voting Rights Act and all these other civil-rights matters, how can we let Carswell go through without making a fight?" None of his aides had an answer, so he instructed them to prepare material against the nomination in case he got into the fight all the way, and also to draw up the best arguments they could make against his working openly to defeat the nomination. When they met with him to discuss their conclusions on the latter subject, four days later, three of them—Robert Keefe, his administrative assistant and top aide; Joseph Rees, Keefe's deputy; and Bill Wise, Bayh's press officer—argued that by the time Carswell had been shown to be so poor a choice for a seat on the Supreme Court that the Senator could not conceivably be hurt politically if he fought the nomination. But two others—P. J. Mode and Jason Berman, who worked on the Subcommittee on Constitutional Amendments, of which Bayh was chairman—disagreed with this view. For some time, they had been deeply involved in Bayh's attempt to push his Constitutional amendment abolishing the Electoral College and setting up direct election of the President and Vice-President through the Judiciary Committee and onto the Senate floor for a vote. They argued that it was going to be exceedingly difficult to get the amendment approved by two-thirds of the members of the Senate as required, and that he had no hope of accomplishing this without the support of moderate Republicans, who would probably resent it if he tried to force them to oppose their President again on a Supreme Court nomination.

In addition, Mode and Berman pointed out, there was the threat of a filibuster over the amendment on the part of Southerners who opposed it because they believed it would destroy the balance of power they would hold in the event of an electoral standoff in a Presidential election. While Senator Strom Thurmond, the Democrat-turned-Dixiecrat-turned-Republican from South Carolina, could be expected to lead such a filibuster, he couldn't sustain it by himself and would need the help of other Southerners. If Bayh were to make *them* angry enough by attacking Carswell, men like Senator James O. Eastland, Democrat of Mississippi and chairman of the Judiciary Committee, who opposed direct election but not to the point of being willing to wage an all-out fight against it, might well pull out all the stops and go after him on his amendment. Mode and Berman made it clear that they, too, opposed the Carswell nomination, but saw no chance of defeating it and no point in jeopardizing a likely cause for a lost one. These arguments troubled Bayh, for he was deeply committed to his amendment. If it was adopted, he would achieve national prominence, and there were reports that he was contemplating a race for the Presidency. Besides, he saw little hope that enough senators would stand up against Carswell's nomination to make a good showing, let alone to defeat it. In short, Bayh might lose both battles and hurt himself in the process. Even so, when the meeting ended most members of his staff were convinced that, as Keefe later put it, "he had decided to go." But he was still unwilling to say so openly, and for the time being he left the matter there.

It was still there a week later when Bayh arrived at the Statler Hilton Hotel, in the capital, to attend an emergency meeting of the Leadership Conference on Civil Rights, a loose confederation of a hundred and twenty-seven groups that functioned largely as a lobbying operation. The meeting had been called mainly to devise tactics in the battle against the Administration's attempts to dismantle the Voting Rights Act, but before much discussion of that subject took place the question of Judge Carswell's nomination came up. One of the speakers at the session that evening was Senator Joseph D. Tydings, Democrat of Maryland, who had agreed, tentatively and reluctantly to lead the fight against Carswell—tentatively because he hoped someone else would take over the leadership, and reluctantly because he was up for reelection in the fall and didn't need any more enemies than he had. So far, Tydings had been working out of the public eye, chiefly to marshal opposition and delay the vote on confirming or rejecting the nominee. For the past few days, the Senator had been walking around with a temperature of a hundred and one degrees, and when he rose to speak about Carswell he was neither encouraging nor persuasive about the chances of defeating him. As soon as Tydings finished, he left the hotel. Fifteen minutes later, when Bayh arrived to speak, he was unaware of what had gone on before he got there; he spoke for a time on the Voting Rights Act, and then, in an extemporaneous digression, he launched into a free-swinging attack on Carswell's nomination. The audience was with Bayh from the start, and as he warmed up they stayed with him. In conclusion, he shouted that Carswell not only could be defeated but had to be defeated, and the audience rose to its feet and stamped, cheered, whistled, and applauded for several minutes. Afterward, Keefe said, "The Senator turned them on, and their response turned him on." When Bayh arrived at his office the following morning, he was clearly very much turned on. Calling in his staff and several outsiders who had been waiting for a Senate leader to emerge against the Carswell nomination, he talked briefly about which senators could be relied on for speeches against Carswell when the floor debate on the nomination began. Once that was settled, he got up from his desk, smiled and said, "O.K. let's crank it up."

The crank had already been forged, tempered, and put into place. One of the people who had been working on it and hoping for a chance to use it was an attractive young Negro lawyer, Mrs. Marian Wright Edelman, who had come up from the South to take a degree at the Yale Law School and then had become director of the Washington Research Project, a civil-rights outfit in the capital, and a member of its Action Council. When Carswell was nominated, Mrs. Edelman knew more about him than most other people in Washington. The summer before, when President Nixon elevated him from the District Court to the Fifth Circuit Court of Appeals, she had helped circulate a memorandum put out by the Legal Defense and Educational Fund opposing that nomination, and the memorandum had been submitted by the Leadership Conference, with the concurrence of the A.F.L.-C.I.O., to the Judiciary Committee. The committee's hearings on the Court of Appeals nomination lasted only ten minutes, however, and it was approved by the Senate, without a dissenting vote. "To an extent, this was the fault of civil-rights groups, which hadn't been doing enough preventive work," Mrs. Edelman explained recently. "Carswell's nomination to the Fifth Circuit Court of Appeals was one more tactic in the Attorney General's Southern strategy, and we're on the verge of losing our pro-civil-rights majority on that court. Anyway, if something had been done then, Carswell wouldn't have got on that court, let alone have been named to the Supreme Court." The day Carswell's nomination to the highest court was announced, Mrs. Edelman telephoned several lawyers she knew in Florida to see what else she could find out about the nominee. "The first one I got through to told me that he was a bad guy," she recalled later. "The others told me he was a *really* bad guy. Initially, I didn't believe we could defeat him. I just thought we had to get twenty or thirty or however many votes we could muster, because it was vital to show black people where this man stood and to demonstrate that a large part of the Senate opposed him. What galled me so much is this Administration's disregard for our institutions. For people who talk about law and order all the time, this disrespect for our institutions, including even the Supreme Court, is staggering. To use all of them for political ends, as Nixon has done time after time, is horribly destructive to our system. Anyway, I knew we needed—all of us needed—a psychological lift. If we could even slow him down, that would do it."

As the first step toward slowing down the President, Mrs. Edelman sent an assistant, Richard Seymour, to Tallahassee to see what he could find out for the Action Council. Before he got there, Ed Roeder, a reporter for WJXT-TV, in Jacksonville, Florida, uncovered Carswell's 1948 speech in the files of the now defunct Irwinton, Georgia, *Bulletin*. A couple of days later, Seymour came up with an equally impressive document, the papers changing the public golf course into a private club, with Carswell's signature on them as an incorporator. As soon as Mrs. Edelman read the incorporation papers and saw their implication, she showed them to Joseph L. Rauh, Jr., a lawyer in private practice in Washington who was counsel to the Leadership Conference, vice-chairman of the Americans for Democratic Action, and a veteran of innumerable human- and civil-rights wars over the past quarter of a century. Two days before the Senate hearings on the nomination began, Rauh knew, the American Bar Association's twelve-man Committee on the Federal Judiciary was scheduled to meet, to consider—or, rather, to go through the motions of considering—whether it should endorse him. No one anticipated anything but a unanimous recommendation, because the committee had endorsed every Supreme Court nominee including Haynsworth, since it was set up, fourteen years before. In general, the committee was firmly in the grasp of its chairman, Lawrence E. Walsh, who not only was close to the President, having been his personal representative at the Paris peace talks for some months, but had been Deputy Attorney General, the official responsible for recommending judges for the federal bench, in 1958, when Carswell was named to the District Court. Still, Rauh felt there might be a chance that other members of the committee would break loose from Walsh's hold if the evidence against Carswell was compelling. With this in mind, Rauh took the papers to one of the committee members he knew, Charles A. Horsky, also a Washington attorney, and Horsky promised to look them over and show them to the committee when it met.

Perhaps more than anyone else in Washington, Rauh was bewildered at first by the President's choice. Shortly before Carswell's name was announced by the White House, Rauh was told by a couple of reporters who the nominee was going to be. He refused to believe them and argued that the Administration would not dare to choose a man who had been opposed for a lesser post by such a powerful coalition as the civil-rights and labor movements. He pointed out that the White House could scarcely have been unaware of this opposition, since it was a part of the official record, which would have been read by anyone who was investi-

gating Carswell's background, and since, furthermore, the memorandum submitted to the Senae Judiciary Committee had been prominently reported by the Washington *Post* at the time. The reporters went off to look up that account, which appeared on June 12, 1969, and which stated, in part:

"In a memorandum to the Senate Judiciary Committee, the Leadership Conference said Carswell has shown a strong bias against Negroes asserting civil rights claims' in his 11 years on the bench. Carswell, 49, 'has been more hostile to civil rights cases than any other federal judge in Florida,' the memorandum said, adding a plea for more liberal judges in view of the Fifth Circuit's heavy load of civil rights cases. . . .

"The Court has expanded from nine members to an authorized strength of 15, but it continues to be deeply and closely divided on some sensitive race issues. The Circuit divided 6-to-6 in a faculty desegregation case from Montgomery, Ala., only to be told last week by a unanimous Supreme Court to press harder for total elimination of dual-race school systems. . . . The memorandum said the judge was unceremoniously reversed by the Fifth Circuit as 'clearly in error' for approving an inadequate school desegregation plan and refusing to consider issues of faculty and staff desegregation. It charged that his delays in a school lawsuit for Leon County (Fla.) held up progress there for three years."

Then the reporters read the memorandum itself, discussed its contents with members of the Administration, and came back to Rauh and told him that the White House had indeed been aware of the position taken by the Leadership Conference and the unions but would not be swayed by it. "The White House didn't know then about the 1948 speech or the golf club," Rauh said recently. "But they knew about our opposition, and I believe they actually *hoped* for it. The President didn't want to lose again, of course, but he wanted to win with opposition from the same people who had fought him on Haynsworth. He wanted to defeat his enemies in face-to-face combat. Lots of Southerners would have been confirmed easily, and he knew it. But he chose the only man whom the Leadership Conference had ever opposed for the federal bench—except Haynsworth when he was named to the Supreme Court. Also it wasn't just that we *might* oppose Carswell again but that we *had* to, because of our earlier stand. And that was equally true of labor. That's taking on a lot of enemies. They were willing to take all of us on because they were convinced they couldn't be beaten again."

A few hours before Carswell's nomination was announced, Attorney General Mitchell briefed Republican leaders of the Senate and Republican members of the Judiciary Committee on the Judge's background and record. Although Mitchell must have known about the strong opposition that the nomination would inevitably create, he said nothing about it on this occasion. Instead, he concentrated on three points: that Carswell had nothing in his record suggesting any conflicts of interests like those which had brought Haynsworth down, that he had no stigma of anti-labor bias that might turn the unions against him, and that he was a "moderate" on civil rights. Then, simultaneously with the White House announcement of the nomination, Senator Roman Hruska, the arch-conservative Republican from Nebraska, who had been chosen by the Administration to defend the Carswell nomination, briefed all the Republican members of the Senate who were in town, and free. He made the same points that Mitchell had, and when the session broke up, several senators emerged to tell reporters who were waiting outside that they were satisfied about Judge Carswell's fitness for the Supreme Court and would vote to confirm him. The most important of these was Senator Hugh Scott, of Pennsylvania, the Minority Leader. Since he had already attended the briefing by Mitchell, presumably he went to the second one so he could exert his influence on other Republicans by his emphatic assurance, in the presence of the press, that he supported the nominee "without qualification." Scott's statement was thought at the time to be possibly crucial—perhaps as crucial, in fact, as his earlier opposition to Haynsworth, which had made it easier for other Republicans to vote the same way.

As it happened, no one in the Administration had told Scott about the stand that was certain to be taken by civil-rights and labor groups—a significant omission, since he was up for reelection and, given the nature of his highly industrialized constituency, he knew he would have trouble winning against the active opposition of both groups. At the time, Scott had no reason to suspect that the Administration had misled him, and he had good reason to support its choice for the Court. His vote against Haynsworth had naturally endangered his position as Minority Leader because it constituted a major break with the Administration. That might have been acceptable once, but it would not be twice—not twice in a row, anyway. Also, of course, he hoped that his endorsement of Carswell would mollify conservatives back home who were after his scalp because of the part he played in the Haynsworth affair. And, finally, it seemed certain to him that the F.B.I., still smarting from the recriminations that followed its haphazard investigation in that case, would have peered into every cranny of Carswell's life before the President chose him. In short, Scott wanted to accept Carswell because he had to. Other Republicans, though, didn't have to, and some of them were inclined to view the situation rather differently. Brooke, for one, was amazed at Scott's hasty endorsement. As he saw it, the F.B.I.'s failure to uncover Haynsworth's improprieties on the bench suggested not so much assurance that it would do the job properly the next time as proof that there was something wrong with the investigative mechanism itself. Moreover, there was the record of the Attorney General to consider, and Brooke found little in it to comfort black citizens or anyone who was concerned about the welfare of black citizens.

Another Republican, Senator Mathias, was also reluctant to accept Mitchell's appraisal of Carswell. After the briefing, Mathias returned to his office and dug out a confidential memorandum that his staff had prepared during the contention over Haynsworth and that had been distributed among a dozen or so moderate and liberal Republicans at the time. The memorandum, which was dated November 5, 1969, said, in part:

"As moderate Republicans appointed by Eisenhower retire from the Fifth Circuit and as Haynsworth prepares to leave the Fourth, the Nixon Administration is choosing segregationist Democrats or Dixicans to replace them. Since these judges are being named by Mitchell and approved in a perfunctory way, Nixon may well not be fully aware of their record or probable impact.

"The most recent appointee, pushed through the Senate Judiciary Committee and confirmed on the floor on Moratorium Day, is Charles Clark, a leading strategist in Mississippi's resistance to desegregation and close associate of William Harold Cox, segregationist District Court Judge. . . .

"Nixon's other recent appointee to this crucial court, George Harrold Carswell, of Florida, is described by Southern lawyers as an even more unfortunate choice than Clark, since Carswell is older, less intelligent, and more set in his ways. As a district judge, he has been repeatedly reversed and reproached by the Fifth Circuit for his rulings in cases involving desegregation of everything from reform schools to theaters. But, his chief technique, say civil-rights lawyers, is prolonged temporization. . . .

"These appointments come at a time when the Administration has adopted a policy of channeling most civil-rights enforcement through the Courts. [They come] at a time when Southern blacks, though still more optimistic about the pace of change than Northerners, are growing increasingly militant and dissatisfied. If Nixon continues with such appointments, we can expect increasing black despair about the judicial process in the South and increasing resort to violence. The Haynsworth appointment seems to be part of a general pattern of judicial nominations that threatens to change the character of the Southern Courts of Appeal system, which in the past has been favorable to civil rights."

"The memo also got to the White House at the time," Mathias said not long ago. "So they knew over there that they were bound to create division over here when they sent up Carswell's name."

The contents of the Leadership Conference and Mathias memoranda suggested that the Administration was indeed confident that the Senate would accept *any* nominee. These documents also suggested that the White House had intentionally misled Scott—perhaps in the hope that by creating an unresolvable political dilemma for him it could diminish his prestige and then move in to replace him as its spokesman in the Senate; of course, before the Southern strategy could prevail there Scott would have to go, for in his twenty-six years in Congress he had supported, and had been supported by, the black voters in his constituency, and could not be expected to turn against them now.

In the days immediately following the nomination, Mrs. Edelman talked with several more lawyers, some who practiced in Florida and others who worked for the Department of Justice and had appeared before Judge Carswell on behalf of the government. "They made it clear that he was a terrible guy—worse than we'd been told before," she has recalled. "These reports made us even more desperate. We were panicked by the press of time. For instance, one of our problems was finding witnesses and conducting a thorough investigation during the eight-day period between the announcement of the nomination and the opening of the hearings. It was perfectly clear by then—after the 1948 speech and the golf-club episode—that the F.B.I. had done an even sloppier job on Carswell than it had on Haynesworth. It was also perfectly clear that many senators would be extremely embarrassed if they came out for Carswell and then more damaging facts about his past were revealed. But Eastland was determined to ram the nomination through, and he refused to grant a postponement. Also, we knew that we had to stir up an immense amount of outside opposition to bring enough senators over to our side, and that this would take time. Then, there were the questions: Was the Leadership Conference going to fight or just make a statement and let it go at that? What were the unions going to do? Who was going to lead the opposition in the Senate? Which would take priority there—revision of the Voting Rights Act, which was coming up for a vote, or Carswell? Could we use the same people to fight both at the same time? How could we get the key senators smoked out? How could we get a bipartisan start? How could we persuade the press to do investigative work for us? How could we get stuff out

to the public at large? How could we circulate the basic material on the Hill and make sure it was read?" Or, as Senator Bayh later put it, "the problem was simple and at the same time monumental—how do you create enough counterpressure to neutralize the natural pressure created by the President's backing so that senators are free to decide the issue on the merits?"

On the day that Carswell's nomination was announced by the White House, Rauh put out a brief statement for the A.D.A. saying that the Judge's "principal qualification for the post seems to be his opposition to Negro rights," and that "while this may be good Nixon-Mitchell politics in the suburbs and the South, it can only add to the already dangerous racial tensions in America." Rauh was instantly denounced by some for responding in the usual knee-jerk liberal fashion—a response that Carswell's defenders put down to blind prejudice against all Southerners. Of course, since Rauh had opposed Carswell's elevation to the Court of Appeals, he could not fail now to oppose his elevation to the Supreme Court. To an extent, though, the charge was valid when it came to many of Carswell's earliest opponents, for they had set out to find something improper in his record almost as soon as his name and his residence were announced. As time wore on, though, and the case against Carswell grew, his friends seemed to find nothing more to offer in his defense than the prejudice of his enemies. In any event, two days after Rauh's statement the N.A.A.C.P. also came out against the nomination, on the ground that it was "clearly designed to compromise the Negroes' future judicial protection far beyond the life of any single Administration," and the New York *Times* ran an editorial calling the nomination "a shock" and adding that it "almost suggests an intention to reduce the significance of the Court by lowering the caliber of its membership. The same day, the *Times* published an interview with Professor Leroy D. Clark, of New York University, who had formerly been the head of the Legal Defense and Educational Fund in northern Florida. Professor Clark charged that Carswell had invariably handed down improper decisions after creating improper delays, and concluded, "It was my view that of the federal district judges I appeared before Harrold Carswell was clearly the most openly and blatantly segregationist."

On January 23rd, staff members of four liberal Democrats on the Judiciary Committee—Senators Bayh, Kennedy, Tydings, and Hart—met in Bayh's office with a number of others who were upset about the nomination. Among the aides were Bayh's men Keefe and Rees; James Flug, a young lawyer who worked for Kennedy; Stanley Mazaroff, from Tydings' office; and Bert Widse, an assistant to Hart. Among the outsiders were Mrs. Edelman; Rauh; Verlin Nelson, lobbyist for the A.D.A.; Clarence Mitchell, head of the Washington branch of the N.A.A.C.P. and, with Rauh, the moving force behind the Leadership Conference; Andrew Biemiller and Thomas Harris, lobbyists for the A.F.L.-C.I.O.; and Brad Brasfield, of the United Auto Workers. (For the most part, it was the same group that had fought the Haynsworth nomination.) The meeting was brief and revolved largely around the question of which senator, preferably a prominent one, might be persuaded to lead a full-fledged attack on the nomination. At the moment, Bayh seemed to be out, because no one present, including his aides, expected him to wage another exhausting—and, this time, unpromising—battle so soon after the Haynsworth affair. Kennedy was still under the cloud of doubts raised by the accident at Chappaquiddick. Tydings was not eager to add new enemies to his old ones just before election time, and preferred to restrict the leadership role he had partially accepted to working out of the public's view rather than taking on the nominee openly. And Hart, who was also up for reelection, had led the struggle to get Abe Fortas confirmed as Chief Justice before his improprieties on the bench were revealed, and was in no position now to attack another nominee. In the end, the participants did little more than reach a general agreement that if a leader could be found they would work with him as they had worked with Bayh against Haynsworth.

Flug seemed to be the one person at the meeting who felt that Carswell could be not only strongly opposed by the Senate but actually defeated, and the next day he sent Kennedy a memorandum outlining the emerging case against Carswell. "Nixon-Mitchell have again nominated a mediocre candidate with no indications of particular intelligence, leadership, insight, or respect among his brethren," Flug wrote. "In fact, his official record is quite consistent with the notion that he is a segregationist and white-supremacist." He reported that evidence to buttress this last point was being compiled and would be ready for the Senator's perusal soon, and then he added, "The civil-rights groups and the unorganized black community are, of course, really upset. Roy Wilkins is outraged. . . . The unions say they are not particularly interested, that they can't find anything anti-union in his record . . . that they're too busy to do much." Flug went on to inform Kennedy that LeRoy Collins, the former Democratic governor of Florida, who was expected to be the most prominent witness for Carswell at the hearings on his nomination, "has been calling around saying what a great guy and civil-rights moderate Carswell is, but when challenged has admitted that Carswell really isn't Supreme Court calibre and that he (Collins) hasn't actually looked at Carswell's civil-rights opinions." After suggesting that Kennedy might join Bayh and Hart in a personal appeal they intended to make to Eastland to postpone the hearings, so that Senate investigators could do the job that the F.B.I. had fumbled, and that Kennedy might also persuade Scott to reconsider his hasty endorsement, Flug wound up by proposing a series of questions that the Senator might ask Carswell.

A few hours after Flug gave his boss the memorandum, a telephone call came into Tydings' office from a man who refused to identify himself but said he had some information that could be useful to Tydings if he intended to oppose Carswell. Ultimately, the call was put through to Stanley Mazaroff, and the man explained that his name was Norman Knopf, that he was one of the Senator's constituents, and that in 1964, shortly after graduating from law school, he had served as a summer volunteer under a Justice Department program helping civil-rights lawyers who were working on voter-registration cases in Florida. During that summer, he went on, he had personally seen Carswell temporize, insult lawyers and witnesses for the government, and generally obstruct civil-rights cases. Mazaroff assured Knopf that Tydings would be interested in what he had to say, and asked whether he would be willing to discuss his experience in person with the Senator. Knopf, his voice shaking, said that he couldn't do that, but Mazaroff kept talking and finally persuaded him to give his home telephone number. On January 25th, the day after this call, the Times printed a letter from John Lowenthal, a professor of law at Rutgers University, one of the volunteer civil-rights lawyers who had gone to Florida to assist in the voter-registration drive during the 1964 Presidential campaign; Lowenthal wrote that Judge Carswell had made persistent attempts to impede the progress of Negro registration. As it happened, Lowenthal was one of the lawyers whom Knopf mentioned he had worked for, and when Tydings was told about the telephone call and the letter he instructed Mazaroff to ask Knopf to come by for a talk. Mazaroff called Knopf at home that night, and when he explained that Tydings wanted to talk over Knopf's experiences in Judge Carswell's court Knopf expressed extreme reluctance to get involved. Finally, he explained why—he worked for the Department of Justice. After some more conversation, however, he hesitantly agreed to come over to Tydings' office a few days later. But he refused to testify at the hearings unless he was forced to under a subpoena.

On the same day, the American Bar Association's Committee on the Federal Judiciary met in New York to consider Carswell's nomination, and the next evening, while ten of the committee's twelve members were discussing it, the two others, Horsky and Norman P. Ramsey, paid a visit to Carswell, who was staying at the Sheraton-Park Hotel in Washington, to discuss his part in incorporating the golf club. Horsky showed him the papers that Rauh had passed on and went over them with the Judge in detail to find out what, exactly, his role had been. In the end, they accepted his explanation that he had been an incorporator of the private club but had not participated in its management, and, in fact, had not retained his membership very long. Satisfied with this, Horsky assured Carswell that the committee would endorse him, and that same night it did, by a unanimous vote. Through a coincidence of timing, Rauh, who was certain that timing would determine the outcome of the issue, had that very afternoon given a reporter from the Washington *Post* the details about Carswell's part in setting up a segregated club while he was serving as U.S. Attorney, and the paper ran the story on the front page in the next morning's early edition. For the time being, though, nothing was reported about Horsky's and Ramsey's visit to Carswell the night before.

Senator Eastland having turned down all pleas for a postponement of the hearings on the nomination, they opened in the Senate Judiciary Committee chamber as scheduled, at a little after ten-thirty on the morning of January 27th, the day the *Post* story appeared. The nominee was to be the first witness, and he sat waiting as the two senators from Florida and the representative from Tallahassee delivered the usual encomiums. All but one of the seventeen members of the Judiciary Committee were present—the absentee being Senator Mathias, who was in Europe on Senate business—and, undoubtedly, all those present had read the story in the *Post*. Senator Hruska was the first member of the committee to question Carswell, and he brought up the matter of the golf club at once, apparently in the hope that he might establish a strong defense for Carswell before opposing senators got to question him. "Now, this morning's paper had some mention that you were a member of a country club down in Tallahassee," Hruska said. "I am confident that you read the account. I would be safe in saying all of us did. You are entitled to tell your side of the story and tell us just what the facts are." Carswell replied that he had "read the story very hurriedly." Several members of the committee looked surprised at this casual handling of so serious a matter, but, of course, none of them knew that there had been little need for the Judge to study the newspaper account, since he had spent part of the evening before going over the

original documents. While Bayh, Kennedy, Tydings, and Hart were aware that Horsky had the incorporating papers, at this stage they did not know that he had met with Carswell, let alone that he had showed Carswell the papers and that Carswell had conceded his involvement as an incorporator. In any event, it was clear that they would not let the witness pass off the question so indifferently. "The import of this thing, as I understand it," Carswell said, "was that I had something to do with taking the public lands to keep a segregated facility. I have never had any discussion with any human being about the subject of this at all. That is the totality of it, Senators. I know no more about it than that."

"Were you an incorporator of that club, as was alleged in one of the accounts I read?" Hruska asked.

"No, sir," Carswell answered.

A little later, Hruska asked, "Could the stock (in the club) you received on this occasion have borne the label 'incorporator,' indicating that you were one of the contributors to the building fund for the clubhouse?"

"Perhaps," Judge Carswell replied. "I have no personal recollection."

At another point, Hruska asked, "Are you, or were you at the time, familiar with the by-laws or the articles of incorporation?"

"No, sir," Carswell answered.

About an hour later, Senator Kennedy began questioning the Judge about the golf-club episode, and as he proceeded it became clear from the words he used that he had a copy of the incorporating papers before him. When Kennedy asked the witness if he had signed the letter of incorporation for the club, the answer was direct and explicit. "Yes, sir. I recall that," Carswell said. Kennedy went on to inquire whether he had read the paper first, and Carswell replied, "Certainly I read it, Senator. I am sure I must have. I would read anything before I put my signature on it, I think." The belated admission that he had read and signed the incorporating papers was later cited repeatedly by his supporters as evidence that he had not deceived, or been less than candid with, the committee, which ultimately became the gravest charge against him. However, those who took this position ignored a colloquy during the following day's hearing, two days after Horsky had shown the Judge the papers in question, when Bayh said, "Since you have looked at the documents, I suppose—" and Carswell quickly broke in to say, "Senator, I have not looked at the documents. I didn't mean to leave that impression with you. The documents speak for themselves. I couldn't begin to tell you what the documents say." A couple of minutes later, he added, "I think the records will show—I have not examined them, but I am positive that I have never been any incorporator, director, whatever the language may be on there. I have never participated in any corporation that ever took any action with regard to anything."

Carswell also repeatedly insisted that he had been unaware that the private club was organized to keep Negroes out, and although many people were willing at that time to accept his denial that he had helped set up the club, it would have been difficult to find anyone who believed that he hadn't known why it was set up. His deception on this score dismayed even the staunchest conservatives, including the right-wing columnist for the Washington *Evening Star*, James Kilpatrick, who described Carswell's testimony on this point as an "evasive account," and added, "He took an active role, not a passive role, in transfer of the Tallahassee municipal golf course to a private club. Forgive my incredulity, but if Carswell didn't understand the racial purpose of this legal legerdemain, he was the only one in north Florida who didn't understand it." After three days of hearings, President Nixon held a press conference, and in the course of it he was asked whether he had been aware of the golf-club episode when he chose Carswell. Mr. Nixon replied that he hadn't, and went on, "If everybody in government service who has belonged to, or does belong to, restricted golf clubs were to leave the service, this city would have the highest rate of unemployment of any city in the country." Of course, membership in the club was not the point of the accusation, which rested on whether Carswell, then the federal government's highest law-enforcement official in the area, had violated his oath to uphold the Constitution by helping to circumvent the Supreme Court's interpretation of it.

At the start of the hearings, Senator Eastland put the American Bar Association committee's endorsement in the record, along with letters of support from roughly a third of Carswell's colleagues on the Court of Appeals. The most significant of these was from Judge Elbert B. Tuttle, who had been chief judge of the Fifth Circuit from 1961 until his retirement, in 1967, and who was regarded as one of the most eminent jurists on the entire federal bench. In his letter, which was dated January 22nd, Judge Tuttle explained, "My purpose in writing is that I wish to make myself available to appear before the committee at its hearing on the nomination of Judge Carswell, in support of his confirmation." At seven o'clock in the morning before the second day's session convened, Carswell received a telephone call from Judge Tuttle, who told him that because of the facts that had been divulged since the nomination was announced he felt compelled to withdraw his offer to testify on Carswell's behalf. When Tuttle's withdrawal became known, some weeks later, Carswell was blamed for not having revealed it at the hearings on the day it was made, or subsequently, to stop his supporters from citing the endorsement, as they did repeatedly to demonstrate that their man was deeply respected by such a leading jurist. Actually, the fault lay not only with Carswell but with Tuttle. Like Horsky, who knew from newspaper reports of the hearings that the nominee had lied to the Judiciary Committee the morning after meeting with him and yet said nothing at the time, Judge Tuttle kept his silence.

During the third day of the hearings, Knopf, the reluctant Justice Department attorney, finally appeared in Tydings' office to talk things over. Mazaroff took him to an empty room next to the Judiciary Committee chamber and then went to the hearing room to inform Tydings, who immediately joined Knopf. Within a few minutes, Knopf corroborated, in far greater detail, what Professor Lowenthal had described in his letter to the *Times*. "The moment I talked to Knopf, I just erupted," Tydings said afterward. "Knopf made it clear that Carswell not only was a segregationist but wasn't even good at his job. The idea of seeing a man like Carswell go on the Supreme Court was too much for me. Even after our conversation, though, I didn't think there was a chance of defeating him. I just hoped to get as much on the record as I could, to use in the floor debate and in defense of my vote when I was attacked for it, as I was sure to be, in my campaign for reelection."

Professor Lowenthal appeared at the hearings to testify about how Carswell had both resisted civil-rights progress and mistreated those who tried to achieve it. He confined himself to one experience—a case involving seven civil-rights volunteers who were arrested on charges of criminal trespass in August, 1964, as they went about northern Florida trying to get Negroes to register to vote in the coming election. Civil-rights attorneys on the scene—mainly Northerners who came South for a month or two each—believed that they could not hope for a fair trial in a local court, so they obtained a federal court order removing the case from the Gadsden County court to Judge Carswell's court in Tallahassee. However, the local judge simply ignored the removal order, ejected the lawyers from his courtroom, refused the defendants time to get other counsel, and then tried, convicted, and jailed all seven. "At that point, or early the next morning at 2 a.m., I arrived in Tallahassee, and it was obvious that since my clients were now in jail, the first move was habeas corpus, so I prepared habeas-corpus petitions at once," Lowenthal testified. "It was evident to all those with experience in northern Florida that it was not safe for voter-registration people to be in local jails. Moreover, the voter-registration drive was stalled while the workers were in jail, and the local blacks were intimidated from registering." Continuing, he described how Judge Carswell refused to accept the habeas-corpus papers and demanded that they be redone on special forms, available only in his court. That in itself was of doubtful legal validity, and so was the Judge's requirement that the forms be signed by the defendants. Since Lowenthal was more concerned about the safety of his clients than he was about quibbling over details, he drove the twenty-five miles to the local jail, only to find that the seven volunteers had been sent out on a road-work gang, another twenty-five miles distant. Finally, he telephoned Judge Carswell and got him to agree to accept the papers without the defendants' signatures. The next step was a habeas-corpus hearing in the Judge's chambers—a curious affair, as it turned out, because the representative of the state, the local prosecutor, refused to appear. As for the Judge, Lowenthal went on, "I can only describe his attitude as being extremely hostile. . . . Judge Carswell indicated that he would try his best to deny the habeas-corpus petitions, but I pointed out that he had no discretion in the matter, that the Gadsden County officials had clearly acted in derogation of Judge Carswell's own jurisdiction, since the removal to Judge Carswell's court was wholly proper." Although the point was elementary, Judge Carswell refused to accede to it, and sent his clerk off for some lawbooks. Finally, after studying the federal statute in question, he granted the petition, but he refused to have the order served by the U.S. marshal, as required under law, and told Lowenthal to deliver it himself.

None too anxious to put himself in the hands of the local sheriff, Lowenthal nevertheless saw that he had little choice, and took it to the sheriff, who accepted it with surprising amiability and released the prisoners. They were on their way down the court house steps with Lowenthal when the sheriff reappeared, all amiability gone, and rearrested them. As it turned out, Judge Carswell, on his own motion and without any notice to the defendants or a hearing to give them an opportunity to present testimony and arguments on their behalf, had remanded the case to the Gadsden County court and had notified the sheriff before the defendants left. "All the little ways in which a federal district judge can make life difficult seemed to me to be in force," Lowenthal told the committee.

Deciding that it would be helpful to corroborate Lowenthal's testimony, Tydings put in an official request to have a committee subpoena served on Knopf, who still refused to appear voluntarily as a witness. Before granting the request, Eastland called Tydings and said, "Joe, you don't want to use that boy. He's bad news." Taken aback,

Tydings got the impression that Eastland had something from F.B.I. files on Knopf, and told Mazaroff about the remark. Mazaroff visited Knopf at his home and went over everything in his past and his personal life that could possibly be used in the hearings to embarrass him—and Tydings. All that Knopf could come up with was that he had once attended an S.D.S. meeting out of curiosity. Tydings went ahead and called Knopf as a witness. Once Knopf was on the stand, he was eager to volunteer all the information he could. "This was my first courtroom experience, really, out of law school, and I remember quite clearly Judge Carswell," he told the committee. "He didn't talk to me directly. He addressed himself to the lawyer, of course, Mr. Lowenthal, who explained what the habeas-corpus writ was about, and I can only say that there was extreme hostility between the Judge and Mr. Lowenthal. Judge Carswell made clear, when he found out that he was a Northern volunteer and that there were some [other] Northern volunteers down, that he did not approve of any of this voter registration going on, and he was especially critical of Mr. Lowenthal—in fact, he lectured him for a long time in a high voice that made me start thinking I was glad I filed a bond for protection in case I got thrown in jail. I really thought we were all going to be held in contempt of court. It was a very long, strict lecture about Northern lawyers coming down . . . and meddling down here and arousing the local people against—rather, just arousing the local people—and he in effect didn't want any part of this, and he made it quite clear that he was going to deny all relief that we requested."

The Judiciary Committee's hearings on Carswell's nomination were spread out over two weeks, and during the weekend that intervened Tydings become increasingly distressed at the thought of Carswell's sitting on the Supreme Court. The prospect was so unsettling that on Saturday night the Senator had trouble sleeping and got up very early on Sunday. At eight o'clock that morning, he summoned several members of his staff to his office and told them that more had to be done to create opposition to Carswell's nomination. One of them recalled that Knopf had told him about a man named Ernst Rosenberger, a lawyer in private practice in New York, who had also worked on civil-rights cases in Florida just before the 1964 election. The aide called him, and Rosenberger agreed to tell of his experiences in Judge Carswell's court. Another aide got in touch with Leroy Clark, the former head of the Legal Defense and Educational Fund in Florida, whose views on Carswell's racial bias had been reported earlier by the *Times*, and he agreed to testify, too. Both men flew down to Washington and joined Tydings and his staff to discuss their testimony.

Neither man had much time to prepare himself, for they were called to appear before the committee the following day. Rosenberger, who testified first, started out by describing the general animosity that he and other civil-rights workers had encountered in Florida—the mailman refused to deliver mail to the house where they lived and worked because the mailbox was set six inches behind the line of other mailboxes on the street; a deputy sheriff regularly tore down posters carrying appeals for Negroes to register to vote; volunteers were refused service in restaurants; they were assaulted, and firebombs were set off under their automobiles; and, when all this failed to intimidate them, shots were fired through the windows of their house.

Rosenberger described how nine clergymen who had been arrested for unlawful assembly for trying to integrate a Florida airport had been denied release on habeas-corpus writs by Judge Carswell. Rosenberger appealed the Judge's decision to the Court of Appeals, and three of its judges came to Tallahassee to hear arguments on the case. Those took up one morning, and that afternoon Rosenberger, who was in Carswell's chambers, heard him suggest to the prosecuting attorney that he could settle the case at once by getting the local judge to reduce the clergymen's sentences to the time already served. This would mean that they would immediately be let out of jail and then would have no legal standing to file a writ of habeas corpus, the purpose of which, of course, is to get one out of jail. The following day, the prosecutor called Rosenberger to his office and suggested that he ask the local judge for a reduction of sentence. Having heard Carswell outline this plan and suspecting that it would soon be acted on, Rosenberger had already spoken to his clients about it, and they had instructed him to turn it down. When he did, the prosecutor proposed that they drop in at the local court and talk to the judge. As they entered the courtroom, Rosenberger saw that his clients were present and the court was in session. Bewildered by this turn, he sat down, and then the judge read a prepared order reducing the sentence and cited Rosenberger's request for that move. Jumping up, Rosenberger objected. "I told him that I had made no such application, I would make no such application, and my clients did not want that application," he told the committee. "Rather, they wanted a hearing wherein they could be vindicated." Ignoring him, the judge told the clergymen to rise, and said, "Now you have got what you came for: you have got a permanent criminal record."

When Professor Clark, speaking on behalf of the National Conference of Black Lawyers, took the stand, he assured the committee that what it had been told about Judge Carswell's persistent hostility toward civil-rights lawyers was by no means exaggerated. "Whenever I took a young lawyer into the state and he or she was to appear before Carswell, I usually spent the evening before making them go through their argument while I harassed them, as preparation for what they would meet the following day," he said. In his view, though, Carswell's animosity under these circumstances was less important than the question "Is Carswell a man who really, personally, does not like black people?" Submitting that the Judge's record on the bench proved that he did not, Clark cited case after case to buttress his contention. One was a Florida school-desegration case in which the Court of Appeals had unanimously rejected Carswell on both his ruling and his procedure; that, Clark said, demonstrated that Judge Carswell was either biased or incompetent. Another was a theatre-desegregation suit in which Carswell had again been unanimously overruled by the Court of Appeals and described as being "clearly in error"—an uncommonly harsh statement for such a court to make. Still another involved four Negro children who had take part in a sit-in demonstration and were sent to a reformatory before even being tried. To get them out, Clark sued to have the reformatory desegregated, and, as he had anticipated, the authorities released the children in order to keep the place segregated. Clark appealed, on the ground that the original suit stood as he had filed it, whereupon, as he had also anticipated, Carswell rejected his claim and said that since the defendants had been released, they had no legal standing; the Court of Appeals reversed him once again, and ordered the reformatory desegregated.

In most civil-rights cases, Clark continued, Judge Carswell principally relied on "dilatory tactics." One example concerned the school system of Leon County, Florida, where out of sixteen thousand Negro children four were permitted to attend otherwise white schools. In 1964, Clark filed a motion for further relief to remedy this situation. "We could not get a hearing, and I finally had to file a motion for a hearing," he recounted. "These hearings in other courts and before other judges when they were filed were granted as a matter of course. . . . When we got our hearing, then there was another delay before we got a ruling, and then when the ruling came it did not address itself to the basic issue in the motion—namely, a revision of the plan. Judge Carswell at that point told us that the defendants were complying with his previous order, which was not the point of the motion at all. We were saying, 'Look, this plan is not working, and it must be revised.' So we don't get a ruling. . . . We then had to file a motion asking him, 'Would you please rule on our motion?' And, finally, we got from Judge Carswell this statement . . . that no evidence could persuade the court to reorganize a desegregation plan, and evidence to that end 'would just be an idle gesture regardless of the nature of the testimony.'" After three years and the intervention of the Court of Appeals, Carswell finally granted the relief asked for.

Of the twenty witnesses who testified at the hearings, half a dozen supported the nomination. As expected, Governor Collins was the most prominent of these, and he did his best, despite his privately expressed reservations about Carswell, to defend him—for example, by pointing out that he, too, had been involved with the golf club and yet he had a long record of working for civil-rights causes. Some senators found that point persuasive, but others, like Brooke, felt that Collins's private remarks about Carswell far outweighed it. In fact, Brooke, who later read the hearing record carefully, began to wonder if anything said in Carswell's defense at the hearings had been said with conviction.

Another of Carswell's prominent supporters was James William Moore, a professor at the Yale Law School, who testified that Carswell had helped him set up the Florida State University Law School five years before and had insisted on its being "free of all racial discrimination." But then Louis H. Pollak, dean of the Yale Law School, told the committee that he had read a fair number of Carswell's opinions and had concluded that he presented "more slender credentials than any nominee for the Supreme Court put forth in this century." This view was shared by another leading witness—William Van Alstyne, of the Duke University Law School, one of the most respected legal scholars in the South. Since he was a Southerner and had testified in favor of Haynsworth's nomination, Van Alstyne was not open to the charge that he would oppose anyone from the South. "There is, in candor, nothing in the quality of the nominee's work," he told the committee, "to warrant any expectation whatever that he could serve with distinction on the Supreme Court of the United States."

On the last day of the hearings, Rauh and Clarence Mitchell testified as spokesmen for the Leadership Conference on Civil Rights. Mitchell put in the record several affidavits from citizens, both white and black, of Tallahassee stating that the reason for making the municipal golf course a private club had been well known and widely discussed at the time; in fact, the subterfuge had even been written about in the local paper after a city commissioner objected to its racial implications. (The F.B.I. had also failed to look into this subject, apparently, and the affidavits had been collected by Morris Ab-

ram, Jr., a student at Harvard, who, on his own initiative and at his own expense, had gone down to Tallahassee to see what he could find out about Carswell.) To lay the groundwork for the case that would later be made against Carswell on the floor of the Senate—that he was a mediocre judge and a racist—Rauh concentrated on fifteen cases involving civil and human rights in which Carswell had been unanimously reversed. (Subsequently, two other such cases were uncovered.)

One of the few civil-rights cases that Carswell's supporters had been able to find—and cited repeatedly as evidence that he was a moderate in racial matters—was a ruling he had handed down ordering his own barber, who had a shop in a Tallahassee hotel, to take Negro customers. In reply, Rauh pointed out that Judge Carswell had actually had no alternative in that case, since the barber had conceded in his brief that his shop came under the Civil Rights Act of 1964, and had admitted, in effect, that he had violated it. "If Judge Carswell is confirmed, God help us, it will be the first time in history that a man was [sent to the Supreme Court] for writing an opinion that his racist barber ought to cut a Negro's hair," Rauh told the committee. In conclusion, he pleaded with the committee to extend the hearing period, and said, "If in two weeks this black record can be built by volunteers, by people with no staff, if so black a record can be built in two weeks, what could be built with an adequate investigation?" His plea was ignored, and a couple of minutes later the committee adjourned, on the order of its chairman, and went into executive session to debate and vote on the nomination.

Proof of Senator Bayh's thesis that it takes an immense effort to turn back even an obviously bad action on the part of the President emerged as soon as the hearings ended, for although the evidence submitted during them, made it clear to all but the most obdurate of Carswell's supporters that he was unfit for a seat on the nation's highest court, almost no one with experience in political affairs believed that he could be stopped from getting that seat. For instance, after the hearings a story went the rounds in the Senate to the effect that Hiram L. Fong, Republican of Hawaii and a member of the Judiciary Committee, had gone up to Senator Edward J. Gurney, Republican of Florida and Carswell's original sponsor, and said, "If you want my opinion, he's a jackass"—but everyone expected Fong to vote for him. Once again, one of the few people who did not share the general impression that Carswell was bound to be confirmed was Kennedy's young assistant Flug, and while the hearings were in progress he sent Kennedy another memorandum entitled "How to Beat Carswell," which began, "I smell blood. I think it can be done if we can get full civil-rights appartus working, which it's beginning to do . . . [and show] his mediocrity, lack of candor before committee."

The paper went on to lay out a head count of senators who could be expected to oppose Carswell because of his civil rights record, along with those who might be persuaded to "go along with proper kinds of brotherly pressure"—forty-six in all. Those who could be expected to support Carswell, whatever the case against him, came to thirty-nine. The remaining fifteen included "those who'd like to go along [with the anti-Carswell group] but have to overcome serious political problems" and "those who would be possibles." In conclusion, Flug wrote, "That means that to win we'd have to get five of the fifteen. . . . While it's a long shot, I don't think it's an impossibility." (Flug turned out to be wrong about three of the senators he thought were bound to oppose Carswell but also wrong about three he thought were bound to support him, so he came extraordinarily close to the final tally ten weeks later.)

The scent that Flug thought he detected was still quite faint, however, although an incident that occurred during the first day of the Carswell hearings had raised his hopes further. Senator Kennedy asked Carswell for a list of all the clients he had represented in private practice who had later appeared before him in court. At this, Senator Griffin, the Minority Whip, angrily broke in and charged that the request was nothing more than "a fishing expedition." As Majority Whip, Kennedy was accustomed to jousting with Griffin on the floor of the Senate, but he found this rebuke offensive. After the session, it was clear that Kennedy was smarting over the remark, and that led Flug to hope that the Senator would now oppose the nomination actively, if only to show that his concern was serious. As Flug knew, it was one thing for a senator to make a speech and cast a vote against such a nomination, but it was quite another thing for him to work at defeating it. If Kennedy chose the latter course, his prestige as a member of the Democratic leadership and the facilities of his office, including Flug's time, would be a considerable boost to the opposition to Carswell. "Griffin's attack gave us the impetus of irrationality to get through the next few weeks, when there wasn't any cohesive force against Carswell," Flug observed afterward. "It was important at that stage to have a little emotionalism."

By the time the hearings ended, on February 3rd, emotionalism was about all that Carswell's opponents had going for them. Only a handful of influential public figures had publicly come out against the nomination—George Meany, the head of the A.F.L.–C.I.O.; Senator William Proxmire, Democrat of Wisconsin; Senator Walter F. Mondale, Democrat of Minnesota; and John Gardner, former Secretary of Health, Education, and Welfare and then director of the Urban Coalition. But two days after the hearings adjourned Senator Goodell took the floor of the Senate and denounced the nomination. Mrs. Edelman was ecstatic at the news. "We had started going around to some senators—the usual Democratic stalwarts you can count on at times like that—and we got almost no response at all," she recalled not long ago. "One of the points they all made was that we couldn't win, or even come close, without Republican help, and everyone asked us how we could expect Republicans to go against their President twice in a row. Goodell's announcement was crucial, because it gave us a bipartisan start." As for Goodell himself, he later explained his decision by pointing out that his vote against Judge Haynsworth had been based not on the conflict-of-interest charges against him, as the votes of most of that nominee's other opponents had been, but on his civil-rights and civil-liberties record. "Since Carswell was even worse on this score—and I read the hearings and many of his opinions—I had to vote against him," he went on. "Then, too, he seemed pedestrian as a judge in all areas of the law, especially in habeas-corpus cases." Although Goodell had not been subjected to much pressure before his announcement—as he observed, that was saved for senators who delayed their decisions—he was subjected to an unexpected and alarming amount of recrimination after it. "The same week that I came out against Carswell, I was the lead-off witness before the Foreign Relations Committee and strongly attacked the Administration on the war," he said. "That was a few weeks before the Republican Convention in New York State. Whether or not I would get the nomination was touch and go, and there were tremendous repercussions at the time over these positions of mine. That almost cut the baling wire holding my campaign together."

No one on either side had approached Goodell for his vote, but he had discussed the subject just before he announced how he would vote in the course of a lunch meeting of the Wednesday Club, which is a loosely knit group of a dozen liberals and moderate Republican senators who meet most Wednesdays in one or another of their offices for lunch and political talk. The club, which ultimately was to be a subtle but influential force in the fight over Carswell, had been founded a few months earlier to provide a regular opportunity for these senators to discuss common concerns, to alert each other to political dangers they might be unaware of in current or forthcoming legislation, and to create a more or less united front on key issues in the hope that the White House, which ignored most of them individually, would listen to them collectively. "There is virtually no liaison between the White House and these senators," George Mitrovich, Goodell's press secretary, explained at the time. "The White House simply pays no attention to them, while conservative senators have ready access and great influence there. No one from the White House has come to, or even telephoned, our office in months. If the President had these men over to the White House occasionally or called now and then to get their opinions, he would create an atmosphere that would make it difficult for them to oppose him. It's utterly stupid not to do that. The President and his staff simply don't understand the Senate—most of all, they don't understand how seducible it is. As a result, they've created a deep resentment among some of the younger Republicans here. There's a good bit of paranoia over in the White House, particularly among the more partisan staff people, and when these senators stand up to the President his aides convince him that it's all politically motivated. Actually, there has really been an issue here that was more completely decided on its merits than the Carswell affair."

One member of the Wednesday Club was Marlow W. Cook, a freshman senator from Kentucky, and a member of the Judiciary Committee, who had led the Administration's fight for Haynsworth, and who, it was generally assumed, would come out for Carswell, too, even if he did not actively participate in the contest. However, several people who attended the hearings noticed that while Cook bore down rather harshly on adverse witnesses during the early stages, he grew less and less willing to defend the nominee as more and more adverse testimony was given. Now, as the Wednesday Club members left the luncheon on February 4th, Cook took Goodell aside and told him that if he intended to come out against Carswell he would do well to look over the Judge's habeas-corpus rulings to support his stand. "I saw then that Marlow had doubts about the nominee's fitness," Goodell said later. "Of course, if he opposed Carswell after leading the fight for Haynsworth it would have a tremendous effect on other senators, especially other Republicans."

As it turned out, Cook did not reveal his intentions until the day of the vote, two months later. And many of his colleagues were as slow, or almost as slow, in revealing theirs. In the days before and after Goodell made his decision known, Mrs. Edelman and Verlin Nelson, of the A.D.A., her companion in this struggle almost from the start, visited several senators' offices to see where they stood on the nomination. The first stop was at the office of Senator Thomas

F. Eagleton, a freshman Democrat from Missouri, who had opposed Haynsworth but had publicly stated that he was inclined to vote for Carswell. Since the Senator wasn't in—or so they were told—they left the scanty amount of material they had collected and went on to the office of Senator Alan Cranston, a freshman Democrat from California, where little interest was shown either in their appeal or in their material. From there, they went to the office of Senator Harold E. Hughes, a freshman Democrat from Iowa, one of whose aides told them that the Senator was considering making a statement against the nomination but hadn't enough facts to base it on.

"We realized then that we needed some more material for these people," Nelson recalled afterward. "About this time, Brad Brasfield, of the U.A.W., joined us, and the three of us kind of stumbled along, getting stuff together and passing it out to anyone who showed any interest." But even after they had compiled several more documents—including an impressive study of Carswell's civil-rights record on the bench, which was drawn up by Mrs. Edelman's assistant, Seymour, who had uncovered the golf-club incorporation papers—they had little more success in gaining recruits. At each office they went to, they were told, almost always by an aide, that the senator was reluctant to oppose another nomination unless there was more conclusive evidence than had been brought out so far to justify such a stand, and that, in any case, he wouldn't make a move so early. "Our reception was generally good, and it was clear that most of the people we saw wanted to go into the matter in depth," Nelson said later. "But the water looked cold, and nobody was willing to jump in."

Finally, Mrs. Edelman, Nelson, and Brasfield discussed the problem, and Mrs. Edelman suggested that with the combined forces represented they might bring Scott around if they threatened to oppose him during his fall election campaign. Since Scott had been reelected in 1964—a disaster year for Republicans generally in the Goldwater debacle—partly through the dogged efforts of Clarence Mitchell and his followers, who persuaded black voters in Pennsylvania to split their ticket and return Scott to the Senate as a reward for his twenty years of fighting for civil-rights progress, the threat that Mrs. Edelman proposed would have had great force. But when word of the proposal reached Mitchell, who prided himself on his closeness to certain senators, especially influential senators like Scott, he was aghast at the suggestion. "I won't be a party to anything that would harm my friend Senator Scott," he kept saying.

The others realized that Mitchell was primarily concerned at the time about the fate of the Voting Rights Act, which he had shepherded through Congress in 1965, and which he and Scott were now desperately trying to save from the Administration's attempts to weaken it. While Mrs. Edelman shared their concern on this score, she felt that the battle for the Voting Rights Act could be waged simultaneously with the battle against Carswell; both, she argued, involved the same principle, and they should be given the same attention.

With this in mind, Nelson and Brasfield went to one of Tydings' aides and asked to have a meeting with the Senator to discuss the possibility of his taking over the leadership of the move to defeat the nomination. Tydings wanted to know where Mitchell stood on the matter—since he had long been known on Capitol Hill as Mr. Civil Rights—and when word of the men's visit reached Mitchell it had a galvanizing effect. As a friend of Mitchell's said later, "Clarence had a temper tantrum when he heard about it. He rushed off to the Hill to talk to what he calls 'my senators.' If anybody is going to do anything about civil rights here, it's going to be Clarence." After some thirty years in Washington, Mitchell was as fussy about protocol as an ambassador's secretary, and he went down the line of liberal Democrats on the Judiciary Committee by seniority until he got to Tydings, who tentatively agreed to take over, although, as he later remarked, "there seemed depressingly little to take over."

Mitchell's commitment meant that there was far more to take over than there had been before. Without his help, Carswell's opponents would have had no hope; with it, they had some. Despite his resentment over any interference in his province, his involvement in the Carswell case had been as early and as deep as anyone's After the first meeting held in Bayh's office following the nomination, it was clear that he was close to tears. "But he saw he had zero support," one of the participants said later. "He kept trying to get others involved, but he became so emotional that they stopped listening. Still, he went on trying, and when things got moving his mood was decisive.

In the end, it was Clarence more than anybody else who turned on the big guns in the labor movement." Mitchell went at things with the single-minded intensity that had brought success to so many of the civil-rights battles he had fought over the years. "The most important thing I was troubled by in the beginning was that Senators who had voted against Haynsworth and who were up for reelection didn't want to take the political risk of voting against another nominee if there was no chance to win," he said not long ago. "The big problem was how to convince them that there was a chance. For that, we needed time. Second, the White House had painted a picture of Carswell as a moderate and had succeeded in convincing people who ordinarily aren't likely to be taken in—men like Scott and Griffin—that it was a fair representation. We had to show them that he not only wasn't a moderate but wasn't even a conservative, that actually he was an outright reactionary. And, third, many senators felt that since they had rejected one nominee, they didn't want to overplay their role as advisers and consenters. We had to convince them that the safety of the nation was at stake."

As Rauh saw it at this stage, the most crucial need of all was time—first, so that further investigative work could be done to see if there were any more black marks on Carswell's record, and, second, so that a large enough grass-roots campaign against the nomination could be planted to convince members of the Senate that it would be riskier for them to vote for Carswell than against him. Once again, the Voting Rights Act was to play a crucial role.

The previous December, the Senate had agreed to make the debate on the revision of the act its first order of business on the first day of business after March 1st. Now Carswell's foes saw a chance to buy a sizable chunk of time—at least a month—if they could delay the floor debates on the nomination until after that date. This task fell to Tydings, and when the hearings ended and the Judiciary Committee went into executive session to consider the nomination, on February 3rd, he immediately moved that Carswell be called back to answer the charges that had been made since his appearance before the committee—chiefly those made by civil-rights lawyers who had testified about his treatment of them in court. Most of the committee's members were anxious to dispose of the nomination before it became any more embarassing politically, and the motion lost by a vote of nine to six. In its place, a motion was approved to dispatch a letter to Carswell asking him to reply to the recent accusations in writing. (This time, Carswell simply ignored the questions that had been raised and repeated his contention that he was not a racist.) In an unexpected move that appeared to undercut Tydings' efforts, Bayh, who was more optimistic about getting his direct-election amendment through than he was about defeating Carswell, tried to use the nomination to dislodge the amendment by calling for a package deal—a vote on Carswell in committee on February 9th, less than a week away, and a vote on direct election by April 24th. If Carswell's friends had accepted this motion, their man would almost certainly be on the Supreme Court today, since the time needed to build up resistance to the nomination would have been lost. But Senator Thurmond, who probably believed in Carswell more fervently than anyone else in the room, immediately and unwittingly set out to defeat the nomination.

First, he moved that the Bayh proposal be tabled; since the other supporters of Carswell wanted to get the nomination to the floor for a vote, they turned down the Thurmond motion by a vote of twelve to four. That automatically made Bayh's proposal the pending order of business, whereupon Thurmond, having set a neat trap, jumped into it. To the delight of Carswell's foes and the dismay of his friends, Thurmond set off on a ranting filibuster, which went on until Eastland cut him off by adjourning the meeting subject to reconvening at his call. Tydings planned to use the committee's unique "right of holdover," a parliamentary device by which any member could ask for a one-week delay on any vote, which was granted automatically. Tydings' opponents were aware of his intention, and hoped to force him to use the holdover before February 5th, for otherwise it would postpone a vote until February 12th, the beginning of the four-day recess for Lincoln's Birthday. To this end, they finally induced Thurmond to drop his filibuster when the committee met on February 4th by persuading him that it was harming Carswell far more than Bayh. Once the aid of this improbable ally was lost, Hart and Kennedy took over and let it be known that they would object to any committee meeting that day while the Senate was in session—another parliamentary device that is automatically granted on request. At this, Senator Eastland announced that he would wait until the Senate adjourned in the afternoon or evening and then reconvene the committee. Tydings thereupon threatened to keep the Senate in session all night if necessary—by way of a filibuster of his own—to stop the committee from meeting. Outmaneuvered, Eastland and his allies gave up, and when the committee met on February 5th, Tydings used his right of holdover as expected. Before adjourning, the committee approved a revised version of Bayh's earlier proposal—to vote on Carswell on the first day after the Lincoln's Birthday recess, February 16th, and on the direct-election amendment by April 24th.

With that, the committee debate came to a close, and shortly afterward Bayh left town to fulfill commitments he had made to speak at several colleges in southern California. Most of them were small places—junior and community colleges where surfing, rock music, and the latest in sports cars ordinarily took precedence over even the most pressing national concerns. To Bayh's surprise, he found that the students and faculty members at each school were deeply upset by the prospect of Judge Carswell's becoming Justice Carswell. To test the depth of this mood, Bayh began attacking the Pres-

ident's choice—in a region that was strong Nixon country, since he was born and still spends much of his time there—and was even more surprised by the strength of the favorable reaction to each attack. In fact, he found that the stronger his attack the stronger the response in favor of it, so, like any politician who finds that something works, by the end of the tour Bayh was throwing haymakers at Carswell with both arms. "The audiences loved it," Keefe, who accompanied him on the trip, said later. "I think that convinced him there was grassroots sentiment of great potential just waiting to be used." That impression increased when Bayh stopped off, on his way back to Washington, in Kansas City to address the local bar association. He wanted to talk about direct election, but his audience wanted to hear about Carswell, so he drew on the arguments and rhetoric that had proved most effective in California. The lawyers—a conservative lot, by and large—listened attentively, applauded each time he made a telling point, and gave him a standing ovation when he finished.

Although opposition outside the Senate was necessary, it meant nothing, of course, without comparable opposition inside that body. As the days passed after the hearings ended, Mrs. Edelman and Nelson grew increasingly discouraged as they tramped from one senator's office to another only to be met by the same responses. The experience was so dispiriting that finally they left the Senate and went across the Capitol grounds to see what help they could get from members of the House. The first stop was at the office of Representative Don Edwards, Democrat of California, who was chairman of the Democratic Study Group, a loose collection of around a hundred and twenty liberal Democrats. The D.S.G. has often been a crucial influence in the House, and although that body has no say in executive nominations, Edwards felt that this one was of such importance to the nation that his group should do whatever it could to stop Carswell from reaching the Court. To this end, he immediately drafted a statement, got approval of other key members of the group over the telephone, and issued a press release while the two were still there. Mrs. Edelman and Nelson then went to the office of Representative John Conyers, a Negro and a Democrat from Detroit, who had testified against the nomination at the hearings, in the hope that he might have some ideas, particularly about how they should go about preventing Minority Whip Griffin, who was also from Michigan, from going all out for Carswell, and how they might persuade Brooke, who was then still evaluating the situation, to break his silence. Conyers heard them out, and then, to their surprise, eagerly said, "Let's hold a meeting." He knew that Griffin could not hope to hold on to his leadership position if he opposed the nomination, but Conyers suspected that the Senator could at least be scared into working for Carswell out of the public view, which would at least limit his effectiveness.

The meeting, which was attended by Mrs. Edelman, Nelson, Brasfield, and aides to the four Democratic senators involved, was largely devoted to a discussion of how the small anti-Carswell faction that existed could be broadened, how citizens' groups could be set up, and how the press could be sufficiently tempted by the case to do some more investigative work of its own. Conyers turned out to be angrier about the nomination and more determined to fight it than anyone had expected. "I wanted to make it a precedent that any nominee to the Supreme Court who is a segregationist must automatically be rejected," he explained afterward. "When Carswell's name was sent to the Senate, everybody said, 'Let's be realistic and accept the fact that he can't be defeated.' I didn't share that view at all. You can't be an American who is trying to bring about reform in a place as resolutely archaic as Congress and think that way, because everything you do is unrealistic in ordinary terms. We had to fight. And we all saw that members of the House could bring pressure on members of the Senate—on men like Griffin and Brooke—and that this could be effective. Anyway, I knew that I couldn't walk away from it when I believed that Carswell was a terrible choice and that most senators didn't fully realize it."

One of the group's first efforts was to bring Brooke around, but at the start that looked hopeless. "Brooke was really bad," one of the men who worked on him from the outside said later. "He wouldn't even talk to us. Nobody could get through to him except Clarence Mitchell, and he was too sympathetic to push hard. When Brooke's staff learned what we wanted to talk about, they wouldn't let us in to see him. Finally, Roger Wilkins, Roy's nephew and formerly a high government official, got to Brooke's top aide, who told him that the Senator had been very impressed by a letter he had seen from a man who had been a shipmate of Carswell's in the Navy during the war and who said that Carswell had always been decent to the Negroes aboard. Why shouldn't he have been?

In those days, the Navy was segregated and Negroes served mostly as messboys and cooks, and he had the same relationship to them as he'd had to his own family's servants back home—that is, treat your "niggers" decently but keep them in their place. The letter was nonsense, and Brooke, who had been in a segregated unit in the Army, must have known it. Using it as a justification for not opposing Carswell made it look very much as if Brooke were trying to get off the hook." To impale him firmly on it, the group asked for support from black ministers and activists, along with sympathetic labor leaders, in Massachusetts, and as the mail, telegrams, and telephone calls began to flow into Brooke's office he gradually stopped talking about Carswell's shipmate.

On February 15th, Conyers released the text of an open letter he had written to Senator Griffin, which was reprinted by the tens of thousands and distributed throughout Michigan. Pointing out that the Senator had opposed Haynsworth because of the revelations about his financial conflicts of interest, Conyers demanded that Griffin now "speak out against the racism of Judge G. Harrold Carswell," went on to remind him that at the last N.A.A.C.P. banquet in Detroit he had allied himself with the aspirations of that group, and added, "I wonder what kind of remarks you are going to bring us this year." (As it turned out, Griffin did not attend that banquet, but sent his regrets.)

The day the letter was released, Conyers was at his home in Detroit when Stephen Schlossberg, general counsel for the U.A.W. and a leading participant in the movement to defeat Carswell almost from the start, telephoned him and said, "John, we've got to get ripping on this Carswell thing." Conyers agreed, and after a lengthy discussion the two men decided to set up an outfit called the Michigan Committee Against Racism in the Supreme Court—the first of the grassroots lobbies against Carswell—in the hope that it would generate interest and help among influential citizens, concern on the part of the general public, and finally, action by the press. "We organized it practically overnight and put together a fantastic coalition," Conyers recalled not long ago. The coalition included such disparate individuals and organizations as a district chairman of the Republican Party, a vice-president of the International Amalgamated Clothing Workers Union, the president of the Interdenominational Ministerial Alliance, the president of the Detroit chapter of the American Trial Lawyers' Association, the president of the Wolverine Bar Association, a member of the National Council of Catholic Women, and the executive director of the Metropolitan Detroit Jewish Community Council. Hundreds of thousands of broadsides headed "We Call on Senator Griffin to Oppose Carswell" were sent out, along with letters to members of the committee's component organizations urging them to "write, wire, or visit Senator Griffin in an effort to prevent the confirmation of G. Harrold Carswell." Not long afterward, Conyers said, "Griffin was under such pressure at home that he wanted out. I understand he appealed to the White House to be released but was told he couldn't back down on this one." For Griffins' own part, he later claimed that while the campaign had hurt him badly in Michigan, he had not been cowed by it, and said, "I don't see how I could have worked any harder for Carswell." Others felt that he could have worked a lot harder if he had not found it necessary to work covertly in order to avoid letting his constituents in on what he was doing.

A couple of days after the Michigan committee had a sufficiently imposing number of sponsors, Conyers held a press conference in Washington to announce its formation. Reporters had to be cajoled into coming, since committees of one kind or another seem to be set up there every three or four minutes, and the bait was not the new group itself but, rather, the rumor that Senator Daniel K. Inouye, Democrat of Hawaii and Assistant Majority Whip, would appear to declare his intention to oppose the nomination. At the time, the campaign against Carswell had bogged down listlessly, and his opponents were desperate to get some news favorable to their side reported. As it happened, Inouye had let them know some time before that he would vote against confirmation, and they had asked him to hold off his announcement until a time when it would help most. That time having arrival, Inouye told the reporters on hand that the nominee was "at best mediocre and at worst a slap in the face of the judiciary," and added, "The only good thing I've heard about Judge Carswell is that the next nominee will be worse." The severity of this remark put it on television news broadcasts that night and on the front pages of many newspapers the next morning, and the importance of Inouye's leadership position all but assured that his stand would bring half a dozen other senators to the anti-Carswell side.

In the long run, few of the countless forces that pull and push at senators are stronger than the influence of their staffs. While influence is not the same as power, at times strong aides can make the two seem identical. To a great extent, the protracted and bitter quarrel over Judge Carswell's nomination to the Supreme Court was carried on by senatorial aides, and to an equally great extent the outcome was determined by their work. All this is not to say that any of them told their employers what to do, or even suggested a course of action openly; senators are far too vain and crotchety a lot for that.

Also, experienced aides are aware that the consequences of a political decision for a politician are far different from what they are for someone who helps him reach it, and they are usually reluctant to press their man too hard. For the most part, staff members exert influence by carefully marshalling and presenting facts on both sides of an issue and by making sure that one side prevails; the most adroit of them also have an acute awareness of which direction their senator

may be leaning in at any given moment and a sharp sense of timing. As the days and weeks passed, the efforts of assistants to the early leaders of the fight against the nomination had an increasing effect on their counterparts in other senators' offices, and these colleagues began to have an increasing effect on the senators *they* worked for.

A week after the hearings ended, Flug set off the first small explosion calculated to create this kind of chain reaction when he telephoned Thomas Bennett, legislative assistant to Senator Gaylord Nelson, Democrat of Wisconsin, and suggested that it might be a good idea to call a Monday Morning Meeting to talk about Carswell. The Monday Morning Meeting—similar, on the staff level, to the Wednesday Club—consisted largely of a group of legislative assistants to liberal Democratic senators who discovered shortly after the 1968 election that the usual sources of information from the executive branch were closed off and decided that they could be of help to each other if they got together from time to time and discussed the major legislative issues before the Senate. Bennett agreed that it would be a good idea to call a meeting, and also agreed with Flug that it be billed as a frankly anti-Carswell session, to protect any aides who might not want to attend such an affair if it might seem to commit their senators to one side when they were uncommitted. Despite this, nearly thirty aides showed up for the meeting, which was held not on Monday but on Wednesday, February 4th, in a large room in the Old Senate Office Building that was otherwise used only on Tuesdays, by senators' wives who gathered to roll bandages for the Red Cross.

Rauh was on hand to present the case against Carswell, and in the opinion of several participants he was extremely persuasive. "Joe is a very passionate advocate, and by the time he was finished cutting up Carswell the Judge could have used the entire supply of bandages prepared by the ladies the day before," one of them said later. "Most of us had been unaware that a case of that magnitude could be made." When Rauh completed his presentation, Flug got up and went through the same head count that he had sent Kennedy. "That was dangerous, since no guy likes to be told how his boss is going to vote before his boss has voted," Flug said afterward. "But it worked, because after Rauh spoke and everybody saw that Carswell was a terrible choice and then the theoretical vote count showed he could be stopped, no one cared about a small matter like that. In fact, it was remarkable how little everybody cared throughout the fight about who got the credit, who was running things, or any of the other little sensibilities that often cripple this place."

In the opinion of some others who attended the meeting, its effect ranged from crucial to irrelevant. Probably the most balanced impression came from Bennett, who said later, "As a legislative assistant, you have such great demands on your time that you have to set priorities, and usually you set each one on the basis of how short a fuse a given issue has. Rauh presented his case so convincingly that it got those who were present to think about it seriously. Before that, they figured their bosses wouldn't go for it, but he exposed them to the basic facts—that Carswell was worse than Haynsworth, that the civil-rights people were dead set against him, and that he was not of the calibre to be on the Court. That got their attention and gave them information, and then Flug's head count, which may have seemed rather inflated at the time but still possible, made it look worthwhile. The upshot was that the meeting put Carswell on their agenda as a priority item."

Another participant, Douglas Jones, a former professor of economics who was legislative assistant to Senator Mike Gravel, Democrat of Alaska, found the affair helpful but by no means decisive. "My inclination toward Carswell was negative when I got to the meeting, but I hadn't made a judgment yet," he said afterward. "The main effect of the session was that it provided a bibliography of the material against Carswell. Then, gradually, the material I got afterward convinced me that my boss would probably want to oppose the nomination." Gravel was the only Northern Democrat to vote for Haynsworth, and it was generally assumed that he would also support Carswell. But no one, including Jones, had any idea of where he stood on the second nomination, because he had been out of town since it was announced. To prepare background information for him to read on his return, Jones obtained more material from Flug and then worked with other members of Gravel's staff to put it together. "The principal question we faced was: If it is the right position, on the merits, to vote against Carswell, how does one go about marching, in a political sense, from a vote for Haynsworth to a vote against Carswell?" Jones explained recently. "We had to find a way to move logically from a yes vote to a no vote. We began by going over why the Senator had voted for Haynsworth. In that case, there had been three major concerns—judicial ethics, judicial stature, and the race issue. Senator Gravel felt at the time that while Haynsworth's sense of ethics could raise certain misgivings, they were not compelling enough to justify voting against him.

On the question of judicial stature, the Senator felt that although Haynsworth was not the most eminent judge in the country, he was highly competent. As for the race issue, that seemed just not legitimate. Then we measured Carswell by these standards. In his case, the race issue clearly had been properly raised. And on ethics we felt that this includes a lot more than simply finances. For example, how does one use one's office? It was apparent from the hearings that Carswell's treatment of Northern lawyers working on voter registration was improper and his behavior and demeanor in court suggested a lack of ethics in this sense. After that, we had to consider the importance of Senator Gravel's having been the only Democrat from the North to support Haynsworth. If the Senator came out against Carswell, he would probably create a similar inclination among some other senators who had also voted for Haynsworth, because they would conclude that here was someone who had voted for Haynsworth, showing there was no sectional bias involved, but who just couldn't take Carswell. That meant Senator Gravel's vote would amount to several votes, not just one."

When Gravel returned to the capital, Jones gave him the memorandum the staff had prepared, along with a speech to accompany his announcement if it turned out that the Senator agreed with the staff's conclusions. Aside from these documents, there was little in the way of pressure on Gravel. During the entire seventy-nine days from the nomination to the final vote, his office received only seventy-five letters, postcards, and telegrams concerning Carswell—against him by a ratio of eight to one. To be sure, some union people phoned and stopped by, but they had little or no effect on him. Nor did the personal lobbying on the oppostie side by Senator Ernest F. Hollings, Democrat of South Carolina, who took the opportunity offered by his daily association with Gravel as his jogging partner to ask him to support Carswell. In fact, the only effective appeal from the outside was a letter from Roy Wilkins, which Gravel found solidly persuasive. Gravel spent most of his first weekend back in town going over the staff memorandum, the transcript of the hearings, Wilkin's letter, and a number of speeches made in the Senate during his absence.

As Jones expected, the Senator found the evidence against Carswell so compelling that he decided he had to oppose the nomination, whatever the political implications. And, like a surprising number of other senators, he decided the issue solely on its merits. "This was one of those cases where most senators were statesmen," Jones remarked later. "In the privacy of the night, they thought about the Republic." While Gravel's decision was statesmanlike, the timing of his announcement was political. When Bayh and Kennedy learned that he was prepared to vote against the nomination, they got in touch with him and asked that he hold off making the statement on his stand until a propitious time. Gravel agreed and said that his speech was all ready.

On the day that the Senate recessed for Lincoln's Birthday, the Washington Post ran a long and minutely detailed editorial on Judge Carswell's civil-rights record—written by James Clayton, who was to compile a remarkable amount of original research for use in the battle against the nomination. After recounting, step by step, Carswell's judicial efforts to obstruct school desegregation in the South, Clayton concluded, "He proceeded as slowly with desegregation as any judge could without courting brutal rebuffs from above and even then he was reversed consistently. He refused to speed things up when higher courts and national policy required a speedup. He protested when the Fifth Circuit entered a specific order in a case going back to a judge who was known as an opponent of desegregation. This is a record of delay, postponement, resistance, almost all across the line." By this time, Herblock was directing his political cartoons against Carswell almost daily, and other political cartoonists and editorial writers across the country began joining the anti-Carswell forces in increasing numbers.

When the Judiciary Committee convened on February 16th to vote on the nomination, Carswell's opponents had no expectation that he would be defeated in the committee, but they had some hope that the division would be narrow enough to impress any senators who might still be undecided when the time came for a final vote on the Senate floor. This hope rested mainly on the uncertainty about which way Republican Senators Cook and Mathias, along with Quentin N. Burdick, Democrat of North Dakota, might go, since all of them had privately expressed misgiving about the nominee. But in the end all three went with the majority, making the tally thirteen to four. The first vote, that morning, was twelve to four, with Cook abstaining. He had twenty-four hours to make up his mind, which he did by that afternoon. Still, his few hours of hesitation encouraged Bayh and the other dissenters about the prospect of bringing Cook around before the final vote. The hearing record was published that day, and Rauh was surprised to find that although it had been closed officially by the chairman at the end of the hearings, except for the addition of Carswell's letter, it now included a twenty-four page letter from Hruska purporting to answer Rauh's testimony on the final day. When Rauh read the letter, he saw why Eastland had not permitted him an opportunity to offer a surrebuttal, for the document, which had been prepared by the Justice Department and revised in Hruska's office, was a concoction of inaccuracies and half truths. However, Rauh was greatly cheered when he notice that Hruska

alone had signed the letter, whereas in similar circumstances in the Haynsworth case he had signed a joint letter with Senator Cook. "When I saw that, I gave a whoop, because it meant that Cook was still loose," Rauh said later. "So there was hope after all." That hope rose a couple of days later after Cook told reporters that despite his vote in the committee, he intended to "reserve decision" on the final vote when the nomination reached the floor.

Under an agreement reached by members of the Judiciary Committee, the minority report on the hearings was to be filed ten days after the majority view was submitted. To start the clock running, Hruska submitted it the day the committee voted out the nomination. Bayh and the three other opponents were slightly encouraged to see that Cook hadn't signed the document and that Mathias and Burdick had filed separate views expressing some reservations about the nominee. But the four were discouraged by the speed with which Hruska had acted, for it meant that the debate on the nomination would reach the Senate floor on the morning of February 27th—that is, in front of, not behind, the Voting Rights Act. On the following day, though, Senator Mike Mansfield, of Montana, the Majority Leader, announced that the nomination probably would not be brought to the floor until after the Voting Rights Act was disposed of. This made it clear that he intended to use the nomination as a procedural device to expedite passage of the Voting Rights Act. If the act reached the floor first, its opponents would not try to filibuster it to death, as they otherwise would have, because they did not want to delay the vote on Carswell. By this time, it also appeared that Mansfield had begun to see that the forces lining up against the nominee were not as feeble as he had thought. One day during this period, Charles Ferris, general counsel for the Senate Democratic Policy Committee, ran into Flug and asked how his cause was shaping up. Flug said he thought they had forty-four votes, and when Ferris laughed at the claim Flug pulled out the tally sheet he always carried with him and went down the list. Unable to find anything wrong with the count, Ferris sobered at once. Later, he reported this encounter to Mansfield, who also seemed impressed.

Although liberals outnumber conservatives in the Senate, ordinarily conservatives are far more effective, largely because they are more willing to paper over their differences for the sake of unity, whereas liberals insist on emphasizing the palest shades of difference in their various positions to demonstrate for the record that they are thinking for themselves, By February 20th, the four dissenters' aides had completed a draft of the minority report on the hearings. To heighten its impact, they put it in the simplest form—a brief introduction stating that while the signatories opposed the nomination for varying reasons, they agreed on the major points, which then followed. The draft was submitted to the four senators that day. "Late that afternoon, everything fell apart," one of the authors said later. "It was a circus. The Senate was still in session, and the four got together just off the floor to go over the draft. They all refused to sign it unless it was rewritten as they wanted, and they all wanted something different. One of them wanted to play up this point and play down another, while the second wanted to do the reverse, the third wanted to emphasize something entirely different, and the fourth was dissatisfied with the whole thing. Also, the report was very tough and very purple, since it was a first draft, but apparently they thought it was the final version. They realized they would be signing a very strong document without sufficient evidence—for instance, on the subject of Carswell's evasiveness before the committee, which hadn't been corroborated yet—and they just refused." The impasse seemed unbreakable and, to the report's authors, a disaster from just about every point of view. To begin with, they knew that if the four senators didn't sign the same report, there would be no chance of getting other senators to line up with an obviously fragmented opposition. Moreover, without a cohesive report signed by all four, they couldn't hope to persuade outsiders to lobby against the nomination.

Members of the press were watching closely, too, and if a weak and inconclusive report convinced them that the effort was not serious, and united, they would stop covering the story. And, finally, Mansfield was the key man, and if he concluded that the four senators were squabbling among themselves rather than working tightly together for maximum effect, he wouldn't bother helping them out in all the large and small ways open to him as Majority Leader. To avert these calamities, two of the aides revised the report, excising the more inflammatory prose and unsubstantiated points, like the matter of Carswell's candor before the committee. That done, they presented the result—a pale document by any measure—and after Kennedy spent an hour and a half persuading the others to accept the document they finally signed it, late on the afternoon of February 26th, the deadline for its submission. "We had hoped for a really stinging report that would catch the attention of other senators and the press and create a rallying point for the opposition," one of the aides said later. "The final version was about as stinging as oatmeal, but at least it concealed the division within our ranks. That helped."

Another bit of help turned up the next day, in the form of a *Times* story describing in detail how shortly after Carswell became a U.S. Attorney he helped organize the Seminole Boosters, an all-white club set up to raise funds for the Florida State University's athletic program. "The story wasn't a big one, but it kept things alive," Flug said later. "A lot of senators were scared by then that there would be a real bombshell, and the Boosters kept them scared. That stopped many of them from coming out for Carswell early and locking themselves in." While the possibility of a bombshell may have stopped some members of the Senate from announcing their support for Carswell, it did not prompt any of them to announce their opposition. Five weeks after the nomination was made, only nineteen senators had come out against it. Of these, only three were Republicans—Goodell, Brooke, and Jacob Javits, of New York (who held off until after the New York *Post* had editorially chased him around the block several times and Brooke had made his speech).

The most encouraging development for Bayh and his colleagues that week was the organization of a small group of some of New York's most eminent lawyers who decided to do what they could to stop Carswell from taking a seat on the Court. Led by Samuel I. Rosenman, once a speechwriter for President Franklin Roosevelt and a former president of the New York City Bar Association, the group was made up of Bethuel M. Webster, another former president of that bar association; Francis T. P. Plimpton, the current president; and Bruce Bromley, a former judge of the New York Court of Appeals and now a leading Wall Street lawyer. "We were stunned when we learned what they wanted to do," Bayh's assistant P. J. Mode said later. "About the last thing we expected was that men who were so much a part of the Establishment—in fact, they *are* the legal establishment— would be willing to attack a Supreme Court nominee without any prodding from anyone." Rauh was surprised, too. "Men like these are generally moderates, but most of the time they avoid getting embroiled in such affairs, and their acquiescence ultimately gives support to the conservatives," he explained.

"Now they apparently saw that they couldn't stand by any longer if moderation—not to mention the system—was going to be preserved in this country." Mode quickly got in touch with the Rosenman group, and when he learned that they planned to sign a letter urging Carswell's defeat in the Senate and place it as a full-page advertisement in the country's largest newspapers he suggested that it would be far more effective if they persuaded other leading attorneys to sign the letter, too. In the Haynsworth case, there had been little opposition on the part of lawyers—perhaps half a dozen law professors made public statements against that nomination—but Mode saw that their help could be invaluable.

Although at this stage Bayh had not yet decided to take active leadership of the anti-Carswell movement, his staff realized that he was days, or perhaps hours, from it. In anticipation of this step Keefe, Bayh's chief aide, met with Mrs. Edelman, Nelson, and Brasfield on the day the minority report was filed, to go over what they had been doing and to give them whatever help and encouragement he could. Above all, they needed encouragement. "Despite all of our work, we still had only nineteen firm votes," Mrs. Edelman recalled not long ago. "It just killed us." The three had set up a small office—with the space supplied by the A.D.A., a clerk and a secretary by a private lawyer who was concerned about the nomination, and the postage by the U.A.W.—and had prepared the first of what they hoped would be an increasingly impressive series of broadsides called "Facts on the Nomination."

The three also reported that they had some studies of Carswell's judicial history almost ready for distribution, and Mrs. Edelman added that she had been getting in touch with friends and acquaintances who taught at law schools in the East and urging them to turn on whatever pressure they could to persuade uncommitted senators from their states to commit themselves to the anti-Carswell cause. Most important, the group told Keefe of their efforts to get mail campaigns going in various key states, and said that they hoped the unions and the civil-rights groups, which had networks for that kind of operation, would take over. "Mail was very, very important," Mrs. Edelman explained.

"For example, Senator Eagleton was inclined to come out for Carswell quite early. I heard that his staff was pressing him to turn around but that he wasn't getting any mail and wouldn't listen. So we went to work, and when I ran into him at a dinner party several weeks later he told me that the mail in his office was running three to one against Carswell and was voluminous. I asked him where he stood, and he said that while he wasn't going to make it public just then, I didn't have to worry. So we added him to our head count."

That same day, Congressman Conyers held another meeting—the largest so far, with Senate staff members, several Democratic members of the House, and the usual group of outsiders—to devise the next moves. The chief problem was how they might line up more state and local outfits to work against the nomination, and after some discussion the standard list of labor, civil-rights, and civic organizations was drawn up and parcelled out among the participants.

Conyers asked his House colleagues to do what they could to generate opposition to the nomination in their districts among professional—particularly legal—groups and

civic organizations. (Representative Abner Mikva, of Illinois, persuaded seventy Chicago lawyers to sign a telegram opposing Carswell, and Representative William F. Ryan, of New York, persuaded the city bar association to pass a resolution calling for defeat of the nomination.) And everyone agreed to do what he could to get the press, which so far had had little to say against Carswell, involved and working on investigations of his background and his record.

Then someone suggested that more should be done in the way of getting help from law schools around the country to broaden Mrs. Edelman's efforts. Conyers promised to appeal to the deans of the four leading law schools in Michigan. (Ultimately, he lined up all four of them.) As it happened, Professor Lowenthal, who had testified at the hearings, had called Mazaroff in Tydings' office just a couple of days earlier to ask what more he could do to help. He had already done a great amount of work by enlisting the support of law-school deans and professors to defeat the nomination.

Mazaroff suggested that he serve as liaison between the Rosenman group and the Senate, and told him that the group planned to hold a large press conference as soon as they had enough signatures on their letter to make an impresssive showing; they also intended to bring along Dean Derek Bok, of the Harvard Law School, Dean Louis Pollak, of the Yale Law School, and Dean-elect Bernard Wolfman, of the University of Pennsylvania Law School, who would be ready to discuss the nomination with any senators who wanted to hear their side, and Mazaroff asked Lowenthal to coördinate this effort, too. Mazaroff had mentioned this conversation to Lee Miller, another Tydings aide, who now reported it to those attending the Conyers meeting, and they agreed that Lowenthal would be the ideal man to oversee the contacts made with the legal academic community.

Before Carswell's nomination, most members of the Senate apparently felt that a Supreme Court nominee's political philosophy was his own, and the President's, business, and that they had no right to include it in their considerations of whether a man should be confirmed. A number of them changed their minds when their attention was called to an article in the March issue of the *Yale Law Journal* entitled "A Note on Senatorial Consideration of Supreme Court Nominees." Its author, Professor Charles L. Black, Jr., emphatically disagreed with the prevailing opinion. "If a President should desire, and if chance should give him the opportunity, to change entirely the character of the Supreme Court, shaping it after his own political image, nothing would stand in his way except the United States Senate," he began the article. "Few Constitutional questions are, then, of more moment than the question whether a senator properly may, or even at some times in duty must, vote against a nominee to that Court, on the ground that the nominee holds views which, when transposed into judicial decisions, are likely, in the senator's judgment, to be very bad for the country." If one argued that senators had no such right, Black went on, then one gave the President a power disproportionate to what the Founding Fathers had intended.

Early in the Constitutional Convention, he explained, the participants agreed to give the Senate the exclusive power to appoint all judges, and not until later was the President given any role in the process, which, Black wrote, "must have meant that those who wanted appointment by the Senate alone . . . were satisfied that a compromise had been reached, and did not think the legislative part in the process had been reduced to the minimum." In "The Federalist," he continued, Hamilton had observed that the Senate's veto power over any selection "would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connection, from personal attachment, or from a view to popularity." Moreover, Black asserted, "In a world that knows that a man's social philosophy shapes his judicial behavior, that philosophy is a factor in his fitness. If it is a philosophy the senator thinks will make a judge whose service on the bench will hurt the country, then the senator can do right only by treating this judgment of his, unencumbered by deference to the President's, as a satisfactory basis in itself for a negative vote."

Black's article was distributed among members of the Senate who were uncommitted or were believed to be having doubts about the nominee's fitness for the highest court. Some of them were sufficiently impressed to go back to studies of what those who attended the Constitutional Convention had in mind when they gave the President the power to nominate and the Senate the power to accept or reject a nomination. Senator Richard S. Schweiker, a freshman Republican from Pennsylvania, who was to play a key role at the end of the contest over Carswell's nomination, was greatly influenced by these documents. Schweiker had come out for Carswell immediately after Hruska's briefing on the day of the nomination, and everyone assumed that he would stick to his decision—chiefly because of his relationship to Senator Scott, his senior colleague from Pennsylvania.

As Minority Leader, Scott would be subject to attack within the Senate by those who wanted his job if he couldn't keep even his own junior colleague in line. And since Scott was up for reelection, a defection on Schweiker's part would open Scott's flank to attack from outside the Senate by liberals and moderates back home, who would be sure to point out that the case against Carswell was so compelling that even a freshman senator who had every reason, politically speaking, to vote as Scott did couldn't bring himself to. And, finally, Schweiker hoped to wipe out the effect of his votes against the A.B.M. and Haynsworth, both of which the Administration and conservatives back home deeply resented. "I wanted to vote for Carswell, and at first I decided that the charges against him were more political than real," Schweiker said later. "But after reading Black's article and the studies on the Constitutional Convention and seeing what the Founding Fathers intended, I concluded that my first decision had been based on a misunderstanding of the Constitution.

Having already made a mistake, I didn't want to repeat it. I literally forced myself not to get fixed in an inflexible position. Then, the deeper I got into the facts, the more I realized, first, that I had a terrific responsibility and hadn't been fully aware of the Constitutional aspects of it. Second, I realized that Hruska's assertion about Carswell's being highly qualified was untrue. And, third, I realized that with human rights making up such a crucial part of our problems today and his having been reversed unanimously seventeen times in that area, he just wasn't a man for our time."

The Hruska-Eastland camp still had two days—Friday, February 27th, and Saturday, February 28th—in which to push the nomination onto the floor ahead of the Voting Rights Act, but Mansfield announced that any request to postpone floor action on the nomination for a day would be honored, as tradition dictated, and that no session would be held on Saturday except by unanimous consent. Since Bayh and his allies were prepared to request postponement and object to a Saturday session, that held off the debate until March 1st, when the Voting Rights Act became the first order of business. Senators Scott and Hart had drafted and co-sponsored a compromise revision of that law designed to deflect the Administration's efforts to weaken it, and they were confident that the Southerners who opposed the act would be forced to see that a delay on the compromise bill would mean a delay on the Carswell nomination.

Since the Southerners did not have the votes to defeat the compromise, it was assumed that they would reluctantly accept action on it so that they could get on to confirming their nominee. Also, Easter came early this year, with the recess for it beginning on March 27th, and since the Senate had to get through the debate on the act and then the debate on the nomination before Carswell could come up for a final vote, it was clear that a delay of even a couple of days might postpone that vote until early April. At the outset, Carswell's opponents had hoped for a month more to build up opposition, and Thurmond had given it to them when he filibustered against the direct-election amendment in the Judiciary Committee. Another month was desperately needed, but no one had much hope of gaining it until Senator James B. Allen, a freshman Democrat from Alabama, rose and began filibustering against the Voting Rights Act—not with any hope of defeating it but merely to show the voters back home that he had tried. In the end, that gave the anti-Carswell forces slightly more than another month. (When it was all over, Senator Tydings asked, "You know who defeated Carswell?" and he answered, "Thurmond and Allen.")

On March 2nd, an Associated Press poll showed that thirty-seven senators were for Carswell, with eight more leaning that way. According to the poll, the number of opponents was twenty. Discouraging as this was, the opposition doggedly pressed on. (Its members would have taken great comfort if the A.P. had picked up a story that was published the next day in the Atlanta *Constitution* revealing Judge Tuttle's withdrawal of his offer to testify at the hearings on Carswell's behalf. United Press International also missed it, so the account didn't reach Northern newspapers or the Bayh group.

However, it apparently reached Carswell's friends in the Senate, for senators who had repeated, day after day, the importance of Carswell's having the firm support of eminent jurists like Tuttle suddenly stopped mentioning it on the day the story appeared in the *Constitution* and never brought up the subject again. By this time, the work done by Mrs. Edelman and Professor Lowenthal began to produce results, as twenty-five professors at the U.C.L.A. Law School and nineteen professors at the University of Virginia Law School, the academic home of the Southern aristocracy, signed formal protests against the nomination. And then Senator Robert W. Packwood, a freshman Republican from Oregon, who was widely expected to back Carswell, privately told Bayh that he would oppose the nominee.

Packwood also told Bayh that he did not want his decision revealed, because he hoped to avoid the kind of arm-twisting he had suffered after letting the White House know that he meant to vote against Haynsworth. In that fight, the Administration had openly threatened members of his own party with reprisals if they opposed Haynsworth—strong opponents in their next primary campaigns; cutoffs or slowdowns of funds for dams, bridges, and patronage; and com-

plete loss of access to the President or anyone else in the White House. That strategy had backfired deafeningly.

For instance, when a high official of the Department of Agriculture called a Midwestern senator and warned him that agricultural subsidies to his state would be cut back if he opposed Haynsworth, the senator, who was assumed to be ready to back Shirley Temple if the President named her to the Court, became so angry that he voted against Haynsworth. Members of the White House staff learned from this kind of experience that bullying didn't always work, and when it came to Carswell they relied—until nearly the end, anyway—on polite inquiries about where a given senator stood and on quiet persuasion when they found that he was uncertain or had decided to vote against them.

While participants in the contest later attributed Carswell's downfall to a variety of causes—Thurmond's and Allen's filibusters, the work done by Mrs. Edelman and other outsiders, the influence of the legal community, the effect of Senate aides—perhaps the central cause was the White House staff's flailing incompetence. As a number of Republican senators observed afterward, the only thing that was worse than the White House's lack of courtesy toward the Senate was its bumbling intelligence system.

Packwood, for one, had learned from the Haynsworth case that the staff there couldn't be trusted even in the most elementary ways. When he let the White House know that he meant to oppose it then, he was asked to at least not announce his intention, so that other Republicans wouldn't be influenced by his decision, as is often the case when senators have similar constituencies and backgrounds. Packwood agreed to that, and he also agreed to be accommodating when the time for the vote came and he was summoned off the floor by a telephone call from a White House aide who breathlessly told him that the result was going to be very close and asked him to hold back his vote on the first roll call to make the margin look even narrower, which might persuade others that a bandwagon was on its way and that they had better clamber aboard.

To Packwood's bitter embarrassment, the bandwagon turned out to be rolling off in the opposite direction, for without his vote the final tally was fifty-four to forty-five against the nomination, which made him look not only like an opportunist but like an opportunist who couldn't count. The Bayh-Brooke forces considered the White House their staunchest ally in the fight over Carswell, and this appraisal was concurred in by most Republican senators, ranging from conservatives to liberals. For instance, after the fight Senator Robert Dole, a conservative Republican from Kansas, who fought hard for Carswell, described the White House aides as "those idiots downtown"

By the time the floor debate on the nomination got under way, a group of students at the Columbia University Law School had spent several weeks compiling a collection of Judge Carswell's published decisions (mostly from the *Federal Reporter*, which includes only those decisions that federal District Court judges themselves submit for publication), on the off chance that this might help stop him from sitting in the chair once occupied by Oliver Wendell Holmes.

John Adler, an associate of a prominent Wall Street law firm, had learned about their work and had put them in touch with the Ripon Society, a liberal Republican youth group that had offered to serve as their publicity outlet if they came up with anything startling. As it turned out, the results of the students' compilation were so startling that the Ripon Society called a press conference in Washington on March 5th, at which it revealed that of Carswell's eighty-four published decisions nearly sixty per cent had been reversed, or more than twice the average rate of the other judges in the Fifth Circuit District Courts. That produced headlines around the country, and Attorney General Mitchell immediately responded with the charge that published decisions constituted only a small part of the total and were obviously an invalid measure.

The Columbia students challenged him to withdraw the nomination if an examination of *all* Judge Carswell's decisions showed that he fell below a percentile to be chosen by Mitchell. Mitchell ignored the challenge. The students went ahead anyway, and completed a monumental study—covering some fifteen thousand cases—that showed that Carswell had been reversed more than forty per cent of the time, or one-third more often than the average of all his fellow-judges; of the sixty-seven judges in that circuit, only six had worse records.

More or less in passing, the study also revealed that the longer Carswell had been on the bench, the more often he had been reversed. All this demonstrated that whatever else Judge Carswell was, he was not the "strict constructionist" of the Constitution that President Nixon claimed him to be.

On the morning of March 10, the day that Bayh instructed his staff to crank up for an all-out fight against the nomination, another debate over who was going to lead the opposition was just being resolved in another Senate office. Tydings' aides had been urging him to assume this role for some time, and at almost the same hour that Bayh finally decided to take it over Tydings did, too. Exultant, his aides set out to arrange a meeting Tydings wanted called, to be attended by Bayh, Hart, Kennedy, Brooke, and Javits, along with their aides, and by Rauh, Clarence Mitchell, and a couple of labor lobbyists, with Tydings as chairman. In the meantime, however, another of Tydings' staff men convinced him that an even more important occasion than the vote on Carswell would be the upcoming election in November, and persuaded the Senator to hold a press conference immediately in Baltimore, where he was expected to run rather poorly, on a pressing local matter.

Half an hour before the anti-Carswell group was to meet, in Room 207, just off the Senate floor, Tydings decided that it was vital for him to go to Baltimore, and left. The aides who had called the meeting in his name were disappointed at his departure, but they finally collected themselves as the other participants gathered outside the conference room, and tried to edge Hart into the room first, in the hope that he would then take the chair and inherit the leadership. Hart's aide saw what they were up to, and edged the Senator away from them. The two aides then moved toward Kennedy, whose aide moved him away, too. Finally, the whole group entered the room willy-nilly, and one of Tydings' men, grasping for a way out of the debacle, took the floor and explained some of the problems involved in such a fight. Since everyone there knew the problems as well as or better than he did, he quickly fell into an embarrassed silence.

No one spoke for a long time, and it appeared that the meeting was about to collapse, when Bayh suggested that it might be helpful to form two teams, one headed by a couple of Democrats and one by a couple of Republicans. He added that he would be willing to serve as one of the Democrats, whereupon a Tydings man suggested his boss as the other. Then Brooke said that, of course, he would take one of the Republican posts, and Javits agreed to take the fourth slot. That settled, they discussed which senators might be called on to make lengthy speeches to hold the floor, and what strategy should be followed to insure that the opposition didn't outmaneuver them and call for a vote before they were ready. When the meeting broke up, it was tacitly agreed all around that Bayh would be the leader.

As it happened, Bayh and his aides were unaware that any question of leadership was involved, and they had already begun to scout for senators who would take part in the debate, which was expected to begin in a couple of days, and help hold off the pro-Carswell forces until after the Easter recess.

Bayh had asked a couple of his aides to prepare a speech for him to deliver, and to "get plugged in" to such outside groups as the Leadership Conference, the A.D.A., labor unions, and any organizations that might help them do the necessary legal research on Carswell's record. "We soon learned that one of our biggest problems was bum dope—unfounded rumors and misleading tips," Mode recalled not long ago. "We got a lot of these, and had to chase down every one. Obviously, the other side could have blown us out of the water if they caught us making a false charge. At the same time, the pressure on us to come up with something new was terrific. Reporters had to be fed new material constantly to keep interest alive. And staff guys from other Senators' offices kept begging for that one thing that would bring their wavering bosses around." According to an outside lawyer who came to Bayh's office with what he believed was evidence that Carswell had been involved in a financial project of a questionable nature, the lack of legal help available there was shocking.

"I had expected cubicle after cubicle filled with lawyers equipped with fine-tooth combs when I went to Bayh's suite," he said later. "But all they had was one lawyer working on this incredibly complicated stuff, and even he wasn't on it full time." Actually, his expectations were unreasonable, for most senators do not have the funds, the staff, or even the space to conduct such investigations. To make up for this, Wise, Bay's press officer, who had been a Washington correspondent for *Life* before moving to the Hill, set out to get the press interested in the story. "National magazines like *Life, Time,* and *Newsweek,* along with big-city newspapers and TV networks, have enormous resources—far more than a U.S. senator can command—and I knew from my experience as a reporter that they can often be persuaded to act as a senator's investigative arm if the story looks big," he explained recently. "So I arranged to give them all the tips we got, and they ran down ten blind alleys for every payoff." Wise also kept in daily, and sometimes hourly, touch with television and radio networks, keeping them slightly ahead of the game so they would be prepared if something new broke.

The day after Bayh took over as leader of the small band of senators who had declared their opposition to the nomination—only twenty-two in all, including himself—a petition was released bearing the signatures of over five hundred professional men and women from ten government departments and agencies who called on the Senate to reject Carswell because of his "utter lack of qualifications as a jurist." It is not at all uncommon for members of the executive branch to covertly undermine the President they supposedly serve, but it is exceedingly uncommon for them to undermine him openly—especially in the case of President Nixon, who has been known for his swift reprisals against dissension in the ranks.

Then, later the same day, Rosenman, Plimpton, Webster, and Bromley, accompanied by the deans of the Harvard, Yale, and University of Pennsylvania Law Schools, held a large press conference in Washington and released their letter, which was signed by three hundred and fifty lawyers, including some of the nation's most distinguished judges, law professors, heads of bar associations, former high government officials, and private attorneys. "The outpouring of sentiment against Carswell from men in the highest positions in the legal world was astonishing," Bayh said later. "And it was most effective."

One effect was that it stopped Carswell's backers from claiming, in the words of one of them, that the opposition was made up entirely of "South-haters, knee-jerk liberals, and Nixon-baiters." But a far more important effect was that the stand taken by these lawyers encouraged others to join them; within a few days a hundred more had signed the letter, and additional hundreds of lawyers around the country began working locally to drum up opposition to the nomination.

When the press conference broke up, the three deans went off to meet with a dozen or so senators, from both sides of the aisle, who either hadn't made up their minds or had decided to oppose Carswell and wanted to get additional arguments to justify their votes. Senator Schweiker spent nearly an hour with the three, and listened attentively as they went over Carswell's judicial record in detail—the kinds of reversals he had had, his lack of scholarly work, the poor quality of his opinions, and the lack of respect shown for him by many of his peers. Afterward, Schweiker said that he had been deeply impressed by these arguments. His reaction was encouraging, but the very short roster of Republican senators opposing Carswell was becoming more and more discouraging to Bayh and his colleagues.

Although Flug still held to his count of forty-four votes against the nominee, Bayh's staff put it at only forty, which meant that if all one hundred senators were present eleven more votes would be needed—most, or perhaps all of them from Republicans; at the time, only four were committed to the opposition. To persuade others to join them, Bayh prevailed on Senator Clifford P. Case, Republican of New Jersey and one of the leading members of his party in the Senate, to announce his decision to oppose Carswell on the day that the Rosenman letter was released. It was hoped that Case's prestige would help convince other Republicans—mainly men like Schweiker and Mathias, who were leaning in the same direction—that the only honorable course was to follow him.

An event of even greater significance occurred that day when an assistant in Tydings' office who was going through the mail came upon a letter from Atlanta containing a clipping of the *Constitution* story about Judge Tuttle's withdrawal of his offer to testify on Carswell's behalf. This was rushed to Tydings, and he telephoned Tuttle, who confirmed the report but, for the time, refused to make his position known publicly.

The next morning, Tydings' aide Miller took a copy of the article to a strategy meeting in Bayh's office, and the participants discussed whether this might be the "one more thing" that so many senators were waiting for to justify a vote against Carswell. But since Tuttle refused to confirm the story, no one could figure out what use it might be put to. After the meeting broke up, Flug returned to his office to find a telephone call waiting from Joseph Kraft, the Washington *Post* columnist, who asked if anything new had turned up. Flug told him about the clipping and suggested that he call the *Constitution* to see if he could get more information on the story.

Late on the afternoon of March 13th, the Senate passed the amended Voting Rights Act, and the nomination of Judge Carswell became the pending order of business. Since the time for adjournment was near, little of significance happened in the way of debate. What was of great significance, though, was that Scott repeated his endorsement of the nominee and Griffin announced his—both with obvious reluctance, to be sure, but still with the assurance that they meant to stand by the President's choice.

Some of Carswell's opponents in the Senate had hoped that the record built up against him since he was named would persuade both men to refuse to support him, but that hope was more fond than real, for it was clear that neither man could take such a stand and hope to retain his leadership post. However, both of them were angry at the way the Administration had failed to warn them at the start about the kind of opposition from civil-rights and labor groups that was bound to arise. After Scott reconfirmed his position, one of his Republican colleagues shook his head and muttered, "Hugh just committed political suicide." But others maintained that it was a case of political homicide, committed by the White House.

On the morning of the first full day of debate on the nomination—Monday, March 16th—Kraft's column in the *Post* recounted the story of how Judge Tuttle had telephoned Carswell and withdrawn his offer to testify for him at the hearings. By that time, Tydings had finally prevailed on Tuttle to confirm the story, and had received a telegram to that effect over the weekend. Apparently, Carswell's friends in the Senate learned of this and put counter-pressure on Tuttle, for he sent Tydings two more telegrams, each weaker than the one before. Even so, the substance of the final wire was that he had withdrawn his support and had told Carswell so.

On Tuesday, Tydings inserted the telegrams in the record during the floor debate, over the frantic protests of Hruska, who argued that Tuttle hadn't withdrawn his endorsement but had merely been unwilling to state it publicly. Griffin, for one, refused to join in this futile exercise, and told reporters, "It doesn't help when a respected jurist like Tuttle withdraws his support." The blow to Carswell's chances sent Hruska reeling off the Senate floor. He was met by a radio interviewer, who recorded the Senator as he made his famous statement "Even if he were mediocre, there are a lot of mediocre judges and people and lawyers.

"They are entitled to a little representation, aren't they, and a little chance? We can't have all Brandeises and Frankfurters and Cardozos and stuff like that there." To some, that there stuff meant Jews. In any case, the remark was to go down as one of the greatest political blunders in the history of the Senate, and, in the opinion of those most intimately involved in the battle over the nomination, it contributed as much as any other factor to Carswell's defeat. Throughout the country, lawyers and laymen, high and low, arose in indignation at the idea that a man whom his own supporters apparently considered mediocre should be elevated to the Supreme Court, while editorial writers and political cartoonists had a field day unequalled since William H. Vanderbilt said, "The public be damned."

For some time, a rumor had been making the rounds in the capital that Tuttle was not the only one of Carswell's colleagues on the bench to doubt his fitness for a seat on the Supreme Court. Judge John Minor Wisdom, also of the Fifth Circuit Court of Appeals, whose reputation as a jurist matched or even exceeded Tuttle's, was said to have told another judge on that court who proposed circulating a letter of endorsement for Carswell among the court's members, "If you write that letter, I'll write a dissenting opinion." The day after Tuttle's telegrams were put into the record, in another incident of timing, Flug happened to run into Caroline Lewis, a reporter for television station WTOP, in Washington, who asked if he had anything new on Carswell. Recalling the latest rumor, he mentioned it to her, and she decided to check it out with Wisdom directly.

When she reached him by telephone, she said she had heard the Attorney General intended to recommend him for the Supreme Court if Carswell lost, whereupon Wisdom laughed and replied that since Mitchell and he didn't see eye to eye, he would never fit into the Administration's Southern strategy. Finally, she pressed him to admit that he had made the remark attributed to him, and he did, saying, "I stand with Tuttle." That evening, Miss Lewis reported the conversation on her news program, and the newspaper reporters, who had been alerted by Flug, covered the program as a news event.

By this time, Schweiker knew that he could no longer stand by his earlier endorsement. Still, he was unwilling to let that be known in too dramatic a fashion—partly because the Administration would resent the effect his switch might have on other Republicans who had also come out for the nominee, but, more important, because it would encourage Carswell's foes in Pennsylvania to step up their attacks on Scott for continuing to support him.

To avoid both of these results, Schweiker arranged with an aide that word of his "reevaluation" of the nominee be leaked to a couple of reporters in Washington. Then, the same night, while Schweiker was speaking to a high-school group in Philadelphia, newsmen there who had heard the rumor about his change of mind asked him where he stood, and he admitted that he was troubled by the legal and racial aspects of Carswell's record on the bench. Although the news of Schweiker's move onto the fence traveled from Washington to Philadelphia in a couple of hours, it took five days for the news of his confirmation of the report there to get back to the capital.

When it did, Eugene Cowen, a White House liaison man with Congress, hurriedly telephoned Schweiker's office and asked for an appointment that afternoon, a Friday. However, the Senator was in New York, and the date had to be postponed until the following Monday. In the newly subdued White House style, Cowen presented the case for Carswell, and the next day William H. Rehnquist, the Assistant Attorney General for Legal Counsel, who had been responsible for screening Carswell's legal record before he was nominated, visited Schweiker and did his best to rebut the Rosenman letter and the Columbia Law School study.

Schweiker heard them out, but by this time it was clear to those who were close to him that he was clambering down the opposite side of the fence he had climbed up on. His staff began to tell reporters, off the record, that he "seemed to be leaning against the nomination."

Over on the Democratic side of the aisle, a number of senators who had earlier indicated that they meant to vote for Carswell were having second thoughts, too. Senator Burdick, for instance, had voted for the nominee in the Judiciary Committee, but now he let it be known that he was restudying the situation. Burdick was up for reelection, and North Dakota was a generally

conservative state, with a strong Republican Party, few Negroes, and weak labor unions. Burdick knew that he had to have a large share of the Republican votes to win, and he also knew that the voters, and even the newspapers, back home were generally unaware of what had been revealed about Carswell, except for the 1948 speech, and, like many other senators, he considered that no more than an ordinary bit of campaign expediency. "I wanted to vote for Carswell," Burdick explained later. "In the hearings, he had the endorsement of the Bar Association and purportedly of Tuttle and Wisdom, and for me that was prima-facie evidence that he was qualified, so I voted for him in committee.

"But then it turned out that he had this huge reversal rate, that Tuttle had retracted his support, and that Wisdom had apparently refused to back him from the start. If those outstanding jurists who knew his work at first hand couldn't go for him, it had to mean that he wasn't qualified after all. That's when the torture set in. I really agonized. There wasn't much external pressure. Oh, lawyers from home wrote me, but I didn't hear from the average fellow. I got some burning from pro-Carswell senators but not much from the other side. All the pressure was from inside myself." The pressure continued to grow, right up to the day of the final vote, and no one, perhaps including Burdick, knew which part of it he would finally succumb to. "Both sides tried to get a promise from me, but I refused," he said.

In the weeks after the Senate hearings ended, the Yale, University of Virginia, and Howard law journals, twenty-one professors from the Stanford University Law School, and the American Federation of Teachers, representing some three hundrd and fifty thousand people, issued statements calling on the Senate to reject the nomination. On March 19th, to just about everyone's astonishment, nine of the nineteen faculty members of the Florida State University School of Law, which Carswell had helped found, sent a letter to President Nixon urging him to withdraw the nomination. The chairman of the university's board of regents, D. Burke Kibler III, who was a law partner of Senator Spessard L. Holland, Democrat of Florida, wrote to the school's dean, Joshua Morse, complaining about the faculty members' letter and saying, "I am sure you realize, Josh, how imprudent action such as this makes the task of those of us trying to get adequate funding for the university even more difficult." It was not known whether Kibler's letter alarmed the nine professors, but it didn't seem to have much effect on the rest of the university, for subsequently four hundred and fifty of its students and faculty held a rally to protest the President's choice.

Paradoxically, while opposition to that choice was growing outside the Senate, opposition inside it seemed on the verge of collapsing. Few senators who were engaged in the anti-Carswell side of the debate had much hope that they could prevail, and they were reluctant to put their staffs through the arduous business of writing long speeches and themselves through the risky business of delivering them and arousing the ire of powerful constituents back home—all in a lost cause. Probably the opposition's greatest frustration was its inability to persuade moderate Democrats to share their work load. For instance, Senator Edmund S. Muskie, of Maine, announced his opposition to the nomination very early, but he refused to take an active part in the fight against it.

In any event, Bayh's chief aide, Keefe, and his aide Rees were becoming increasingly desperate. "We were booking two-hour slots for the senators who were willing to help out—in effect, creating a filibuster, and yet trying not to let it look like a filibuster," Rees said later. "All we were doing was trying to hold the floor. But you need three or four senators at a time to make it work properly, so they can engage in colloquies and at least give the impression that a genuine debate is going on. For example, Senator Bayh had a ten-page speech, and, with colloquies and all, it took him four hours to deliver it. But in general liberals aren't at all good at that sort of thing, because they don't have the practice at it that the Southerners have, and the notion of anything resembling the hated filibuster embarrasses them. Also, we had practically no organization, and most of our men got up and read mail from home and dreary stuff like that. On the eighteenth and nineteenth of March, we had only one man at a time on the floor. It was damned difficult, and for a time there it looked hopeless. Fortunately, our opponents still thought they had plenty of leeway, and didn't push for a vote. If they had, that would have wrapped it up."

On the nineteenth, it appeared that the affair was to be wrapped up summarily when an article, by Warren Weaver, Jr., appeared in the *Times* stating, in part:

"The campaign to block confirmation of G. Harrold Carswell for the Supreme Court bogged down on the Senate floor today as critics of President Nixon's nominee had trouble sustaining a debate. Confident supporters of Judge Carswell did not even feel required to keep a spokesman in the all-but-empty chamber most of the day as Senator Jacob K. Javits of New York, for the Republicans, and Senator Harold E. Hughes of Iowa, for the Democrats, droned through long readings of critical material . . . . In the light of the day's lack of activity, it appeared doubtful that the Carswell opponents would be able to extend debate beyond next Wednesday or Thursday."

"The Weaver piece was very accurate, but it made us mad as hell," Keefe said afterward. "If senators read it and got the impression that we were just wasting everybody's time, we were through. And, even more important, if it convinced Mansfield that our bad showing meant we couldn't keep our team together, we had no chance. It was already clear that he was beginning to lose interest." Although the Weaver piece nearly destroyed the anti-Carswell cause, in the end the article provided just the spur that was needed. The rest of that day, aides engaged in the fight scoured the Hill looking for some senators who would probably vote against the nomination and who might be persuaded to announce their intentions in advance to give the lagging movement a push.

Two unexpected recruits joined up—Vance Hartke, Democrat of Indiana, who was up for reelection, whose state was conservative, and who was thought to be in some trouble; and Gale W. McGee, Democrat of Wyoming, who had much the same problems. To make it appear that they were merely the first ripples in a rising wave of opposition, Bayh's office called Gravel and told him that the propitious time they had been waiting for had arrived, and he immediately went to the floor to deliver the speech he had been waiting to use for several weeks attacking the nomination. That was expected to have a strong effect on Mansfield, who would see at once that the switch of the only Northern Democrat who had voted for Haynsworth would probably bring about switches by others who had taken the same course.

Then word that Burdick and Schweiker were having second thoughts about their earlier support of Carswell began circulating on the Hill, followed by rumors that four Republicans who had indicated they would vote for Carswell—George D. Aiken and Winston L. Prouty, both of Vermont, along with Marlow Cook, of Kentucky, and Hiram Fong, of Hawaii—were also reconsidering their position, and that Senator J. William Fulbright, Democrat of Arkansas, had almost decided to come out against the nomination.

Aiken was the senior member of his party in the Senate and a person of great influence on both sides of the aisle; Fulbright had never backed a civil-rights bill until he supported the Voting Rights Act a few days earlier, and his opposition to Carswell might encourage other Southerners to break loose; and Cook, who had led the fight for Haynsworth, might persuade senators from both the South and the North to join him if he now defected. Cook was the only one who was willing to answer reporters' questions about the rumors. "I could enthusiastically work for and openly endorse the nomination of Clement Haynsworth to the Supreme Court," he told them. "I have not felt that degree of enthusiasm for this nomination."

To convince other senators—Mansfield most of all—that the campaign against the nomination was serious, Bayh lined up the dozen or so of his colleagues who had participated in the debate and persuaded them to divide up into teams, each with a captain, and to order their staffs to prepare long and detailed speeches for delivery according to a set schedule.

Tydings took over the largest share of this tedious and inglorious work, and stayed on the floor for hours at a time to make sure that the debate was conducted crisply. He also took the opportunity whenever an uncommitted senator wandered in—usually not to listen but to get away from the daily office grind—to do some quiet lobbying, chiefly among those who were known to be the least susceptible to the standard forms of political pressure. The first member he approached was Senator Fulbright, whose recent break with the South over the Voting Rights Act seemed an encouraging sign. Tydings had been a U.S. Attorney before coming to the Senate, and his courtroom experience had made him a tough and forceful debater, but in this case he dispensed with that kind of approach and relied instead on gentle persuasion. After pointing out the graver flaws in Carswell's record, he reminded Fulbright of the vital role the Supreme Court played in a critically divided society and of the responsibility that each senator had under these circumstances to cast his vote as conscience, not politics, dictated. Fulbright listened attentively, and afterward he conceded that Tyding's arguments had impressed him.

Brooke had asked everyone on his side not to approach Senator Margaret Chase Smith, the redoubtable lady from Maine, because she resented any intrusion when she was faced with a decision of this magnitude. But Tydings decided to take the risk. Sitting down with her one day, he began talking about the time, a few years back, when Edward Kennedy had sponsored the nomination of a Boston politician named Francis X. Morrisey to the federal bench. At the time, Tydings told her, he had been scheduled to go abroad with Kennedy shortly after the Senate voted on Morrisey. But then the nominee began, as Tydings put it, "to smell a little," and he decided that perhaps it would be wise to leave on the trip early, to avoid the dilemma of either voting for Morrisey and betraying his own conscience or voting against him and betraying his friendship with Kennedy. Finally, though, Tydings attended the hearings on the nomination, and decided that Morrisey wasn't fit to be on any bench. "I saw that I couldn't dodge it then, so I told Ted I would have to vote against him," Tyd-

ings said to Mrs. Smith. "In my opinion, Carswell is worse than Morrisey, and none of us can avoid facing our responsibility." Mrs. Smith seemed moved by the story, but, as always, she remained noncommittal.

(Carswell's backers also used the Morrisey case to defend *their* side. At one point in the debate, Senators Gurney and Dole engaged in a colloquy designed to remind their colleagues that while Senator Kennedy was a leading opponent of the present nominee because of his alleged lack of credentials, the Senator had been the leading proponent of the Morrisey nomination despite that candidate's proved lack of credentials. Kennedy was in the cloakroom, and when he was told what had been said he hurried out to the floor and joined the debate. As it happened, he had intended to bring up the Morrisey episode himself, and now he took advantage of the opening provided by Gurney and Dole and told them that when a large number of senators opposed that nomination he had withdrawn it, on the ground that it was bad policy to put a man on the bench if so many senators were against him. Now, with a broad smile, Kennedy suggested that the opposing side might follow the same course. Morrisey was not brought up again.)

Ordinarily, speeches on the floor of the Senate during such debates have little effect, since few members attend these rhetorical exercises, and those who do rarely listen. However, one speech that was made during this debate had a marked effect, not on one of the participants but on the presiding officer—who is usually a freshman senator unless the Vice-President himself is in the chair. Late on a Friday afternoon, a week and a half before the final vote was taken, Senator Goodell, who had been waiting for over an hour to fill his slot in Bayh's schedule, finally got the floor. "By then, I realized that just about everything I had planned to say had already been said," he recalled not long ago. "Since Mansfield had announced that we would adjourn when I finished, there was no need for me to make the speech just to hold the floor, which was the main reason I was there, of course. So I decided to mention a couple of things I hadn't heard said and insert the rest of my speech in the record. I was just about to do that when I looked up and saw that Marlow Cook was presiding. So I made a four-minute speech aimed at him. My main point was that Carswell could still be on the Supreme Court in the year 2000. When I said that, Marlow jumped straight up in the air."

GEORGE H. SCRUTON

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. RANDALL. Mr. Speaker, it was my privilege to know and respect the late George Scruton, long the editor of the Sedalia Democrat and Capital published in Sedalia, Mo., a part of the Fourth District which it is my privilege to represent.

Although I have previously eulogized George Scruton on the floor of this House, I think he deserves the honor to have perpetuated in the CONGRESSIONAL RECORD some additional commentaries which appeared in the paper that he edited for so many years.

First is a statement by Kenneth U. Love, president and publisher of the Sedalia Democrat Co., entitled "Community Loss" which appeared in the Sedalia Democrat on November 18, 1970, as follows:

COMMUNITY LOSS

A newspaper career that began in 1907 when he started as a carrier boy for The Sedalia Democrat came to an end early this morning when George Henry Scruton, Jr., died in his sleep at his home, 712 West Third Street.

After holding responsible news and management positions with the Wabash, Ind., and Jeannette, Pa., newspapers in the twenties and thirties, he returned to Sedalia in 1937 to take over the editorial reins of The Democrat and Capital and to help guide the business activities of the company.

I had the privilege of working with George Scruton for 34 years. I knew and appreciated throughout those years his professional competence, civic interest and friendly personality.

His interests ran parallel to those of this community. Even when he attacked the ailments of society, he remained a man who could objectively view both sides of an issue. Throughout his career he did not allow his emotions to cloud his judgment. Sedalia and the people of this community came first.

During his years as editor, he guided The Democrat and Capital with an editorial policy which marked the newspapers as leaders in their field. In the last few years he gave of his time to help in the training of those who follow him in news and editorial positions of responsibility.

One of the last editorials written by George perhaps illustrates best the key to his journalistic career—an emphasis on the basic principle of "the people's right to know."

His death leaves a void not only at The Sedalia Democrat and Capital, which he loved so well, but the community at large.

The staff members of these newspapers join the Scruton family in mourning the loss of this good man. His absence, both journalistically and personally, will be sorely felt in Sedalia.

Now, Mr. Speaker, the people of Sedalia, Pettis County, and all west-central Missouri, loved George Scruton so much that on his passing it could be expected that one of the citizens of Sedalia proceeded to compose a poem which later appeared in the paper edited so long by Mr. Scruton.

In my opinion, this poem summarizes our good friend's life just about as well as any of the many tributes written about him. The poem quite appropriately points up his ability as an editor. It goes on to emphasize that he was always on the side of progress; that he had time for the lowly as well as the high ranking. This most comprehensive poem tells about the honors George had received; how he loved his church and his community and, finally, how he inspired his readers. The concluding line of the poem is most fitting because it suggests that when George was called home our Heavenly Father must have said "Well done."

The poem of Hazel N. Lang follows:

GEORGE H. SCRUTON

And so the final -30-
  At the bottom of the page
Has closed the work forever
  of the writings of this sage.
The many editorials
  For progress and for pride,
Or firey ones on politics,
  He didn't care which side;
And in his office at his desk
  It mattered not who came,
High ranking or the lowly,
  To him 'twas all the same,
He sat and listened to them
  Even on a busy day,
"Everybody—even screwballs
  "Leave you something," he would say.
His honors were many,
  So much he had to give,
Both through his written word
  And the way he tried to live,
To his church and his community
  He was ready when asked,
I never heard him complain once
  About a given task,
His home was a happy one
  With the wife whom he loved so,
The neighbor girl he married
  Fifty years ago,
And the six lovely daughters,
  He used to laugh and tell
"With the kids and their friends
  "Our house is like Grand Hotel."
And then the grandchildren
  A smile would light his face
"Grandchildren—all sizes
  Running all over the place."
His friends were so many,
  Where he worked and down the street,
He always had a greeting
  For everyone he'd meet,
Yes, people are going to miss
  Seeing him about,
Last of his newspaper family
  And the Scruton name runs out.
The community has a loss
  For in his great career
He kept his finger on the pulse
  Of people far and near,
He has given readers insight
  Of the issues of the day,
Or inspired or delighted them
  In things that he would say
They loved his editorials
  Serious or those in fun,
I'm certain when God called him home
  He must have said: "Well done."

RUSSIA'S INTENTIONS ARE CLEAR

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DANIEL of Virginia. Mr. Speaker, an article by Ruthven E. Libby, Copley News Service, is not only revealing, but reminds us once again of the perils we face. The Soviet policymakers have changed direction on several occasions since 1961, but the goal remains the same—bury the United States economically and world conquest.

There is sufficient evidence to justify the conclusion that economically, as well as militarily, the Soviets are rapidly overtaking us on both counts. It is possible that enslaved people dragging their chains can outdistance free men dragging their feet.

I commend to the attention of my colleagues Admiral Libby's timely article, which I insert at this point:

RUSSIA SEEMS TO HAVE MADE ITS INTENTIONS CLEAR

(Ruthven E. Libby)

On Jan. 6, 1961, Nikita Khrushchev delivered a major speech reaffirming that the Communist goal is world domination and

that they will pay any price to attain it. He then proceeded, in unequivocal language impossible to misunderstand, to spell out exactly how the U.S.S.R. intended to proceed toward their objective.

Khrushchev was deposed, but his program continues to be followed implicitly. The accuracy of his predictions as to how the plans would work out is phenomenal.

At the time, Dr. Stefan T. Possony, an expert on Soviet affairs, made a scholarly analysis of his "Mein Kampf" speech, at the request of the Senate Committee on Internal Security. The effort seems to have been pretty much in vain, so far as getting anything done was concerned. But one needs only to review this analysis in the light of the developments during the ensuing nine years to realize how much later it is than most Americans think.

Some of the high points of the analysis are these:

The Communists believe that the victory of world communism will be attained in the present era of world history, which will extend to approximately 1975.

Armed struggle is inevitable. But a global thermonuclear war is not necessarily inevitable. If the free world, and especially the United States, capitulates, then such a war will be unnecessary. (Khrushchev thought, in 1961, that such capitulation was unlikely. Obviously the present Soviet rulers do not think so.)

The Communist parties in free world countries, and their sympathizers, must do everything in their power to facilitate nuclear blackmail by the U.S.S.R. and to prevent military resistance by the free world. Meanwhile, the U.S.S.R. and the Soviet bloc must not leave any stone unturned to increase their military power in order to fight the probable (albeit not inevitable) world war and to win the global thermonuclear conflict.

The turning point in history will come when the Soviet Union, irrespective of per-capita production in industrial goods, achieves technologically superior armaments and attains a military force which, qualitatively and quantitatively, will be superior to the military forces of the United States.

This superior force will then be employed in the second phase of the current historical era. During the first phase, the free world will be worn down by wars of liberation, uprisings, infiltration, threats, riots and all forms of internal violence; and deluded by propaganda on disarmament, specifically nuclear disarmament and disarmament negotiations, all as an integral part of the Soviet strategy.

In sum, Soviet strategy is based on the one hand on achieving optimal military power and building and strengthening Communist political armies throughout the free world.

On the other hand, Soviet strategy utilizes massive deception to bring about, through the unilateral military weakening of the free world (to which we have contributed enthusiastically), the moral paralysis of the free world governments, and the demoralization of public opinion, the capitulation of the United States.

If this strategy fails, then the Soviet Union intends to destroy the United States by nuclear weapons.

Well, this is old hat, of course, so why bring it up now?

The reason for doing so is that there is not one shred of evidence of any change in Soviet intentions, but there is incontrovertible evidence that their capabilities to achieve their objective have increased steadily and continue to do so. Hitler told the world of his intentions, and nobody believed him.

The Russians have told us, repeatedly, of theirs; yet Americans gamble that they don't really mean it. This is a strange attitude, since they are following their blueprint for conquest methodically, and the Russians are becoming increasingly arrogant in their dealings with the United States.

Consider one small but crucial area of the world, the Middle East.

At a secret Communist party meeting in Czechoslovakia in 1967, Soviet Party Secretary Leonid Brezhnev declared that one of the paramount aims of the Russians was the removal of the U.S. 6th Fleet from the Mediterranean. This they have not yet succeeded in doing, quite. But their Mediterranean fleet outnumbers ours.

Adm. Elmo R. Zumwalt Jr., the newly appointed chief of naval operations, points out that the Soviet navy is not only new, powerful and modern, but is "optimized against ours . . . because it came second and was able to capitalize not only on our weaknesses, but on the explosion in technology which has occurred in the naval arena in recent years."

Vice Adm. David C. Richardson, the previous 6th Fleet commander, said recently that "the character of the Soviet fleet in the Mediterranean makes the most sense if they use it for a surprise attack. They could clobber us if we allowed ourselves to be surprised."

He added that the Soviet fleet has one marked advantage over the 6th Fleet in its concentration on surface-to-surface missile ships which, if employed in connection with shore-based air power, could give the 6th Fleet a bad time.

The growing intransigence of the Russians and their continuing refusal to cooperate in any way with the United States in trying to find a peaceful solution for the Arab-Israeli imbroglio is indicative of their estimate of the relative value, militarily and politically, of the 6th Fleet versus the Soviet fleet in the Mediterranean, and of the total power equation in the area.

Consider what America faces if the need should arise—as it almost did in the recent Jordanian civil war—to land amphibious troops against the physical interference of the Soviet Mediterranean fleet. Zumwalt pointed out in this connection that "the ramifications of abridging or abrogating our commitments comes into sharp focus when measured against the forces we oppose and their political effect" in this area.

If it has not already arrived, the time is not far off when the Soviet navy will be able successfully to challenge the U.S. Navy anywhere in the world unless prompt and drastic steps are taken to remedy the situation.

In addition to the military threat, the United States faces the political prospect that if nations become convinced that the U.S.S.R. is definitely more powerful, they will back away from their U.S. commitments and seek accommodations with the U.S.S.R.

For the first law of these nations is self-preservation. Washington would do well to take the same atttitude.

THE LAW AND THE POOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. EDWARDS of California. Mr. Speaker, I am placing in the RECORD an excellent column by Colman McCarthy from today's Washington Post on the dismemberment of the legal services program, one of the best inventions of the late war on poverty. I think Mr. McCarthy makes his point very clear and the column needs no further elaboration by me, except to offer my opinion that the situation he describes is disgraceful.

The article referred to follows:

THE LAW, THE POOR AND SOCIAL CHANGE

(By Colman McCarthy)

The recent dispute between the Internal Revenue Service and public interest law firms had hardly died when another blowup occured between the system and a group of change-minded lawyers. Involved is the nation's largest law firm—the 2,000-member Legal Services Program—whose director Terry Lenzner was fired on Nov. 19 by OEO head Donald Rumsfeld. The bouncing was a surprise; only 18 months ago, Rumsfeld had brought Lenzner, a former Harvard football captain, aboard with glowing words: "I have confidence in his judgment, ability and commitment."

Sides are now being drawn on the rightness of Rumsfeld's action and what it may mean for the future of the program. Beyond dispute, however, is the record of the Legal Services Program itself and the way it has in five years made poverty law anything but poor law. Unlike many traditional legal aid society attorneys who took cases for the indigent as though involved in charity work, most LSP lawyers have seen their clients as having a *right* to representation. Funded this year for $58 million and involving some 2,000 lawyers in 850 projects, the program has shown dramatically that the legal problems of the poor cannot be separated from the tragic social and economic problems of poverty. Unsurprisingly, many of the program's most bitter enemies have been those who believe the poor should be "less demanding" about social change.

Legal Services was endorsed from the beginning—early 1965—by the American Bar Association. When LSP began, no law school in the country had courses in poverty law; today, more than 100 do. In 1969 about half of the Harvard Law School graduates applied for LSP jobs of one kind or another. The California Rural Legal Assistance project recently announced 10 staff openings; 300 young lawyers applied. With some 1.2 million cases in 1969, two massive volumes of the poverty law reporter have been filled. Never before has the justice industry so boomed.

Five recent cases reveal both the program's power and philosophy:

Taking an established law that forbade growers from hiring Mexican laborers across the border, the California Rural Legal Assistance lawyers sued the Labor Department to enforce its own regulations against this practice. The fruit and vegetable growers were only too eager to get Mexican help; it came cheap. A federal district court upheld the CRLA request, but not until the Labor Department was publicly embarrassed and the mighty California growers were incensed. The general public was not without benefit: the use of alien labor by the growers cost U.S. farm workers and taxpayers $131 million a year in wages and welfare support.

In Washington, LSP lawyers took the case of some tenants in the Trenton Terrace apartments who refused to pay rent until a court decided on the landlord's alleged housing code violations. The U.S. Court of Appeals upheld the Legal Services lawyers. Why should tenants pay for something they aren't getting?

Federal Court in San Francisco ruled that the state welfare department could not require needy Catholic mothers to file for divorce to qualify for aid for their children. An LSP lawyer, on behalf on an undivorced Catholic mother, turned the law around.

In Gallup, New Mexico, a group of Indian prisoners in the city jail asked LSP lawyers for help on the grounds that the jail was subhuman, with three times the number of inmates allowed under the health ordinance. The lawyers took a film of the squalor, showed it in federal court and won a decision forcing the city to build a new prison facility.

An LSP lawyer, on behalf of the black community in Prattsville, Ala., sued the city to require it to use tax funds without discrimination. A district court judge agreed and ordered the city to provide recreational facilities accessible to both black and white residents.

A major weakness of the program has been the lack of client voice. In nearly all middle and upper-class lawyer-client relationships, it is the client who is boss; he has the money and he pays. Because the poor have no money, too often they are not the boss, but must depend on paternalism. "This has been true all along," said Jean Cahn, the program's first director. With Edgar Cahn, her husband, she wrote an article in the Yale Law Journal (1964) that was the LSP blueprint. "Only recently was something done—the National Clients Council, an OEO-funded body, ensures a voice to the poor. It gives the client with no money as much say in his case as the rich client has in his." Mrs. Cahn, a creative lawyer who is a pain-in-the-neck to many bureaucrats, is director of the Urban Law Institute at George Washington University.

A second handicap is the legal system itself—the slow, technical and expensive knot in which lawyers, clients and courts are often hopelessly tangled. To delay justice is to guarantee injustice. Ideas like using nonprofessionals in certain court jobs are years ahead of their time.

The recent firing of Terry Lenzner has caused dismay among many in the organized bar. The former director, who worked for the Justice Department on the Philadelphia, Miss., civil rights murder case, was respected as a dedicated lawyer committed to peaceful change within the system.

Going into one part of that system was not an easy choice. Lenzner overcame only with difficulty his wariness of both the Nixon philosophy—which now he characterizes as "votes first, the poor second"—and of Mr. Rumsfeld who votes against OEO in Congress. "But I came to OEO anyway," said Lenzner last week, now sifting new job offers. "Slowly, though, things became negative. I was told that every lawyer I hired for my staff had to be cleared politically by the White House. My orders were to hire only registered Republicans. I was astonished at how cravenly politics was mixed with social justice. I resisted."

The present dispute about Legal Services can only delight its many enemies, ranging from Ronald Reagan to the Mississippi Republican Party. On the surface, LSP lawyers have been caught taking the case of a Black Panthers group in New Orleans. Aside from the fact that Black Panthers have as much right to LSP lawyers as any other poor person if they are indigent (which they were in this eviction case) the real dispute is lost in a cloud of rhetorical dust: The major question has to do with political control of the program. The agency's critics will now shout "Black Panthers" when LSP is mentioned, the same way Sen. John McClellan loved to shout the scareword "Blackstone Rangers" (a Chicago gang) two years ago in connection with OEO's community action program. Meanwhile, attention is diverted from the real threat to the program—turning it over to the non-lawyer officials. This is already happening, according to Terry Lenzner and Mrs. Cahn.

The Legal Services Program would have no problems today if poverty did not involve social, economic and political realities. But it does. Many politicians and rich businessmen, especially at the local level where the power must be guarded, see the presence of an LSP office only as trouble. The poor learn they have rights and the next thing you know they are demanding those rights. But the value of LSP is that the rights are demanded in court peacefully, not in the streets bloodily. One would think the politicians and businessmen would welcome that.

LOUIE PEICK HONORED AS MAN OF THE YEAR IN CHICAGO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. PUCINSKI. Mr. Speaker, last week more than 1,200 people attended a banquet in Chicago at which Louie Peick, secretary-treasurer of Local 705 of the International Brotherhood of Teamsters, was honored as Chicago's Labor Leader of the Year.

It was an exciting and inspiring tribute to a man who has served his country well as one of our most responsible and dedicated labor leaders.

The legion of friends who joined in honoring Louie Peick, testifies to the high regard which all hold for him and for the high standards that he has brought to the labor movement.

Louie Peick symbolizes the very strength of America's labor movement, and I am pleased that I was able to join this very outstanding group of Chicago civic and labor leaders in paying tribute to Louie Peick.

It was a particularly rewarding experience because the recognition of Louie Peick as Labor Leader of the Year served also as an excellent occasion to spur the sale of bonds for Israel. It was an evening when Chicago paid honor to a man for his ideals and to a nation for her stubborn defense of man's highest ambition—to be free.

Louie Peick and the heroic nation of Israel have much in common; both are resolute in their belief with respect to the dignity of man, and their determination that the freedom of man shall remain inviolate.

The evening was more significant with the presence of the general vice president of the International Brotherhood of Teamsters, Frank Fitzsimmons.

I am putting in the RECORD today the inspiring remarks by Mr. Fitzsimmons in honoring Louie Peick, as well as the remarks of Ray Schoessling, president of the joint council of the International Brotherhood of Teamsters in Chicago. I am also including in the RECORD today the tribute paid to Louie Peick by William A. Lee, president of the Chicago AFL–CIO, and finally, Mr. Speaker, I am putting in the RECORD today the humble remarks of Louie Peick, himself.

City treasurer of Chicago, Marshall Korshak, did an outstanding job as master of ceremonies, and I could not even begin to list the myriad civic, industrial, religious, and labor leaders who joined in this tribute to Mr. Peick.

Testimonial remarks by Mr. Frank Fitzsimmons, Mr. Ray Schoessling, Mr. William A. Lee, and Mr. Louie Peick follow:

REMARKS OF FRANK FITZSIMMONS, GENERAL VICE PRESIDENT

I would like to begin by saying to the Bonds for Israel Committee that Louis Peick is a good man to have on your side. I would also like to say that I am most happy to be here tonight when you honor one of Chicago's great labor leaders, and when you meet for a cause which I wholeheartedly support.

I suppose that the one word which sums up the reason for which you meet tonight is "independence." It is a word which describes the nature of both the man you honor and the cause you support.

First, let's talk for a moment about the man, Louis Peick. He is no stranger to us, either as a most likeable personality or as a man of action and accomplishments. There is no greater test of a man's ability, that I know of, than to put him in charge of a large local union in this day and age. Years ago, I suppose, men of inadequate talents have survived in such situations.

Let me say that today, at a time when unrest has become almost a national characteristic, no labor leader survives for any length of time on anything else than ability to lead men.

We can quite confidently say here tonight that Louis Peick has passed that test. And, I think of another test which Louie has passed with flying colors.

It is no secret that here in Chicago, the International Brotherhood of Teamsters still has an abundance of excellent leaders, considering past leaders in the Teamsters Union in Chicago such as Bill Neon, Wilt Hanley, Sandy O'Brien, Frank Brown. No man has made more of a mark on the Chicago labor movement than Ray Schoessling. Chicago labor on more than one occasion rightfully has honored Ray for the excellence he lends to the labor movement.

We have another fellow here in Chicago who not only has a reputation as a giant among leaders, but also stands tall among men. I am talking about Don Peters, who took a small local union and built it into the largest local union in the Teamsters.

That is the kind of company that Louis Peick keeps, and you don't build a reputation like Louis Peick has on excuses and fanfare. You build it on a solid performance of representing your members.

So, Louis Peick, I concur in the honor paid you here tonight. It is well deserved and well earned. I congratulate you and the committee which arranged the honor.

I can tell you here tonight that teamsters are no strangers when it comes to the State of Israel.

I can tell you that we in the teamsters know—and know well—the importance of having a free trade union movement in Israel. We know that free trade unionism—as we know it and practice it here in the United States—is almost nonexistant in the Middle East, except in Israel, and we are obligated to do all that we can to preserve not only the labor movement in Israel, but also the great nation it serves.

Our brothers in the labor movement in

Israel, along with their fellow country men, have just gone through a period of a shaky truce. For a period, at least, the guns have been silenced even though the passions which send men to war have not been completely abated.

Thank God, the truce—however shaky—has been extended, and hopefully out of the extension a peace can be established, thereby giving all men in that area the chance to expend their energies in constructive pursuits, rather than venting their angers and their national passions with instruments of war.

Well, this night belongs to Louie Peick. The honor you pay him is well deserved. I think, however, Louie will agree that a measure of praise goes to everyone who is here tonight. All of you recognize the man, and the cause to which he has lent his name.

You all realize the importance of a free trade union movement in an area of the world where freedom is in scarce quantity. If you did not feel that way, you would not be here tonight, so my congratulations and thanks go out to you, too.

If I were to propose a toast to your guest of honor, it would go something like this:

To a man of service who has dedicated his life to the honorable profession of representing his fellow man for a better way of life.

To a man who associates himself with truly important causes, and has that kind of intelligence which strips away passion and prejudices to further important causes.

To a man, Louis Peick, for whom we wish only the best of everything and whose example will serve all men as they grapple with problems which sometimes appear to defy solution.

Thank you.

W A. LEE SPEECH

Thank you, Marshall Korshak . . .

Reverend Clergy, General Vice-President Frank Fitzsimmons, Secretary-Treasurer Tom Flynn, Ray Schoessling, and other officers of the International Brotherhood of Teamsters, Congressman Pucinski, and friends of Louie Peick and the State of Israel.

It is my privilege to bring the greetings of the Chicago Federation of Labor and Industrial Union Council.

We in the Chicago Labor movement have an unbroken record of support of the State of Israel.

Long before 1948 . . . when Israel was established as a free and independent nation . . . labor in Chicago and throughout our country worked for establishment of a homeland which the Jewish people could call their own.

We have bought State of Israel bonds.

We have actively supported Histradrut . . . the Israel Federation of Labor . . . which is the lifeblood of social and economic progress in Israel . . . for all workers . . . Jewish, Arab or Christian.

This evening's great dinner is an example of our continuing interest in Israel.

Those responsible for planning this event chose their guest of honor well. . . Because Louie Peick gives a lift to any gathering of people in behalf of a good cause.

Louie Peick is the kind of man we in the labor movement have learned to love . . . respect . . . and support in any activity in which he is involved.

I know from personal experience of the quiet acts of charity performed by Louie. . . .

We can point to literally thousands of people who live better because Louie Peick made their problems his own.

I think this is an appropriate time to make this point.

While the Teamsters are not part of the Chicago Federation of Labor and Industrial Union Council . . . in formal terms or in payment of per capita tax . . . they *are* and *always will be* in the front ranks of united labor in this community . . . because of men like Ray Schoessling, Louie Peick and their associates in the Teamsters' movement.

Louie Peick embodies in his actions and in his character the meaning of words like fraternity and solidarity.

You ask Louie Peick . . . or for that matter . . . practically any Teamster in Chicago for assistance . . . and the response is not only "yes" . . . but how much do you need or how many men do you want and when . . .

That's what the labor movement is all about. That is the kind of unionism I hope I learned as an officer of the Bakery Drivers' Union.

As long as I can influence our policy that will be the attitude of the AFL–CIO in Chicago with respect to the Teamsters.

So you can see . . . that we in Chicago have never had a divided labor movement.

We are one . . . and we shall be one . . . because that is how we can best serve the workers we are privileged to represent.

So to Louie Peick . . . and his lovely family . . . we wish good health . . . joy . . . and all the rewards of the good life . . . now and in the years to come.

In Louie Peick . . . Israel and freedom have a staunch friend . . . and so do we.

REMARKS OF ROY SCHOESSLING

The success of this great dinner is a testimonial to a brave and free nation and a strong and vigorous trade unionist.

Both the State of Israel and Louie Peick know what it means to fight for what is right.

Others have given us in clear language the meaning of Israel's survival in today's troubled world.

I have the privilege of introducing a man who is always at your side when you have a problem.

Israel has a problem, so Louie Peick and his friends are here to help.

It is fitting, indeed, that in Israel and in the American labor movement we people greet each other as brothers and sisters.

And if any man needs a brother, I hope he is like Louie Peick.

He doesn't ask many questions.

He has an instinct for doing the right thing.

We have been together in good times, and when the going was a little rough.

I have seen him tested by the toughest combination of opponents, and he came out stronger than ever, because he knew in his bones that he was right.

He has never asked anyone to do what he himself has not done, and will do again and again.

He hasn't learned to say no—except to injustice.

That is the kind of man we honor this evening.

I know him as "brother"—in the personal sense—and in the fraternal meaning of the word as a fellow trade unionist.

Louie Peick gets to the point in a hurry, because he says what he means and he means what he says.

Ladies and gentleman—our guest of honor—Louie Peick.

REMARKS BY LOUIE PEICK

Thank you, Ray Schoessling.

Distinguished guests and friends: I deeply appreciate this high honor from the Prime Minister of the State of Israel.

This is not necessarily a personal tribute.

I believe it is a symbol of the close link between the American labor movement and the State of Israel.

The Prime Minister of Israel knows well the fight for freedom—here in America and in Israel.

She was an active trade unionist as a teacher in Milwaukee, and today her country has the highest degree of organization of any nation in the world.

There can be no free labor without democracy.

We in the American trade unions know how the Communists and other subversive groups have tried to take over our unions in the past.

They failed then, and they will never succeed, as long as American labor remains strong and free.

Today, the Communists are trying to destroy Israel.

They cannot tolerate the idea of a free and independent country in the Near East.

The Soviets want the entire Near East to become a Communist-controlled colony.

That's what the argument is all about.

We in organized labor see questions of foreign policy in practical terms.

We want Israel to survive.

We think that the Israeli government has a lot to offer as an example to its neighbors.

A child born today will live twice as long in Israel as in most of the Arab countries.

We in the labor movement know what that means.

That is why we negotiate contracts with employers, to improve the quality of life for our people.

Surely the governments of the countries around Israel have a lot to gain from negotiations.

I don't know all the issues.

But I think they can be settled, with mutual benefit for all.

The Communists have a vested interest in conflict.

That is why we support State of Israel Bonds, to keep this small country strong and free.

I appreciate what all of you have done to invest in the future of democracy in the Middle East.

Many people have worked hard.

I can express my feelings best by urging all of you to keep your faith in Israel and freedom, and to say simply, thank you.

TAFT SAYS PLANT CLOSING SHOWS NEED FOR TAX CREDITS FOR POLLUTION CONTROL EQUIPMENT

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. TAFT. Mr. Speaker, throughout my recent Senate campaign, I spoke out on what I believe is the need for an emergency program of tax credits to industries for the purchase and installation of antipollution devices.

At the time I warned that many businesses were unable to meet the high cost of pollution control equipment, and, that in the absence of a system of tax credits, they would be forced to close their doors.

Unfortunately, that prediction is coming true.

Just recently, the Formica Corp. in Cincinnati, shut down its industrial plastic laminates plant partly because the company was unable to meet the

costs of "new pollution control equipment."

While we must continue to strictly enforce pollution control standards, it is obvious that we must also assist companies in meeting the necessary costs of pollution control devices.

As a result of the plant closing, approximately 300 Formica employees will be out of work.

I believe the Congress must move swiftly in this area and will continue to speak out on the subject.

Following is the news release announcing the closing of the plastic laminates plant:

AMERICAN CYANAMID CO.,
Wayne, N.J.

CINCINNATI, OHIO, November 24, 1970.—Formica Corporation has reluctantly decided to terminate production of industrial plastic laminates, it was announced today by Wallace G. Tayor, president.

Taylor said that closing of the plant at Spring Grove Avenue is necessitated by unprofitability of the product line coupled with the need for new pollution control equipment. "Under these conditions," he said, "we cannot afford the equipment which would be necessary for the plant to comply with pollution control regulations."

At the same time, Taylor said, the decision to close the plant will enable Formica "to place fuller marketing emphasis on consumer and building products in the coming decade." Taylor added that "Formica attempted to sell the industrial laminates business for a year and a half, in order to keep it a viable enterprise," but was unsuccessful.

"Closing of the Spring Grove plant will not affect Formica's building materials business, which today accounts for 90 per cent of our total sales," he said. Phase out of the industrial laminates business will begin immediately and extend into the first quarter of 1971.

All affected employees and officials of Local 757, International Union of Electrical Workers AFL–CIO, were advised in advance of today's announcement. Taylor said that transfer of senior Spring Grove plant employees to Formica's Evendale, Ohio, plant is already underway.

"Many of our Spring Grove plant employees have the necessary seniority and qualifications to move into jobs at our newly expanded Evendale plant," Taylor said. He said it was unfortunate but unavoidable that up to 300 would be laid off as a result of the closing of the Spring Grove operation.

Formica was founded in 1913, and located at Spring Grove Avenue in 1914. In recent years, industrial products have included molded components for the textile industry, cooper-clad materials used in printed circuitry, and special laminate grades for mechanical and chemical applications.

The decision to withdraw from production and marketing of industrial laminated plastics results from major shifts in the plastics industry. According to Taylor, "Formica's recent emphasis has been in the development of plumbing products, vinyl wallcoverings and various laminate surfaced products with unique color, design and surface treatments. Formica's objective is to be a major supplier of quality products and materials for the furniture industry, home building and commercial construction," Taylor said.

The firm's Evendale, Ohio, plant is the largest and among the most modern laminated plastics plants in the world. The company has nine plants in the United States. Formica Corporation is a wholly-owned subsidiary of American Cyanamid Company.

ACCENTUATING THE POSITIVE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. ASHBROOK. Mr. Speaker, in an era when the favorite pastime in some circles seems to be the deriding or ignoring of the accomplishments of our Nation, the efforts of such organizations as the National Committee for Responsible Patriotism—NCRP—are as welcome as a breath of life-giving air. Providing the impetus behind such projects as Honor America Week, the Support Our Men in Vietnam Parade in New York City and the Free the *Pueblo* petition campaign, NCRP, under its executive director, Mr. Charles W. Wiley, has sought since May 1967, to replace denigrating rhetoric and anarchistic tendencies by prudently accentuating the positive.

The latest project of NCRP is Operation Gratitude, which seeks to encourage a show of solidarity behind law enforcement officers and firefighters, culminates on Appreciation Day on December 15, with various forms of suggested observances.

The efforts of the National Committee for Responsible Patriotism, a recipient of a Freedoms Foundation Award, certainly merit encouragement and publicity. I insert at this point background material on NCRP, along with excerpts from its information sheet on Operation Gratitude:

NATIONAL COMMITTEE FOR RESPONSIBLE PATRIOTISM, INC.,
New York, N.Y.

COMMITTEE BACKGROUND

Sparked by an outrageous U.S. flag burning incident in New York's Central Park, the National Committee for Responsible Patriotism was organized in 1967 by a small group of citizens to afford Americans the opportunity to join together in activities dedicated to love of country, support for the men and women in our armed forces, pride in the nation and its heritage, and respect for its laws.

NCRP projects have been endorsed by President Nixon, the late President Eisenhower, former Vice President Hubert Humphrey, the late Robert Kennedy, the Governors of 42 States and Puerto Rico, numerous Representatives, Mayors and other public officials.

Cooperation and support for NCRP projects have come from major veterans' and fraternal organizations, labor unions, ethnic, religious, and youth groups, police and firefighters' line organizations, and countless individuals.

The Committee's first project was the May, 1967 "Support our Men in Vietnam" parade down N.Y.'s Fifth Ave.—the longest parade in the U.S. in 20 years.

This was followed in October by a nationwide program that included scores of parades and special ceremonies in keeping with a theme of respect for law and support of those serving in our country's armed forces.

In June, 1968 an American commercial airline pilot was imprisoned by the Castro regime when his plane was hijacked from Florida to Cuba. The NCRP single-handedly launched a coast-to-coast campaign for his release, and the first American kidnapped by hijacking regained his freedom shortly thereafter.

In the Fall of 1968 the Committee coordinated the "Free the Pueblo" petition campaign, the giant New York-to-Washington motorcade, and other activities whereby Americans pledged support for any honorable action that our Government might take to obtain the crew's release.

"Honor America Week", which was conceived and promoted by the NCRP in November, 1969, was a tremendous success. On July 4th, the theme was continued in our nation's capital by the sponsors of "Honor America Day" which featured well-known stars in the entertainment world and public life.

Shortly thereafter, the Committee launched a massive petition drive on behalf of Americans who are prisoners of the communists in North Vietnam. Stacks of bundled petitions from all parts of the nation were presented to a group of prisoners' wives and mothers at a ceremony and massing-of-colors at the United Nations. The NCRP continues to help the National League of Families of Prisoners and Missing in S.E. Asia.

In March, the Committee organized a news conference for Gold-Star wives and mothers who protested the use of fallen servicemen's names for propaganda without the permission of their loved ones.

A non-profit, tax exempt organization, the NCRP is supported solely by contributions, which are tax deductible to the donors. The Committee's activities are decided by a Board of Directors elected by the membership.

AMERICANS TO ANSWER THE TERRORISTS

Continuing its Honor America theme, the National Committee for Responsible Patriotism has launched Operation Gratitude, a national show of solidarity behind law enforcement officers and fire fighters. The climax of Operation Gratitude will be Appreciation Day—Tuesday, December 15th—a program of coordinated nationwide activities and observances calling for the combined efforts of organizations and individuals, the Committee is enlisting the help of public figures.

Charles W. Wiley, Executive Director of the NCRP, said:

"Strong public support of law enforcement officials and fire fighters, civilization's first line of defense, is essential if our great nation is to continue moving forward. When these symbols of an orderly society are the targets of terrorist attacks, every man, woman and child is in danger.

"The fanatic radicals and the psychopaths whom they exploit must be isolated from the civilized community if we are to re-establish peace and tranquility in our everyday lives.

"We must not surrender our God-given rights, and everything for which we have worked and sacrificed, to barbarians."

As part of its campaign, the NCRP will distribute posters concerning Operation Gratitude. The Committee will also continue to distribute American flag lapel pins and Honor America buttons and bumper stickers. Contributions to the non-profit NCRP are tax-deductible to the donor.

On Appreciation Day, Tuesday, December 15th, there will be a nationwide moment of silence at noon in honor of all who have fallen defending our civilization on the home front. Other activities that day: 1) Fly the American flag, 2) Drive with headlights on during daylight hours, and 3) Ring church bells for five minutes from 11:55 AM.

Governors and Mayors are requested to issue proclamations on behalf of Appreciation Day. It is also suggested that groups of children and young people be organized to visit police and fire stations and similar facilities to express thanks, on behalf of all Americans,

to those who stand guard for us around the clock.

Churches and Temples are asked to devote a few moments to Operation Gratitude during services on the weekend of December 12–13.

LET FREEDOM RING

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. HELSTOSKI. Mr. Speaker, Monday, November 23, 1970, will be remembered as one of the darker days in the annals of American history, a country known the world over for its enjoyment of freedom and liberty and for fighting for the freedom of others who are denied this God-given right.

On that day, the U.S. Coast Guard cutter *Vigilant,* under the command of Comdr. Ralph Eustis was alongside the Soviet trawler *Sovietkaya Litva* for a conference on the fishing problems along the Atlantic Coast. Up to that point everything was normal and serene, but then an event occurred which shook the world regarding our policy on refugees.

During the conference, a Lithuanian seaman known only as "Simas" hurled himself across the open water onto the deck of the *Vigilant* asking political asylum, but after an interval of several hours the Russians were told to come and get the man. The seamen were permitted to board an American vessel, in American waters, to forceably return a badly beaten and bloodied man to the ship from which he tried to escape in order to obtain freedom. I wonder what will happen to this freedom seeking individual when he is returned to his home port.

Somewhere, someone in this entire nightmare of activity should be held responsible for denying the pleadings of a man asking this country to give him asylum. We have sent our troops around the world to liberate millions of people from alien and oppressive governments, but fail in our obligation to grant freedom to one who cries out "Help me, Help me." I would imagine that these words will forever remain in the minds of the *Vigilant*'s officers and crewmen who stood by without lifting a finger to help.

Mr. Speaker, every year about a score of Members of this honorable body rise and comment on the efforts of the Lithuanians, Estonians, Latvians, Ukrainians, Byelorussians, and other oppressed nations on their quest for self-determination, freedom, and liberty. We have always claimed our support for them in this effort and assured them of our determination that some day they would be free. What can we say to them now? Are our words to be hollow claims to restore liberty and freedom in view of what has happened?

The decision made in the matter, by persons unknown, should be fully investigated by the Congress and the person or persons directly involved in the Simas decision should be severely reprimanded or dismissed from their positions.

America has become a haven for over a million refugees over the past several years, but there was no acclaim of our actions in these cases. But this one incident, bungled by someone in the chain of command, has stirred up a controversy around the world to the extent that the Voice of America had to reiterate our policy on refugees in 31 different languages. With much doubt in the minds of our overseas friends, what can we do now to reassure them that we shall continue to grant asylum whenever it is requested by a defector.

At the entrance of New York Harbor is the Statute of Liberty. It is probably the best-known symbol of the United States. It is the first sight that an immigrant gazes upon when his ship nears American shores to bring him to the land of opportunity and freedom.

I cannot believe that we have repudiated the words of the poem by Emma Lazarus which is engraved on a tablet within the pedestal on which this Goddess stands and which reads as follows:

THE NEW COLOSSUS

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name
Mother of Exiles. From her beacon-hand
Glows world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.
"Keep ancient lands, your storied pomp!" cries she
With silent lips. "Give me your tired, your poor.
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!"

Mr. Speaker, with reference to this shameful incident, I wish to include an article written by John Herling which appeared in the Washington Daily News on December 1, 1970, and the editorial which was published that same date in the same newspaper.

They are as follows:

THE CRY OF SIMAS: "THE BOAT WAS SILENT. SHAME WAS THEIR PASSENGER"

(By John Herling)

The view from Gay Head is breathtaking. At this tip of Martha's Vineyard, the Atlantic Ocean and Vineyard Sound mingle their waters. Eroding by inches each year, the clay cliffs stand insecurely in their tinted colors. Beyond you can see the Elizabeth Islands and, to the left of them, the island of Noman's Land.

In those waters, the blue-fishing is pretty good, even for off-islanders. Sometimes when we foolishly venture out in heavy weather, the Gay Head Coast Guard, stationed at Menemsha, fetches us back to live again.

But since the Monday before Thanksgiving, a ghost walks upon the waters, the ghost of a man named Simas, a Lithuanian seaman, crying in endless agony, "Help."

Simas—it may be his first name or last—had leaped 10 feet across open water to the deck of the 210-foot Coast Guard Cutter Vigilant from the 300-foot Sovietkaya Litva, a Soviet "mother" ship for trawlers working the Atlantic seacoast. Simas was the ship's radio operator.

The U.S. cutter and the Soviet ship had hitched up near Gay Head for a conference, authorized by the State Department, on fishing problems along the Atlantic Coast, Soviet trawlers are harvesting fish of all kinds from George's Banks of Newfoundland down to Norfolk, Va.

While the meeting took place, Simas saw his chance. He first informed a Coast Guard officer that he was going to defect. A short time later, he threw himself across to the deck of the Vigilant. He asked for political asylum. He carried his identification and photos of his wife and two children. He spoke English as well as German, Spanish, and Russian.

When words of Simas' jump came back to the conferees, then assembled in the Soviet captain's quarters, the furious Soviet officials demanded they be allowed to speak to him. Commander Ralph Eustis radioed the Boston district commander, Admiral William B. Ellis, who talked to Admiral Robert Hammond, Chief of Coast Guard Operations in Washington, who talked to James Kilham of the Soviet desk in the State Department.

For the next few hours, messages climbed up and down and across the ladders of heirarchy. Finally the decision came to the Vigilant's commander: Give the man up.

Up to this time, Commander Eustis and Simas, both in their 30s, had been exchanging family talk. Now night had fallen. Commander Eustis told the Russians they had permission to come and get him. Simas fell on his knees and prayed. His voice broke, sobbing a hoarse shriek: "Help me, help me." But the shaken Coast Guard commander said his orders were clear.

Two Soviet commissars and three Soviet seaman came on board. They grabbed Simas outside the commander's quarters. They asked, "Will you go peacefully?" "No," shouted Simas, "I'll fight." They began to beat him bloody. The crew watched. Five civilians, members of the conference, watched. One was Robert Brieze, president of the New Bedfard Sea Food Porducts Association. Another was John Burt, port agent for the New Bedford Fishermen's Union, an affiliate of the Seafarers International Union. Mr. Brieze and Mr. Burt asked to use the telephone, but they were told the cutter's phone was not available.

Mr. Brieze was almost numb with one of the great ironies in this crazy world; he himself was a defector. He fled Latvia 20 years ago, via Germany and Sweden, and finally made it to New Bedford. He stood watching a man who also chose freedom being beaten by Russians on an American vessel. Mr. Burt, a burly man of 235 pounds, told a Coast Guard lieutenant that he was going to help Simas. The officer told him not to. "If you do, we'd have to go after you. Besides, it won't help."

So the beatings went on. Then, by some miracle of strength and desperation, the 5-foot, 10-inch Simas, streaming blood, broke away. He managed to hide somewhere on the cutter. For a while, it was thought that he had jumped overboard. But the Soviet representatives began searching the cutter. They stalked and finally caught Simas. They dragged him down the companion ways. It was now around 11 p.m. They resumed the beating. They threw him in a blanket (was the blanket American?) roped him up, kicked him senseless. Then the five strongmen dumped him into a lifeboat of the United States of America. Several Coast Guardsmen rowed the human cargo back to the Soviet ship, hovering nearby.

When the lifeboat returned, the cutter began to creep back toward New Bedford. The crew was grim. The boat was silent. Shame was their passenger.

Sunday night, John Burt blurted to me: "God, why the hell didn't I move in and help that poor fellow? He really believed

our talk about freedom. But I didn't help. They told me not to."

Now there is blood on the waters near Gay Head cliffs. It flowed from a man who would have been free. But he was stopped by "higher considerations" known to some government officials, but not to the God of deliverance.

A REFUGEE'S WELCOME

In the long and valiant history of the U.S. Coast Guard, perhaps no more shameful incident ever took place than on the cutter Vigilant off Martha's Vineyard Nov. 23.

A Lithuanian seaman, seeking political asylum, had leaped aboard the cutter from a Soviet fishing vessel. The two ships had come together, in U.S. territorial waters, so officials could discuss a limit on fishing in the Northwest Atlantic.

After bungled communications between the Coast Guard and State Department, four Russian seamen were permitted to board the Vigilant to take back the defector—to what fate?—by force.

The Lithuanian fell to his knees, praying and begging the Americans to have his life. The Coast Guard crew stood by as the four Russians beat him bloody. Despite his wounds, the defector broke away and hid. The Russians were permitted to prowl the ship for hours looking for him. The second time they made no mistake. They tied him up before beating and kicking him into unconsciousness.

Then the Coast Guard lent them a lifeboat (a funny word in this case) so they could return their victim to the fishing vessel.

This revolting episode seems to violate the Geneva protocols on political asylum. Even more, it is an affront to human decency and common sense.

The State Department is partly to blame. When told the seaman was thinking about defecting, it advised the Coast Guard not to "encourage" the act, which might be seen by the Russian as a "provocation."

This cautious advice—cautious so as not to upset the fishing talks—got misinterpreted somewhere in the Coast Guard as "send the poor guy back."

Nevertheless, there was absolutely no excuse for the invitation to a Soviet goon squad to come aboard and do its dirty work.

Obviously the humane thing would have been to take the Lithuanian into Boston and let diplomats and the courts sort out his fate. But even if he had to be returned (which we don't believe) he should have been removed from the Vigilant by the Coast Guard crew, not the Russian bully boys.

President Nixon has done right in calling for a full investigation of this incident marked by fumbling, callousness, stupidity and inhumanity.

The fact that the communists have turned the Soviet Union into a vast prison camp is bad enough. It's not our job to help them patrol the barbed wire.

Mr. Speaker, what can be said to Simas? Can we write him a letter and apologize for the treatment he received on one of our ships and end it by these words: Sorry about that, but try us again sometime.

BARBED WIRELESS

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. ANDERSON of Tennessee. Mr. Speaker, I have long been an advocate of a strong merchant fleet and maritime defense. The deplorable condition of our merchant fleet is a subject to which I will continue to devote time and attention. It is presently a national disgrace as graphically described in the article "Barbed Wireless," by a retired merchant marine sailor.

At this time, Mr. Speaker, I include in the RECORD an excellent article written by Mr. C. H. Sparks on this subject:

BARBED WIRELESS

(By C. H. Sparks)

Now that the elections are over, and the victories of your candidates a "fait accompli", as well as the defeat of their opponents, let us hope and trust that the animosities are also put to rest for a while. This column will try to deal with a subject then that should be of prime interest and concern to each and everyone of us. Our very national security and future welfare may well depend upon it, and, we feel that the Wireless can deal with it intelligently by virtue of long association and experience. I refer to the maritime industry, with which I have been concerned in many previous columns.

Our merchant fleet has been often referred to as the "third arm" of defense in times of national emergency, which is, in fact, exactly what it is. Neither WW I, WW II, or any other overseas military operation could possibly have been successfully prosecuted without ships to transport the men and supplies. And to transport them efficiently. The United States government maintains a college ranked Academy at Kings Point, New York, which turns out highly skilled officers in the arts of seamanship. It is on a par with West Point and Annapolis. Several States also operate Maritime Academies, among them, New York, Massachusetts, Maine, and California. How to man a modern merchant ship with efficient personnel, one does not go out into the street, or in *any* labor market and casually pick up men possessing these skills. This manpower is obtained by the intensive and specialized training provided by these schools, or by years of experience and study, financed by the individual. What do you think is happening to this invaluable and specialized groups of men right now? I'll tell you what is happening. These young men are turned out by the above described Academies, trained and equipped to operate the ships that our shipping companies and government should have available. But there are few ships. Not enough to absorb them. Because the American Merchant Marine has been permitted to deteriorate and become obsolescent. Unscrupulous operators have been permitted to place hundreds of American built, and American owned ships under foreign registry to avoid meeting the high stands set by the Coast Guard in safety, sanitation, and personnel certification. Now what is the result? These highly trained young men, unable to find employment in the industry they were trained for, are seeking, and getting, other jobs in private industry. They have families, become established in another way of life, and the government, and the taxpayer is left holding the bag. In the event of a national emergency we will wake up to the fact that we have neither the ships to supply our armed forces, nor the men to man them. You cannot blame the men, but you *can* blame a government that will permit such a catastrophe to happen.

We, here in Tennessee, become incensed, indignant, or bemused by the parade of candidates across the TV screen and their antics, accusations and denials of wrong-doing. We get all shook up over newspaper accounts and partisanship during the course of a campaign that affects us most personally and economically within the confines of our own State. But an account of ships passing from the ranks of the fleet, manned by incompetents, colliding and burning and sinking all over the world makes little or no impression. We cluck our tongues and say "that's too bad, but it was a Liberian ship, or a Panamanian ship, or some other flag". Wrong, nine times out of ten it was *not* a Liberian ship, or a Panamanian ship. It was American built, and American owned, flying a cheaply obtained foreign flag. This, my friends, concerns each and every one of us.

Here is a little story of fact. Shortly after the end of WW II, the writer was a member of the crew of one of the many ships returning to the States for layup. On this occasion, some fifty-odd Liberty and Victory ships were laying in the harbour of Pensacola, Florida, awaiting final layup designation, my ship among them. Most of the officers, including myself, were quartered in the San Carlos Hotel in Pensacola. With little to do, I met, most casually, several other guests staying there. One of these men was representing a foreign ship owner and operator. In conversation he said his mission was to purchase, at ridiculously low prices several tankers, about to be laid up. These ships cost the American taxpayers over five million dollars apiece to build. They were brand new. He got some of them for as little as seventy-five thousand. These ships were jumbo-sized, placed in service transporting oil, a highly lucrative business, and all in direct competition to American fleets. Since that time, this ship owner has become one of the richest and most powerful operators in the world. But, from this deal, our security was jeopardized, the public was gulled, and many skilled men denied jobs. Think that over for a spell!

In peace time ships are what deliver to these shores and your homes, the coffee you drink, much of the sugar to sweeten it, the sisal for rope and other purposes, most of the wool that goes in your clothes, the mahogany for your furniture, the manganese in a thousand steel products in your autos, the aluminum that you cook with, the pepper and tea, and condiments that make your food palatable. This is called foreign trade, but it is dealings in these and other staples that are absolutely essential, but taken for granted. We, in turn, ship thousands of tons of manufactured products world-wide that supports the economy which enable us to live this way. This vast country is NOT sufficient unto itself. We *need* these ships, and the skilled men to operate them.

There will conceivably not be any wars in the hemisphere in the forseeable future. Ships will be needed to transport the men, the armaments, the supplies, the ammunition, and the food to far places. Why, in the name of Heaven, are we leaving ourselves open to disaster like this?

Capable engineers, wise and efficient skippers and mates are beyond price when the ships are down. The political masterminds in Washington cannot wave a wand, or slick back their hair on TV and produce the vital ingredients of a vigorous Merchant Marine in an instant. Ships may just become, one day, as important to our existence as the Ark of Biblical times.

Trouble is, I don't see any Noah around to build it.

NATIONAL GALLERY OF ART: PROGRAM FOR DECEMBER

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the Calendar of

Events of the National Gallery of Art for the month of December 1970. In honor of the 100th anniversaries of the Metropolitan Museum of Art and Boston's Museum of Fine Arts the National Gallery is having an exhibit of American paintings from the collections of these two outstanding museums. I urge my colleagues and the American people to visit the National Gallery of Art during this month to see these works of art that are a part of our national heritage.

The Calendar of Events follows:

NATIONAL GALLERY OF ART—CALENDAR OF EVENTS

AMERICAN PAINTINGS FROM THE MUSEUM OF FINE ARTS, BOSTON, AND THE METROPOLITAN MUSEUM OF ART, NEW YORK

In honor of the 100th anniversaries of the Metropolitan Museum of Art and the Museum of Fine Arts, Boston, the National Gallery is holding an exhibition of fifty of the finest American paintings from each of the centennial-celebrating museums. The exhibition, comprising a major survey of American painting from the 17th century to the present, has been organized by Thomas Maytham, associate director of the Seattle Art Museum, and will be on view in the special exhibition galleries from November 30 through January 10, 1971. It will later be shown at the Seattle Art Museum (March 25–May 9) following a showing at the City Art Museum of St. Louis (January 28–March 7).

KÄTHE KOLLWITZ: PRINTS AND DRAWINGS

Among the works are eight self-portraits, a working proof of the poster, *Nie weider Krieg!* ("No more war!"), six woodcuts from the series, the *War Cycle* of 1922/23, and seven lithographs from the series, *Death Cycle* of 1934/35 from the extensive holdings of Kollwitz's graphic art in the Gallery's Rosenwald collection. The exhibition opens in early December and continues through January.

CONTINUING ON VIEW

On the occasion of the 50th anniversary of the founding of the English-Speaking Union in the United States (in Washington, D.C.), the National Gallery is showing "British Painting and Sculpture 1960–1970," sixty-five examples of contemporary work selected by Sir Norman Reid, director of the Tate Gallery, London, and organized by the British Council. The exhibition, installed on the main floor, closes on January 3. Films on contemporary British art are being shown Wednesdays at 11:00 a.m. and Saturdays at 3:00 p.m. in the auditorium.

GALLERY'S "CIVILISATION" DISTRIBUTION PROGRAM

Through the National Gallery's Extension Services, "Civilisation" will be distributed without charge to colleges and universities in the nation with fewer than 2,000 undergraduates. Distribution began in November. Each college will show the series twice, once for the general student body and once for the local community.

The program, made possible by matching grants from the National Endowment for the Humanities and Xerox Corporation, also includes a study guide containing notes to each film, listings of works of art, poetry, music (noting specific recording number), and geographical and historical references figuring in the programs, as well as reading lists to supplement all of the films. This guide may also be purchased from the Gallery's Publication Rooms.

CHRISTMAS STAMPS

Two works of art from the National Gallery, *The Nativity* by Lorenzo Lotto and a rendering by Charles Hemming of a toy locomotive are among this year's five Christmas stamps. Tricia Nixon, Winton M. Blount, Postmaster General, and J. Carter Brown, Director of the National Gallery, spoke at the First Day Christmas Stamp Ceremony held at the Gallery on November 5.

The stamp of Lotto's Nativity was designed by Howard C. Mildner of the Bureau of Engraving and Printing. Steven Dohanos designed the stamp of the toy locomotive, as well as three other antique toy stamps which appear on stamp sheets in a block of four. Christmas stamps will be on sale at post offices through January.

CHRISTMAS CARDS

National Gallery of Art Christmas cards, including one illustrating the Lotto on this year's Christmas stamp, are on sale in the Publication Rooms. Prices range from 15¢ to 30¢.

PUBLICATIONS

The Gallery's third annual "Report and Studies in the History of Art" has recently been published. Contributors include such distinguished scholars as Jaffé, Röthlisberger, Herzog, Brachert and Taylor. The volume, available in the Publication Rooms, also contains highlights of the activities of the Gallery during 1969. Price: $3.50.

GALLERY HOURS

Open weekdays and Saturdays, 10 a.m. to 5 p.m., and Sundays, 12 noon to 9 p.m. *Please note:* The Gallery will be closed on Christmas and New Year's Day.

CAFETERIA HOURS

Weekdays, 10 a.m. to 4 p.m.; luncheon service 11 a.m. to 2:30 p.m.; Sundays, dinner service 1 to 7 p.m.

MONDAY, NOV. 30, THROUGH SUNDAY, DEC. 6

*Painting of the Week: Sebastiano del Piombo. *Portrait of a Humanist* (Samuel H. Kress Collection), Gallery 28, Tues. through Sat. 12 and 2; Sun. 3:30 and 6.

Tour of the Week: *Is American Painting American?* Rotunda, Tues. through Sat. 1; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11 and 3; Sun. 5.

Sunday lecture: *Romanticism and American Sculpture, 1830–1870, Guest Speaker:* Wayne Craven, Professor of Art History, University of Delaware, Newark, Auditorium 4.

Weekday film—"Civilisation," XII: *The Fallacies of Hope,* 12:30 and 1:30.

Sunday film—"Civilisation," XIII; *Heroic Materialism,* 12:30 and 1:30.

Sunday concert: The Camerata Chorus of Washington, Joan Reinthaler, *Conductor,* East Garden Court, 7.

**11" x 14" reproductions with texts for sale this week—15¢ each If mailed, 25¢ each.*

MONDAY, DEC. 7, THROUGH SUNDAY, DEC. 13

*Painting of the Week: Velázquez. *The Needlewoman* (Andrew Mellon Collection) Gallery 51, Tues. through Sat. 12 and 2; Sun. 3:30 and 6.

Tour of the Week: *The Exhibition of American Painting:* 1670–1820, Special Exhibition Galleries. Tues. through Sat. 1; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11 and 3; Sun. 5.

Sunday lecture: *American Painting Today, Guest Speaker:* Barbara Rose, Author and Critic, and Visiting Lecturer at the University of California, Irvine, Auditorium 4.

Weekday film—"Civilisation," XIII: *Heroic Materialism,* 12:30 and 1:30.

Sunday concert: Luis Leguia, *Cellist,* Robert Freeman, *Pianist,* East Garden Court, 7.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to 737–4215, ext. 272.

MONDAY, DEC. 14, THROUGH SUNDAY, DEC. 20

*Painting of the Week: Castagno. *The Youthful David* (Widener Collection) Gallery 10, Tues. through Sat. 12 and 2; Sun. 3:30 and 6.

Tour of the Week: *The Exhibition of American Painting: 1820–1900,* Special Exhibition Galleries, Tues. through Sat. 1; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11 and 3; Sun. 5.

Sunday lecture: *Alchemy and Color, Guest Speaker:* John Gage, Visiting Lecturer in the History of Art, Yale University, New Haven. Auditorium 4.

Sunday concert: National Gallery Orchestra, Richard Bales, *Conductor,* Norma Heyde, *Soprano,* East Garden Court, 7.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS–AM (570) and FM (103.5).

MONDAY, DEC. 21, THROUGH SUNDAY, DEC. 27

†Painting of the Week: Lotto. *The Nativity,* (Samuel H. Kress Collection) Gallery 27, Tues. through Thurs., and Sat. 12 and 2; Sun. 3:30 and 6.

Tour of the Week: *The Exhibition of American Painting: 1900–1970,* Special Exhibition Galleries, Tues. through Thurs., and Sat. 1; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda Mon. through Thurs., and Sat. 11 and 3; Sun. 5.

Sunday film: *The Titan: Story of Michelangelo,* Auditorium 2 and 4.

Sunday concert: Kenneth A. Thompson, *Basso-Cantante,* Richard Doren, *Pianist,* East Garden Court, 7.

†Color postcard with text for sale this week—5¢ each, postpaid.

For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue Entrance.

REACTION TO POW RAID

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DANIEL of Virginia. Mr. Speaker, since reactions are mixed over much that goes on in the world today, there is great need for clear analysis. One case in point is the courageous attempt which was made to rescue prisoners of war in the recent Son Tay raid.

In an editorial appearing in the November 30 issue of the Bee, a Danville, Va., newspaper, "Johnny" Johnson, the editor, sets forth in a most succinct manner the mixture of "expected and unexpected" reaction to the predawn raid on North Vietnam's prisoner-of-war camp.

As Mr. Johnson points up, the members of our Armed Forces who participated in the exercise carried with them a "loud and clear message to Hanoi, and I highly commend for your reading his fine editorial:

REACTION TO RAID

North Vietnam's reaction to the American predawn raid in an attempt to rescue prisoners of war was a mixture of the expected and the unexpected. Hanoi's position was stated at the Paris conference on Thursday and, because of the Thanksgiving holiday here, did not get a lot of attention.

The raid by Army and Air Force volun-

teers may have been called a failure by some in this country because the prisoners were not found . . . but the raiders left a clear message: "We will not stand by quietly while you let American prisoners die."

Secretary of Defense Melvin R. Laird revealed that recent intelligence showed 17 Americans had died in prison camps and others were endangered. Their fate fired the zeal of their comrades to go after them, whatever the risk. As it turned out, the raid took camp personnel entirely by surprise and only one of the raiders suffered a minor wound. All returned safely.

This was one of the most daring events of the war. Hereafter, Hanoi will know that mistreatment of American prisoners will produce retaliation, just as their downing of an American reconnaisance plane did at about the same time. That occasion produced the heaviest bombing strike since the March 31, 1968, partial bombing halt.

Not only was retaliation an immediate objective, the size of the strike by land and sea-based planes conveyed another message to Hanoi. This time, the enemy was told if it molested American reconnaisance planes it would do so at its peril; and, also, we will not stand for a massive buildup of supplies, men and arms to carry the fight to South Vietnam, Cambodia and Laos. The supply depots, anti-aircraft sites and other aggressive facilities must not be used against our allies.

As was to be expected, Senator J. William Fulbright, chairman of the Senate Foreign Relations Committee, and Edward M. Kennedy, the Democratic Whip, were very upset at the limited-duration, protective-reaction strike and were even shocked at the rescue mission. While others such as Senator Robert J. Dole, Kansas Republican, extolled the bravery of the volunteer band, Fulbright and Kennedy worried over the implications of the mission.

The implications are this: that Hanoi now knows that there is a firm hand at the White House, and it cannot get away with murder any longer without paying the cost for its foolhardiness.

That Hanoi got the message was indicated by its representatives at the Paris peace talks.

As expected, they issued new threats: "We solemnly declare that all actions violating the sovereignty and security of the Democratic Republic of Vietnam will be severely punished by the Vietnamese people and armed forces."

It is most noteworthy, however, that they added that North Vietnam "is determined to continue its lenient and humanitarian policy toward captured American pilots. Our policy in this respect remains unchanged . . . although many of the pilots were caught in the act of committing odious crimes against the Vietnamese people."

This should be of some comfort to those who feared retaliation against the prisoners themselves. At the very least, this statement emphasizes that Hanoi knows the world is watching the treatment of the prisoners. And this should favor the men being held.