

*To be lieutenants*

Hugh B. Milburn	John E. Colt
Dennis L. Graves	Gerald W. McGill
James M. McClelland	William B. Knight, Jr.
John C. Veselenak	Charles L. Hardt
Brent H. Traugbher	Roderick S. Patwell

*To be lieutenants (junior grade)*

Glenn H. Endrud	Glenn M. Garte
John H. Snooks	Melvyn C. Grunthal
James P. Travers	Lawrence C. Hall
Douglas F. Jones	William D. Neff
Kenneth W. Sigley	V. Kenneth Leonard, Jr.
Efrem R. Krisher	
Gordon F. Tornberg	Douglas A. Danner

Thomas C. Howell III	John J. Lenart
David M. Chambers	Stephen L. Foster
Richard S. Young	Gregory R. Gillen
Bruce W. Fisher	William E. Daniels
Ted G. Hetu	Lynn T. Gillman
Michael Kawka	Floyd Childress II
Michael J. Moorman	Charles N. Whitaker
Philip D. Hitch	Robert V. Smart
Clarence W. Tignor	Jonathan R. Carr

*To be ensigns*

Stephen E. Anderly	Ronald L. Gester
John R. Annett	Thomas M. Goforth
Archibald C. Davis III	Howard W. Herz
George C. Fuller	

William M. Hornick, Jr.	John D. Busman
Wayne A. Hoyle	Roger J. DeVivo
Robert L. Johnson	Robert M. Dixon
Raymond Louis	Donald A. Drake
Stewart McGee, Jr.	Stephen M. Dunn
Donald W. Nostrand	Dale M. Hodges
Harvey L. Parry, Jr.	Lewis A. Lapine
Raymond W. Reilly	Gregory L. Miller
Robert C. Roush	Carl F. Peters II
Robert W. Rushing	William G. Pichel
Stephen C. Schwartz	John L. Robbins
Ronald J. Smolowitz	Dean R. Seidel
William A. Viertel	Thomas W. Richards
	Lester B. Smith, Jr.

## EXTENSIONS OF REMARKS

## PRAYER IN THE PUBLIC SCHOOL

## HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MESKILL. Mr. Speaker, I would like to devote a few minutes to the discussion of public prayer. I believe a basic statement dealing with some of the most frequent objections to a public prayer amendment will be useful to the debate on this subject.

Mr. Speaker, what happened which makes a peoples' amendment for public prayer necessary?

On June 25, 1962, the Supreme Court said, without citing any precedent, that the following prayer freely recited by pupils and teachers in New York State public schools was unconstitutional:

Almighty God, we acknowledge our dependence upon Thee and we ask Thy blessings upon us, our parents, our teachers, and our country.

On June 17, 1963, the Supreme Court banned the Lord's Prayer and Bible reading from the schools of Maryland and Pennsylvania though in both instances recitation had been by statute free.

The only effective way to reverse a precedent-making decision by the Supreme Court is through a carefully worded constitutional amendment. This we propose.

What did the Court really do?

As in all Court decisions there are brave and good words here. What is important, however, is not the incidental remarks but the deed of the decisions. President Abraham Lincoln had once commented on the Dred Scott decision—

When all the words, the collateral matter was cleared away from it, all the chaff was fanned out of it, it was a bare absurdity.

Such is the case here. In its first decision, the Court equated "establishment" with public reverence, whether free or not, whether institutional or not, whether sectarian or not. In its second decision, the Court said that even to question the historic validity of this equation was "of value only as academic exercises." Inserted into such an equation, despite the Court's occasional assurance to the contrary, all practices of public reverence among us must fall. This, in fact, is what the Court did. The fight for a peoples' amendment for pub-

lic prayer is, thus, a fight to eradicate what we have called the fatal equation. Much more is involved here than the prayer alone.

Are we attacking the Court?

We attack the integrity neither of the persons nor the institution of the Court as then constituted. Simply, following in the steps of Abraham Lincoln and many others, we seriously question the traditional, historic, and legal validity of its prayer-ban decisions.

What, then, is really at stake here?

First and foremost, return of the civil right of free public prayer to the classroom. Second, a process of creeping secularism which, unless now radically checked, could continue to wipe out one by one all other practices of public reverence among us. Examples: attack on the Christmas prayer of the astronauts, 1968, on the pageant of peace near the White House, 1969, on other spiritual exercises in public schools. By forcing the issue of free school prayer, we ask the American people to reflect again on the role of God in their midst, to examine the national conscience again. This could be the critical beginning in a great grassroots effort to make America again a Nation on its knees. Fourth, to reaffirm the democratic process in which the will of the vast majority of our people determines the law under which we shall live.

Some say we can still teach about religion in public schools. Is this true?

Religion is more than dates and pictures and which Pope ruled when and who reformed what. Religion is essentially affective, the up-reach of the spirit toward a concerned God. Religion, stripped of affection and spirit, is not religion at all. Teaching about religion may be useful. It cannot suffice. Besides any surviving religion in public schools, while it may last for a time, will most surely be subject to attack by the same intolerant few who succeeded in having the prayer-ban decisions handed down. Besides, to accept teaching about religion in place of the civil right of free school prayer does absolutely nothing to erase the fatal precedent now placed by the two prayer-ban decisions.

What about substitutions for prayer in the public schools, such as meditation, classes in comparative religion, God sandwiched between Buddha and Einstein in a series of morning exercises?

The same argument holds as in the paragraph above. Many proposed substitutions are not religion at all. Medita-

tion, of course, is better than nothing. A silent God is better than no God. But since when can little children effectively meditate? Why must God be quiet when He enters a school? Besides, silent meditation by its very nature is individual. It does nothing to fulfill the purpose accomplished by the beautiful brotherhood of free prayer with which most of our school districts began the school day for many decades prior to the prayer-ban decisions. In any case, no substitute would do anything to remove the fatal precedent of the prayer-ban decisions. Those who use the argument from substitution to oppose a prayer amendment—and most substitutes do not support an amendment—are, quite frankly, our foes just as much as those who want all religion removed from the public classroom. They fail to see, honestly or dishonestly, that by accepting a substitute they are permitting a cancer to remain and grow while applying salve to the external wound. All effective substitutes are susceptible to attack from the same kind of intolerant few who secured the prayer-ban in the first place. What is necessary is that a peoples' amendment for public prayer be written into the Constitution and then further thought be given to the whole matter of religion and morality in education, not vice versa.

Why should we tamper with the first amendment?

The first amendment has already been tampered with by the Court. We propose simply to restore it to its original and traditional meaning. Senate Joint Resolution 6, a sample of possible prayer amendment wording, reads:

Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

Would not a "sense of the Senate resolution" be enough?

There are some Congressmen who may be using this device honestly. We cannot help but feel, however, that many are using it dishonestly. A sense of the Senate resolution would change nothing whatsoever. Only a carefully worded amendment will accomplish what must be done—namely, a fundamental reversal of the two prayer-ban decisions.

Suppose the Court in fact accurately interpreted the words of the first amendment?

Even if this were true—and it is not—

still our case remains. The people must not be made prisoners of words which do not say what they clearly wish the amendment to say.

Does not religion belong rather in home and church than in school?

Religion belongs everywhere in the life of a reverent republic. We do not, certainly, strengthen religion in the heads and hearts of children by wiping it off their lips in the place where they begin to learn the arts and sciences of life together. A God reduced to purely private dimensions is wholly foreign to the religious traditions of the Nation.

Whose prayer would be used in public schools if an amendment passes?

For generations, with a maximum of good sense and a minimum of error, the American people had free prayer in their public schools. There is no reason why this cannot again be accomplished, and particularly in this new era of enlightened relations between all religions among us. As in all such delicate matters, the question can and will be adjudicated in each school district. Should any one of these districts be so callous and so foolish as to institute a sectarian prayer, recourse would still lie with the courts.

What about minority rights and tolerance?

Tolerance is a two-way street. So long as his rights to silence or abstention are recognized the dissenting child can do one of two things. He can deny others their rights by loudly demanding his selfish privilege, or he can refrain from participation recognizing in the process that others think differently than he and respecting their rights to do so. This is a perfect preparation for citizenship in a pluralistic society in which, often, delicate decisions have to be made in which there are majorities and minorities. The dissenter must always be free in his conscience, no pressure must be put on him to conform. But to suggest that this entitles him to deny the great majority the right to do what they feel in their consciences they should do is a travesty of the democratic process. A responsible pluralism in this, as in similar matters, is the very basis of our way of life together.

Is common prayer not in fact harmful to real religion?

By no means. True some children mumbled the morning prayer, but some children sing "The Star-Spangled Banner" badly and some look out the window while reciting "The Gettysburg Address." This is no reason for abolishing the practice. What a magnificent experience, the children who have attended no religious exercise on the weekend or who have gone to various temples and churches on different days during that weekend come together on Monday and find common words to say to a common, though differently experienced father. Who shall say that this experience is not meaningful?

How will the prayer-ban decisions affect other church-state cases?

Once the first amendment has been fundamentally misinterpreted, it is clear that all other cases arising under it will be tainted by that misinterpretation. Make no mistake, the prayer-ban decisions are not dead but living. They will rise in case after case to affect the outcome.

What connection is there between the prayer-ban decisions and national sanity?

We cannot, nor do we, contend that all the tragic occurrences in the United States since 1962 can be traced back to the prayer-ban decisions. We do suggest a serious decline in morality among us. We do point to anarchy, arrogance, crime increase, oversexism, and all the rest. We do say that the prospect of making America again a nation on its knees through a prayer amendment might do much to reverse the national moral crisis.

#### ATOMIC ENERGY AND THE ENVIRONMENT—CONTINUED

### HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. REID of New York. Mr. Speaker, as my colleagues will remember, the distinguished gentleman from New York (Mr. WOLFF) and I recently cosponsored a hearing on atomic energy and the environment in New York City. I would like to include in today's RECORD three additional statements from that hearing, which took place February 6. The statements were delivered at the hearing by Dr. Victor Bond, associate director of Brookhaven National Laboratory; Mr. Martin Goldstein, a consulting engineer planner from White Plains, N.Y.; and Mrs. Milton Kurtz of the Citizens League for Education about Nuclear Energy, New Rochelle, N.Y.

The material follows:

#### RADIATION HAZARDS FROM REACTORS\*

(By V. P. Bond, M.D.)

#### BIOGRAPHICAL SKETCH—VICTOR P. BOND

1. *Born:* Santa Clara, California, 30 November 1919.

2. *Education:* University of California, Berkeley, A.B., 1943; University of California, San Francisco, M.D., 1946; University of California, Berkeley, Ph.D. in Medical Physics, 1952.

3. *Positions:* Head, Experimental Pathology Branch, U.S. Naval Radiological Defense Laboratory, San Francisco, California, 1948-1954; Scientist, Medical Research Center, Brookhaven National Laboratory, Upton, New York, 1955-1957; Head, Division of Microbiology, Medical Research Center, Brookhaven National Laboratory, 1957-1962; Chairman, Medical Department, Brookhaven National Laboratory, 1962-April '67; Associate Director, Life Sciences and Chemistry, Brookhaven National Laboratory, April 1967 to present.

4. *Military:* Medical Officer, U.S. Navy, 1945-1954; Highest rank, Lt. M.C., USN; Present: Capt., M.C., USNR-R.

5. *Fields of Interest:* Medicine, radiation biology, radiotherapy, nuclear medicine.

6. *Other Activities and Information:* Participant and project officer in biological work involving field testing of nuclear devices; deputy director of the medical team that cared for the Marshallese following exposure to fallout radiation.

Former member of the National Advisory Committee on Radiation; Subcommittee on Hematology of the NAS-NRC Committee to

\*Prepared for Public Hearings held by Congressmen O. R. Reid, L. L. Wolff and J. P. Addabbo, "Atomic Energy Plants and their Effects on the Environment", New York City, 6 February 1970.

Investigate the Effects of Atomic Radiation; Subcommittee on Radiological Dosimetry, ICRU; Ad Hoc Committee on RBE, of the ICRP and ICRU; Armed Forces Panel on Radiological Instruments; Scientific Advisory Board, USAF; Chairman, Radiation Study Section, National Institutes of Health; Director, Commission on Radiation Infection, AFEB; Chairman, Radiation Bio-Effects Advisory Committee for the Division of Radiological Health (Department of Health, Education and Welfare); Member, Aeromedical Task Force, National Aeronautics and Space Administration.

7. *Present member of:* Chairman, Subcommittee M-4 of the National Council on Radiation Protection, on Relative Biological Effectiveness; Chairman, Subcommittee on Radiobiology of the Committee on Nuclear Science (National Academy of Science); Member, Commission on Epidemiological Survey (Armed Forces Epidemiological Board, Department of Defense); Member, Committee on Radiobiology, American College of Radiology; Member, Standing Committee for Radiation Bio-Aspects of the SST, Federal Aviation Administration; Member, Radioactive Pharmaceuticals Advisory Committee, Federal Drug Administration; Member of Board of Directors, National Commission on Radiation Protection and Measurements; Member Space Radiation Study Panel, Space Science Board, NAS-NRC; Consultant, Public Health Service, Dept. of Health, Education and Welfare; Consultant, Defense Atomic Support Agency.

8. *Professional Organizations:* American Physiological Society, New York Academy of Sciences, Radiation Research Society, Sigma Xi, American Association for the Advancement of Science, Society of Experimental Biology and Medicine, Society of Nuclear Medicine, International Society of Hematology.

9. *Publications:* Over 200 scientific papers on the effects of radiation.

#### SUMMARY

1. Thank you for the opportunity to appear before this group. I do not speak today for any group or organization, but only as a private citizen, physician and scientist.

2. Generation of electrical power, by any means presently available, entails certain undesirable features including the utilization of real estate, the construction of power lines and the production of waste heat. Current conventional power plants give off large amounts of smoke and waste heat, as well as small amounts of radioactivity. Nuclear power reactors emit no smoke but do give off waste heat and small amounts of radioactivity. Thus, if we wish additional electrical power, the choice rests largely on an evaluation of which type of power generation will involve the least amount of undesirable effects on man and his environment.

3. The present remarks are addressed principally to potential radiation hazards from nuclear power plants such as may be located on Long Island Sound. The conclusion is reached that radiation exposure of the population, from nuclear power plants, would be exceedingly small, and does not constitute a compelling reason for discouraging the construction of such plants.

4. The amounts of radioactivity released from reactors, and the dose of radiation received by the public, are controlled such that they do not exceed, and usually are considerably below recognized limits established by national and international groups of knowledgeable and independent experts.

5. The isotopes of principal concern from nuclear reactors are tritium and krypton-85. This does not imply that other isotopes are not considered in detail, but only that the total quantities of these isotopes are so small as to be of much less importance. Careful measurements and analyses of radioactivity in the environment are routinely performed to assure that this condition prevails. The question of biological reconcentration is specifically taken into account.

For example, the AEC release concentration limits for iodine are additionally restrictive by a factor of 700 to take reconcentration into account.

6. With respect to the dose received from tritium by populations near the Long Island Sound, a good approximation of the amount to be expected from a single reactor can be obtained from calculations made in connection with the Calvert Cliffs reactor on the Chesapeake Bay (PWR, 2700 megawatts thermal). The dose to an individual, if all of his food and water were obtained from the bay, would not exceed 0.004 millirem per year, or about 1/40,000th of natural background exposure. With 5 or even 100 reactors of this size on the Sound, the total dose would still be less than 1 millirem per year, much less than an individual might receive from his color television set. The figures given are conservative upper limits. The doses to individuals in the local population from krypton-85 would be similarly negligible.

7. With respect to future nuclear power production in the country as a whole, the possible genetic effects, which are related to the average population dose to the reproductive organs, are of most significance. The projected average dose of genetic significance, to the entire population, by the year 2000 from tritium is approximately 0.001 millirem per year. The corresponding dose from krypton-85 would be a very small fraction of that from tritium. These very small values, of the order of 0.001 millirem per year, must be put into proper perspective relative to the population guide of 170 millirem per year, by comparing them with the estimated 1 millirem that one may receive now in crossing the United States in a jet airplane, the approximately 5 millirem that may be received per year from watching color television, the several millirem additional that may be received in spending a few days at a skiing resort in the mountains; the approximately 50 millirem per year from diagnostic medical exposure, the 100 or more millirem that one may receive additionally per year by virtue of living in a concrete versus a wooden structure; and the average of some 150 millirem that one inescapably receives each year from background radiation.

8. Seeking to bar nuclear power on the basis of the 0.001 millirem that one may receive in addition to the 150 or so millirem that he inescapably receives from natural background, can be likened to tying up in court an inheritance of \$150,000 because the actual amount is \$1.00 short of \$150,000.

9. With respect to ecological systems, the following can be said. The radiation guide of 170 millirem per year relates, of course, to exposure of human beings. Animals and plants are generally much more resistant than man. Thus, if the radiation guides are adjudged to be proper for man, then clearly there will be no significant or even detectable effect of such low-level exposure on animals and plants in the environment. This view in general is shared by Dr. George Woodwell, Senior Ecologist at the Brookhaven National Laboratory, by Dr. Stanley Auerbach, Senior Ecologist at the Oak Ridge National Laboratory, and by other leading ecologists who have worked directly with radiation effects in ecological systems.

10. To gain the advantages of nuclear or any other kind of power, one must accept and cope with certain problems such as siting, heat, power transmission, etc. The one problem that has been identified (but not correctly so) as being unique to nuclear power is radioactivity. As indicated above, radioactivity releases pose a relatively minor problem which constitutes no significant health hazard. I agree completely with the recent statement of Dr. K. Z. Morgan, who has been one of the most severe critics of unnecessary radiation exposure. The quote (1) is as follows: "I believe the contribution to the total population dose by the nuclear

power industry can always be maintained at a very small fraction of 170 millirem per year average and that the overall risk to the population from the nuclear power industry will be very small compared with those of a fossil fuel power industry operating at the same capacity."

11. Finally, I shall close with a quote from the report of the Governor of Maryland's Task Force on Nuclear Power Plants. This is of particular significance, because this group of citizens reviewed the mass of material discussed and written in connection with the Calvert Cliffs nuclear power plant on Chesapeake Bay, a situation broadly analogous to that of Long Island Sound. A major conclusion is as follows, "Based upon careful consideration of available evidence, the task force concludes that the Calvert Cliffs nuclear power plant, operating in compliance with Federal and State Laws and Regulations, does not in itself constitute a threat in any significant way to the health, safety or economy of the State of Maryland or its citizens, nor will the plant seriously impair the quality of the Chesapeake Bay environment."

#### RADIATION HAZARDS FROM REACTORS

(By V. P. Bond)

The present remarks are addressed principally to potential radiation hazards from nuclear power plants, such as may be located on Long Island Sound. The conclusion is reached that radiation exposure of the population from nuclear power plants would be exceedingly small, and that potential radiation hazards do not present a compelling reason for discouraging the construction of such plants.

(In reaching this conclusion, however, I do not wish to imply that I advocate indiscriminate release of radioactivity into the environment.)

#### EXPOSURE LIMITS; HOW THEY ARE ESTABLISHED

The amount of radiation of radiation allowed to be released from reactors is regulated by the AEC 2, such that the amount of exposure that man receives will not exceed standards or limits that have been established for human populations. The basic standards, contrary to widespread belief, were set not by the AEC, but by knowledgeable, independent individuals and groups who have reviewed and continue to review a multitude of data on radiation effects. Specifically, the groups are the National Council on Radiation Protection and Measurements (NCRP), the Federal Radiation Council (FRC), and the International Commission on Radiation Protection (ICRP). The United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) also periodically reviews pertinent data in a comprehensive fashion, and this information is considered carefully by the NCRP-FRC-ICRP.

The standards for radiation exposure, as recommended by the NCRP-FRC-ICRP are generally accepted as authoritative, and are used in the same manner as are standards issued by analogous disinterested scientific groups for drug purity, food purity, the amounts of certain chemicals that can be contained in foods, etc., etc. The radiation standards apply not only to reactor effluents, but also to radiation from all man-made sources (except medical exposure). Basic standards were in fact established long before the AEC and reactors came into existence.

Radiation exposure limits for the general population were set on the basis of possible genetic damage since this is the potential effect of most importance when very large groups are exposed. It is the average exposure that is of significance in this regard, and this exposure limit is 170 millirem per year.

#### ESTIMATED RADIATION EXPOSURE OF THE POPULATION

The isotopes from nuclear reactors that are of principal concern are tritium and krypton-85 (see below). With respect to tritium, the projected average dose to the population by the year 2000 is 0.001 millirem per year,<sup>2</sup> and the dose to the bone marrow and reproductive organs from krypton-85 would be a very small fraction of that from tritium. These values, of the order of 0.001 millirem per year, must be put in proper perspective by comparing them to the population guide of 170 millirem per year, the estimated 1 millirem that one may receive now in crossing the United States in a jet airplane; the approximately 5 millirem that may be received per year from watching color television; the several millirem additional that may be received in spending a few days at a skiing resort in the mountains; the approximately 100 or more millirem that one may receive additionally per year by virtue of living in a concrete versus a wooden structure; and the average of some 150 millirem that one inescapably receives each year from background radiation.

The potential hazards of the radiations from tritium and of Kr<sup>85</sup> are estimated basically, as in the case of any ionizing radiation, in terms of the absorbed dose (energy absorbed per gram of tissue, expressed in units of rads). Maximum permissible "doses," or MPD's (more precisely, maximum permissible dose equivalents) are expressed in terms of rem. With respect to exposure to tritium in the environment, a number of factors must be examined in evaluating its toxicity. How long does tritium remain in the body? Should a concentration factor be employed in determining absorbed dose to tissues from the tritium concentration in the environment (or in body fluids)? Is the tritium beta ray more or less effective than other radiations? Does the fact that tritium may be incorporated into biological molecules result in significant added effects? I have examined these and other factors in detail<sup>3, 4</sup>, in the light of studies at Brookhaven and extensive investigations reported in the literature.

The conclusion is reached that these factors do not significantly increase (and may decrease by a sizable factor) the dose that is calculated on the basis of a given concentration of tritium in the environment. A given dose of radiation from the beta rays of tritium (from either inhalation or ingestion) has the same radiobiological and radiation-protection meaning as the same dose from x-rays or gamma rays (same dose rate pattern) and no added significance or potential hazard is to be attached by virtue of the fact that the dose may have derived from tritium.

In a similar manner, I have considered the potential hazards of radiation from Kr<sup>85</sup> in the environment. No special dosimetric or other problems similar to those discussed above for tritium appear to be involved. Krypton-85 is a noble gas, which does not interact to any significant extent with chemical or biochemical molecules. Thus the problem with this isotope is one of "submersion", in which most of the exposure is to the skin, and is derived from krypton in the air. This is in contrast to isotopes such as strontium-90 in which the isotope enters the body and may localize in certain tissues such as bone. Doses of krypton-85, as calculated from NCRP-ICRP formulae are mainly to the skin. Krypton-85 is essentially a beta emitter, i.e. the radiation does not penetrate deeply, and organs below the skin receive virtually no exposure. Thus the dose to the bone marrow and the reproductive organs, considered to be the most "critical" with respect to radiation protection, receive

Footnotes at end of speech.

a very small fraction (less than one-thousandth) of that received by the relatively radioresistant skin. The dose to the lung from inspired krypton-85 may be comparable to that of the skin; however, the lung is considered also to be one of the more radioresistant organs. The lungs of individuals living in brick or concrete structures may receive from 125 to 1570 millirem per year from radon given off by building structures.<sup>5</sup> These doses may be compared to 2 or 3 millirem per year that skin and lung might conceivably receive from krypton-85 from reactors by the year 2000.<sup>6</sup> On these bases, the radiation guides for krypton-85 represent a very conservative estimate of the degree of potential hazard and this isotope poses no significant health hazard.

Isotopes other than tritium and Kr-85 are of course released from power reactors; however, careful measurements have shown that the total quantities are so small as to make them of far less significance. The short physical half lives of many isotopes essentially eliminate them from serious consideration. Dilution factors in large bodies of water are enormous; thus even including biological reconcentration, the amounts of radioactivity an individual would receive if he derived his entire food and water intake from that body of water would be small indeed. The NCRP-FRC-ICRP are well aware of biological reconcentration, and factors to take this into account are provided, e.g. a factor of 700 is provided for iodine.<sup>7</sup> The question of multiple sources of radiation exposure, either from different isotopes from a single source, different routes of administration (e.g., water, food, air), or multiple sources (e.g., several reactors on Long Island Sound) must be considered. It is a general principal of radiation protection, clearly stated,<sup>8</sup> that all man-made radiations (or radioactive isotopes) from all sources must be considered in evaluating total exposure. For instance, limits for tritium in water are made restrictive by a factor of two, on the assumption that approximately one-half of one's total tritium intake may come from food.<sup>9</sup> It is clearly stated that in situations in which intake patterns may be more complex, the total intake must be taken into account.<sup>8</sup> With respect to multiple reactors, AEC regulations state explicitly that effluents from reactors may be further restricted, should the intake by individuals be likely to exceed one-third of the maximum permissible limit.<sup>10</sup>

Plants and animals, and ecological systems in general, are much more resistant to radiation than is man. Thus radiation standards adjudged to be safe for man will not harm the environment. To quote Dr. Woodwell, a well-known ecologist who has spoken out vigorously against man's desecration of his environment, "If man is protected from this (radiation) hazard, levels of man-made radiation in nature will almost certainly be so low as to have no significant effects on other organisms. . . ." In extensive studies with a "gamma forest" at Brookhaven National Laboratory, Dr. Woodwell has been able to observe effects on flora and fauna rather easily at dose rates of 0.5 rads/day (about 180,000 mrad/year) and above. He doubts that very extensive and detailed studies would reveal an effect on the overall ecology at dose rates below 0.05 rads/day (18,000 mrad/year).

With respect to possible radiation hazards from nuclear power production, two quotes from remarks made by Dr. K. Z. Morgan, who has been particularly concerned about radiation exposure of the population, are pertinent. He stated: "I believe the contribution to the total population dose by the nuclear power industry can always be maintained at a very small fraction of 170 mrem/year average and that the overall risk to the population from the nuclear power industry will be very small compared with those of a fossil

fuel power industry operating at the same capacity," and "It seems that the public concern for a problem varies directly with the knowledge and understanding that has been accumulated about the problem (i.e. more concern about radiation hazards than chemical hazards) and inversely with the magnitude of the problem (i.e. more concern about the fraction of 1 millirem per year from the nuclear power industry and all the AEC operations than about the 55 millirem per year from medical diagnosis)."

#### RADIOACTIVE AND OTHER EFFLUENTS FROM CONVENTIONAL V. NUCLEAR POWER PLANTS

A comparison of the radioactive effluents from conventional vs. nuclear power plants of the boiling water (BWR) and the pressurized water (PWR) types have recently been published.<sup>10</sup> Comparisons are difficult, and the relative significance assigned to the effluents will depend on a number of factors including how one evaluates the relative importance of exposure of different organs (radioactive effluents from coal-burning plants are in general "bone seekers"; Kr-85 from reactors exposes principally the skin; the dose to the reproductive organs from either is relatively extremely small). As evaluated in the report (effluents from either coal-burning or nuclear power plants were concluded to be well below FRC guides), noble gases from a BWR can produce more radiation exposure than an older coal plant; however the coal plant produces more exposure than does a PWR.

As contrasted to possible harm from the low doses and dose rates of radiation from nuclear reactors, which is not detectable and can be postulated only theoretically, damage from the effluents emitted in the smoke from conventional industrial plants is real and easily seen. Plant life in the immediate vicinity may show obvious damage. Hundreds of people have died in London from smog; a particularly bad situation was encountered in 1952. Many people died in Donora, Pennsylvania, in 1949 as a result of air pollution and smog.

#### ADEQUACY OF RADIATION STANDARDS

Nuclear power reactors have been and are being built and operated. It is clear from the operating experience that the rates of radioactivity release from them are well within the permissible limits which are based on radiation standards. As a matter of fact, in most cases the radioactivity given off represents only a few percent of these limits.

Recently questions have been raised with respect to the adequacy of exposure standards. It would appear to me that if the standards are to be questioned at all, it should be for only one of two reasons.

1. That new data may have become available since the exposure standards were established.

2. That the exposure limits as set by these knowledgeable groups were not sufficiently restrictive at the time they were established.

If the first is true, then of course the standards should and must be changed. If the second is true, we are questioning the judgment of the expert groups who set up the standards. These judgments and the resulting standards are vitally important and should be discussed, particularly today with a more scientifically informed populace. However, we should all agree that the established standards ought not to be altered unless there are well founded reasons for doing so, arrived at after careful study and understanding of this complicated subject. If we are not going to accept the collective judgment of the experts, the grounds must be very firm. Changes should not be made capriciously or arbitrarily.

With this in mind, let us examine further the two possible reasons for questioning the standards. The first is, have new data become available recently of which the knowledgeable groups were unaware when the standards were established? I have listened to,

and read with great care, the arguments and data put forth by those claiming that the hazards due to radiations from power reactors have been underestimated and that limits should therefore be made more restrictive. For instance, some have said that tritium is far more hazardous than represented by the standards groups, when actually it is no more hazardous than any other isotope. I have found no new data on the toxicity of individual nuclides or new arguments presented about radiation effects that are substantially different from the information that was in the hands of the knowledgeable groups, and weighed by them, when they established the standards. In my best judgment, therefore, the standards today are as valid as they were when they were established.

Now let us examine the second reason. Were the standards "safe" enough in the first place? I should like to make several points in this respect. In doing so, I wish only to place possible hazards in perspective and not to attempt to discount them.

1. Let me reiterate that the basic limits were established not by the AEC but by national and international bodies of dedicated individuals who examined all available data. May I reemphasize that these were independent, knowledgeable and conscientious individuals who took their job seriously who were not only responsible to their own conscience but to all of mankind. They were not responsible to any industrial or government organization.

2. The limits set up are openly stated to be on the conservative side. Because the expert groups were deeply concerned about preventing harm to human beings or to the environment, they took a very deliberately conservative view in arriving at the limits. Had they dealt with "averages" or with "best estimates", the limits would be considerably more relaxed than they are now.

As an example of how conservative the estimates are, let state that recently a dose rate factor has been shown to exist for genetic effects that would argue in favor of relaxing or raising the population limits by a factor of 6 or more. The limits, however, have not been increased.

3. There is no question that radiation at high doses produces serious damage both to the individual exposed and to his offspring. At lower doses, however, it has not been possible to detect any effects in the largest populations it has been practicable to study. The exposure limits for the population are several hundred times below the figures for which firm incidence figures for man exist. Thus the need for extrapolation from known degrees of effect at high doses to postulate possible effects at low doses. The NCRP-FRC-ICRP have adopted the conservative working hypothesis that there may be some very small incidence of effects at low doses and dose rates commensurate with radiation protection standards, with the full knowledge that this is an assumption that lacks experimental verification.

4. The fact that precise figures for the incidence of effects at low radiation doses do not exist has been widely misinterpreted as representing some tremendous void in our knowledge and some great unknown that may result in widespread unanticipated damage to human beings and other organisms. Nothing could be further from the truth. Why don't such data exist at low doses? The answer is simple. The incidence of effect is so low, that it hasn't been detected even in very large populations, and in some cases the evidence indicates strongly that there is zero effect at these low doses. I can make the flat statement that no serious damage to human beings or other organisms has ever been demonstrated to be the result of the low doses (and dose rates) established as limits for the general population. In fact, some efforts to show such effects at low doses and dose rates have resulted in quite the reverse.

Footnotes at end of speech.

In several separate studies,<sup>11-15</sup> animals have actually lived longer when exposed to relatively low doses and dose rates, than have the unirradiated controls. Thus, the reason for lack of precise figures for the incidence of effect at low doses does not mean that effects haven't been looked for, or that some vast unknown exists in terms of potential damage. It is simply that the incidence of effect, if there is any, is so low that, as I have indicated, it hasn't been detected even in very large populations.

5. The hypothesis that any amount of radiation, no matter how small, is potentially harmful, has given rise to a great deal of unfounded concern. Actually the hypothesis is that there is no threshold for radiation effects, and that the relationship of effect to dose observed at high doses is linear with decreasing doses. Much is inferred from this in terms of radiation being in this way different from other hazards; that because of this we should be unusually concerned with low doses of radiation, and that radiation should be treated uniquely among the many hazards to which we are exposed. I should like to make the strong point that radiation is *not* unique in this respect. To see this point, let us examine for example the nature of the hazards of driving an auto.

Just as with radiation at low doses, the hazard is of a *statistical* nature. There is a distinct *probability*, the minute you get into a car, that you will have an accident. No matter how safely you may drive, there remains the real probability of accident and injury. Thus we can make similar statements with respect to driving an auto that correspond to those made with respect to radiation exposure at low doses. The probability of harm to the individual from auto driving is approximately linear with "dose" or exposure, although in this case the exposure is in terms of hours or miles of driving. The "linear, no threshold" by hypothesis pertains, and any amount of exposure to (time spent in an automobile) an auto, no matter how small, carries a certain probability of harm. Thus the statistical nature of potential harm from radiation and auto driving is similar, and radiation is not unique in this way. The principal difference is that the probability of harm from auto driving is very real, while the distinct possibility exists that there may be no hazard from low doses of radiation.

6. Radiation is one of the best and most thoroughly studied of any of the environmental contaminants. A great wealth of quantitative data exists, that allows us to set more realistic conservative standards for it than for any other potentially deleterious agent.

#### OVERALL SAFETY OF NUCLEAR POWER PLANTS

While I cannot speak authoritatively to the many considerations other than radiation that must be evaluated in deciding on the type and location of needed additional power plants, it is informative to review briefly the discussions of the safety and desirability of the nuclear power plant at the Calvert Cliffs location on the Chesapeake Bay. The pros and cons were aired in local hearings, in the press, and in Congressional hearings. Concern over possible radiation exposure played a prominent role in these discussions. Governor Marvin Mandel appointed a Task Force composed of technically oriented and lay people to review the entire situation. A major conclusion of the group<sup>16</sup> is quoted as follows: "Based upon careful consideration of available evidence, the Task Force concludes that the Calvert Cliffs nuclear power plant, operating in compliance with Federal and State Laws and Regulations, does not in itself constitute a threat in any significant way to the health, safety or economy of the State of Maryland or its citizens, nor will the plant seriously impair the quality of the Chesapeake Bay environment."

#### FOOTNOTES

<sup>1</sup> Morgan, K. Z.—"Radiation Standards for Reactor Siting" and "Accepted Risk Concepts", Testimony before the Joint Committee on Atomic Energy, Washington, D.C., January 27, 1970.

<sup>2</sup> Code of Federal Regulations, Title 10, Chapter I (10-CFR-20).

<sup>3</sup> Bond, V. P.—"Evaluation of Potential Hazards for Tritium Water", JCAE hearings, 28 January 1970.

<sup>4</sup> Bond, V. P. and Feinendegen, L. E.—"Intranuclear <sup>3</sup>H Thymidine; Dosimetric, Radiobiological and Radiation Protection Aspects", Health Physics 12:1007-1020, 1966.

<sup>5</sup> Report of the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR), 1958.

<sup>6</sup> Coleman, J. R. and Liberace, R.—"Nuclear Power Production and Estimated Krypton-85 Levels", Radiological Health Data and Reports, Vol. 7, No. 11, Nov. 1966.

<sup>7</sup> Statement of Harold Price—Selected Materials on Environmental Effects of Producing Electrical Power, JCAE Hearings, Aug. 1969, Page 81.

<sup>8</sup> Report of ICRP Committee II on Permissible Dose for Internal Radiation, Health Physics 3:1-380, 1960.

<sup>9</sup> Woodwell, G. M.—"Radioactivity and Fallout; the Model Pollution", Bio Science 19: 884-887, 1969.

<sup>10</sup> Martin, J. E., Harward, E. D., and Oakley, D. T.—"Comparison of Radioactivity from Fossil Fuel and Nuclear Power Plants", Appendix 14, JCAE, Environmental Effects of Producing Electric Power, Part I, Oct. 28-Nov. 7, 1969.

<sup>11</sup> Zirkle, R. E.—"Biological Effects of External X-ray and Gamma Radiation", Part I, Pages 24-148, 1954.

<sup>12</sup> Carlson, L. D., Scheyer, W. J. and Jackson, B. H.—Rad. Res. 7: 190, 1957.

<sup>13</sup> Carlson, L. D. and Jackson, B. H.—Rad. Res. 11: 509, 1959.

<sup>14</sup> Sacher, G. A. and Grahn, D.—J. of Nat'l. Cancer Inst. 32: 277, 1963.

<sup>15</sup> Bustad, L. K. and Gates, N. M.—Rad. Res. 25: 318, 1965.

<sup>16</sup> Governor's Task Force Report, Submitted to Gov. Marvin Mandel, Md., 15 Dec. 1969.

#### STATEMENT OF MARTIN GOLDSTEIN

My name is Martin Goldstein. I am a Consulting Engineer-Planner from White Plains, N.Y. My professional specialty is what I call Community Value Systems Planning. Community Value Systems Planning is based on evaluating the entire spectrum of community activity and the interrelations of the factors with one another. Among the studies I did recently are a report from the Hudson River Valley Commission of New York on the Impact of Nuclear Power Plants on the Hudson River and adjacent lands, and a short study presented before a citizens group in New Rochelle in November, 1969, on evaluating the Environmental Impact of the Proposed Four 1,000 M We Nuclear Powered Electrical Generating facility on the Community. It is this particular study and the use of Long Island Sound as a valuable community resource, that I would like to discuss with you today.

As you probably heard from previous speakers, the efficiency of nuclear fueled power plants presently in the design and construction phase is approximately 34%. That is—for each 10,000 BTU of heat energy generated in the Nuclear Reactor, only 3,413 BTU of heat energy is used to produce one kilowatt hours of electrical energy. Note that this mode of operation requires that approximately 6,600 BTU per KWH of heat energy needs to be dissipated or wasted to a heat sink—in the case of New Rochelle the heat sink is Long Island Sound and the atmosphere in the vicinity of the plant. It is to be further noted that if a fossil fueled plant of the same size were to be built on Davids Island, the increased efficiency of ap-

proximately 40% would require the dissipation of only 5,100 BTU per KWH of electrical energy produced (approximately 23% less waste heat). The operation of a fossil fueled plant, however, has numerous environmental disadvantages—among which are the discharge of combustion products to the atmosphere; the need to set aside an area to store the fossil fuel; the transportation of the fossil fuel; the ultimate disposal of waste residues; and the considerably larger size inherent of the fossil fueled plant.

A critical feature in the operation of a thermal plant is the start up and shut down period. During this time all the heat being generated by the furnace is dissipated to the waste sink. A fossil fueled plant can pass through this phase in a period of hours; whereas a nuclear powered facility requires days to start up and shut down. In the case of Davids Island once again, all four units would generate 40 Billion BTU per hour. During normal operations with all four proposed units on line, 635 Billion BTU per day will need to be dissipated in Long Island Sound. With two units on line and two units just off, 775 Billion BTU per day will need to be dissipated.

This heat discharge will undoubtedly alter the micro climate in the vicinity of New Rochelle. The discomforts of humidity and fog will increase. The amount of water that will be added to the atmosphere will depend upon the amount of cloud cover, wind velocity and general weather conditions. An exact analysis of these factors awaits further research. If all the heat from Long Island Sound is to be dissipated by normal four-on evaporation, approximately 250 acre-feet of water per day will be evaporated to effectuate the cooling process. If 50% of the heat is dissipated by radiation, only 125 acre-feet of water per day will evaporate. If an evaporative cooling tower were to be used to effectuate the cooling, approximately 500 acre-feet of water per day will pass up into the atmosphere.

The heat that we are talking about is the heat accumulated in the turbine condensers. Present Con Edison practice is to use 850,000 GPM (gallons per minute) of cooling water for each 1,000 M We generating unit. At this rate of condenser cooling water flow, water pumped from Long Island Sound is discharged back into the Sound at a temperature increase of approximately 16° F under normal operating conditions, and 23° F if the turbine is not being used to generate electrical power.

New York State Department of Health criteria governing thermal discharge states that the maximum water surface temperature rise shall be 1.5° F in coastal waters between July through September. To expedite meeting this criteria and assuming no radiation condition, for a normal four on operation 30,000-000 GPM of Long Island Sound water will be needed to effectuate a maximum of 1.5° F temperature rise; and for a two on and two just off condition 43,000,000 GPM of Long Island Sound water will be required. A very rough analysis indicates that a tidal flow of approximately 68,000,000 GPM flushes past Davids Island and Sands Point (a distance across the Sound of 2.15 statute miles). The 16° F temperature differential is reduced to 1.5° F by discharging the heated effluent through many small ports in a submarine discharge pipe. As the heated water rises to the surface, heat is transferred to the cooler Long Island Sound waters through which it is passing, so that the surface temperature is ultimately 1.5° F above ambient Sound temperature. Certain problems are inherent in this procedure in that other heat contributors to the Sound will elevate the ambient temperature, and it will be difficult, if not impossible, to monitor the final surface temperatures.

I propose to you gentlemen, that it is necessary to make a comprehensive multidisciplinary

plinary study of all factors associated with Long Island Sound and that an agency be established to manage this valuable community resource before Long Island Sound becomes a community liability.

#### BIOGRAPHY OF MARTIN GOLDSTEIN

Mr. Martin Goldstein is a Consulting Engineer-Planner: Town Engineer in the Town of Harrison, N.Y.; and lectures in the Department of Civil Engineering at C.C.N.Y., and in the Department of Urban and Regional Planning at Pratt Institute in Brooklyn.

He graduated from C.C.N.Y. with a B.C.E. in 1950, and did graduate studies at Brooklyn Polytechnic Institute.

Mr. Goldstein's studies concerning Long Island Sound consist of a waterfront Study for the City of Norwalk, Conn.; a study for a proposed Deep Water Marine Terminal in Stratford, Conn.; Drainage studies for Stamford, Conn. and New Rochelle, N.Y., and a study concerning Storm Water Pollution in Hempstead Harbor for the Nassau County Planning Commission.

In the field of Nuclear Power and the Environment, he did studies of the Impact of Nuclear Power Plants on the Hudson River and Adjacent Lands for the Hudson River Valley Commission, and Evaluating the Environmental Impact of the Proposed Four 1,000 M We Nuclear Powered Electrical Generating Facility on New Rochelle.

He is a Professional Engineer and a member of various professional and scientific societies.

#### PROBLEMS OF RADIATION AND THERMAL POLLUTION FROM NUCLEAR FACILITIES ON LONG ISLAND SOUND

(By Joan Rumberg, M.D., and Mrs. Milton Kurtz)

One of the largest and potentially most versatile areas available in the middle Eastern seacoast for recreational use and pursuit of sport will soon be defiled and transformed into an unusable wasteland. This catastrophe will overtake us if we permit the proposed nuclear-powered plants to be erected on Long Island Sound. The essence of the problem is the nature of the unusable byproducts of the normal operation of these plants: huge amounts of condenser cooling water and similarly huge amounts of radioactive materials.

The fact that Long Island Sound covers 930 square nautical miles and contains 16.4 trillion gallons<sup>1</sup> of water pales to insignificance in face of the fact that of the 12 plants planned for the Sound area, the four 1,000 megawatt plants for David's Island alone will produce five billion gallons of water per day heated to 20-25 degrees F. over the intake temperature.<sup>2</sup> This degree of thermal loading is sufficient to destroy the existing ecology of Long Island Sound.<sup>3</sup>

How will this devastation occur? Oxygen-producing plankton will die. The oxygen content of the water decreases and organisms needing this precious substance disappear to be replaced by algae and fungi with other metabolic needs. Fish breeding in these areas are sensitive to small fractions of temperature change occurring at the wrong time and in the wrong place. The fish leave or cannot reproduce and die.<sup>4</sup>

The current discharge of sewage into the Sound from both the nearby Bronx and Westchester as well as the small boats in great profusion in the sound is the basic substrate for organic overgrowth and bacterial contamination of the water.<sup>5</sup>

A small example of this kind of problem occurred during an unusual heat spell in 1968. Many sensitive bathers were hospitalized with "swimmer's itch" due to the red tides of dinoflagellates.<sup>6</sup> We are all familiar with the problem of coliform bacilli and epidemics which close our public and private areas in very hot weather.<sup>7</sup>

It would be tragic indeed if we deprived ourselves of this historic area<sup>8</sup> purchased

from the Federal Government for public use.<sup>9</sup> There is little doubt that in this ever increasingly crowded world that beautiful areas for escape into clean air and water and even a little solitude should be cherished, not destroyed.

The Federal Radiation Council arbitrarily sets standards of allowable amounts of radiation<sup>10</sup> permitted to contaminate the air and water surrounding us. The AEC accepts these unproven standards and allows the utilities to function within them. Under this aegis the daily operation of nuclear-powered plants allow for the release of large amounts of long-lived biologically-active radionuclides into air and water (16,000,000 curies a year).<sup>10</sup>

That these standards are open to question is exemplified by Drs. Gofman and Tamplin of Lawrence Radiation Laboratory who testified that allowable levels of whole body radiation should be decreased by a factor of ten.<sup>11</sup> Similarly Dr. Socolar of Columbia University stated that under most favorable conditions there would be a 5% increase in the incidence of cancer and leukemia per year as well as 2% increase in human mutations.<sup>12</sup>

That the AEC must have these figures is obvious. Therefore, that the prospect of an increase in cancer, genetic defects and a decrease in life span is not given proper consideration is a logical deduction. This is immoral!

The promise of tax benefits is crass!<sup>13</sup> The threat of continued blackouts without these plants is blackmail!<sup>14</sup>

Let us consider for a moment the duration of half-life of the radionuclides released: in the case of Nitrogen 16, 7.3 seconds; in the case of Iodine 129, 17,250,000 years.<sup>15</sup> Our atmosphere is finite. It is therefore a simple deduction to see that these long-lived substances do not disappear but with each day inexorably increase in concentration, permeating the air we breathe, dusting the food we grow, and entering our food chain through the flora and fauna of Long Island Sound and fish-breeding regions along the Atlantic coast.<sup>16</sup> Through biologic magnification (a concept of DDT fame) the local concentrations may easily exceed the legal limit.<sup>17</sup>

It is sufficient for us to know that the Atomic Safety and Licensing Board of the AEC considered the monitoring devices maintained by the utility at Indian Point #1 useless.<sup>18</sup> It is only confirmation of their cavalier attitude about the safety and health of the residents in the proximity to these nuclear plants, be they at Indian Point or on Long Island Sound.

#### FOOTNOTES

<sup>1</sup> Albert Jensen, Assistant Director of Marine and Coastal Fisheries, New York State Department of Conservation, Study of Long Island Sound.

<sup>2</sup> Albert Jensen, June 4, 1969 at Immanuel Lutheran Church.

<sup>3</sup> Standard Star of New Rochelle, Thermal Pollution Symposium, Oct. 14, 1968. Or Albert Jensen at a meeting at Trinity School in New Rochelle on Nov. 10, 1969.

<sup>4</sup> Sport Fishing Institute Bulletin, Sept., 1968.

<sup>5</sup> New Rochelle Standard Star, July 26, 1968, "Beach Inquiry Sought."

<sup>6</sup> "Equal Time," Dr. James Melville of Mercy College in Dobbs Ferry.

<sup>7</sup> "Historic New Rochelle" by Herbert B. Nichols, Board of Education of New Rochelle, 1938.

<sup>8</sup> New Rochelle Standard Star, Letter to Editor, Sept. 10, 1968, by Maxwell Feinberg.

<sup>9</sup> Power Generation and Pollution, Page 9. Dr. Robert Beardsley, Chairman of the Department of Biology, Manhattan College. Unpublished paper.

<sup>10</sup> AEC Initial Decision for Indian Point No. 3. Official Document.

<sup>11</sup> Federal Radiation Council Guidelines for Radiation Exposure of the Population at Large—Protection or Disaster? Presented by John W. Gofman and Arthur Tamplin of Lawrence Radiation Laboratories before the

Sub-Committee on Air and Water Pollution, Nov. 19, 1969.

<sup>12</sup> Dr. Sidney Socolar, Columbia University, Member of SCIP. Speech delivered Jan. 8, 1970 at Columbia's Macmillan Theatre.

<sup>13</sup> New Rochelle Standard Star, Oct. 17, 1968, "Mayor Extols Slocum Sale."

<sup>14</sup> Glenn T. Seaborg, Chairman of AEC. New Rochelle Standard Star, Jan. 29, 1970, "Survival Problem: Pollution."

<sup>15</sup> Electricity from Nuclear Energy. Environmental Contamination from Normal Operation of Reactor. Malcolm Peterson. November 1965 Scientist and Citizen.

<sup>16</sup> Manhattan Scientist, April 1969. The Environment of Man. Dimensions of Nuclear Pollution by Henry Guaresco.

<sup>17</sup> Radioactivity and a Proposed Power Plant on Cayuga Lake.

#### MICHIGAN COMMITTEE AGAINST RACISM IN THE SUPREME COURT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. CONYERS. Mr. Speaker, more and more people in this country are recognizing the critical necessity of maintaining the unique dignity, authority, and credibility of the Supreme Court. They understand that the Court cannot properly function if it is discredited by the addition of narrowminded, prejudiced, or mediocre men. They feel strongly, as I do, that it is long past time for the U.S. Senate to establish the principle that a nominee of a racist or segregationist background is per se unqualified to sit on the Supreme Court. In Michigan, a group of citizens who feel this way have joined together and formed an organization called the Michigan Committee Against Racism in the Supreme Court.

The group is headed by the Reverend John B. Forsyth, director of mission, Metropolitan Detroit Council of Churches. Last Thursday, February 19, an initial member of the Michigan committee, Stephen I. Schlossberg, general counsel of the United Auto Workers, came to Washington and announced its formation to various congressional leaders and interested organizations. A number of my colleagues have responded with a commitment to set up similar organizations in their home States. The Michigan Committee Against Racism in the Supreme Court has printed a bulletin listing statements in opposition to President Nixon's most recent nomination to our highest Court. This bulletin, and a list of the initial members of the committee, follow:

#### MICHIGAN COMMITTEE AGAINST RACISM IN THE SUPREME COURT

We call on Senator Griffin to oppose Carswell because—

"I have been disturbed by the Carswell nomination."—Dean Charles W. Joiner, Wayne State Univ. Law School.

"The most hostile Federal district judge I have ever appeared before with respect to civil rights matters."—Prof. Leroy Clark, N.Y.U. Law School.

"There simply is a lack of reasoning, care, or judicial sensitivity overall in his opinions."—Prof. William Van Alstyne, Duke University Law School.

"It is time to establish the principle that a racist is per se unqualified to sit on the

Supreme Court."—Congressman John Conyers, Jr.

"A slap in the face of the federal judiciary."—George Meany, President, AFL-CIO.

"Carswell has so little regard for the mothers of the country."—Betty Friedan, President, N.O.W.

"More slender credentials than any other nominee in this century."—Dean Louis Pollock, Yale U. Law School.

"Expressed dislike at Northern lawyers such as myself appearing in Florida."—Prof. John Lowenthal, Rutgers University.

"He showed 'extreme hostility' to civil rights lawyers and accused them of 'meddling and arousing the local people.'"—N. C. Knopf, Lawyer, Department of Justice.

"This nomination is contempt of the Supreme Court."—New York Times.

"No reason whatever . . . to accept . . . such meager credentials."—Dean William Allen, Univ. of Mich. Law School.

"The nomination is a sad one for this country."—Former Attorney General Ramsey Clark.

"Undistinguished."—New York Times.

"Confirmation would be a betrayal of the Senate's responsibility."—Prof. Gary Orfield, Princeton University.

"A tragic signal to the American people."—Walter P. Reuther, President, UAW.

"No claim to distinction in any field."—Roy Wilkins, Chairman, Leadership Conference on Civil Rights.

"A level of competence well below the high standards we would consider appropriate."—Dean Derek Bok, Harvard Law School.

"Not a distinguished choice."—Dean Brian G. Brockway, Univ. of Detroit Law School.

If you agree that a mediocre racist should not be on the United States Supreme Court, write, wire or see Senator Griffin and demand that he oppose Carswell's confirmation!

Michigan Committee Against Racism in the Supreme Court, Rev. John B. Forsyth, Chairman, 65 E. Columbia Street, Detroit, Michigan 48226. Phone: 962-0340.

As the New York Post wrote editorially: "The Carswell nomination is not only a rebuff to all Americans who value progress toward equal rights. It is a coldly political affront to the majesty and dignity of the nation's highest court, and to the powers of discernment of the Senate. It can—and should—be defeated."

**MICHIGAN COMMITTEE AGAINST RACISM IN THE SUPREME COURT**

Chairman: Rev. John B. Forsyth, Director, Division of Mission, Metropolitan Detroit Council of Churches.

**INITIAL MEMBERS**

1. Rev. William Ardrey, Michigan Annual Conference, A.M.E. Zion Church.
2. Robert Battle, III, President, Trade Union Leadership Conference, Metropolitan Detroit Labor and Civic Association.
3. Kathryn Bolton, Focus on Equal Employment for Women.
4. Mrs. Blanche Burnett, Michigan Council of Catholic Women.
5. Patricia Burnett, National Organization of Women.
6. Mr. David Chaney, International Vice-President, Amalgamated Clothing Workers of America, AFL-CIO.
7. Abraham Citron, Education and Psychology Department, School of Education, Wayne State University.
8. Congressman John Conyers, Jr., First District, Michigan.
9. Rev. W. H. Crenshaw, President, Inter-Denominational Ministerial Alliance.
10. Congressman Charles C. Diggs, Jr., Thirteenth District, Michigan.
11. Al Fishman, Chairman, New Democratic Coalition.
12. Atty. Samuel Gardner, President, Wolverine Bar Association.
13. Atty. William Goodman, National Lawyers Guild.

14. Mrs. Dorothy Haener, Chairman, Current Topics Study Group.

15. Mrs. Lillian Hatcher, Women's Department, United Auto Workers.

16. Murray Jackson, Chairman, First Congressional District Democratic Party.

17. Walter Klein, Executive Director, Metropolitan Detroit Jewish Community Council.

18. Francis Kornegay, Executive Director, Detroit Urban League.

19. Robert R. Lee, International Representative, Amalgamated Clothing Workers of America, AFL-CIO.

20. Willie Lipscomb, Chairman, Thirteenth Congressional District Republican Party.

21. Rev. Hubert Locke, Director, Department of Religious Affairs, Wayne State University.

22. Atty. Claudia Morcu, former Executive Director, Neighborhood Legal Services.

23. Stanley Marks, Businessmen's Association.

24. Atty. William Mazey.

25. Mrs. Annet-e Miller, Chairman, Metropolitan Detroit Chapter, Americans for Democratic Action.

26. Sheldon Miller, President, Detroit Chapter, American Trial Lawyers Association.

27. Max Pincus, President, Hughes, Hatcher and Sufferin.

28. Ronald Rothstein, Anti-Defamation League of B'nai B'rith.

29. Atty. Abdul S. Sheikh.

30. Richard Smith, Thirteenth Congressional District Republican Committee.

31. Rev. Willis Tabor, Staff, United Presbyterian Church.

32. Tom Turner, President, Detroit Chapter NAACP; President, Metropolitan Detroit AFL-CIO.

33. James Watts, President, Michigan NAACP.

34. Abraham Zwerdling, President, Detroit Board of Education.

**STATEMENT OF REAR ADM. JAMES W. KELLY**

**HON. HENRY C. SCHADEBERG**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. SCHADEBERG. Mr. Speaker, the following information comes from Rear Adm. James W. Kelly, CHC, U.S. Navy; Chief of Chaplains, U.S. Navy, who has brought us information about the men serving in Vietnam which is not generally reported by the press. Perhaps the press does not report these things simply because the good works of our servicemen in Vietnam are not really news—it is the unusual that makes news, and therefore the reporting of day-to-day common efforts do not share the news print along with the isolated case of dramatic or unfortunate events.

The story he tells is in the form of a report by the Chief of Chaplains upon his return from Vietnam after his annual Christmas visit. It was prepared for the newsmen of the Washington area at a luncheon held Wednesday, January 7, 1970. As a former Navy chaplain, I perhaps have a unique interest in what is taking place among the chaplains in the military services, but I was so impressed by his report I thought perhaps my colleagues would be interested in getting a bit of the side of the picture of our servicemen in action which could not come from any other source.

I personally know Rear Adm. James W. Kelly, as a dedicated Christian

clergyman. Our paths have crossed on several occasions during our mutual service in World War II days and during the Korean police action. He is a man of unique dedication; a chaplain's pastor, a man whose integrity is beyond question. He is dedicated to serve God and his country; he has fulfilled his obligation as a highly-respected man of the cloth in uniform. It was by no mere coincidence that he holds the highest rank within the naval service in the Chaplain's Corp. He sought no place of honor, only opportunities for service, commensurate with his dedication.

The fact is that his service to God and his country; his deep personal feeling for the men in the service, sought him and placed him in the office of top responsibility for the spiritual life and welfare of the men in the Navy. His words, those spoken by his lips and penned by his hand are the expression of his heart and his keen sense of observation of what takes place inside of the outer veneer of life in the military.

I am confident that my colleagues will appreciate his statement and relay to their constituents the basic goodness of the men who are serving this Nation in uniform in Vietnam.

The statement follows:

STATEMENT BY REAR ADM. JAMES W. KELLY, CHC, USN, CHIEF OF CHAPLAINS, U.S. NAVY

Having just returned from a visit to Southeast Asia, which included visits with Chaplains and servicemen in Japan, Korea, Okinawa, Guam, the Philippines, Vietnam and in the U.S. Seventh Fleet, I feel a deep responsibility and a keen opportunity to report my observations to you.

I have selected the theme: "Our Man In Vietnam." That theme is double barreled and I want to make reference not only to the Chaplain as he represents the American Churches in service to the Navy/Marine Corps/Coast Guard team, but also to our American servicemen.

I am aware that much of our public opinion has been polarized into the generally accepted "hawk" and "dove" positions. At the same time, there are many Americans who, in deep concern, are raising questions which indicate their openmindedness and their search for information which will help them reach or revise personal judgments about the critical issues regarding the war in Vietnam.

It has been said that the great wall between the occident and the orient is not the great wall of China, but rather the wall of misunderstanding.

I feel, on the basis of my recent as well as four previous visits to Vietnam, that there is also a great wall of misunderstanding concerning our involvement in this troubled land.

Americans generally know that we are engaged militarily against the National Liberation Front and the North Vietnamese Armed Forces. They are fed with regularity their daily ration of news media coverage that identifies the more sensational aspects of combat. Once weekly they receive the body count statistics. But do they really appreciate what our Marines, sailors, soldiers and airmen are involved in that motivated 10,000 Sailors and 40,000 Marines to request extensions of six months or longer in Vietnam?

Upon his recent return from his third visit to Vietnam, Reverend Harry C. Wood, Executive Secretary of the Department of Church and Service Personnel of the United Presbyterian Church in the USA made this statement: "The average American has little factual knowledge concerning the human needs of the people of this long denied country, nor

does he know what the majority of our servicemen know about what is being done to meet these needs."

From my recent visit to Vietnam, from the hospitals in which wounded American youth lay, from the front line bunkers and trench-lines in which our brave young men kept watch or faced a determined foe, from my visits in the villages and hamlets in which our Combined Action Platoons operate or to which our MEDCAP teams carry their healing, from our Chaplains and our youth and military leaders, from our missionaries and from the indigenous religious leaders and civil officials, I acquired some very strong and, I feel, well founded conclusions. I stress the point that this was my fifth annual visit and that I have had the opportunity to make comparisons of things as they now are with things as they used to be.

One thing is unchanged and that is the consistent and unwavering dedication, loyalty and courage of the American fighting man. I will have more to say about him a little later.

First, I was encouraged and found inspiration in the gentle people—the South Vietnamese—many of whom once fled from North Vietnam and who since have fled the terror of the Viet Cong and NVA, but many of whom now cease to be refugees. Resettlement is encouraging. They are returning to their hamlets and villages, rebuilding their homes, replanting their farms and rice paddies. In spite of occasional acts of terror by the enemy—acts of terror which are used for the purpose of coercion—the Vietnamese are turning to a strengthened government. And let there be no mistake about it: the government of the Republic of Vietnam is stronger. In talking with Vietnamese during my visits and through information which comes from Chaplains in the field, it is obvious that the vast majority of the people know what Communism is and they don't like it.

The argument for an improvement in the Vietnamese government and the lot of the people can be proved not merely by citing numbers. You go to village after village and hamlet after hamlet where our Combined Action Platoons are located for the security and support of the people. You see wells being dug, latrines being built, buildings, classrooms and churches under construction. You see the people well-fed and prospering. You see their crops in the glory of growth. You watch the people, especially the old people, smile. The refugees are going home because security permits it. 469,336 did it through 1 December 1969. Only 90,000 refugees returned home in 1968.

The Vietnamese Army is stronger. Not only does its number exceed one million, its capacity for standing against aggression from the north is being proven daily. The South Vietnamese have moved through the stage of dependence to interdependence. It is our prayer that they may soon be capable of reaching the stage of independence.

Our humanitarian outreach is one of the glories of our involvement. Our serviceman's courage and valor on the field of battle is matched by his humanitarian concern. Because I have included two separate articles on this subject in the press kit, I will limit my remarks in this area. There are a multitude of stories in Vietnam—stories that do not get told, stories that would help reveal in the clear light of day information so vital to an objective appraisal of the efforts and sacrifices of American servicemen. If known they should instill in the American people a sense of pride, respect and admiration. One release in the press kit attempts to present a picture of American civic action effort in general. It was the observation of this effort that caused Reverend Wood, previously referred to, to say:

"I saw again the response of our young people to the crying needs of fellow human beings. It seems to me that there is a tremendous Peace Corps within the military es-

tablishment represented by thousands of young people deeply involved in a most significant effort to save lives, and to give hope and opportunity to thousands of eager but deprived people."

The second release is about the Hoa Khanh Children's Hospital, one of the finest Marine civic action projects in Vietnam. It tells the story of how, through the contributions of time, money and professional expertise, a 120 bed children's hospital came into being. Dr. Everett S. Graffam, who is head of the World Relief Commission that will sponsor the hospital after the Marines depart from Vietnam said as he surveyed the financial and material demands for an operation of this size:

"I hope that Christian civilians will be able to match the dedication and concern of American Marines for the physical and emotional well-being of these little ones."

If they succeed, some American civilians will begin to appreciate the greatness of concern of the American servicemen for the people in whose land he served.

#### OUR MAN IN VIETNAM—THE SERVICEMAN

As on other Christmas visits to Vietnam, one of my major concerns on my 1969 visit was for this American youth. In the past, I was always able to report in a most positive and favorable way about the men and their morale which I considered phenomenally high, stable and consistent. When asked the reason, I related the usual answers which included good food, extra pay, tax benefits, good mail service, excellent equipment, superb medical care and the confidence a man has when he knows his friends will never let him down—being willing to defend or die for him, as he would for them. But I always added what I am certain was the chief factor in his consistently high morale—namely, his own conviction that what he was doing was crucially important and that both his countrymen and the Vietnamese were deserving of his sacrifice and effort in their behalf.

As I went to Vietnam on this last Christmas, I went with a heavy heart and the fear and apprehension that events on the homefront would have dissipated some of the servicemen's enthusiasm and high morale. Certainly he is not deaf, dumb and blind. He knows that the cause for which he makes his sacrifices does not have the unqualified support and admiration of a portion of the American community. The *Stars and Stripes* and *American Forces Radio and TV* give him reports on the Moratorium efforts, the anti-military dialogue, the daily exhortations for American youth to evade their military obligations, and the mounting evidence that the virtues of patriotism, duty, service of country, honor among fellowmen and courage in the face of danger are suspect. He knows that some call him the tool of the aggressive, oppressive and expansionist interests of self-seeking opportunists.

As I approached Vietnam, I could not help thinking about a story that has become quite familiar at home: Dr. Seuss' "How the Grinch Stole Christmas," and I wondered if the American grinch had finally stolen his Christmas. I refer to the grinch represented by some of our loudest debunkers, the most abrasive demonstrators and VC flag carrying youth who spend their time making unjustified generalizations about the nature of his service and demeaning the cause for which his country asks him daily to face sacrifice and possible wounds or death. I mentally added to the grinch family those whose concern for those who die stops oddly short of him. I was not adding to the grinch family all those who disagree. God forbid! When there are no longer disagreeers seeking solutions to common problems, there is no longer a democracy. What I have been pleading for is opinion that is responsible and mature in its expression and in the interest of the common welfare. When it is neither responsible, mature nor to the common good,

it should not be the subject of broadcast throughout the land nor should it be the object of adoration and of generalization into the will of the people.

Did the Grinch steal his Christmas?

Based on my conversations with hundreds of people including the men themselves, their leaders and their chaplains, the answer is a resounding NO!!

Not only his President and his next-of-kin at home remembered him. Tens of thousands of Americans remembered. Some of these made their concern known by contributing to organizational efforts like "Gift Pac Vietnam," but many thousands of others, acting as concerned and appreciative Americans, sent their packages, cookies, gifts, letters and greetings. And tens of thousands of school children remembered, sending greetings like this one: "Dear Marine: I love you and I know God loves you, too. Have a Merry Christmas and come home soon." It was signed by a second grader from a Bronx, N.Y. elementary school.

These evidences of appreciation for his service plus visits from prominent Americans like Cardinal Cooke, Norman Vincent Peale, Reverend Ozzie Hoffman, Bob Hope, Martha Raye and Johnnie Grant, were proof that not all Americans find patriotism and service to their country suspect.

But even without these evidences of concern, the over-exposed American grinch could not have stolen his Christmas.

To his glory is that the detractors have not succeeded in dissipating his morale, diminishing his dedication, or shaking his resolve to serve his country and the long suffering people of South Vietnam.

He is, I observed, hurt by but yet generally indifferent to the report of or failure to report his achievements. He knows what he is doing, why he is doing it, and does not have time to worry about the detractors. He is not given to heroic lines or on-stage posturing. He is less concerned about public opinion than the job at hand. He has less time for scoffers, who have no time for heroes, than they have for him.

Being normal, he is disappointed. As one Marine said, "I'm not expecting much when I get back. We know there will be no parades on Fifth Avenue. We're aware of the political situation back home. But neither do we expect to get attacked for what we've done, and which we're proud of. We've served our country."

The serviceman doesn't like being referred to as a tool of imperialist aggression, especially when the words are delivered in an American accent, but he has little time to pay attention to it. He is too busy searching for mines, set by the Viet Cong or North Vietnamese—mines planted by the people whose flag some Americans choose to fly—mines that have killed and injured more Vietnamese civilians than they have American troops.

He knows that it is easy for gentle people who have never seen tyranny, war or terror to call themselves doves. And he knows that because he fights tyranny and terror, some call him a hawk.

He observes a nation—his free nation—tiring of war and its expense, questioning all forms of preparedness and defense as if this earth—this spinning island in the sky—were populated by a placid, cooperative, compassionate, peace loving, quiescent fellowship of man.

Yet, he knows that no one wants peace more than he does—or other sailors, soldiers, marines, SeaBees or armen when they are in battle. No one wants peace more than the rifleman on his 60th patrol—or the artilleryman returning counterfire during a rocket and mortar attack on his position—or the aviator flying his third MEDIVAC mission in one day. He always longs for peace. He looks forward to the day when he can go home, having acquitted himself with honor. But he doesn't want to settle for anything less than



a free and prosperous South Vietnam. He needs peace more than most Americans need it.

Yet in ships that steam on humid stations in the Gulf of Tonkin, in the Riverine Forces in the Delta, and in the northern five provinces of I Corps, young Americans willingly fight this war in the air, in the rice paddies and the mountains, along the narrow riverways and at sea. In contrast to some Americans who talk of peace—indifferent to whether honorable or dishonorable—and man's right to self-determination, these young men fight for these ideals. The serviceman knows the war not from reports on TV but from his day-to-day dedication and sacrifice.

On a recent visit to Vietnam, General Walt asked a badly wounded and hospitalized Marine on whom he was pinning a Purple Heart, how he felt about the hometown anti-war demonstrators whose actions were depicted in pictures and a news article in a paper that lay on his bed. "Oh," he said, "it doesn't bother me because they don't know what they're doing." General Walt replied, "How can you be sure? Here, you almost lost your life at the DMZ and your buddies at home are demonstrating against what you are doing. What do you mean when you say it doesn't bother you? How can you be so sure that you're right and they're wrong?" "Well," he said, "I just know they don't know what they're doing, General, because last year, before I came into the Marine Corps, I was one of them."

No one needs to tell him about the suffering of the South Vietnamese people at the hands of terrorists. No one can tell him that these acts are accidents or isolated instances. He knows that they are part of Viet Cong/North Vietnamese strategy to intimidate and coerce the people. I feel certain that your thoughts are drifting, at this point, to the alleged atrocity at My Lai. I want only to say that if the allegations are true, it is a most regrettable incident. The story of terror tactics on the part of the VC/NVA does not, for some reason, appear to be newsworthy. Perhaps that is because it is a common, everyday happening—a part of enemy strategy. It is obvious that the alleged My Lai incident is newsworthy because it is so uncommon, so unique and so inconsistent with the great caution and concern exercised by our military leaders lest we injure or destroy those for whom we have shown a willingness to sacrifice or, if need be, to die.

I want to make brief reference to racial problems which I prefer to call problems in human relations. This is an area of my deep concern. One cannot transport a cross section or microcosm of our population to another environment or into an alien culture and expect all of the social problems to mysteriously disappear. Yet, where men are in supportive concerns which involve life and death issues and where dependence upon others is of vital importance, you expect, and, from opinions I have heard voiced by servicemen and their leaders, have a definite lessening of critical incidents. The problem of human relations is not a new problem and not a military problem, but rather an issue of national concern.

An issue of greater concern for the American serviceman is his need to defend the Vietnamese people. This defense is matched by his humanitarian efforts which I have tried to illustrate in two articles in your press kit: one referring to Civic Action in general and the other to the Hoa Khanh Children's Hospital which is one of many memorials to his compassion.

He is a youth—an American youth who is part of the new generation. But he holds on to many of the old values, old virtues and old morals. And he can distinguish between the flag of his country and that of his enemy. He is deserving of our great praise and gratitude. He is an American whose involvement in war has not only not robbed him of his hu-

manity, it has enhanced it. He has refused to be dehumanized by the war. Except in the heat of conflict, he has a heart of exceeding compassion and concern. The war he is involved in, as all wars, is ugly, but the military man is a specimen of considerable beauty. He continues to be a good will ambassador of his country.

And he continues to be a man who needs and relates to his religious heritage. The intensity of his needs may vary in relation to the level of danger. As one said, "I didn't go regularly to church at home but I feel more religious now. Maybe it relates to my fear, but it also relates to my need. One needs something to hold on to and I can't think of anything or anyone better than God. Now that I've found him, I guess I will always see the need for him."

#### OUR MAN IN VIETNAM—THE CHAPLAIN

I told you earlier that I am relating the theme, "Our Man in Vietnam" not only to the American serviceman, but also to the chaplain.

I could present stirring examples of what both are doing by reading some of the many citations which have accompanied decorations awarded in this conflict. I could relate endlessly the deeds of their courage, sacrifice and compassion. But I want rather to talk briefly about their day-to-day application of these qualities.

From a Corps point of view, our man in Vietnam refers to the chaplain. With the pullout of the Third Marine Division and certain other Marine and Navy elements, the Navy has dropped from 110 to 92 chaplains ashore in Vietnam. They are attached to Marine and Navy units and Construction Battalions in the Northern five provinces (I Corps Tactical Zone) and with River Assault Groups and other Navy activities from Cam Ranh Bay to the Mekong Delta area. Nineteen chaplains are positioned off-shore aboard ships of the U.S. Seventh Fleet.

From 1965 to the present, just under 700 chaplains (70% of Chaplain Corps strength) have served in Vietnam or off her shores. They are not warriors, but they comfort those who are. Their purpose is not to support policy, but to support men and women, many of whom have left their private dreams in answer to their country's call to duty. They are neither hawks, doves or propagandists. Their job is to insure that men away from home have the right to the free exercise of their religion. Like the missionary, the chaplain pursues his God-given calling in the middle of the fray. He does not stand back to rationalize, philosophize or criticize what is happening. He is involved with man at the gut level of existence and often he may prove to be the last hope for a troubled soul.

His mission is service, his theme song is dedication and one of his strengths is his mobility. With the chaplain's practice of circuit riding by which he succeeds in extending his ministry across organizational lines, thousands of Navy, Marine Corps, Coast Guard and even Army and Air Force personnel who otherwise would be without a chaplain, know the impact of his ministry. It is not uncommon for a chaplain to hold 20 to 25 religious services in a week. He is more mobile than any chaplain in history, thus permitting the church, through its chaplain representative, to effect the broadest, most comprehensive, most intensive and most effective ministry ever provided to combat committed personnel.

Every day of the week is equal to Sunday when it relates to the serviceman's desire for a worship experience and an open air chapel with the altar rigged on the hood of a jeep or the top of a sand-bagged bunker is inspiring to him as if he were in St. John's the Divine or the Shrine of the Immaculate Conception.

The chaplain uses a variety of transportation modes to get him to his men: fixed wing

aircraft, helicopter, river craft, four wheel vehicles or plain humping. He braves the hazards of sniper fire, open attack, mined roads and the fury of the elements to travel to widely dispersed units or to his men who are hospitalized. He frequently feels impelled to offer a prayer of gratitude for a safe arrival because he knows that many of his chaplain colleagues never completed their journey without suffering wounds or death along the way.

In the heat of combat, he may move from position to position holding a service of worship offering words of encouragement, ministering to the wounded and the dying, or generally fulfilling his pastoral role.

I should note, for your information, one observation which repeats itself in ministering to men in the heat of combat. The chaplains report the hunger among the men for Holy Communion. "That service," as one chaplain said, "is most meaningful to them because they have a deepened understanding of the term 'sacrifice' and because it communicates, above all, the concern of the Almighty for his creature, man."

The chaplain is not only more theoretically, but also more practically ecumenical—working in an interfaith fellowship in which cooperation, without compromise of his religious convictions, guarantees a greater satisfaction of the individual needs of the men.

There may be few basic differences between the chaplain and the civilian priest, minister or rabbi. Both share the same aims, many of them the same challenges for reaching and serving people with much the same spirit of consecration and self sacrifice.

But the chaplain is unique in his involvement. He is one with his men, having mastered the fine art of belonging. He may be distinguished from them by the cross on his collar, but otherwise he dresses like them. He lives with them in their bunkers, shares with them their rations and their risks, moves with them on patrols, and sometimes is required to bleed and die with them in that far away land. He ministers to them not only in their moments of intense combat, but also in their periods of equally intense boredom.

I salute him because he is the chaplain without parallel in the annals of our history.

And I pray with him.

What and whom do we pray for—these dedicated Navy chaplains and I?

We pray for our President and those in authority, civil and military, who bear the arduous burden of command responsibility, that they may be possessed of the wisdom to make the right decisions in time of severe trial and the courage to do what they believe essential to the well being of all men everywhere.

We pray daily for our men that they will have the strength, skill and wisdom for the needs of each day. We pray that the Lord will be their shield and protector in danger, and their companion through "the valley of the shadow."

We pray for our wounded, that they receive comfort and healing and, where the wounds have been grave, rehabilitation whereby their infirmity will be less pronounced than their capacity to act and serve as useful citizens.

We pray for the prisoners of war, that in their confinement, loneliness and days of trial and uncertainty, they may know the concern of loved ones and fellow Americans, that God is with them, and that the day of their release is at hand.

We pray for the doctors, nurses and corpsmen that God will give them strength and skill to perform miracles of healing and the time to continue their outreach to the sick and wounded people in whose land they dwell.

We pray for the pilot flying his assigned mission or MEDEVAC run that success will crown his effort.

We pray for the American missionaries and the indigenous clergy who seek to expand a knowledge of God and His Kingdom.

We pray for the refugees, that they may return in peace to those homes where their hearts long them to be.

We pray for those nationals from Australia, the Philippine Islands, Thailand and Korea who have been involved with us in this struggle.

We pray for the representatives of West Germany, who have committed themselves to a mission of mercy and healing for the people of Vietnam.

We pray for ourselves that as chaplains we may measure up not only to the expectations of the churches we represent but also of the God we serve.

We pray for the future of the South Vietnamese people that they may know, as the fruit of victory, freedom and the right of self determination.

We remember our dead and pray that the record of history will vindicate their selfless sacrifice.

We pray for all Americans—that they will unite in prayer and concern for all who are required to serve in our Armed Forces.

We pray for an honorable peace—where warring factions both at home and in Vietnam may come to know and practice God's will.

We pray for our enemies and for the day when, through the reconciliation of man to man, we may be united in those actions and activities that will help to preserve and promote the freedom of man and peace on our earth.

#### REGULATION OF MEDICAL DEVICES NEEDED TO REDUCE DANGER FROM UNSAFE INSTRUMENTS

### HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. HALPERN. Mr. Speaker, I am introducing legislation today to prevent the marketing of potentially dangerous medical devices by giving the Food and Drug Administration mandatory power—which it does not now have—to recall defective instruments and require that devices be precleared by the Federal Government before they may be marketed.

It is shocking and hard to believe but the law does not require FDA to approve medical devices that are used to diagnose, cure, treat, and prevent diseases. The tragic results are that unsafe and defective electrical equipment are causing an estimated 1,200 hospital electrocutions yearly and countless cases of accidental injuries.

I do not want to alarm anyone, but some manufacturers are callously disregarding the public interest. For instance a New York hospital reports that 40 percent of incoming instruments are defective and a recent survey suggests of 1,500 devices tested, 1,200 had unfavorable or untoward reactions. The bill I am introducing, known as the Medical Device Safety Act of 1970, would amend the Federal Food, Drug and Cosmetic Act to regulate carefully defined categories of medical instruments so they would not be confused with some loose definitions of drugs. Since there are presently no standards for devices, FDA also would be empowered to create and enforce standards after consulting with

other Federal agencies and experienced technicians and doctors.

Only after a device is marketed and proven dangerous to people's health can the FDA now attempt to have it removed. This procedure is a joke. First, FDA, usually spends several months finding out about a problem—if they ever do. Then, the manufacturers can only be asked to voluntarily recall a device. FDA then can ask the court for an injunction, which manufacturers usually appeal. This can take up to 5 years, during which time they can continue selling the device.

For instance, a Philadelphia researcher recently concluded that a resuscitator used for emergency first aid to counter heart failure, smoke inhalation, and drowning failed to provide respiratory support for the victims. Yet manufacturers refused to recall the product from the market, even though using the device involved a possible serious hazard.

Ingenious new breakthroughs in medical technology are helping to save and cure many sick people, but unfortunately, too many manufacturers are producing unsafe and unreliable instruments. Improper design, high electrical leakage from equipment, shoddy cables, and poor assembly of parts are a few of the frequent complaints.

Unfortunately, I am not talking about isolated instances of a lapse in a piece of equipment's performance. Hospitals and doctors are reluctant to publicly discuss it, but the complaints are mounting of faulty anesthesia devices, heart valves, catheters, contact lens, X-rays, radiation, plastics, prosthesis, IUD's, and cardiovascular apparatus, to cite a few.

These reports have been gathered from independent surveys made by hospitals, doctors, and reports reaching the Food and Drug Administration.

For instance there are reports of artificial heart valves with surface defects that can cause fatal blood clots; artificial kidney machines discharging water intravenously which could endanger patients' lives, and hip prostheses mechanically disrupted which cause severe tissue injury.

But it is new electronic devices that are causing the real danger—electrocution. For instance there are defibrillators, which have tendencies to discharge high electrical voltage into a patient's heart before a surgeon wanted it. In such circumstances, it is difficult to determine whether a patient's heart failed or whether he was killed by the electrical jolt. Some doctors suggest cheap molded plastic plugs on machinery or poor maintenance could cause such a malfunction.

There can be no further delay, medical devices must be regulated and controlled.

What follows is a legislative analysis of the Medical Device Safety Act of 1970:

There are four major problems in existence today as a result of inadequate device legislation.

First, the actual definition of a device is vague. The courts, in the AMP decision—*AMP v. Gardner et al.*, 389 F. 2d, 825-1968—held that the "new drug" pro-

visions of the Food, Drug, and Cosmetic Act are not limited to products that are "drug" in the conventional sense of the term, but cover a broad range of products. They further held that the "new drug" provisions would be applied "to keep inadequately tested medical and related products which might cause widespread danger to human life out of interstate commerce."

The difficulty is that the court opinion draws no clearly defined line between drug and device, making it necessary to proceed on a product-by-product basis in requiring "new drug" clearance. Much litigation would be necessary before the full scope of the "new drug" authority could be elucidated.

My bill attacks this problem in two ways—by redefining as distinctly as possible, the terms "drugs" and "devices," and by providing a means whereby devices are regulated and standards set for them on a parallel but not identical basis with those of drugs.

I believe Congress' original intent when it passed the Food, Drug, and Cosmetic Act in 1938, was that devices be treated on a parallel basis with drugs, not on identical basis as proposed by the AMP decision.

Second, there are presently no standards set for devices. My bill would empower the Secretary of Health, Education, and Welfare to establish and enforce such standards through consultations with Federal agencies and other groups.

Third, the bill contains a "state of the art" clause allowing FDA to withdraw approval of a device if new research proves it to be harmful or ineffective, or to grant approval for a device previously thought harmful or ineffective.

This clause is necessary because medical device research is 30 years behind that of drug research. Much of the basic research was never done in the device field. The future will undoubtedly see this research improving on devices and their applications. To apply the strict, stringent drug research requirements to devices is both unfair and impossible. Only when device research catches up will this be feasible, hence the "state of the art" clause.

Fourth, there is presently no premarket clearance procedure for devices. Only after a device is on the market and then proved dangerous to health or ineffective, can the FDA act to have it removed. This current procedure is a time-consuming joke. First, it takes the FDA several months to find out about the problem if they ever do. Then, they can only ask the manufacturer to voluntarily recall the product. If he refuses, the FDA may, under the danger to health provision or the mislabeling provision, ask for an injunction to have the product recalled. The manufacturer may appeal, a 3-5 process, during which time he can continue to sell the device. If he eventually loses the case, he has only to change the label or take the device off the market. There is no penalty.

My bill sets up a premarket clearance procedure and the conditions under which it applies.

All of the preceding amendments and

procedures are necessary to protect the consumer from faulty, ineffective, useless, and dangerous medical devices.

I am also concerned about the resources FDA has for monitoring the device market.

The device market is a multibillion-dollar business. This year—see table 1—the retail value of devices is expected to surpass the \$5 billion mark.

Second, the percentage of the FDA budget spent each year in the regulation of devices has never exceeded 2 percent. In fact, this year the estimate is that less than 1 percent will be spent, the lowest figure to date—see table 2.

Third, in a survey of approximately 1,500 abstracts of articles appearing in scientific literature, 1,249 instances were found of untoward or unfavorable reactions as a result of the use of certain classes of medical devices—see table 3.

Fourth, the number of complaints received by the FDA is estimated to be only a small fraction of 1 percent of the total instances of device malfunction. A major reason for this is that a large majority of people, including physicians, do not know the FDA regulates devices: It is assumed, particularly by the physicians, that somebody in the Government okayed the device or it would not be on the market.

Fifth, as reported by Electronic News last January 27:

At least three patients in United States hospitals are accidentally electrocuted each day. The total number of electrocutions annually is about 1,200.

These deaths are attributable to either faulty electrical medical devices or misuse of them.

Finally, Mr. Speaker, I would like to present to you excerpts from a medical abstract dramatizing the problems of getting bad medical instruments off the market when they are not regulated:

The . . . Resuscitator is offered for use in "emergency first-aid situations," including heart attack, drowning, electrocution, smoke inhalation, chest injury, drug overdose, or any cause of respiratory stoppage.

The doctor considered this particular brand of resuscitating device as " . . . unable to provide respiratory support . . . therefore . . . considered dangerous and . . . claims misrepresented."

We are told that the firm had been informed by [doctor] of his opinion and in response discontinued manufacturing and distribution. However, no attempt was made to recall the unit. The firm has indicated that its final decision will be made after its gets in touch with the original designer of the device . . . which states in part "during clinical trials over the past two years, over 300 patients have had their respiratory exchange maintained from one to three hours without significant evidence of cyanosis, bradycardia, tachycardia, hypertension or hypercarbia."

However, "the resuscitator lacks the exhalation vent in the mask described in the directions for use, and in our opinion use of the device as labeled involves a possible serious hazard."

In conclusion, Mr. Speaker, medical devices must be regulated, controlled, and redefined. My bill provides for all three. For the protection of the millions of consumers who each year come into contact with medical devices, I urge careful consideration of the Medical Device Safety Act of 1970.

TABLE 1.—Device market, projected figures for 1970 based on Bureau of Census figures for 1967

Projected rate of an 18 percent yearly increase in market:	Million
Surgical and medical institutions	\$439.0
Surgical appliances and supplies	871.3
Rental equipment and supplies	209.0
X-ray apparatus and tubes	233.2
Ophthalmic goods	362.0
Clinical thermometers	7.38
Rubber sundries	91.0
<b>Total</b>	<b>2,213.088</b>
Projected on basis of 55 percent increase by 1970	1,217.636
Wholesale—FOB—value of shipments	3,431.516
Add 10 percent—usually more—markup at wholesale level and 33.3 percent—usually more—at retail level: Estimated retail value for 1970	\$5,000.0

TABLE 2.—Percent of FDA effort diverted to drugs and devices

Year	Drugs	Devices
1957	35	1.4
1958	28	1.6
1959	25	1.8
1960	26	1.6
1961	28	1.5
1962	30	1.4
1963	( <sup>1</sup> )	1.8
1964	( <sup>1</sup> )	1.0
1970	40	0.7

<sup>1</sup> Unknown.  
<sup>2</sup> Estimate.

TABLE 3.—Untoward reactions—not specific as to whether injury or death was the result; faulty design or misuse may have been the cause

[Selected categories taken from card abstract file of articles in Scientific literature (approximately 1,500 abstracts).]

Anesthesia devices	60
Q2 & Hyperbolic	105
Cardio-vascular	24
Catheters	60
Heart Values	110
Pacemakers	85
Electroshock	44
Contact lenses	39
Lasers	11
Dental	37
IUD's	122
Ozone	11
Prosthesis	47
Plastics	118
Silicones	55
Tubing	62
Surgical Gloves	15
Radiation	75
X-rays	85
Ultrasonics	26
Heat Devices	32
Ultra Violet	26
<b>Total</b>	<b>1,249</b>

THERE MUST BE A BETTER WAY

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. BUSH. Mr. Speaker, correcting criminal behavior is, and certainly should be, the primary goal of our jails, prisons, and juvenile detention centers. The situation in these institutions, how-

ever, is so bad that they foster the vicious cycle of criminal behavior rather than correcting it. If we are ever to successfully lick the crime problem in this country and cut into these soaring crime rates, we have to make our correctional systems into something better than a "revolving door process."

Further the costs of these institutions as they are now—unconstructive for the most part—is already at a point which we can no longer afford. This system which provides little incentive to keep anyone away from criminal behavior costs approximately \$6,000 to \$9,000 per year to keep a juvenile in an institution and about \$3,000 or \$4,000 for an adult offender.

Of the 358 penal and correctional facilities for adults in the United States, 61 were opened before 1900 and 25 are over 100 years old. Many of the physical facilities do not meet even the minimum standards of human decency. The situation in juvenile centers is not much better and the effect this must have on a young offender is particularly abhorrent to me. As Chief Justice Burger says, "There must be a better way." This is clearly the single most neglected element in the entire law enforcement process. Yet, I am convinced these institutions can provide an answer to the crime problem.

The Omnibus Crime Control and Safe Streets Act of 1968 took a small step in the right direction in making resources available to correctional facilities. But few States have shown real interest in these funds.

For this reason I am today introducing a bill amending the Omnibus Crime Control and Safe Streets Act directing \$100,000,000 in fiscal year 1971 for construction of correctional institutions and facilities. The allocation formula would be the same as is in the current law—85 percent by block grant directly to the States based on need and population. The bill specifies that 50 percent of the funds must then be distributed to the cities and counties. Further, the bill authorizes increasing sums through fiscal year 1973.

DISARMAMENT CONFERENCE IN GENEVA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. FRASER. Mr. Speaker, I am honored to receive your designation again as one of six House Members to act as adviser to the U.S. delegation to the Disarmament Conference in Geneva. Last July when I went to Geneva to attend the meetings of the 26-Nation Committee on Disarmament—formerly known as 18-Nation Disarmament Committee—it was obvious that advisers from Congress could serve a very useful role in consulting with our delegation and visiting with the delegates of other nations.

I am happy to serve again as a congressional adviser to the Geneva conference. Work begun last year to ban weapons of mass destruction on the seabed will be the first item of business at the conference.

Each nation will also be very much aware of the United States-Soviet talks on the limitation of strategic armaments being held in Vienna. If the two superpowers can prevent an arms race in nuclear weapons the safety of the world will be greatly improved. Quick action in Vienna to head off the development of MIRV's and ABM systems is vital.

The 26 nations meeting in Geneva will certainly want to continue their work on banning biological weapons and greater control and limitations on chemical weapons.

The convention to ban the use, production, and possession of biological warfare proposed last August by the United Kingdom should be agreed to in Geneva. I will be urging the U.S. delegation to support this proposal firmly.

A comprehensive ban on the testing of nuclear weapons is another priority item for the committee sessions in Geneva. New techniques for determining underground nuclear explosions should make it easier for the nations to agree. There now will be less need for visiting other nations and making on-site inspections.

The control of conventional arms should not be neglected. In 1969 the nations of the world spent \$200 billion on armaments compared with \$120 billion in 1962. Only a small fraction of that expense is for strategic weapons. The committee at Geneva must address itself to steps designed to limit conventional arms construction and sales.

The 1970's provide our greatest challenge and opportunities for significant work in the field of arms control and disarmament. I am most happy to serve the Congress and the U.S. Government at the Geneva Conference.

#### NATIONAL PRIORITIES DEMAND NEW APPROACH BY CONGRESS TO MILITARY APPROPRIATIONS

**HON. WILLIAM F. RYAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RYAN. Mr. Speaker, I have strenuously and consistently called for urgent attention to the issue of national priorities. As I said on the floor of the House last October 9:

On issue after issue, from Vietnam to the antiballistic missile, to the supersonic transport, to housing, food stamps and social security, I have consistently pointed out that we are giving too much priority to the wrong things and not enough to the right ones.

Clearly, the most basic misallocation of funds lies in the enormous amounts of money appropriated to the military. Billions of dollars are spent on questionable defense systems—questionable both because they often are of negligible effectiveness; because they are often of limited utility; because they spur the arms race; and because they divert essential resources from our domestic needs. The \$30 billion a year spent on Vietnam is particularly unacceptable, financing a misbegotten war which should have never begun and which must be immediately terminated.

To enable Congress and the public to focus effectively on the proper allocation of our resources, and particularly the misallocation of them to the military, I joined last fall in three significant measures. Last October 13, 28 of my colleagues joined me in sponsoring H.R. 14325, a bill to establish a Temporary National Security Commission. The premise on which this bill is based is that Congress must exercise control over military policy and use available technical and scholarly expertise in analyzing the military budget and the policies which determine our priorities. The establishment of the Temporary National Security Commission will enable Congress to assert its proper role in the determination of foreign and military policy and thereby in the determination of our national priorities.

On the same day, October 13, I joined with 27 of my colleagues to introduce H.R. 14319, which establishes an Office of Defense Review. This Office would provide a source of independent, technically qualified evaluation of Defense Department programs, as presented in the Department of Defense budget requests to the Congress. The complexity of the 167-page report released on February 20, representing Defense Secretary Laird's fiscal year 1971 Defense program and budget, is a clear testimony to the need for such an office.

On October 13 I also joined in introducing House Joint Resolution 950, to create a joint congressional committee to review, and recommend changes in, national priorities and resource allocation. The committee would be able to suggest national objectives and the allocation of resources needed to obtain those objectives, and to suggest legislation and other governmental actions needed to better serve the Nation's priorities. As Congressman ECKHARDT stated on the floor:

The joint committee would give us the benefit of an informed overview of national needs and national resources. It would be a valuable first step in more intelligently matching our needs and our resources.

Although attention to the issue of national priorities has been growing, this administration is proceeding on an unacceptable course, particularly in the continuing emphasis on military spending.

I include at this point in the RECORD an article by Max Frankel which appeared in the February 24 edition of the New York Times. I commend it to my colleagues as a reasoned, thoughtful discussion. I particularly point to Max Frankel's observation that "no satisfactory method will be found to establish priorities as long as complex and usually secret calculations of military necessity form one side of the priority equation." A clear step in answering this problem would be passage of H.R. 14323, H.R. 14319, and House Joint Resolution 950.

#### THE "NATIONAL PRIORITIES" PROBLEM

(By Max Frankel)

WASHINGTON, February 23.—It has become fashionable in weighty Government declarations nowadays to dwell at some length on the subjects of "national priorities" and "resource allocation." The reason is that every-

one here worries about the competing claims of large military and nonmilitary programs without quite knowing how to resolve them.

President Nixon has addressed the problem in describing the state of the world, the state of the union and the state of his treasury. Budget Bureau officials, past and present, have described the difficulties of judging the rival merits of, say, another aircraft carrier as against some more low-income housing projects.

Even Defense Secretary Melvin R. Laird, in defending the military budget last week, wrote sympathetically about the need for more social spending and the lack of a system to sort out priorities.

Yet the essential conclusion of these Government statements—reinforced by the informal comments of high-ranking officials—is that no satisfactory method will be found as long as complex and usually secret calculations of military necessity form one side of the priority equation.

#### NIXON CONCEDES PROBLEM

The President reported with some satisfaction in his budget message last month that spending on "human resources" would soon exceed military spending for the first time in many years. But this statistic depends more on a shift of definitions than on a shift of preferences.

In his State of the World Message last week, Mr. Nixon readily conceded that "we have no precise way of measuring whether extra dollars spent for defense are more important than extra dollars spent for other needs."

That document did describe one Presidential effort to make at least a crude judgment on priorities. It said that five different strategies for nonnuclear military forces had been compared with five possible levels of domestic spending and that two of the military plans had been rejected because they would have thwarted vital domestic programs.

But as described by officials, even this rudimentary exercise began with the Defense Department's own definition of "irreducible" military outlays. The same will be true in more refined discussions of priorities in the future, officials said, and there is no plan to arrange for the direct confrontation of competing claimants.

#### TENDENCY TO OVER-REQUEST

This year's priority exercise was conducted in the National Security Council after an exchange of papers with the Government's domestic departments. Yet even Mr. Laird doubts that this is the proper arena for a fair contest.

"Since studies within the N.S.C. and the Department of Defense focus on requirements," he wrote in his military posture report last Friday, "there is a built-in tendency to request more resources than are available."

Only the President and Congress should be expected to make the final priority decisions, Mr. Laird said, conceding that there was no "appropriate mechanism for weighing one Federal program against others within the context of the budget as a whole or in an appropriate time frame."

Mr. Laird, admittedly afraid that the pressure for more domestic spending would result in arbitrary and injurious cuts in military spending, came close to deploring the tax cuts that the Congress and Mr. Nixon approved for the next few years. Tax cuts are in fact expenditures, he pointed out, and "tax spending should meet the same criteria for resource allocation as direct spending, but we have no mechanism for considering them together."

#### SOME STRONGER CRITICISM

With this statement, the Secretary came close to endorsing the much more outspoken criticism of Government procedures recently heard in Congress and among liberal economists, notably two alumni of the Johnson Administration—Arthur M. Okun, the for-

mer chairman of the Council of Economic Advisers, and Charles L. Schutze, former budget director.

Here is how Mr. Okun describes the problem in a review of his years in the White House, "The Political Economy of Prosperity":

"The absurd battle between defense and the cities arises because we insist on rather stable tax rates and hence on a relatively constant Federal share of our national product. Thus defense and nondefense programs are plunged into a direct tug-of-war for a fixed volume of budgetary resources. This is surely the greatest paradox of resource allocations in our society.

"Defense spending—with its 9 per cent of G.N.P. [Gross National Products]—is pitted against nondefense Federal, State and local expenditures—with their 14 per cent of G.N.P.—while the big 77 per cent of our G.N.P. that goes into private spending remains a bystander. And because controllable Federal civilian spending is concentrated in aid to cities and the poor, the bulk of the pressure is exerted on about 5 per cent of our G.N.P.

"When defense goes down, efforts to assist the cities and the poor can go up. When defense goes up, we seem to expect the belt-tightening to be concentrated in these social programs."

#### NOT REALLY "VILLAINS"

Politically, Mr. Okun writes, this tug-of-war forces civil rights leaders and others working for social programs to lead the assault on military spending and wrongly casts military planners as the "villains" who bar social progress.

He believes that the either-or contest between defense and nondefense spending must be abolished by earmarking future revenues resulting from economic growth for public civilian use. Thereafter, he would reduce taxes only to the extent that savings could be found in the military budget and he would raise taxes to the extent that increases in military spending were deemed necessary.

Mr. Okun implies that this would compel the Government to arrange the kind of private and public review of military assumptions and plans that Mr. Schutze has found lacking in his review of procedures. The changes in the budget and other review procedures that Mr. Nixon has ordered so far will not get at the basic problem, Mr. Schutze believes.

In the winter issue of the quarterly, *The Public Interest*, Mr. Schutze wrote: "Do not think that once a decision has been made on commitments, that the appropriate contingencies we must prepare against are obvious and need no outside review; or that once we have stipulated the contingencies, that the necessary force levels are automatically determined and can be left solely to the military for decision; or that once force levels are given, decisions about appropriate weapons systems can be dismissed as self-evident. There is a great deal of slippage and room for judgment and priority debate in the connection between any two steps in the process."

#### POSITIVE FIGURES URGED

Mr. Schutze would require the Defense Department to provide explicit estimates of the future costs of projected commitments to manpower and weapons. He has also asked Congress to create procedures to weigh the priority decisions embedded in Government policies and requests.

Yet the men supervising national security planning insist that the complexity and necessary secrecy of their work makes full-scale public review of their assumptions extremely difficult, if not impossible. And even simpler proposals for reform of the Congressional committee system and appropriation procedure have gone nowhere in recent years.

It is conceded here on all sides that the

public's sense of domestic as well as foreign danger has finally focused attention on the priority problem. Social planners feel frustrated by the shortage of funds for new initiatives in the foreseeable future and defense planners are afraid that "expediency"—in Mr. Laird's word—will lead to arbitrary cut-backs at the Pentagon.

But no one has yet demonstrated that recognition of the problem has led to effective measures to resolve it.

#### WHERE'S THE BOSS?

### HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. DELANEY. Mr. Speaker, those of us who have been privileged to be closely associated with the Honorable James A. Farley, the distinguished former Postmaster General and exemplary prior chairman of the Democratic National Committee, are well aware of his unique leadership qualities. In this regard, I believe my colleagues might find of interest the attached article by a student of political leadership, Mr. William J. Ryan, which places Jim Farley in historic perspective "as one of the most successful political organizers in American history."

The article, which appeared in the *Barre-Montpelier, Vt., Times-Argus*, follows:

#### HANNA AND FARLEY CONSIDERED BEST OF AMERICA'S POLITICAL BOSSES

The weekly meeting of "The Club," held at the Montpelier Tavern Motor Inn, Saturday, Jan. 10, had Lloyd T. Hayward as host.

William J. Ryan was speaker. He chose "Where's the Boss?" as the title of his paper. He said: "The political boss is more or less a peculiarly American phenomenon. At least, bosses as we know them thrive only in a free society and the boss appears to have had less sway in other free governments than he had in ours. It seems to me that the era of boss dominance ran from about 1840 to 1940 and that the boss system reached its peak between 1880 and 1930. . . . Party spokesmen have always taken great pleasure in describing leaders of the opposition as bosses. They have delighted in calling the opposing organization a machine. However, bosses have existed in both parties and, despite some glaring defects among the bosses of both parties, I am convinced that they met a real need. The boss had to deal with life as he found it. . . . It is also impossible to name the best although a few can be cited as examples of great accomplishment. It seems to me that Mark Hanna and Jim Farley are perhaps the best examples of the better type of boss. Both were men of unusual capacity, great energy and accomplishment in varied fields."

"As McKinley's tutor and organizer, Hanna proclaimed much of the philosophy which McKinley embraced. I think it is both inaccurate and unfair to say he made decisions for McKinley. They were both men of the Post Civil War Period, products of Ohio industrial development, conservative by nature. McKinley at times during his career had taken stands which alienated many conservative supporters and he always made it known that he would repeat if he felt such action was warranted.

"Hanna sincerely thought that conservative governmental policies helped to create an economy in which farmers would prosper, business would make money and working men would find employment at good wages. . . . Hanna urged his fellow industrialists

to raise wages as a campaign tactic in 1896.

"I think it is no accident the time span of 1840-1940 saw the greatest immigration in the history of the world, the Western movement of Americans and America's unparalleled industrial expansion. All these factors made great contributions to our destiny, and created complications which were most difficult to resolve. . . .

"Language barriers in the industrial cities added to the adjustment problems and the political party which wanted to win and keep winning had to create an organization on a scale which would have both surprised and irritated the founding fathers. The keynote was voter contact, which had to be maintained by thousands of party workers, and those party workers had to be organized and directed by those capable of seeing the big picture. The organization or machine with its leaders or bosses inevitably resulted. Its absence would have left many thousands politically adrift in a strange land, and their assimilation would have been much more difficult.

"I think the boss and the so-called professional politicians with whom he worked made many contributions too seldom recognized. Essentially, I believe their greatest contribution resulted from the fact that they knew the people with whom they were dealing and that the boss knew the probable political behavior of those whom he groomed for elective or appointive office. Some mistakes were made but this sort of knowledge helped bring a degree of stability into a potentially explosive situation.

"One of the frequently stated objectives of the New Deal social policies was replacement of the ward worker by the social worker. This has been done to a large extent and I think an objective observer had to agree that there is still doubt whether the change was beneficial. The ward worker, with all the evils to which he was exposed and the lack of vision which frequently limited his judgment, was able to achieve a practical working relationship with those who needed help.

"Hanna's early career had been marked by more application to business than to public affairs, but he early developed a keen political interest and great political aptitude. . . . He also became more keenly aware of the effect which government policies could have on the economy and he became determined to do all that he could to insure that that effect would be good as he defined the word.

"Hanna, a marked conservative by today's standards, was considered liberal and even dangerously liberal by some of his contemporaries. . . . A political leader must fight his most savage battles in his own bailiwick. Hanna's stature as a dominant Republican on the National level was based to a large extent on his power in the growing and prosperous state of Ohio. . . . The 1896 campaign was the most carefully planned and expensively conducted to that date in history. The Republican National Committee raised and spent over \$3,500,000, a staggering sum in that era. . . . McKinley's 'front porch' campaign with the candidate staying at home and greeting visitors from across the land appeared to represent a dangerous experiment. It was new but much less was left to chance than appeared. . . . Hanna had campaign literature translated into several languages, appropriately adapted in each instance to stress the interest of the group to whom it was addressed. . . . He insisted that a major party had to be the party 'of all Americans' and that the steps to reach those behind the language barrier were not only justified but required. . . . McKinley was elected, and also followed his other campaign tactics, being determined that his organization would not only be preserved but improved so that it could do an even better job for McKinley in 1900.

"Hanna's maneuvering in the late 1890's included steps to get himself first appointed

and then elected by the Ohio Legislature to the United States Senate. . . . He felt that he could devote full time to public affairs . . . and that to be in Washington he would work closely with the President and to direct the National Committee. They (Hanna and McKinley) were men with great similarity in viewpoint. . . . The city bosses exerted great influence over many members of the Congress and a President who wanted to effectively lead his people could ill afford to risk his progress by needless feuding with those whose opinions were valued by the men who had to pass on his suggestions for national policy.

"Abraham Lincoln, one of the truly great Presidents in American history by any standard, worked closely with bosses and organization people, especially in the months leading up to his nomination in 1860. Judge David Davis, his principal manager, was a shrewd and far-seeing man, an individual of undoubted integrity and later a distinguished Justice of the United States Supreme Court. . . .

"Military association through Veterans' groups formed a strong link in the developing party system. . . . In the Civil War, Hanna was drafted. He accepted the call, joined his regiment and was commissioned a lieutenant soon after the regiment was organized. The regiment did not participate in any noted engagements but that was the result of the fortunes of war. Hanna for many years did not join the G.A.R. He finally did at the urging of McKinley who told him that many former soldiers felt that Hanna had no regard for them because of his refusal to associate himself with them. McKinley, himself had served throughout the War, had been decorated and was an active G.A.R. leader. . . .

"The boss, or the leader, was expected to do much of the work of lining up an effective ticket. I think that many of the more successful bosses performed their greatest service in this field. The boss exercised great care, and usually good judgment, in urging the candidacy of individuals who could appeal as candidates and perform properly as office holders. Here, his knowledge of people and their probable political behavior was all important. . . . The individual who succeeded in getting the party to nominate the candidate of his choice for major office usually became the head of the party organization. Thus Hanna . . . became national chairman after McKinley was nominated for president in 1896. . . . His first real victory was securing the nomination and election of McKinley in 1891 as governor in Ohio. . . .

"Hanna attended the Republican National Convention of 1892. . . . and made it clear that the party and nation could well look to Ohio and William McKinley. He made no effort to prevent the renomination of President Harrison, recognizing the fruitlessness of opposition to a president in office. . . . Harrison lost to Grover Cleveland and the day after the election of 1893 Hanna began his planning for 1896. He told McKinley that a depression was in prospect and that it was regrettable but that it would be politically helpful. That depression almost removed McKinley from politics.

"McKinley had been a poor boy . . . . Scrupulously honest, he had never accepted financial return for his official actions and his estate was modest. He had throughout his career been unusually free in assisting others, and free to the point of danger in endorsing notes for friends who needed help. Several of his friends had businesses which failed in 1893. One of them was a large failure, and McKinley found that his name was on delinquent paper in excess of \$100,000. The people for whom he had signed were broke and he himself did not have \$100,000. McKinley told his creditors that aggressive action would force him into bankruptcy, but that he would resign as governor, sell his house and move into modest quarters and apply himself to law practice to earn money to pay off his obligations. This plan was ac-

ceptable to the creditors but when Hanna heard of it he told McKinley he wanted to take care of the debts. McKinley told Hanna he did not want to remain in public life so heavily indebted to any man, even so good a friend as Hanna. It was finally determined that Hanna would raise the money by contacts with men who could afford to help. In a relatively short time the debts were paid. . . .

"Hanna was a money-maker, a money-raiser, and a money-spender. . . . He always said that money was good only when used, that he had been without it and had no fear for it. . . . In 1895, Hanna retired from active business. . . . Hanna had acquired a pleasant winter home at Thomasville, Ga. He went there, had McKinley visit him for rather extended periods and entertained Southern political leaders. Hanna reasoned that the 'Solid South' on which the Democrats counted could create an equally solid segment and represent the balance of power in any closely contested Republican National Convention. . . .

"The 1893 depression had made the country ready for change. Bryans' money policy frightened many Democrats who would have otherwise supported him and Hanna's campaign was a real masterpiece. . . .

"After the victory of 1896, it became apparent to everyone that McKinley would readily grant any wish that Hanna expressed. Hanna expressed none and he made it clear to McKinley that he would not accept a Cabinet post or an appointment as ambassador and that a public offer of such a place would embarrass him and reduce his effectiveness. . . . Senator John Sherman of Ohio became Secretary of State and Hanna was appointed to fill Sherman's seat. He was elected to a six-year term in 1896.

"The election of 1900 represented little problem for Hanna once the Vice Presidential nomination was determined. The country had been prosperous, the Spanish-American War and the Philippine Insurrection were accepted as a combination of America's duties under the Doctrine of Manifest Destiny and the price of progress and McKinley himself retained the great personal appeal he had always had. He won easily. Hanna became a recognized force in the United States Senate.

"Hanna's Democratic counterpart, James A. Farley, was an Easterner born and raised near New York City. Farley, like Hanna displayed business capacity as well as political organizing ability. He frequently remarked that he could not understand why his friends did not accept the fact that politics was hard work. Farley, now 81 and still vigorous, likes to remind his business friends that one of the political jobs he gave himself was to carefully remember names and faces and enough about the persons concerned so that he could open an interesting conversation with everyone of them. At the height of his political activity, it was generally agreed that Farley was acquainted on such terms with at least a quarter of a million people.

"Farley defines the responsibility of political leadership at the higher levels as the bringing of information, encouragement and practical help to those working at the precinct level.

"Farley had been among those urging Franklin Roosevelt to run for governor of New York in 1928 to strengthen the ticket. . . . During those years, Farley as state chairman had been drawn into close contact with Louis McHenry Howe, a former newspaperman who was Roosevelt's secretary and who had probably been the first to see Roosevelt as a potential president. . . . They developed a liking and mutual respect for each other and their cooperation was close and effective. . . .

"On the heels of the 1930 election Farley and Howe issued a statement calling attention to Roosevelt's margin, citing it as evidence of recognition of his worth to fellow New Yorkers and suggesting that the party and the country would do well to choose him for the Presidency in 1932. . . . During the next two years, he traveled more than 50,000

miles for political purposes and established personal contact with very country chairman in the country. . . . As a result of his extensive correspondence with and frequent visits to party workers down to and frequently below the county level, Farley was able to feel confident that few people would attend the 1932 Democratic National Convention without knowing him or knowing that he had been in close contact with their friends and associates at home. . . . Roosevelt was nominated for President . . . and elected in November. Farley became Postmaster General. . . .

"The 1936 sweep established Farley as one of the most successful political organizers in American history, but it deepened the chasm between him and the New Dealers.

"I do not think that either party has since produced a national organizer to match Hanna and Farley. Part of the reason for this is the fact that Hanna and Farley were men of historic stature and each approached politics with the same degree of energy and determination which has characterized his business activity. More important, I think that the national mood has changed so that the emergence of an undisputed and dominant organizational leader would be less acceptable. Many citizens flatter themselves and feel that the country has progressed beyond the stage of highly organized politics.

"I do not share this viewpoint. No objective observer can claim perfection for any political system, or for anything else created and operated by imperfect human beings. However, the two-party system has served America for over a century, and, despite the wide range of opinion gathered under each party banner, it has given the nation a structure which has permitted significant choice on election day.

"The alternative to an effective party system is the development of individual leaders with followings who will ignore party or other organizational lines. An individual capable of achieving such results should be encouraged but that type of individual would be aided or encouraged by either party. In addition, he would exercise his talents within a framework which could provide orderly continuity after he died or retired or was defeated. The absence of such a framework could lead to chaos.

"I think several things have contributed to the decline of the boss system as we knew it during the century of America's great expansion and development. The reduction of immigration, the absorption of former immigrants and their children into American life and improving economic conditions all played a part. I believe the greatest part was played by the New Deal and the social problems it inaugurated. In truth, the social worker has replaced the ward worker. I hope the change will prove to be for the better but we all have much to do before we can be sure of that!

"So, when we ask 'Where's the Boss?' in a political sense the answer has to be that he's gone or going and appears unlikely to be replaced. With all his fault, the Boss made great contributions to American life. None of us can afford to ignore the void created, or to be complacent about the supposed improvement."

#### RADEMACHER ON FEDERAL LABOR RELATIONS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. NIX. Mr. Speaker, there has been a great deal of confusion on the subject of Federal labor relations. The administration has adopted at least three dif-

ferent positions on the Federal Government's relations with its employees.

Postmaster General Blount, one of the most influential members of the Nixon Cabinet, would be willing to negotiate with postal employees on a regional basis on all subjects, including wages and matters as sensitive as a postal labor shop wherein postal employees could be obliged to join a union.

President Nixon signed an Executive Order 11491, which states as one of its goals the maintaining of the right by all Government employees to join or refuse to join a union.

The new Executive order is a complete plan and it does not envision the day when wage negotiations would take place.

On the other hand, individuals on the White House staff agreed with some union leaders to support a restoration of the 10-year-old Executive Order 10988 on a temporary basis.

The best analysis of this situation which I have seen, is contained in a speech by James Rademacher, president of the National Association of Letter Carriers at the University of Kentucky on November 24, 1969.

Mr. Rademacher is an outstanding labor leader. Many of our Federal employee leaders are among the best in the country. They certainly have a difficult job.

Postal employees make \$2,000 a year less than garbage collectors in the city of New York. Federal employees generally are 18 months behind other workers in comparative wage scales. The national economy is suffering at the present time from a combined inflation and recession. Yet the Director of the Bureau of the Budget has stated to a committee of the Congress that Federal employees should sacrifice a deserved wage increase on July 1, for at least 6 months in order to set an example for the country.

The example set is that of a tight-fisted employer. It is an example being set for "Big Business" which, I suppose, means that the President of the United States wants wage increases resisted in coming negotiations. All-out resistance by management can only result in a wave of strikes, which would not help anyone.

It seems to me that we have to end the confusion fostered in this field by big as well as little bureaucrats. Government labor relations must be governed by law. This view is discussed in the Rademacher speech, and I insert it in the RECORD at this point:

REMARKS OF JAMES H. RADEMACHER TO UNIVERSITY OF KENTUCKY LABOR RELATIONS SYMPOSIUM

(NOTE.—The following remarks were delivered by James H. Rademacher, president of the National Association of Letter Carriers, to a conference entitled Labor-Management Relations in the Public Sector, sponsored by the University of Kentucky, Nov. 14 and 15, 1969.)

I want to start out with a little mystery that interests me and I think it is going to interest you. This is contained in a 65-page document entitled "Labor-Management Relations in the Federal Service" which is the report of the study committee which led to the issuance of Executive Order 11491.

On page 6 of that document you'll find that there are four names; then, a couple of pages later you will find a list of the members of the Study Committee. I want to call

something interesting to your attention: the list of the members of the Study Committee includes the Honorable Winton M. Blount, Postmaster General; but if you turn back two pages to page 6, you notice that there is a mysterious absence of the name of the Honorable William M. Blount from the list of people who unanimously submitted this report and recommendations to the President, people like the Secretary of Defense; the Secretary of Labor; the Director of the Bureau of the Budget; and the Chairman of the U.S. Civil Service Commission.

Now, maybe the same thing is occurring to you that occurs to me; that is, that there is a possibility that Mr. Blount *refused* to sign the report and recommendations after having worked on it. Now, what this means is difficult to say. As one clue to the mystery of *why* he might not have signed it, on page 5, you will find a statement that says "These recommendations represent our unanimous judgment. We believe that their adoption will strengthen the usefulness of labor-management relations as a constructive force in matters affecting the well-being of employees, in full compatibility with the civil service merit system which remains the cornerstone of governmental personnel policy." Of course, it remains the cornerstone of governmental personnel policy for every governmental agency except the Post Office Department which seeks to turn this agency of government over to a public corporation. It is perhaps this sentence that Mr. Blount found impossible to swallow and to recommend.

As to the Executive Order itself, the first sentence in the preamble reads, in part: "Whereas the public interest requires high standards of employee performance . . ." This is a new phrase in President Nixon's Executive Order 11491, that was not found in President Kennedy's Executive Order 10988.

The emphasis in President Kennedy's Executive Order 10988 was on employee participation in determining personnel policies to promote the effective conduct of the public business. It is interesting to note that *that phrase* from Executive Order 10988 has been eliminated from 11491 and the phrase "Whereas the public interest requires high standards of employee performance," is substituted for it. This must have been done *deliberately* and it seems to me that the substitution has the effect of casting a reflection on the efficiency and the work performance of federal government employees and at the same time casting doubt on the desirability of employee participation in the determination of federal personnel policies. The effect as I see it is to take a harder line towards federal government employees and their unions as compared to the official policy for the previous seven years and nine months.

This reflects the difference in attitude towards federal employees and unions as between the Nixon administration and the previous Kennedy-Johnson administrations.

Section 1(b) of the Order contains stronger language than Executive Order 10988 to prohibit supervisors from acting as union officers or representatives. This stronger language conforms more to the practice in private industry; it should be noted that an effort has been made in this Order to conform federal government labor relations to practices in the private sector where it would benefit the government and possibly make it more difficult for unions to operate.

Section 2(e) (2) contains a prohibition on unions asserting the right to strike against the U.S. Government or any agency thereof. This provision, of course, as a result of a recent U.S. District Court ruling makes 2(e) (2) unconstitutional, but there is a question raised as to what can be done about it. Can you attack a provision of an Executive Order on the grounds that it is unconstitutional? I've heard that you can't go to court to have an Executive Order declared illegal or un-

constitutional. True the Executive Order was out only one day when we were successful in having part of it declared unconstitutional.

Section 4 of the Order establishes a Federal Labor Relations Council consisting of the Chairman of the Civil Service Commission, the Secretary of Labor and an unnamed official of the Executive Office of the President.

This Council will administer the Order, decide major policy issues, prescribe regulations, decide certain negotiability issues, decide exceptions to arbitration awards, and consider appeals to certain decisions of the Assistant Secretary of Labor for Labor-Management Relations. In other words, the Council is the final appeals body in this Order in regard to most major labor-management problems in federal service, except negotiation impasses on substantive issues which are dealt with in Section 5 by the Federal Service Impasses Panel (FSIP).

Please note that the FSIP supposedly is going to be composed of professional labor-management experts as contrasted to the Council which is composed of politicians. All are appointed by the President of the United States and are responsible to him. Incidentally, I don't see any term of office for FSIP panel members. It seems to me this is a great weakness in the Order. A panel member could presumably be appointed one day by the President and be removed by him the next day, so that if the President doesn't like a decision of a member of the Panel apparently there is nothing to keep the President from firing him. There is no job security at all for FSIP panel members as far as I can see. This puts the members of the panel strictly under the thumb of the President who is rumored, occasionally, to be a political animal.

But I am getting ahead of myself. There is another point to be made about the Council (the FLRC): I think it's doubtful whether these three busy men designated to do the work of the Federal Labor Relations Council will have the time to study the issues that come before them and to make the decisions that must be made. Undoubtedly this will be done by underlings designated for this purpose. Thus, instead of elevating the importance of labor-management relations in the Federal government, this Order will have the effect of downgrading them and thus of delaying the solution to these problems.

Section 5, establishes a Federal Service Impasses Panel of at least three members appointed by the President. The Panel is authorized to prescribe means to settle negotiations impasses and to take any action it considers necessary to settle an impasse. Unions and management may negotiate techniques to assist in resolving impasses (Section 11(a)), but arbitration or fact finding with recommendations are not permitted in these disputes except when specifically authorized by the Panel (See Section 17). This is something new, which on its face appears to be a forward step and an improvement on Executive Order 10988 under which agency management itself decided negotiations impasses to which it was a party.

That was a great fault in the working out of Executive Order 10988. Now, they are going to set up this Panel outside any federal government agency to decide negotiations impasses and on the surface it looks like a step forward. I think questions may legitimately be raised as to: (1) the staffing of this panel; (2) the time limits, if any, which will be attached to its work, because some negotiation impasses have taken two years to resolve under the present set up; and (3) the ability and willingness of this panel to handle the enormous workload certain to descend upon it under Executive Order 11491. The answer to these questions will indicate the true determination of the Nixon Administration actually to take a step forward in labor-management relations in the federal service. In other words, how much money, and time and effort will actually be expended despite budgetary limitations, manpower limitations,

and time limitations? It will be interesting to see the answers to those questions. In the meantime, we are told that the Impasses Panel will be composed of part-time panel members, at least to begin with.

Section 6, designates the Assistant Secretary of Labor for Labor-Management Relations to decide unit and representation disputes, to supervise elections, to decide eligibility for "national consultation rights," to decide unfair labor practice complaints and to decide alleged violations by labor unions of the prescribed standards of conduct. (Decisions of the Assistant Secretary of Labor may be appealed by unions or agency management to the Federal Labor Relations Council (see Section 4(c)(1).)

This is a very important position in the new Executive Order. There is no indication that this is going to be a full-time job either, and the question is raised whether the Assistant Secretary of Labor will be able to devote all his time and energies to the duties outlined in Section 6 without the distractions of other duties imposed upon him due to his being located in the Department of Labor. It is extremely important whether or not this person is going to be a full-time man, able to devote *all* of his time to these problems or whether this is just window-dressing. This guy is supposed to make all these decisions and it could turn out that he is in Bolivia half the time and the other half the time he is enforcing some provisions relating to private industry. So, there is a question as to what the job duties of this Assistant Secretary are going to be and it's very, very important to us just exactly what he does with his time during a work-day.

President Nixon has set up a very cheap (and I mean inexpensive) arrangement in Executive Order 11491 to decide the collective bargaining rights of close to 2½ million Federal government civilians employees. It is yet to be determined whether it will work. In the meantime, President Nixon has dealt a blow to the movement to achieve labor-management by law, since one of the effects of the issuance of this Executive Order will be to slow down and perhaps temporarily to halt congressional consideration of this subject pending study of the effects of this Executive Order.

Section 7, continues the 12-month rule on holding elections in employee units set up for the purposes of collective bargaining. In other words, you can't have an election in a unit more than once each 12 months. Employees will continue to enjoy the right of self-representation and freedom of choice of a representative in grievances and appeals [see Section 7(d)(1)].

In addition, organizations of supervisors may not be accorded consultation rights within the framework of labor-management relations. However, Section 24 provides continued recognition of management or supervisory associations presently recognized by the U.S. government. There is a question about the future of these management and supervisory organizations. It's going to be left to the Council to make recommendations on that subject.

Section 7 read together with Section 24(b) states that *informal* recognition of labor organization is to be terminated on July 1, 1970. *Formal* recognition is also to be ended under Section 8 of the Executive Order. Formal recognition is supposed to be ended by regulations which must be issued by the Council before October 1, 1970. This is in Section 24(c). However, we can expect the formal and informal employee organizations to struggle against this death sentence, maybe with some success.

Section 9 deals with "National Consultation Rights." This is something that is subject to a lot of misinterpretation. First of all, "National Consultation Rights" are intended to be a substitute for formal recognition. Such rights are going to be based on

criteria as yet unannounced; criteria that will be established by the Council (the FLRC). However, such "National Consultation Rights" may *not* be awarded for any unit represented by a national exclusive organization, so that if the UFPC continues to have national exclusive recognition among the postal clerks, this provision would seem to prevent the NPU from getting "National Consultation Rights." "National Consultation Rights" are to be granted to labor organizations which represent a "substantial number" of employees of an agency. Questions of eligibility of unions for national consultation rights will be referred to the Assistant Secretary of Labor for decision.

Section 10, talks about granting exclusive recognition hereafter as the result of secret ballot elections on the basis of a majority vote of those voting. The requirement that ballots be cast by at least 60% of the eligible employees in the unit is done away with.

Section 11, the requirement of negotiation of agreements is broadened to include negotiations *in good faith* on the part of both management and labor unions having exclusive recognition.

The broad management rights clause which gave unions so much trouble under Executive Order 10988 is continued in the new Executive Order, in fact it has been broadened by the addition of "internal security practices" among the prohibited areas of negotiations, although the phrase "assignment of personnel" has been taken out of the new Order. Issues of non-negotiability at the local levels are to be decided by the head of an agency. That's in 11(c)(2) and his decision is final if he bases his decision on his interpretation of his agency's regulations (see 11(c)(3)). That provision is going to give us a lot of trouble, because, undoubtedly, in an effort to make his decisions on non-negotiability final, he is going to base it on his interpretation of that agency's regulations. A union may appeal to the Council if it disagrees with the decision of the agency head in regard to non-negotiability; matters affecting law, regulations of authorities outside the agency (such as U.S. Civil Service Commission rules and regulations); or the Executive Order. That is in 11(c)(4).

The Report and Recommendations of the Study Committee recommends that government agencies and labor unions should be free to engage in joint negotiations on a multi-unit basis. (That is *not* in the Executive Order, that is in the separate Report.) This matter of joint negotiations on a multi-unit basis is very interesting because some Post Office Department Officials have been saying recently that they are in favor of regional negotiations and regional contracts rather than local negotiations. It could be a very bad thing for unions to abandon local negotiations in favor of regional negotiations. On joint negotiations I don't think we have anything to worry about. Many local unions in the federal government, especially in the Post Office Department have engaged in joint negotiations, for example, in negotiating a single contract to cover clerks and carriers in Kansas City, Missouri. However, some unions in the federal government may have to consider consolidating small locals or branches. For example: take a Branch of three people; they will have to fill out financial reports, bonding papers, and so on. I can see certain Branches going out of existence rather than taking the time and effort necessary to fill out financial reports. Furthermore, it might be easier to get a good contract out of the joint efforts of ten three-member branches if they join together to negotiate than if they negotiated ten separate agreements. This would require union constitutional changes, of course, and they should be thought about.

Section 14: Negotiated procedures may provide for arbitration of employee grievances

and for arbitration of disputes over the interpretation of existing agreements. However, disputes over agency policy or items which are the subject of negotiations cannot be arbitrated under the Order. An employee's grievance may only be arbitrated with the approval of the employee and the agreement of the exclusive labor organization. The arbitration costs are to be shared equally by the parties. Either party may file exceptions to the arbitrator's award with the Council, under regulations to be prescribed by the Council. The Study Committee recommended that an arbitrator's decision may be reversed only on grounds similar to those applied by courts in private sector labor-management relations. In the private sector, an arbitrator's award would be sustained by a court *except* where one of the parties could show that the arbitrator was guilty of fraud, exceeded his legal authority, etc. This is just a recommendation of the Study Committee. It will be interesting to see what regulations the Council will issue on this section of the Order and whether effective final and binding arbitration will be accepted by the federal government. Although the newspapers have talked about final and binding arbitration being in the Order, it *doesn't* have to be *final and binding* arbitration under Executive Order 11491, as the Order is written. We shall see.

Section 16: The Federal Mediation and Conciliation Service is directed to assist labor and management to resolve negotiations disputes and impasses. This help is to be rendered without charge to the parties at the local or national levels.

Section 17: Unresolved negotiation impasses may be referred by either party to the FSIP. This Impasse Panel may recommend procedures to help resolve the impasse or it may resolve the impasse itself. Arbitration or third-party fact finding with recommendations may be used by the parties only when authorized or directed by the Panel. Impasses at the local level may be referred to this impasse panel but they will probably go through a "strainer," that is, procedures agreed to by both parties before impasses get up to the Impasse Panel.

Section 18: The standards of conduct of labor organizations are broadened to include the filing of financial and other reports and the bonding of union officials and employees. The Assistant Secretary of Labor will decide alleged violations of these provisions (also see Section 6(a)(4)). These provisions of the Order place *burdens* on federal government employee unions that are similar to obligations of private sector unions under the National Labor Relations Act, without conferring certain *balancing benefits* enjoyed by labor organizations in private industry, such as the right to strike.

Section 19: Specifies unfair labor practices of management and unions including the refusal to consult, confer or negotiate with the other party, as required by the Executive Order. A union is prohibited to call or to engage in a strike, work stoppage or slowdown. Under Section 19(b)(4) a union is forbidden to picket an agency in a labor-management dispute or to condone such activity by failing to take affirmative action to prevent or stop picketing or strikes. If they are talking about picketing an agency in a labor-management dispute that is actually on illegal strike, I think it might be their legal right to prohibit that; but, I think that the words "picket an agency in a labor-management dispute; or condone any such activity by failing to take affirmative action to prevent or stop it," are unconstitutionally vague. This provision of the Order seems to attempt to prevent picketing which arises out of *any* dispute between employees and the government agency, not just a strike.

Furthermore, to force union representatives to try to stop or prevent such peaceful expressions of discontent on the part of em-



ployees violates the provisions of the U.S. Constitution relating to freedom of speech and the freedom to assemble peaceably to petition for the redress of grievances. This portion of the Executive Order may be unconstitutional and void also due to their "chilling effect" on the right to peaceful effectuation of change through legislative means and on the right of legitimate concerted activities of working people.

Also under Section 19, the provision is made in the Order that unless the complaint of violation of this section is covered by a grievance or appeals procedure, the complaint will be filed with the Assistant Secretary of Labor who will decide the case and direct appropriate remedial action (see Section 6(a)(4) and 6(b)). Thus, the remedy may be available in this Executive Order for disciplinary action against supervisors or management officials who violate employee or union rights; it all depends on how the Assistant Secretary of Labor interprets this section of the Order. To-date, the Assistant Secretary of Labor for Labor-Management Relations, Mr. Usery has given no indication that he intends to interpret his powers under the Order so as to allow him to take disciplinary action against supervisors or officials in management.

**Section 20:** The use of official time for consultation and meetings between management and unions is made subject to negotiation between the parties. In President Kennedy's Executive Order such consultation and meetings were on official time. Now, it is a matter of negotiations between the parties. Employees representing unions who are engaged in negotiating agreements between labor organizations and government agencies will not be on official time. Management, of course, may be on official time during negotiations.

**Section 21:** Allows agreement between unions and government agencies for voluntary dues check offs from employees' pay.

**Section 22:** Adverse Action Appeals: No change from Executive Order 10988.

**Section 23:** Federal government agencies are required to issue policies and regulations for the implementation of Executive Order 11491, no later than April 1, 1970. "Insofar as practicable," agencies must consult with representatives of employee organizations in connection with implementing this part of the Order. It will be interesting to see how much and what kind of consultation will be provided by the various government agencies in issuing policies and regulations to implement the Order.

**Section 25:** Provides for the collection and dissemination of labor-management information needed by government agencies, labor organizations and the public. This is potentially a very important part of the Executive Order; again, it all depends on how it is interpreted and carried out by the Department of Labor and the U.S. Civil Service Commission.

**Section 26:** Executive Order 11491 was signed on October 29, 1969, and is effective on January 1, 1970, except Sections 7(f) and 8, relating to formal and informal recognition (see Sections 24(b) and 24(c)). President Kennedy's Executive Order 10988 and his Memorandum of May 21, 1963, entitled "Standards of Conduct for Employee Organizations and Code of Fair Labor Practices," are revoked as of January 1, 1970.

In conclusion, the new Executive Order holds out a promise for the establishment of better labor-management relations in the federal service. Meanwhile the NALC must and will continue its attempt to establish labor-management by law as a solution to the problems facing employees and employee unions in the federal service.

It is our opinion that the value of the executive order now depends upon meaningful regulations since the order itself left us wanting.

## OFFICE ON WHEELS

## HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. LONG of Maryland. Mr. Speaker, for almost 2½ years now I have been using a mobile office to keep in touch with my constituents. On Saturdays, I travel to different communities throughout my district to find what help people seek and to get their suggestions on legislation. Recently a college student, Mr. Robert W. Russo of Cockeysville, Md., wrote a paper for one of his classes using my office on wheels as a subject. Bob was kind enough to give me a copy of his delightful article which I should like to share with my colleagues today:

## OFFICES ON WHEELS

Every two years the people of America go to the polls and elect their government officials. For the majority of voting Americans casting their ballots may be their only involvement in politics. We have created a communications gap between elected officials and their constituents due to a lack of dialogue regarding key issues.

Clarence D. Long, Democratic member of the House of Representatives from the Second Congressional District of Maryland, realizing that this gap has been the downfall of many elected officials, had decided to make an exception to the rule of an unknowing constituency. Since his election to the House of Representatives seven years ago, he has been traveling to local Post Offices, not to bring his political message to the people, but rather to hear their problems, suggestions, and to determine how he can best serve those he represents. Two and one half years ago, the Congressman purchased a small van-bus and created what is today a popular and welcome sight in Baltimore and Harford Counties—the Office on Wheels.

The Office on Wheels is the Congressman's traveling headquarters. Every other Saturday you can find Mr. Long inside the van, weather permitting, talking to his people. "It's a problem solver. The purpose of the Office on Wheels is to find out what the people want." According to the Congressman, "It helps me find out just what the people are thinking about."

With the Congressman are four staff members. One, his secretary, Mrs. Marge Davidson, keeps a tally of requests, records names and addresses, and specific requests. Mrs. Hope, quite an appropriate name, is the other secretary who deals only with employment problems. When called upon she can produce a listing of governmental and private business openings which the Congressman can recommend to these people. Ed Andrews, a member of the Washington staff, is the initial contact for the people. He has them fill out a mimeographed form with their names, addresses, and problems or suggestions. When asked if the records were kept, Mr. Andrews answered, "You'd better believe it! I just carried 10 boxes of them into the office for processing." Chris Pfrommer, who has been with Mr. Long since his election, acts as a liaison between the people and the Congressman, making sure all the information is filled out on the form then introducing the people to Mr. Long.

This reporter traveled to the Essex Post Office to find out just how effective the Office on Wheels is. At least 40 people had already seen the Congressman that morning and in the next hour 20 more came in. Mr. Andrews said that it was a rather slow day. Usually 70 to 100 people saw the Congressman each time the Office rolled. The majority

of people were over 40, well-dressed, and seemed a little nervous.

A quick polling of the people indicated that it was their first visit. One woman said that she was having trouble getting foster children from the Welfare Department. She had applied and was qualified, but the red tape had kept the children from her for over a year now. After many letters and phone calls, she was here to see if Congressman Long could help in any way. "I have raised two children of my own. They're both married and have families of their own. I know there are a lot of children without homes and we want to help. But every one at the Welfare Department passes the buck. That's no way to treat a taxpayer." When she left Congressman Long's office, she had a smile of confidence on her face. "He said he would write a letter for me. I know I'll get the children real soon."

"It is not very often that I get complaints about my work in Congress, or Congressional work at all. Usually, people have requests to make," said the Congressman. Most people need help in solving a problem where they haven't been able to get satisfaction anywhere else. Getting draft deferments, social security payments, and helping high school kids get into college are the most popular. Topping the list are veterans benefits and employment problems. Most of the people are satisfied after they talk with their Congressman, and according to his staff, most of the people get what they need, if the request is reasonable.

"But we get some good ones," the Congressman stated. "One man came into the van carrying a dirty old towel, which had really seen its best. He told me this was taken out of his stomach, having been placed there by an army doctor during an emergency operation. The towel had really messed up his system. I was a little skeptical, but he had documentation from a doctor at Johns Hopkins Hospital. He wanted me to get compensation for him. I found out later from a lawyer friend of mine that he had carried this man's case to the Supreme Court, and lost. But most of the people are quite nice about their requests. The great majority are reasonable, and we try to help."

"We have saved literally hundreds of lives and placed countless people in jobs. One soldier came to me with a big problem. He had been railroaded by an Army court on homosexual charges. I spent a whole day arguing to get him a new trial. Finally, they granted him a new trial and he was exonerated from all guilt. The blame was placed where it belonged."

Congressman Long is very satisfied with the results of his Office on Wheels. He said, "The biggest problem in government today is communications. The higher up you get, the more isolated you get. There is nothing more isolated than a big General. I just wish Generals and the President would get out and meet the people informally, not carrying a specific message, just to hear what the people want." When asked about the Office on Wheels, Congressman Long said, "It's like radar: you give out a beam and you get a reaction. People who get remote make mistakes."

Over the last two and one-half years the Office on Wheels has traveled extensively in Baltimore and Harford Counties just to listen to the people; and over 6,000 people have had problems solved, found jobs, and gotten veterans payments. The Office on Wheels is a red tape cutter, a sounding board for problems and ideas, and a way for the Congressman to learn what his people want. The Office on Wheels is a unique service from Congressman Long to his people. It has made him truly a representative of the people, for the people, and by the people; and made him one of the most popular Congressmen to date receiving 59.1% of the vote in 1968. In

the words of Congressman Clarence D. Long, Democrat from the Second Congressional District of Maryland, the Office on Wheels "is great." And that is the opinion of almost all of the 6,000 people who have visited the mobile headquarters of their representative to Congress.

#### CAN SALT STOP MIRV?

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MOORHEAD. Mr. Speaker, unfortunately, with each passing month, the chance for a meaningful flight test moratorium on the MIRV gets less likely. The word is, in fact, that the flight test program is being speeded up, thus, narrowing even further the already slim hope of a moratorium with the Soviets.

I would like to recommend, for the attention of my colleagues, an article appearing in the New York Times Magazine section on February 1, 1970, "Can SALT Stop MIRV?" by the nuclear physicist, Ralph Lapp.

The MIRV is a perfect example of a weapons system that completely eluded the scrutiny of the Congress. In fact, if we could have effectively frozen the testing of this program a year ago we would have had a unique chance of reaching a plateau in the arms race. However, I would venture to say that 90 percent of the Congress had never heard of the MIRV until it had been in production for over 1 year. This is a tragic lesson I hope we do not repeat.

I insert the above-mentioned article in the RECORD at this point:

#### CAN SALT STOP MIRV?

(By Ralph E. Lapp)

Next October the arms race will enter a new and deadly phase as the U.S.S. James Madison leaves the Groton, Conn., yards and begins its sea trials. The 425-foot-long SSN 627 is currently being refitted with 16 over-size launch tubes capable of holding a Poseidon ballistic missile. Each Poseidon will mount 10 nuclear warheads having more than twice the explosiveness of the atomic bombs dropped on Japan.

The Madison is the first of 31 nuclear submarines to be converted to carry MIRV's—multiple independently targeted re-entry vehicles. A single Poseidon missile is thus capable of striking at 10 Soviet targets which could become 10 super-Hiroshimas. Beyond that, however, the appearance of the MIRV raises the terrifying possibility that the nuclear deterrent could be in the process of being transformed from a retaliatory, second-strike weapon to a "first-strike" weapon—i.e., one that would remove the deterrent by enabling one side to knock out the other's missiles before they could be fired, thus leaving the victim largely helpless to strike back. By 1975, when the last Poseidon-firing submarine leaves its yard, a total of 4,960 MIRV's will be deployable at sea—or, to be more precise, undersea. By that time the U.S. Navy will have spent a grand total of \$18-billion on the Polaris-Poseidon Strategic Missile System.

This programmed multiplication of U.S. Naval nuclear firepower represents a quantum jump in the arms race and as such it is a prime item on the agenda of the SALT (strategic arms limitation talks) meeting at

Vienna this spring. The men at the SALT table must ponder such questions as:

Is a MIRV test ban negotiable? Would a stoppage of tests arrest this ballistic development?

If each side arms its missiles with MIRV's, can any meaningful limit be made for strategic missiles?

Given a limit to nuclear missiles, would verification of compliance be possible?

If there are mainly negative answers to these questions then the SALT talks will not lead to a treaty limiting arms and the world may witness a vast expansion of strategic-weapon arsenals. It is no exaggeration to state that today the United States and the Soviet Union are perched on a narrow plateau separating the destructive technologies of the past decade from those of the seventies.

MIRV, then, is an apocalyptic acronym. It is a newcomer to public print, having first been officially released in the Sept. 29, 1967, issue of Life magazine in an interview with Defense Secretary Robert S. McNamara. "We can now equip our boosters with many warheads," said the defense chief, "each of which can be aimed at a separate target. We call this MIRV. . . ."

Mr. McNamara also disclosed that the United States had two MIRVed missiles—the Poseidon and the Air Force's Minuteman III. The latter is a 60-foot-long, three-staged, land-based intercontinental ballistic missile (ICBM, Type LGM-30G) carrying three nuclear warheads. Each of these three MIRV's is 10 times more powerful than the A-bomb that destroyed Hiroshima.

Actually, Hanson Baldwin had revealed Poseidon's MIRV nature in a New York Times account on Aug. 13, 1967. The former military editor of The Times wrote: "Because of its greater power, Poseidon can carry multiple warheads and each of them might be individually programed against separate targets." All that Mr. Baldwin omitted was the acronym. That was itself classified "SECRET" by the U.S. Air Force, thus confining even official discussion of the new development to a very tight community of persons within defense circles.

The MIRV concept was first aired in the trade press by Space Business Daily, whose Aug. 9, 1965, report referred to a MIRV contract to be awarded to Boeing. The same publication had reported in its April 21, 1964 issue: "The Air Force Ballistic Systems Division planned to issue a request for proposal on April 28, 1964, for a program of investigation to determine the feasibility of developing a guidance system for multiple maneuvering warheads that could be directed toward a variety of targets."

The first details of MIRV technology were revealed on Dec. 13, 1967, when Dr. John S. Foster, Jr. gave a speech in Dallas, Tex. The Pentagon's director of research and engineering, who has devoted his professional career to weaponry, disclosed that MIRV stands for "multiple independently targeted re-entry vehicle." Dr. Foster, however, preferred to call it a "space bus," because the payload is a cumbersome package "which contains many individual re-entry vehicles with thermonuclear warheads."

Enough is now known about MIRV technology to permit an accurate description of this modern Hydra. For example, let us make a hypothetical projection to that most calamitous day in history when the President of the United States is compelled to press the button authorizing and commanding the U.S. Minuteman force to be launched. This is not to suggest that the United States plans to use its MIRV's for a first strike—although such a possibility must occur to the minds of Soviet military planners. Doomsday date is Nov. 7, 1978.

Once the button is pressed, man turns the entire issue over to computers. The latest

satellite-acquired data on Soviet targets have been coded and stored on magnetic "targeting tapes." Now this magnetic memory is "implemented." Through an elaborate communications linkage—MICCS (Minuteman Integrated Command and Control System)—an innocuous-looking computer card bearing the code numbers is slipped into a computer at each Minuteman control site. At the root tips of MICCS, underground command posts go into high gear, carrying out swiftly the various double-lock and verification procedures needed to launch the missiles from their concrete underground silos.

At the silo site, an automatic sequence of operations is set in motion. Inside the giant three-stage missile, the flight control system is readied, the MIRV "brain" receives its target instructions, should they be different from those already programed. The massive reinforced steel silo cover begins to slide back. The process is completely automated; the nearest human being is a sugar-beet farmer a mile down the road from the fenced-in Minuteman site.

A thousand buried missiles are poised, ready for ignition, capable of being stopped now only by a countermand. It never comes. The huge first stage of a Minuteman III based in North Dakota at the Minot Air Force Base ignites with a roar and a huge blast of flame fills the tower chamber. Slowly, it seems, almost lazily, the giant missile emerges above earth, freeing itself from its concrete nest, and, gathering speed, zooms straight up through a thick cloud layer. Stage 1 burns out, is decoupled by explosive connectors, and the second stage ignites as the less-heavy missile streaks upward on its ballistic course. It, too, cuts out on command and the third stage accelerates the "payload" to its 4-mile-per-second velocity.

At this point, only four minutes after the President pressed the button, the space bus and its three nuclear warheads are committed to a ballistic course of some 5,000 miles in range and they will climb to a zenith some 700 or 800 miles above the earth's surface. A ballistic course is essentially that of a rock thrown in space; in the absence of a retarding atmosphere, its range is fixed by its final velocity and its angle of projection, just as in the case of an artillery shell.

The space bus begins to function by shedding the upper shroud that protected it on its travel through the resisting air. It is important to stress that the vehicle is entirely on its own; it is not linked to earth for command. An entirely independent guidance system is packaged in microminiaturized form and includes accelerometers, gyroscopes and a sophisticated computer. The fast-spinning gyros, an ingenious triple set of whirling "tops," serve to establish a stable platform in space for the vehicle so that changes in direction can be sensed. Accelerators are gadgets capable of measuring minute changes in velocity, the all-important factor in determining the range of the MIRV. The computer must absorb the various data inputs on the velocity and orientation of the space bus and at the same time check with its memory bank, where it has stored the target information.

The wizardry of space navigation was made evident by the uncannily accurate flights of Apollo XI and Apollo XII. These, of course, were masterminded at the Houston control center. Minuteman III uses essentially the same technical base for its guidance. However, in our hypothetical and disastrous example, we shall target Novosibirsk, a city with a population of more than a million, rather than a dead spot on the moon.

The Minuteman III computer reads out the target coordinates of Novosibirsk, queries its instrument colleagues aboard the space bus for their information, computes the im-

point and calculates the velocity and direction changes required to dispatch the first-round MIRV on target. The computer then directs the space bus to execute this corrective maneuver by firing small "vernier" jets for the proper number of seconds. This accomplished, the guidance unit rechecks for accuracy and, reassured, the computer gives the electronic command: "Fire One." MIRV "A" is nudged on its course and flies free.

MIRV "B" is given very slight guidance changes to target an industrial section of Novosibirsk and to back up MIRV "A" in case a heavy antiballistic missile (ABM) defense is encountered.

The third round of the Mark 12 nuclear ammunition is then directed to Stalinsk, a city of half a million people some 180 miles southeast of Novosibirsk. All three rounds are fired within a minute. They soar over the North Pole and arc down across Siberia.

Having dispatched its trio of lethal missiles, the space bus adds insult to injury by detonating a series of small TNT charges that blow it into several dozen pieces. These proceed to descend on still another target area, presenting enemy radars with a vexing problem of identification.

The three MIRV's themselves are sleek re-entry vehicles of "super beta" design, with needle noses and flared tails. Nine feet long and two feet in girth, they are engineered to produce minimum images on radar screens and thus make detection difficult. With their metallo-ceramic heat shields, they easily survive the heat of re-entry, and each explodes high over its target, triggered by an altitude fuse. The high air burst maximizes the area of destruction on the city below it, spreading heavy damage over 15 square miles.

The mechanics of MIRVing introduce cumulative errors in accuracy. The first round, for example, explodes a quarter of a mile from the aim point, but the third round veers slightly off course, exploding 0.4 mile from the aim point—not a matter of much solace to the citizens of Stalinsk, however.

Cities are large targets and the projected MIRV accuracies are greater than necessary to hit the vast majority of Soviet city targets. Striking at a hardened missile silo, on the other hand, calls for highly precise fire. Our hypothetical attack would impose heavy damage out to a radius of more than two miles from the aim point in the case of a city. A Minuteman III warhead would have to impact within 400 yards of a missile silo in order to knock it out of commission. It is because U.S. experts feel that most Minuteman MIRV's would not come within this impact distance of an aim point that they feel the Soviets should not worry about the U.S. striking first with a wave of Minuteman launchers. But by 1978, MIRV technology will be far advanced over its present status.

Soviet planners must assume the worst—a first strike on Soviet missile silos. This first-strike psychosis, although normal for a military mentality, is absolutely catastrophic for the arms race, since it goads each side into making more missiles to survive a possible first strike and present the attackers with nuclear retribution. Given an emergency in which the United States found it was under attack with warheads aimed at its missile silos, it might out of fear unleash its entire Minuteman force in a vast spasm response. This would be the path to nuclear damnation.

In effect, the MIRVed ICBM is a magazine-loader mechanism that multiplies the warhead throw power of each missile launched. It is this multiplying power that so confounds the problem of strategic arms limitation, since a count of missile silos would not be meaningful unless one could also count the warheads inside. Orbiting cameras routinely send back to earth detailed photographs of missile sites, but they cannot peek under the silo covers and see what is

inside. Even if the silo covers were thrown open for inspection, the MIRV nose cone gives no clue as to its contents. One needs a screwdriver to make an inventory of how many MIRV's are inside. Not even the most optimistic SALT man hopes for screwdriver-type inspection.

Poseidon, a two-stage missile, 34 feet in length and 30 tons in weight, also is MIRVed on the space-bus principle. Each missile has 14 barrels, but not all are used for warheads. Some are used to hurl decoys or other penetration aids, such as radar-blinding aluminumized glass fibers, called chaff. A number of lightweight decoys can be substituted for the weight of one Poseidon warhead, which weighs about 200 pounds. Decoys are used to feint the defenders into using up antiballistic missiles, thus allowing real warheads to penetrate to their targets.

While the MIRV technique allows many separate targets, it also allows a single target to be bombarded with a sequence of time-spaced warheads. This is a simple but effective technique to outwit the ABM's, which might otherwise kill a number of warheads simultaneously if they descended in a cluster. (The Polaris A-3 warhead aboard U.S. nuclear submarines today is a cluster of three nuclear explosives all fired shotgun-style at the same target.)

To put MIRV in proper perspective as a weapons system we need to enumerate the critical milestones in the past quarter of a century. First, there was the A-bomb in 1945, followed by the thousand-fold more powerful H-bomb in 1952-54 and then by the ICBM in 1957. The strategic forces of both the United States and the Soviet Union are keyed to these developments and nuclear deterrence today balances on the respect each side has for the other's nuclear strike power.

Under the McNamara management, the U.S. strike forces built up to a level of 1,000 Minuteman ICBM's, 54 Titan II's and 656 Polaris SLBM's (submarine launched ballistic missiles). Total throw power: more than 2,500 warheads as of 1970.

The Soviet strategic arsenal includes about 280 SS-9 heavyweight ICBM's, slightly more than 1,000 other ICBM's—mostly liquid-fueled SS-11's of Minuteman warhead power and solid-fueled SS-13's of less power—and roughly 300 SLBM's. Total throw power: about 1,700 warheads. However, the big U.S. worry is that the SS-9 can be adapted to carry three huge warheads or as many as 20 MIRV's of Minuteman III power.

Soviet tests with their enormous SS-9 missile show that they are using a triple warhead, although presumably most of the deployed SS-9's still mount a single warhead. There is much controversy within the U.S. intelligence community about the nature of the SS-9's multiplication technique. Separate warheads have been observed to splash down in a triangular pattern, leading defense officials to fear that the SS-9 is aimed at knocking out Minuteman silos. Whatever the present SS-9 warhead dispatch techniques, it is certainly reasonable to assume that military technologies on both sides of the Iron Curtain are convergent—i.e., produce the same or similar weapons systems.

From the U.S. standpoint, the most peaceful move the Soviets could make in the next year would be to terminate deployment of the SS-9's. Continued production of these mighty missiles will make more pronounced the Pentagon's fears that the Soviets are building up a first-strike force. Such a move by the Soviets would infuse optimism into the SALT discussions on arms control.

A number of persons deeply concerned about the stopping of the arms race believe that the best thing that could come out of the SALT talks would be a moratorium on MIRV tests. They hope, more than believe, that cessation of the missile tests would produce an unfinished technology and leave the

military reluctant to deploy unproved weapons systems.

The difficulty with a MIRV test ban is that it is very late in the day to stop the technological clock that seems remorselessly to tick away. To understand this situation we need to go back and trace the origins and development of MIRV.

The top authority on the subject, Dr. Foster, described the origin and purpose of MIRV in an exchange with Senator Mike Mansfield of Montana that is buried in Part 4 of Fiscal Year 1969 Defense Appropriations (Page 2310):

Q. Is it not true that the U.S. response to the discovery that the Soviets had made an initial deployment of an ABM system around Moscow and possibly elsewhere was to develop the MIRV system for Minuteman and Polaris?

A. Not entirely. The MIRV concept was originally generated to increase our targeting capability rather than to penetrate ABM defenses. In 1961-62 planning for targeting the Minuteman force it was found that the total number of aim points exceeded the number of Minuteman missiles. By splitting up the payload of a single missile (deleted) each (deleted) could be programmed (deleted) allowing us to cover these targets with (deleted) fewer missiles. (Deleted.) MIRV was originally born to implement the payload split-up (deleted). It was found that the previously generated MIRV concept could equally well be used against ABM (deleted).

Dr. Foster's "aim points" could scarcely have been confined to Soviet cities. The U.S.S.R. has only about 50 city targets of Hiroshima size and a total of some 200 cities with populations greater than 100,000. A Soviet planner reading Dr. Foster's statement would not have to overly suspicious to assume that the United States was targeting Soviet missile silos with Minuteman ICBM's.

Target experts call cities "soft" and missile silos "hard." In general, a first strike seeks to hit at "hard" sites and thus deny retaliatory fire that would impose unacceptable damage on the attacker. A second strike launched in response to a first strike would be aimed at destruction of the attacker's cities and industrial complexes, but it is primarily the great loss of life that is the knife-edge on which mutual terror is balanced.

It would be tragic in the extreme if a foe were to be ignorant of the damage he would sustain in the event of nuclear war. For this reason, Defense Secretary Robert S. McNamara provided the Soviet leaders with a Pentagon print-out of the probable damage to be expected by an attack with "X" hundred Minuteman warheads. The Strange-lovian damage table which follows was released for publication Feb. 1, 1968:

SOVIET POPULATION<sup>1</sup> AND INDUSTRY DESTROYED

Number of delivered warheads	Total population fatalities <sup>2</sup>	Industrial capacity destroyed (percent)
100	37,000,000	59
200	52,000,000	72
400	74,000,000	76
800	96,000,000	77
1,200	109,000,000	77
1,600	116,000,000	77

<sup>1</sup> An urban population of 116,000,000 is assumed for the year 1972.

<sup>2</sup> Fatalities are calculated on the basis of "prompt response"—i.e., death within 24 hours.

McNamara's advertisement of overkill probably confirmed the secret damage tables already compiled by Kremlin experts. The important thing here was not to communicate what Soviet military experts already knew, but to make absolutely certain that

Soviet political leaders were not in the dark about the degree of national damage they would suffer in the event of nuclear war.

The Pentagon's damage table contains a qualification which is turning out to be a prime energizer of the arms race and an immense obstacle to the success of the SALT talks. It is the word "delivered," applied to warheads. U.S. military planners cannot count on having every missile warhead reach its target. For example, a Soviet first strike could kill a Minuteman ICBM in its silo, or the missile might fail to launch, or to be correctly guided. Or, at the other end of the trajectory, the warhead might be killed by a Soviet antiballistic missile.

MIRV, defense officials explain, is the "We Shall Overcome" answer to Soviet ABM's. By multiplying the total number of warheads attacking Soviet targets, we insure penetration of a sufficient number of them to inflict unacceptable damage. In a second strike, of course.

But do the Soviets interpret the vast expansion of the U. S. strategic strike force—approaching 10,000 MIRV's in 1976—as merely insurance of a second-strike capability? Or do they look upon it as a first-strike force?

Soviet strategists may be excused for being skeptical when they look over U.S. pronouncements on MIRV. We may add to Dr. Foster's answer to Senator Mansfield the following:

President Johnson on Jan. 18, 1965, stated: "Poseidon will have double the payload of the Polaris A-3, and will be twice as accurate. Its effectiveness against a hardened target will be greatly increased through incorporation of penetration aids."

A Jan., 1968, Defense Department statement on MIRV's reads: "They will be far better suited for destruction of hardened enemy missile sites than any existing missile warheads."

Defense Secretary Laird on April 1, 1969, asked for additional funds "to significantly improve accuracy of Poseidon (MIRV) missiles, thus enhancing its effectiveness against hard targets."

Dr. Foster on May 13, 1969, testified before the Senate Armed Services Committee: "The Polaris-type submarine is ideal as a second-strike weapons system, although it could be used in first-strike operations."

The feasibility of using MIRVed warheads in a first strike at missile silos hinges on the matter of accuracy. In the early nineteen-sixties, ICBM's had a C.E.P. of two to three miles—i.e., the circular probable error, or the radius of a circle within which 50 per cent of the warheads hit, was two to three miles. By 1969, the C.E.P. had dropped below one mile and was headed down to half a mile. In five years, given more testing, the accuracy should shrink to a quarter-mile, and by the late nineteen-seventies some experts believe guidance systems will land warheads within several hundred feet of the aim point. It should be added that some experienced missilemen are skeptical of such claims.

The U.S. Defense Department has concentrated its best efforts on development of MIRV accuracy. A total of \$2.2-billion was spent on MIRV programs by midsummer of 1969, when the first flight tests of Minuteman III and Poseidon were made. This program is scheduled for completion by June, 1970.

Senator Edward W. Brooke (R., Mass.), a member of the Armed Services Committee, hoped to interrupt the seemingly inexorable course of technology when he proposed, last April 24, that the two great nuclear powers suspend testing of MIRVed missiles. He noted that "if MIRV is not controlled prior to deployment, it will probably not be controlled at all," and that "the present opportunity for strategic arms control is highly perishable. Indeed, it is measured in months."

Nine months have passed since Sen. Brooke's proposal, and MIRV tests are still going on—and the James Madison is moving ever closer to receiving Poseidons. Accuracy attained in MIRV tests for Poseidon appear to satisfy the U.S. Navy's strategic requirements for nuclear retaliation. But even when the Poseidon research and development phase is completed next June, it is unlikely that the Navy will place much confidence in the new weapons system unless it can be periodically tested at the Atlantic Missile Range. Data released in mid-December show that the U.S. Navy conducted 167 tests of its Polaris A-2 missile and 142 tests of the A-3. Many of the tests are believed to have been "redundant"—i.e., not absolutely essential to operational confidence in the weapons system.

By June of this year the U.S. Navy will have spent \$1.3 billion so far on development of the Poseidon system, and \$3.4 billion on submarine conversion and missile procurement.

The U.S. Air Force appears to have put more emphasis on missile accuracy than has the Navy. Confusion on this score must intensify Soviet worries about a U.S. first strike. Is the Air Force preoccupation with missile accuracy simply an exercise in perfectionism—in stretching technology to its attainable limits? Or is it a deliberate attempt to make missiles accurate enough to dig Soviet missiles out of their protective silos?

These perturbing questions are not resolved by the extreme secrecy surrounding MIRV. One thing seems clear; no nation would want to make a first nuclear strike at another using a weapons system that had not been adequately tested. Therefore, a MIRV test ban might be a very useful restraint of technology, provided that it is agreed to before either side tests enough MIRV's to be confident of the system. And one must add an important qualification—namely, the test ban would have to come before either side believes the other to have reached this point of confidence.

The Air Force has carried out almost 150 tests of its Minuteman I and II missiles. If a MIRV test ban occurs before the Air Force completes its current series of Minuteman III tests, one might jump to the conclusion that a test ban would undercut military confidence in this new weapons system. The facts are that developmental tests will be completed this spring, and that the system is already under production. While more tests will be programmed, these will come under the heading of reliability and readiness testing. In the case of Minuteman III, many of the subsystems common to Minuteman I and II have already been extensively tested. When the Soviets first made overtures about SALT talks two years ago, a MIRV test ban would have been a highly useful device, but the MIRV clock has been ticking away steadily and a test ban this year would be much less valuable.

If a MIRV test ban is to be accepted by the United States there would have to be provision for inspection of test violations. U.S. authorities privately make much of the fact that the Soviets have deployed the mammoth SS-9 missile—each one costing probably \$30-million—which has greater value for a first strike than the Minuteman III. To understand this asymmetric situation we need to take a closer look at the SS-9.

A close-up look at the SS-9 is something that a U.S. strategist would dearly love. As it is, he must be content with blowups of photographs taken by satellite cameras, and with studying the ballistic data about SS-9 tests. U.S. intelligence experts have concluded that the SS-9 is a highly accurate missile capable of hurling a single warhead having the power of 20 to 25 megatons—roughly a thousand times the power of the

bomb that eviscerated Nagasaki. If this immense payload is split up into three separate re-entry vehicles (RV's) then each RV could carry from 3 to 5 megatons, depending on its design and how it was targeted. (If SS-9 RV's targeted points hundred of miles apart, the megatonnage would be reduced because propellant would have to be provided to steer the warheads to their widely separated targets. Defense officials now give conflicting testimony about the SS-9's RV's, some saying they are independently targeted, and others saying that they are capable of being thrown only in a cluster.)

Whatever may be the status of the SS-9's present technology, few doubt that it is capable of carrying five or six times as many warheads as Minuteman III. It is this asymmetry that so alarms many defense officials. They feel that at the rate the Soviets are deploying the SS-9 missile, they will soon be capable of targeting the entire force of 1,000 Minuteman ICBM's. This was, in fact, the very basis of Defense Secretary Laird's case for turning the Sentinel antiballistic missile system into a means of protecting Minuteman silos.

Any *quid pro quo* in arms limitation is obviously made very difficult when the strategic systems to be limited represent unequal fire power. One could arrange a quota system for battleships because there was little ambiguity about such naval vessels. But land-based missiles can and do mount payloads of quite dissimilar power. MIRV upsets the simple arithmetic of one-for-one missile limitation and introduces a complex calculus.

The SALT negotiators will need great ingenuity to work out the higher mathematics of arms control and, perhaps, even greater inventiveness in educating their constituents in the new math of strategic arms limitations. That this will be a slow process is seen by the fact that in the 1969 meetings at Helsinki the SALT men did not even get around to discussing MIRV technology.

The basic dilemma of the would-be arms controllers is that they have no simple rule to equate nuclear fire power on either side of the Iron Curtain. The SS-9 and Minuteman III represents very considerably different throw weights. If the SS-9 can be fitted with six times as many re-entry vehicles as Minuteman III, the SALT talkers must fix some limit to SS-9 deployment that will satisfy U.S. experts that no Soviet first-strike capability will exist in the future. Since the Soviets have continued deploying SS-9's, they will soon have 300 of them.

According to a statement made last month by Defense Secretary Laird, the Soviets are increasing the rate of the SS-9 deployment. This SS-9 deployment is viewed as constituting an annihilatory threat to the U.S. land-based ICBM's. Many Senators hold the view that the Soviet Union has a very specific intent for its SS-9 capability. Senator Strom Thurmond, for example, recently stated:

"To sum up, then, Soviet strategic thinking contemplates a first strike, the Soviets have the capacity to build towards first strike, and they expect to be able to destroy our ICBM's without receiving a crippling blow in return."

Senator Thurmond did not reveal his reveal his source of intelligence, but clearly the fear of a first strike now dominates the defense scene.

The arms-control deadlock is so serious that a number of defense intellectuals have become convinced that some bold step will have to be taken to make any headway. Some of these men have turned heretical and have urged that the Minuteman ICBM system be abandoned, arguing that a system so shaky that it has to have its private ABM defense, which in turn is so shaky that it needs inner defenses to protect its radars, is not much of a deterrent. Rather, it becomes an invitation to aggression.

Asking the U.S. Air Force to give up its land-based missiles is real heresy. The fact that it is seriously proposed indicates how intractable the arms-control situation is becoming. It would undoubtedly precipitate a controversy that would make the Air Force-Navy clash on the B-36 look like a tea party. But it is becoming painfully evident that a failure to plan for the future control of weapons systems has brought us to our present impasse.

A way out of the arms race might be an agreement to work toward eliminating all land-based strategic missiles, relying instead on ocean-based systems like Poseidon. In this case, the size of the submarine hull and its practical limitation impose a near equality on the throw power of each side. In effect, by going to submarines as the sole basis of missile deterrence, we more or less standardize the size of the "first stage" of a "three-stage" missile. In this case, the first stage is the submarine itself. The submarine becomes the unit of fire power, and neither side attempts to limit MIRV; it simply accepts the throw power of all the missiles carried on board.

If the arms race cannot be brought under some measure of control in the early nineteen-seventies, the problems of agreements at a later date will be severely complicated by the onrush of weapon technology. MIRV is by no means the ultimate in the instrumentation of war. It is, in fact, only a preface to a whole series of acronyms—ABRES, ULMS, SABMIS, SAM-D and others too secret for alphabetical obscurity. ABRES, for example, stands for Advanced Ballistic Re-entry Systems. It is a defense program involving MIRV technology started in 1965; to date, \$540-million has been spent on this development. By the late seventies, weapons will come into existence that will make even today's emerging MIRV's look crude. Instead of "dumb" warheads that pursue a fixed ballistic course, the new systems will feature "semismart" reentry vehicles that home on their targets—and even take evasive action to avoid interception.

The art of projecting bombs is very old, dating back to very early days of warfare, but it did not start to become a science until Niccolo Fontana Tartaglia, an Italian mathematician, studied trajectories. His treatise on gunnery, first published in 1537, contained an observation that bears reproduction now:

"One day, meditating to myself, it seemed to me that it was a thing blameworthy, shameful and barbarous, worthy of severe punishment before God and man, to wish to bring to perfection an art damageable to one's neighbor, and destruction to the human race."

Tartaglia's self-admonition seems most remote from the ballistics of the James Madison, which puts out to sea this year and which in January of next year will be deployed with Poseidons on board. But Tartaglia was surely on target with his thoughts when we realize that a single nuclear submarine could visit the nuclear destruction of 160 Hiroshimas on another nation.

#### THE GREAT AUTOMOBILE CONSPIRACY

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RYAN. Mr. Speaker, Americans throughout the country have begun to realize how very serious the problem of

pollution is—in the air, in the water, and on land.

Many of them have also come to realize that they must do whatever they personally can to help improve our environmental quality.

One type of pollution—that in the air, is costly in dollars and in health. And one of the primary polluters of the air is the automobile.

Some people feel that their personal involvement in the fight against pollution means trying to obtain air pollution equipment when they buy a new car. Such equipment is available as a result of the strict automobile emission standards in the State of California.

But recently, there have been reports that some people have been virtually prevented by the automobile industry from making their automobiles pollution free.

According to Jack Anderson, whose column today discusses this "Car Run-around," both the Ford and Chrysler motor companies are attempting to discourage the sale of the auto pollution equipment on new cars being sold in States other than California. And for those who are determined enough to insist upon the antipollution equipment, the companies make it a slow and arduous process.

The question is why is the Federal Government so far behind the government of the State of California? Certainly, there should be national auto emission standards equal to, if not greater than, those of California.

For too long, the automobile companies have been promising that they would do their utmost about the problem of pollution. But promises they made 15 years ago are still unfulfilled. Little or nothing has been done despite the fact that automobile pollution has been a problem for years.

It is obvious that the American people cannot allow the automobile industry to make the decision for them as to how soon the automobile will be pollution free.

The time for begging and cajoling the industry to do something has gone. We must have action, and the way to spur such action would be for the Federal Government to get tough with the manufacturing.

We have been too lax, too long about adequate automobile emission standards and by doing so, we have slowed down the antipollution process.

The State of California has taken the lead. The time has come for the Federal Government to take its rightful place in the leadership against automotive pollution.

If American citizens are willing to pay for antipollution devices on their cars, they should be able to obtain them.

The time has come for the Federal Government to stop pussyfooting around with the auto industry.

The time has come for the Federal Government to show the automobile manufacturers that it means business—that air pollution is destroying our environment and will be wiped out.

I include in the Record the portion of

Jack Anderson's "The Washington Merry-Go-Round" which appeared in the February 26 Washington Post and deals with this subject:

#### THE WASHINGTON MERRY-GO-ROUND CAR RUNAROUND

If anyone outside California walked into a Ford or Chrysler showroom and ordered a new car with the advanced air pollution equipment now required by California law, he would be told he couldn't have it.

Although the devices are the best available, this column has learned that Ford and Chrysler are actively discouraging their sale outside California.

The price manuals issued by both companies to their dealers across the country state unequivocally that the special antipollution equipment is available on California cars only.

Furthermore, the Chrysler computer system is programmed to reject automatically any order for the equipment should one come in from one of the other 49 states.

Spokesmen for both Ford and Chrysler, nevertheless, acknowledged to this column that there was no reason why a determined buyer, willing to wait a little longer for his new car, could not obtain the special device.

Thus both companies admit they have issued false information to their dealers, which is bound to discourage the purchase of pollution-control equipment.

The equipment in question is a system which curbs pollution from the evaporation of gasoline in fuel lines, tanks or carburetors. It costs about \$40.

A Ford spokesman said the company "thought it was advisable to test this system for a year to perfect the design and service techniques" before making the equipment available nationally.

He acknowledged, however, there was no doubt that the system worked effectively and he said no particular service problems had been encountered.

#### YOUTH SERVES AMERICA

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. PRICE of Texas. Mr. Speaker, as we are all too well aware, militant youths have vented their venomous spleen on many of our social institutions. In the process, the police departments in many of our Nation's cities and towns have been targets of vicious attacks.

To find a vivid illustration of the type of behavior I am referring to, one need turn no further than the just concluded Chicago conspiracy trial. Regrettably, behavior such as the defendants exhibited before and during the trial has been the subject of extended treatment by the media and the press. In fact, it seems that whenever youthful groups of militant malcontents gather and demonstrate, the media and the press is there to record and circulate their outrageous activities. While I am confident that such is not the case in every instance, this happens so often that in the minds of many adults, American youth in general is becoming increasingly suspect.

As a direct result of this growing climate of dissatisfaction with youth, there is a tendency on the part of some peo-

ple to overlook the fact that most American youths are not militants or anarchists. On the contrary, many of them are vitally concerned with the state of the Nation. In addition, their concern takes a positive rather than a negative direction.

Mr. Speaker, I would like to bring to the attention of my colleagues one example of the kinds of positive action that youth is taking in an effort to contribute to society.

An editorial appearing earlier this week in the Washington Evening Star stated that more than 125 college students have registered to take the civil examinations for the New York City Police Department. These students are not attempting to join the police force in an attempt to fulfill childhood dreams and fantasies; rather, they are trying to render a greatly needed community service. They realize what the militants ignore; namely, that creative involvement in social problem-solving, and not senseless destruction of social institutions is the true measure of individual concern.

The students in the New York experiment are not fleeing to Canada to evade their military obligations; neither are they traveling to Cuba to harvest Castro's sugar cane. Instead, they are working within society in an effort to improve society. This is the right way, this is the American way.

I urge all my colleagues to read the following editorial. Perhaps the budding New York program should be experimented with throughout the Nation. After all, municipal police departments deserve the best of everything America has to offer. Both the needs of social order and the needs of social justice demand nothing less.

The editorial follows:

#### COLLEGE COPS

In New York City, more than 125 upperclassmen at Harvard, Yale, and Princeton, as well as Union Theological Seminary other colleges, have signed up to take the New York City examination for the police force.

They are not dropouts, actual or potential. They are, presumably, students concerned with the future of their society and their own contribution to that future. They also are students who have heard the powerful persuasion of New York Police Sergeant David Durk, a 1957 Amherst graduate now a Ph.D. candidate in public administration and sociology at New York University.

Sgt. Durk's plea is simple and to the point. "If you really care about cities," he tells potential recruits, "if you really care about individual people, don't join the Peace Corps or VISTA. Become a policeman."

This statement flies in the face of the conventional wisdom of the New Left, in which police are "pigs" and oppressors of the masses, but as Sgt. Durk goes on to say, "The victims of crime today are overwhelmingly poor and mainly black. As a cop you can have a real and immediate impact on the lives of people that is totally unlike any other alternative before you."

Sgt. Durk's program makes sense from every point of view: the raising of the sights of the police force as a community service organization, the channeling of youthful idealism into effective outlets and even such more distant goals as the breaking down of false occupational barriers raised by the increase of the college population.

The program he speaks for is a very hope-

ful one as part of the continuing attack on the problems of the cities. May it be successful in New York and be adapted to other cities, including our own.

#### CALIFORNIA BANK BURNED— COMMUNIST AGITATION AND PROPAGANDA—III

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RARICK. Mr. Speaker, a wire service story from Santa Barbara, Calif., recounts the burning of a bank in what is euphemistically referred to as a "disorder" in the Isla Vista community, 6 miles from the campus of the University of California.

The story also reports that William M. Kunstler, who is under sentence for criminal contempt of court in Chicago, made a "campus speech" which was followed by the outbreak of fires and window smashing. Readers of the Washington Star, however, are not told that the rioting and burning followed a harangue by Kunstler in which he repeatedly urged his young listeners to "take to the streets" in support of the revolution.

The California episode is typical of the standard technique of Communist agitation following conviction of any of their number. It is the course of action which all of us can expect as long as there is any possible gain for the subversives.

Since Kunstler is supposed to defend H. Rap Brown in another riot and arson case in Maryland next month, it is not a bad idea for the appropriate authorities in the Free State to consider whether or not his conduct as an officer of other courts merits his admission as an officer of the Maryland courts, even pro hac vice, or whether he should be denied a forum for further incitement to violence.

Notably, the appropriate authorities in the District of Columbia are looking into disciplinary proceedings in the case of Virginia ACLU attorney Philip Hirschkop, sentenced for a similar contempt by a Federal judge here.

Pertinent newsclippings are included in my remarks:

[From the Washington Star, Feb. 26, 1970]  
EIGHT HUNDRED PROTESTERS BURN BANK IN  
SANTA BARBARA

SANTA BARBARA, CALIF.—Rampaging demonstrators protesting the "capitalist establishment" burned down a Bank of America branch early today while outnumbered police and firemen watched helplessly.

Police reinforcements were called in as about 800 protesters watched the flames burn out the inside of the one-story, brick building. Then a solid front of 240 helmeted officers swept through the campus community, Isla Vista, dispersing the crowd without a confrontation.

Retreating protesters threw rocks at advancing policemen, injuring 15 to 20 of them—none seriously—deputies said.

Police said they arrested 34 young persons for investigation of failure to disperse.

Deputies said later the situation was "pretty much under control" and that offi-

cers were dispersing about 200 stragglers scattered along streets and alleys.

The one-square-mile Isla Vista community is populated mainly by apartment-dwelling students from the adjacent University of California campus six miles north of Santa Barbara.

The demonstrators, numbering 1,000 last night, said they were protesting the war in Vietnam, the "capitalist establishment" that financed it, and what a student spokesman called "increasing police repression aimed at stifling political dissent."

One demonstrator, Kevin McElhinny, 17, San Jose, Calif., said the bank was under siege "because it was there, it was the biggest capitalist establishment thing around."

Another demonstrator who wouldn't give his name said the bank "is an example of American capitalism which is killing people all around the world and in the United States."

The outbreak of fires and window smashing followed a campus speech yesterday afternoon by William M. Kunstler, a defense attorney in the Chicago riot trial. All the windows of the same bank branch were smashed in the start of the trouble Tuesday afternoon.

Sheriff James W. Webster had described the situation as "completely out of hand" last evening. He asked Gov. Ronald Reagan for National Guard troops, but Guardsmen were not mobilized.

The bank fire was set by several protesters who rolled a gasoline-soaked trash bin in through a smashed window, and set it ablaze against a wall, deputies said. Students from a nearby fraternity put out the blaze, but protesters fired it up again just before midnight.

Before the sweep of the area, helicopter officers using a bullhorn and a powerful spotlight ordered the demonstrators to disperse, but few did.

Shortly before the bank fire, demonstrators overturned and burned a patrol car after the two outnumbered deputies fled. It was the second patrol car burning of the three-day disturbance.

The bank manager said an undisclosed amount of money was in the bank's fireproof vault and he did not expect to find it damaged.

Firemen had been ordered to stay away from the bank blaze for fear demonstrators might attack them.

"We went to the fire but the sheriff's men lined across the street wouldn't let us by," and Fire Capt. Clarence Saletti. "They feared for our lives because of the demonstrators."

[From the Washington Star, Feb. 26, 1970]  
COURT DISCIPLINE PANEL PROBES "D.C. 9"  
LAWYER

(By Donald Hirzel)

Lawyer Philip Hirschkop, who received a 30-day jail sentence for contempt during the recent trial of the "D.C. 9," has been referred to the U.S. District Court's Committee on Admissions and Grievances for disciplinary action.

Hirschkop's case was turned over to the committee by Judge John H. Pratt, who presided at the trial of the nine defendants charged with vandalizing the Washington offices of the Dow Chemical Co.

The committee could reprimand Hirschkop, suspend him from practice or disbar him.

The judge refused to comment on the situation yesterday, but it was learned that the committee already has reviewed the transcript of the trial for evidence of contempt by Hirschkop.

Hirschkop has appealed the 30-day jail sentence. He is free pending the appeal.

The "D.C. 9" were charged with breaking into the Dow Chemical Co. office here last

March 22 and destroying property in a protest against Dow's production of weapons for use in Vietnam.

During the trial, two of the defendants entered guilty pleas to destroying property. A jury found the others guilty of unlawful entry and destroying property. All are awaiting sentence.

The trial was marked by repeated outbursts from spectators and the defendants protesting the ruling that they could not represent themselves. There was one scuffle with marshals.

Pratt charged Hirschkop with showing disrespect for the court during the proceedings and remarked that his conduct was "degrading to this tribunal."

Hirschkop claimed in a television interview that he had not been disrespectful, but merely was defending his clients.

His attorney, David Rein, in the same interview charged that the judge's action was a "reprisal against an attorney representing unpopular clients."

The interview was carried on WTTG-TV's "Ten O'Clock News" on Feb. 11. The disciplinary committee has subpoenaed the television film.

Thomas J. Dougherty, the Washington counsel for the Metromedia network was scheduled to appear before the committee today to determine whether the station would comply.

"But I must say, I don't like this method of proceeding," Dougherty said.

#### WILLIAM BRANDON SERIES ON THE AMERICAN INDIAN

### HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. KASTENMEIER. Mr. Speaker, the *Progressive* magazine, the historic and distinguished monthly journal which is published in Madison, Wis., has, for some time, been concerned that pitifully little attention was being paid to the unresolved problems confronting our first citizens, the American Indians.

The *Progressive* turned to William Brandon and asked him to write a series on the plight and prospects of our Indian citizens. Few individuals are as well qualified as William Brandon to provide us with an insight into Indian affairs. His classic work, "The American Heritage Book of Indians," published in 1961, was the only serious attempt ever made at an overall synthesis of the history of American Indians.

For this undertaking, Mr. Brandon visited scores of reservations, conferring with Bureau of Indian Affairs officials, health authorities, local politicians, teachers, and, most importantly, the Indian people themselves. As a result of his studies, Mr. Brandon has presented a perceptive series of articles on the Indian problem which the *Progressive* published in its December 1969, January and February 1970 issues. I highly recommend my colleagues read these articles:

AMERICAN INDIANS: THE ALIEN  
AMERICANS

(By William Brandon)

American Indians remain our one unhyphenated minority. The American Indian world is so alien to us, so alien still, after all the generations of mortal embrace, that no one would say Indian-Americans any more

than one would say Martian-Americans. It is an alienness rooted in the very foundation of the Indian world, which rests—still today—on a sense of community as against the foundation of individual contention, individual acquisition, underlying the surrounding world—an alienness attuned to a harmony of human relationships rather than a harmony of commerce and industry, attuned to belonging rather than belonging.

The existence of so foreign a body in the greater American body politic is secured by the strongest of legal safeguards: treaty rights or equivalents thereof. For all such august protection, it becomes from time to time an existence most precarious. The late Felix Cohen, legal philosopher and the nation's great expert on Indian law, wrote (at the time of the onset of McCarthyism in the 1950s), "Like the miner's canary, the Indian marks the shifts from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall of our democratic faith."

When Indians have hit the streets (if not the warpath) in recent years it has nearly always been in protest against invasion of specific guarantees. "Treaty treks" marched, to a tom-tom beat, along the rivers of the Northwest in 1964 when the state of Washington tried to cancel Indian fishing rights protected by Federal treaties. Mohawks along the Canadian-New York border demonstrated during 1969 against Canadian abrogation of a 1794 treaty dealing with right of passage. (In a peripheral piece of this action a Mohawk matron thumped an undersheriff in the seat of the pants with a genuine tomahawk.)

The history of the American Indian world is in essence the story of raids, frauds, thefts, beguilements (often ardently well meant, as by missionaries), besiegements, and occasionally blunt frontal assaults upon Indian rights and possessions.

The Federal Government, legally responsible, by treaty, usually, for the Indians' defense, has customarily reacted to such attacks with an eye to their political implications. President Andrew Jackson stated in connection with the "Great Removal" of the 1830s the policy that has been pretty much followed ever since: "The matter is not one of right but of remedy."

The Great Removal was the forcible ejection of Indian communities from Georgia, Mississippi, and Alabama in direct contravention of absolute guarantees in several treaties, the earliest having been negotiated some forty years before by President George Washington. The "right" of the matter had to give way to some "remedy" that could accommodate the political poundage—state politicians, real-estate speculators, missionaries—behind these demands for removal of the Indians from their rightful homes. Therefore the Indians of the Southeast were "removed" and given a new Indian Territory in the West that this time would be theirs forever for sure: "The pledge of the United States has been given by Congress that the country destined for the residence of this people shall be forever secured and guaranteed to them," said President Jackson. The country so destined is now Oklahoma.

Indian groups have swallowed painful remedies for a long, long time through the years, and, what is more to the point, are still swallowing bitterly away today. More than ninety million acres of land went in one strong dose alone—the Allotment Act of 1887, which allotted to individual Indians family-sized farms from small portions of a number of immense reservations and opened the residue to white development; the biggest gold mine in the world is another—the Homestake in the Black Hills, taken at gunpoint by means of the Sioux Wars of the 1870s in direct contravention of the Sioux treaty of 1868; the school system called by educators the finest of the time west of the

Mississippi—that of the Cherokee Nation, confiscated by Oklahoma politicians in 1907—is another; bits and pieces large and small, spiritual and fiscal in a thousand others.

The Indian world has been under constant siege, in a very real sense, for generations. Its land base, supposedly protected under trusteeship of the U.S. Government from any sale or loss, has been chipped away and its alien soul cannonaded by incessant economic pounding until the mere fact of its survival at all has become one of the marvels of history.

Chief Shenandoah of the Onondaga and the Six Nations Iroquois, speaking with the majesty of a sachem of old at the kitchen table of his tatterdemallion little house in upstate New York, says, "We have a right to have an Indian community here, a right given us by treaty after treaty, but our land has disappeared. How can we keep our community here, because there is not enough land, there is no way to live?"

By "community" is meant not a mere neighborhood but a tribal community, to some degree under its own jurisdiction, its people never unaware of a relatedness, by blood or by spirit, one to another.

In Oklahoma, Dr. Everett Rhoades, Kiowa tribal councilman, told me that the Bureau of Indian Affairs has been "weakest in its trusteeship of Indian land, in letting land drift away." On the West Coast I talked to Rupert Costo, tribal chairman of the Caahuilla Indians and president of the American Indian Historical Society, who defined "the economically forced abandonment of reservations" as a most urgent basic problem.

Indian populations are growing—twice as fast as the national average. The people want to stay together as members of living communities, but because of lack of productive land they don't have room—and because of hamstrung reservation development as well as the out-of-the-way location of most reservations there are not enough (are not any, in many cases) jobs handy.

But the communities do survive. The people stubbornly persist in remaining together.

In hard times, white Americans, or black or brown or yellow Americans for that matter, sing, "So long, it's been good to know you," and hit the road for what they hope will be brighter prospects elsewhere. But red Americans are more likely to stick together, come what may, cling through hell and high water to the life of their community, an overlife that is simply more important than individual opportunity; they reveal in this how deeply alien is their music.

The appalling, the downright unreal statistics of Indian poverty spring in large part directly from this iron refusal to surrender and disperse and go get lost ("assimilated") in the white man's cities.

During the last hundred years the lands and belongings of the Oglala Sioux have been stripped from them until the remnant now left cannot possibly support their community of nearly 14,000, this even though their reservation, Pine Ridge in South Dakota, is still one of the largest in the country (1.5 million acres). This is a country of badlands and vast ranches—I camped for days in barren hills that could support only ghosts. The productive land can provide a living for no more than a small fraction of the Oglala population, most of that in cattle-ranching. Eight per cent of the reservation is suitable for dryland farming; there are very few other jobs of any kind within reach, and so, at the latest count (1968), some 955 persons had full-time jobs out of an "available labor force" of more than 3,000, with 607 others at work part time (including migrant farm-handling); one-third of the people had a family income, counting welfare and any other nickels and dimes from any source, of less than \$999 per year; nearly one-half of the people were on some kind of welfare

(average amount less than \$25 per month per person); half of the people were still living in one- or two-room mud-caulked log houses and some hundreds in tents winter as well as summer. Nine out of ten homes have no electricity, nineteen out of twenty no running water; most householders have to transport water a quarter-mile or more.

But the people will not give up and go away. Over the last ten years some one hundred Pine Ridge families a year have been persuaded to emigrate—during which time the reservation population has increased twenty-five per cent. Pine Ridge yields grimmer statistics than the Indian world as a whole. For instance, American space-age technology has by now brought running water to almost half of all Indian reservation homes over the country, but even so a somewhat similar picture is fairly common. Indian communities are surviving—some five to six hundred villages and reservations throughout the United States including Alaska, totalling more than half a million souls (an additional several hundred thousand Indians are out on their own, assimilated, more or less)—and some communities are even thriving, as communities. But the cost in individual distress is immense.

If the people won't depart even where their alien enclaves are rendered all but untenable, reduced to all but debris, well, it's a free country, they can stay and starve, they can stay and watch their infant children die at three times the national rate for the first year of life after coming home from the maternity clinic. A white child has a better chance of living to age forty-five than an Indian baby of living to its first birthday.

They can stay and watch their infant children sicken from the wild diarrhea that is related to malnutrition and the filth of poverty and apparently linked to permanent mental retardation; they can stay and watch the children contract the eye and ear infections that are all but unknown to the surrounding outside world and that so often lead to permanent blindness and deafness. They can stay and watch their boys and girls commit suicide at a rate that can attain some very cold and distant heights—"parents are lost in despair and do not dare to look their children in the eye," writes an ethnologist long familiar with Fort Hall, Idaho, where the suicide rate has run as high as ten times the national average and, for teenagers, has reached one hundred times the rate of the American world outside.

There are people red and white, in and out of the Government, some of them dedicated well beyond any call of duty, doing their utmost to help however they can in the Indians' desperate defense—and there are maybe still more people, sometimes red as well as white, in the Government as well as out, doing their best to maintain relentless pressure against Indian communities, regarding as both inevitable and desirable the eradication of the alien Indian world, disintegration of the communal un-American tribes, and full integration of surviving Indian individuals into the "American mainstream."

An anti-Indian weapon that was wrought great mischief in this long siege is a widespread notion, utterly erroneous, that Indian lands are really public lands, owned by the Government and available for public use. This misconception springs from the Government's customary role as trustee of Indian lands. In fact, of course, most Indian reservations were established in payment for cessions that at the time were regarded as important, and usually confirmed the Indians in permanent and complete ownership of their reserved lands in the most explicit possible terms; and as a rule the treaty commissioners felt they were making splendid bargains and as a rule they certainly were. President Washington said of the 1790 treaty

that President Jackson refused to honor some forty years later that it was "of great importance to the future tranquility of the state of Georgia as well as of the United States" and told the Senate that on it "the fate of the Southern states . . . may principally depend . . ." for the treaty obtained the vital support of the Creek Indians in securing the southern border of the new United States against Spain.

More often, though, such treaties and agreements were made in return for cessions of land, and in addition to spelling out Indian land rights and other compensation, swore most solemnly to protect the Indians and their property from any rapacious neighbors, including state and local governments. It was to effect this protection that the Federal Government assumed the above-mentioned trusteeship.

The Administration of President Washington confirmed certain lands in and about the western end of the state of New York as "the property of the Seneca Nation; and the United States will never claim the same, nor disturb the Seneca Nation . . . in the free use and enjoyment thereof. . . ." (A typical time limit placed on such contracts was "As long as the moon rises, the grass is green, the rivers flow, and the sun shines.") But the U.S. Army Corps of Engineers, recommending in 1938 the use of some of these lands in the "take area" (area to be flooded) of the projected Kinzua dam, noted only that some "treaty difficulties" might be encountered; these were left prudently unmentioned when the project was put before Congress as one of many in a routine Public Works Act. Eventually they were brought to public attention in something of a furor that may have raised the price of the conscience money paid the Seneca Nation, but in the end the Corps of Engineers got the land it wanted and the treaty was violated.

The Metropolitan Water District of Los Angeles is an old hand at the legerdemain of private right and public wrong so prevalent in current Indian affairs. In 1936 it drove a tunnel through the mountains above the reservation of Soboba in southern California and in doing so broke into the underground water-course that gave the reservation its water supply. Soboba's three streams and two dozen artesian wells promptly dried up. Its couple of hundred residents, Cahulla Indians, were left without water and are still without water. A \$200,000 hospital on the reservation, for the use of Indians in all the surrounding region, fell into ruins. The people, those who tried to stay, had to haul water, and still do. Non-Indian ranchers in the vicinity received prompt settlement of damages but the Indians are still trying to collect from the Metropolitan Water District, since grown into a huge complex of power, one of the ruling forces of California. The Federal Government, which as trustee of the damaged lands had to approve legal action, declined, for reason of its own, to do so; a claim then brought against the Government, following the establishment of the Indian Claims Commission in 1946, is still pending.

If the Government seems none too speedy in considering the sufferings of the wronged Soboba people, it has been even less so in the case of four reservations (Pala, La Jolla, Rincon, and Pauma-Yuima) along the San Luis Rey River in Southern California, where in 1894 the Escondido Mutual Water Company diverted much of the water without a by-your-leave from a point on the river above the reservations, and in the 1920s a dam took most of what was left. As with Soboba, the Indians concerned, thwarted in all other recourse, at last submitted a claim against the Government. This claim is also pending its leisurely way, while the Government lawyers are developing the interesting argument that the Indians should be suing not the Government but the persons who took their water, and that it is no proper

concern of the Government's right hand, now serving as counsel for the defense, if the Government's left hand has prevented precisely such suits.

These Indians are poor, and the poor don't have to be alien in order to learn patience in the halls of justice. But some relatives of the Soboba people, the Agua Caliente band of Cahulla Indians at Palm Springs, California, the "Palm Springs" Indians, still have land holdings in that wealthy resort community and are therefore the richest Indians in the world, as everyone knows, or as everyone knew until 1967 when it was discovered they had been systematically short-changed for quite some while out of quite a lot of change.

Palm Springs was big business by the 1950s, and the Bureau of Indian Affairs came in at the time for impatient criticism over red tape that was holding up the "development" of various Indian lands, most specifically a tribally owned section (640 acres) in the center of town. Between 1955 and 1958 the BIA transferred much of its trusteeship jurisdiction over these lands to Judge Hilton H. McCabe, of the state Superior Court in the Palm Springs area; a California law of 1957 then gave state courts broad powers for appointing "conservators" to handle the affairs of owners of estates who might be assumed deficient in business skills. Federal legislation of 1959 then divided most of the Agua Caliente's tribal lands among the band's 104 members, who were promptly bestrewn with choirs of guardians and conservators. Edmund Peter Siva, an Indian conservatee, said later that by 1961 "everybody was grabbing himself an Indian."

In 1964 the Agua Caliente Tribal Council formally charged the Bureau of Indian Affairs with "an unwarranted abdication" of its trust responsibility, and alleged a reign of wrong-doing under the Superior Court's administration; Judge McCabe was hastily promoted out of the fire to a place as presiding justice in one of the state Appellate Court divisions; and in 1967 reporter George Ringwald of the Riverside, California, *Press-Enterprise* won a Pulitzer for a series of articles describing the details of the lucrative Indian-conservator racket in Palm Springs.

It was disclosed that guardians and conservators had collected fees that frequently ran to more than fifty percent of the Indian conservatee's income and sometimes went as high as 250 per cent; judges had received questionable fees; attorneys had collected fees from lessees of Indian land at the same time they were taking fees from the Indian lessors; conservators had received kickbacks from real estate brokers; Indian land had been sold without consulting the Indian owners; conservators had turned many a pretty penny, in one instance accumulating as much as a quarter of a million dollars, while Indian conservatees had perforce lived more modestly—in one case a conservator took as fee \$9,000 from \$9189.73 cash on hand in the conservatee's bank account; in another an Indian minor child was given about \$3,000 out of a total income of some \$23,000, guardians and their lawyers taking the rest.

Clearly the BIA, officially obligated to conserve and defend the rights and appurtenances of the Indian world, is not very well armed to withstand attacks from weighty politicians or influential local interests.

It is still more vulnerable to sibling rivalry within its parent organization, the Department of the Interior, where it has long lived a stepchild's life in the secretariat of Public Land Management.

A classic sibling contest is now in progress at Pyramid Lake, Nevada, where the United States Bureau of Reclamation and sundry allies have challenged the BIA for the waters of the Truckee River, which supply the lake, which in turn is the property of the Northern Paiute Indian Tribe, but which may be ex-



tracted from the Indians' pocket by the simple expedient of drying it up.

The thirty-mile-long lake, one of the real beauty spots of the desert West, is the only possession of any consequence of the Pyramid Lake Paiutes, and could be of considerable consequence in future development. But irrigation districts and the Bureau of Reclamation have been diverting more and more Truckee water for years, for the ultimate benefit of white ranchers and the real estate speculators of nearby Reno.

One of several water-use deals in the area is the Reclamation Bureau's Newlands Project which covers miles of country south of the Pyramid Lake reservation (some of this, ironically, land filched from the reservation in earlier years), an effort to make the desert bloom that hasn't been doing too well—Newlands is at the bottom of the Reclamation Bureau's Crop Production Report, highest in water cost, lowest in crop yield. Nevertheless the Reclamation Bureau is pushing its ditching program and wants some 400,000 acre-feet of water annually for the Newlands project. A Federal court gave the Paiutes a legal right to 30,000 acre-feet annually in 1944, but only for irrigation—none whatever for their lake. No one denies that the lake was made Paiute property in perpetuity by a Government decree of 1859—but where does the decree say anything about the lake being obliged to have water in it?

The justice of the Paiutes' cause is so patent that the issue is simply one of "ordinary decency," as an eminent authority on water law was quoted in *The Christian Science Monitor*. But Secretary of the Interior Walter Hickel, after a conference with the Republican governors of Nevada and California in "the forty-foot mahogany cruiser of a Reno gambler" (new item) on Lake Tahoe, has thrown the whole weight of Interior against the Paiutes and the BIA and in favor of a "reduction" of the lake.

There used to be a sign beside the road on the Pyramid Lake reservation bearing only the words "God Bless You." I didn't see it when I camped there one night of full moon last June.

Everyone says, "Wasn't it awful what we did to the Indians a hundred years ago?" But no one—except the besieged themselves, the aliens, the Indians—seems to notice that the process is still in business, very much so. The chasm of alienness is so deep that we are blind to the outrages committed within it. Our injustices toward Indians are not really intentional, just invisible.

Certainly the many individuals high and low who put through the Kinzua project could not all have been conscious that they were outraging President Washington's—let alone their country's—word of honor. The engineers and the lawyers and the steel mill people (an important purpose of the Kinzua dam was "to slake the thirsty boilers of Pittsburgh steel mills," as one expert put it) and the politicians were for the most part just doing their jobs. True, the Senecas did not want to sell any part of their ancestral lands at any price and regarded the seizure as a gross illegality, but after all it was a minor thing, wasn't it? Only 130 families dispossessed—and they were paid enough to make it right twice over, weren't they?

The Kafkaesque delays encountered by the people of Soboba have come in part from efforts by the Bureau of Indian Affairs down through the years to make use of the Soboba water situation for its own ends. Any settlement with the Metropolitan Water District had to be approved by the BIA, which attached, to any proposed settlement provisions requiring the Soboba people to surrender their rights to certain tribal safeguards and government services, a "termination" agreement the BIA had long wished to force from the Soboba Cahuillas, and that the Soboba people steadfastly refused. The officials try-

ing to coerce these distressed Cahuillas into accepting such a settlement were themselves, as a rule, certainly disinterested, even uninterested—they were simply carrying out a policy that was part of their job. Whether it was just or not was none of their business.

Official findings have held that maintaining Pyramid Lake for the Paiutes was not a "beneficial use" of Truckee River water, while cattle-raising and new irrigation districts and maintaining marshland for duck hunters were "beneficial uses." It is difficult for our officials to take an Indian community seriously not only as a moral entity but even as a serious business enterprise. If Pyramid Lake were owned by, say Pacific Gas and Electric, it is highly unlikely two governors and a Secretary of the Interior would be conspiring to abduct it.

The sense of such alienness, such differentness, may help explain the curious fact that so many good people not officials of our institutions, seem to feel it is no crime to steal from Indians. As in eastern Oklahoma, where some of the poorest people in the United States, people of backwoods Indian communities, live in some of the most beautiful country in the United States (they are, incidentally, some of the handsomest people in the United States). Senator Robert Kennedy, visiting the region in 1968, found large families living in tiny tar paper shacks, ninety per cent of the Cherokee families of Adair County on welfare, ninety-nine per cent of the Choctaw families of McCurtain County on welfare, annual income—for those who could find work—averaging \$700.

How can these fine-looking people manage to be so poor? One way is by being robbed of their land. Around the turn of the century the U.S. Government possessed itself of most of the tribally held lands in eastern Oklahoma (some 60 years or so after President Jackson's remedial promise to the contrary), giving individual Indians small-farm allotments. For years it has been a local sport to steal these little parcels of allotted Indian land. The rules are a breeze. An allotment, exempt from taxation by act of Congress, happens to be included on the county tax rolls, by accident of course, unbeknownst to all and especially unbeknownst to the Indian owner. Somehow, though, a non-Indian citizen happens to know about it, and presently buys the land for delinquent taxes. After fifteen years, the statute of limitations having run out, the new owner announces himself, and the Indian ex-owner is duly evicted. The ex-owner then has open to him a freelance career in the serfdom business.

A most respectable Oklahoman, for years a minister of the gospel, talking to me of this land-swindling, confessed with some shamefacedness, but only a little, that he himself had once bought 300 acres at thirty cents an acre. Then his conscience had smote him a mite so he had sold it—for \$13.50 an acre. But, he said with some relief, his conscience was clear now because his son, who of course was honest, being well brought up, owned 2,000 acres of such land.

They live in the very epicenter of the Bible belt, there in eastern Oklahoma, and surely not a one of them would stand up for sin.

The Indian world, communal, unbusinesslike, devoted more to living than to getting, so un-American it is outside the pale of ordinary decency for good Americans, may indeed be more American, and better American, than yours and mine. It is simply different.

For some Americans it is so different it is an anti-world. "Did the United States destroy the Indians? No, but it should have," says a headline on the cover of a recent issue of the *National Review*, presumably stating the position of the extreme right in regard to Indians.

As a different world, as anti-world, its existence may fulfill a need for the rest of our

society, an unconscious need, perhaps. Witness the hippies' somewhat pathetic attempts to tie up to this shadowy Indian world, so little known but somehow sensed as a new Mount Ararat.

It is this Indian world, this world of alien Indian communities, that is the miner's canary for our democracy.

It is still alive at this writing.

[From the Progressive magazine, February 1970]

#### AMERICAN INDIANS: THE REAL AMERICAN REVOLUTION

(By William Brandon)

A young Indian girl in Berkeley told me that in saying goodbye to her old-fashioned parents—her mother in blanket and high moccasins, her father in sober tall black sombrero—she had felt she was leaving them as far behind as on another planet, because she was becoming a "catalyst of rebellion" in the Third World Liberation Front. Yet the objectives she would fight for with the TWLF—more money, better jobs, even the grand objective of seizing power, were the usual and proper aims of the apple-pie American world. Her tribal parents, inhabiting a world of truly different dimensions, uninterested in proper American values, not even interested in seizing power, were, it seemed to me, the real revolutionaries of her family, absorbed in an authentic revolutionary movement: their Indian community.

The radical character of the Indian world is most easily discernible in its sense of community, a community identity originally founded on the custom of communal ownership: ownership of land in common by a related group of people is one of the few traits that might be applied sweepingly to nearly all American Indians throughout the hemisphere. This community superlife, based on a communal ownership still frequently in evidence, is the unique quality of the Indian world. It is an attitude truly revolutionary for our present world, which rather derives from the Old World kingship pattern—public domain regarded as the property of a ruling government apparatus, a notion prevailing in most modern states, socialist or Communist included.

In the true communal ownership of Indian tradition, each member of the community has an "absolute and complete" right of actual ownership, as the U.S. Court of Claims held in an 1893 opinion later sustained by the U.S. Supreme Court. "Chiefs and headmen" have no authority to dispose of these rights, and even a majority of the tribe or community has no authority to sell the communal property, which would seem to constitute, said the Court, "taking away the property of the minority and disposing of it without their consent."

The communal point of view has always been difficult for the private-ownership mentality to grasp. The 1893 Court remarked that this difficulty was no doubt at the bottom of "many of our troubles with the Indian tribes." It still is. It is the alienness of this communal identity that elicits much of our harassment (conscious and unconscious) of the Indian world, that puts Indian children at odds with our schools, and that fires the pressures for "termination" of Federal protection of Indian groups with the ultimate objective of forcing the collapse of the Indian communities, compelling their people to disperse and, at last, to become "assimilated" in our own competitive culture.

Although Indian leaders, too, give lip service to the pious aims of more money and better jobs, these are acceptable only on the Indian community's terms. The people of an Indian community generally will not sell out for individual opportunities no matter how alluring, will undergo any priva-

tions to remain part of their living community. The community superlife, calling for inter-personal harmony rather than inter-personal striving, is in absolute opposition to the orthodox American gods of work-as-a-virtue and amassing personal wealth as the measure of success.

"Nor have I been able to learn," wrote Columbus of the first New World people he met, "whether they held personal property, for it seemed to me that whatever one had, they all took shares of. . ." Even after nearly five centuries of acculturation in the profit motive, much of this quaint tendency still survives in the depths of the Indian spirit. Vestiges of it may be seen now and then on the surface: In the spring of 1969 a Wisconsin jury found a city-dwelling Ojibwa Indian not guilty of auto theft for the temporary appropriation of another city-Indian's car, after hearing testimony on the Indian tradition of communal property.

The Indian world does not preach its revolutionary ideology. It would for the most part recoil in embarrassment from anything like the New Left's aggressive self-righteousness. It is usually so indrawn as to seem occult and secretive. But even without proselytizing, the long-run redskin revolution may well have changed the world, already, more than might be supposed, by the mere example of the Indian presence, with its seeming classlessness and freedom from toil and tyranny. Rousseau and Marx and Engels, among others, made specific acknowledgment of its influence. Today's hippies, now a worldwide fifth column, profess in words and costume their vision of the revolutionary Indian community. The "correctness" of the vision is immaterial; what counts is the reality of the tension the Indian influence can still bring to bear against the majority morality.

Will we, can we, permit this revolutionary world to go on ticking away in our midst? The obvious response is that of course we can and of course we should—we should, in fact, do everything in our power to aid its survival. The continuing Indian revolution is essential to the health of our own world in more ways than one: not only in providing our democracy with the oxygen of a truly alien presence, but in keeping alive that heart-beat of community so strong in the Indian world, so feeble in our own, so necessary, possibly, to the survival of us all.

But is communication already choked off between the two worlds, red and white? Has the Indian world already been shattered beyond repair? If not, what then can citizens of good will and concern do to help?

I think communication is wide open, for anyone who will lend an ear and a voice. The Indian world won't preach but it loves conversation. The bitterness that has come into being between black and white is not generally echoed between red and white—at least not yet. The one thing he knows about white men, says James Baldwin, is that they do not want to be black; but this is not so true as to red and never has been. In some areas a certain cachet has always attached to being an Indian, and too many non-red Americans still listen with romantic longing to the distant Indian drum and "yearn with tenderness for its days calm and innocent," as Rousseau wrote two hundred years ago.

So what exactly can we do? We can help in many ways, some easy, some hard. It is often hard to ascertain the actual intent of public measures relating to Indian affairs. Actual aims, as in any political dealings, are often painstakingly masked, and in any case Indian matters are a foreign land not easy to know. But an inquiry to an Indian organization such as the National Congress of American Indians (1346 Connecticut Avenue N.W., Washington, D.C. 20036) or an Indian-related organization such as the As-

sociation on American Indian Affairs (475 Riverside Drive, New York, N.Y. 10027) will bring inside information on any current issue. One can then easily enough make known his support for public measures helpful to Indian communities, honestly meant to be helpful in relieving the all but unendurable privation the quiet revolutionaries there have endured generation after generation; or make known opposition to those measures offering help with booby-traps attached or aiming directly at the destruction of Indian communities, such as drives for "termination."

Hardest of all acts of assistance is one that is a mere act of thought, or maybe spirit: simply realizing that the Indian community is genuinely alien, and accepting it as such.

The Indian world has by no means been shattered beyond repair, notwithstanding Sunday supplement obituaries. It is very much alive—miraculously so, perhaps, but nevertheless so—even in the United States, where only about one per cent of the full-blooded Indians of the hemisphere live.

It is not only alive, it is, here and there, potentially strong and even potentially rich. Alaskan oil is the headline loot of the moment, and the battle lines are being drawn to determine what will be either the biggest windfall or the biggest steal in the history of our generously looted native peoples. The issue, in its simplest terms, is whether the Eskimos, Indians, and Aleuts of Alaska will enjoy royalties even as would you and I if we were the owners of their lands, or whether they will be squeezed off with less than a fair price. The difference could run into billions—even the Government's minimum first offer runs to half a billion or so. Secretary of the Interior Walter Hickel, with an impressive record of brutally squeezing Eskimos while he was governor of Alaska, is in charge of the Nixon Administration's maneuvers in this caper, which is undoubtedly the major Indian concern of the Administration. But the Alaska Federation of Natives is employing heavyweight legal counsel, and the natives have some determined supporters; the Association on American Indian Affairs, for one, is budgeting a six-figure expenditure for an advertising campaign intended to spread the full story before the public.

Other Indian riches are in strategic lands, other subsurface rights, and especially, water rights. The Crow Tribe in Montana claims a little matter of fifty-five miles of the Big Horn River. The Shoshones claim another stretch of the same river above them, in Wyoming. There are a number of such treasure troves of Indian water, particularly in the West. Indian water rights are almost the last such rights still undeveloped, in many cases are already quite valuable, and in some cases will become of almost incalculable value. As a consequence they are tempting many a reflective eye.

A new revolutionary conflict could be shaping up here, from the collision of Indian concepts of nature with the multiple-use concept that is so firmly established in all our affairs. Multiple-use is as sacred to the U.S. Forest Service, for example, as Smokey the Bear—"YOUR NATIONAL FOREST, LAND OF MANY USES." Can this praiseworthy philosophy be in error? The Taos Indians of New Mexico argue that it certainly can be, and base their argument on claims of sacredness that considerably antedate Smokey the Bear and the U.S. Forest Service and, for that matter, the United States itself.

Taos Pueblo, which in current archaeological opinion has been in business at the same location since at least 900-1100 A.D., sits at the foot of mountains containing regions regarded as sacred by the Taos people; especially sacred are the slopes of spruce and fir providing the watershed for the little river,

the Rio Pueblo, that furnishes the pueblo's water.

Blue Lake, a perfect-circle mountain lake where the Rio Pueblo has its source, is the most holy shrine of all. The little river brings life for all living things within its dominion; all life in its area, including the life of the pueblo and its people, is interlocked in a religious unity that must not be disturbed, and this unity must be observed and preserved by regular ceremonies in the Blue Lake forests that have been followed since—say the Taosenos—the beginning of time.

These sacred Blue Lake lands were included in a national forest preserve in 1906 under the erroneous assumption that they were public lands. The Indian Claims Commission ruled in 1965 that Taos Pueblo was indeed the rightful owner of the Blue Lake country, and the pueblo was offered compensation, as is customary in Indian claims cases. But the Taos people want the land, not money. It is the place that is sacred, not its value.

The Forest Service, in line with its basic multiple-use approach, is entirely amenable to the Taos people using the land for religious purposes, among other multi-purposes. The Forest Service has even tried to placate the Indians with special-use permits. But the Indians want no outsiders at all multiple-using in any way their Blue Lake country. They want their mountain church returned wholly and exclusively to them, and have been saying so with Pueblo patience and stubbornness for more than half a century.

The Forest Service, encouraged by various groups of "sportsmen," has been equally tenacious in fighting to hold onto the Blue Lake lands. Public users of the Blue Lake special-permit area, which takes in most of the 48,000 acres involved in the Taos demand, are not numerous—an average of forty non-Indians a year enter this region, by Forest Service records—but they can be vociferous. The sportsmen and the Forest Service clearly see themselves as defenders of the faith of multiple-use against the heresy of exclusive use desired by "these Indians."

At a meeting of the Taos Pueblo Council I asked what concessions they might ever consider in the way of multiple-use for the Blue Lake area. None at all, said the council members. Except for their secret religious ceremonies they wanted the entire area left untouched, subject to proper conservation practices that would be carried out by the Department of the Interior as trustee for the lands. Beyond this, said the blanket-wrapped councilmen, only such multiple-use as their lands might receive at the hands of the Creator.

But the associate chief of the U.S. Forest Service testified before a Congressional committee with equal earnestness that in his belief the Taos people would have reasonable freedom to pursue their religion within the Forest Service framework of multiple-use, including planned commercial timber "harvesting," increased short-term visitor use, and range management for increased livestock use involving the division of the whole area into cross-fenced sub-units.

In general, where Indian resources and particularly water rights are concerned, some experts feel that the typical American multiple-use concept will be all but confiscatory, if Indian communities consent to sell out for participation in the big-bankroll water-development programs now tooling up. There are huge projects of this sort—the Four Corners Project in the Navajo country is one example, including a planned model city that will cost a billion dollars. Many of these projects depend entirely on the prospect of buying Indian water rights for a questionable bowl of multiple-use pottage.

The point is that multiple-use is basically catch-as-catch-can utilitarian. Each resource is milked for whatever it may provide. In

California, showcase for all our newest ills, Santa Barbara Channel may be used for recreation, fishing, commercial shipping, and oil-drilling too. In such free-wheeling operations, the top-dollar profit usually grows the biggest muscles. Pasadena's tourist business, worth millions, died in refinery smog, worth more millions. Indian rights, in such fast company, would be hopelessly overmatched. But can they hang aloof? A particular property right comes in question, the right to delay development of a given resource or even to reject outright any multi-purpose uses offered, a right that may reach as far afield from utilitarianism as esthetics or religion.

The only real opposition to multiple-use as it is presently practiced lies in a notion dear to conservationists and wild-eyed old socialists—total planning, planning that deals with the total environment, with all resources, for the total benefit of the total world, not just on a piecemeal utilitarian basis.

There are forces of some strength gathering to fight for this different world—forces concerned over growing populations, growing pollution, growing greed, growing strife. It is possible that in the United States this great debate could open, within the next few years, over the legal question of Indian water rights.

The whole spectrum of differences between an Indian community in action and a non-Indian community in action would repay the most serious large-scale study. Newly evolving forms of tribal government, usually including closed-membership corporations or reasonable facsimiles thereof, may bear resemblances now and then to white corporations—the same investment counselors and tax counselors may be hired by both—but in essence they are novel structures because they are built on foundations that are different, alien, foundations shaped by the tradition of communal ownership.

Most concrete Indian successes are realized in group terms—tribal cattle herds, or the communal big business of recreation on some reservations, such as the \$1.5 million complex being built by the Crows in Montana, at Yellowstone Dam on the Bighorn. Or spectacularly in land: The financial renaissance within no more than ten years of the Cheyenne River Sioux in South Dakota (they now operate, among other things, a cattle business, sales pavilion, supermarket, and their own telephone company serving Indians and non-Indians in two counties) grew mainly from initial successes with a tribal land-consolidation program. The Tribal Land Enterprise agency of the Rosebud Sioux in South Dakota buys land at a rate reaching a quarter-million dollars a year, and the land-consolidation program of the Crows has reached, a half-million dollars' worth a year.

But these occasional successes have barely made a dent in the massive Indian poverty described in the first of these articles. The much-publicized project of bringing industry to the reservations has made another dent, somewhat offset by the fact that the main pitch to industry has been low capital cost and cheap labor, scarcely conducive to blue-chip deals; and even seamier considerations have appeared here and there, as in current efforts to thrust a giant paper mill upon Isleta Pueblo, New Mexico, so as to sidestep anti-pollution rules set up by the state (Indian land isn't subject to state control).

It will take more than dents to remedy reservation poverty—it will take a solid breakthrough in giving back to the Indian communities sufficient land to live on. At present, the process is still going the wrong direction: Indian lands and resources are still being whittled away. Land-consolidation operations financed by the Indians themselves cannot possibly fill the required bill. The nation simply needs to honor its given word in securing to the Indian communities a livable land base. Nothing less will work.

In the same way, if the destruction of the

Indian world and its children by misfit education is to cease, Indian education must be oriented to the Indian community, as the second article in this series tried to demonstrate.

Indian control, or even supervisory participation, is also an urgent need in reservation development, including any industrial development. Colonialism dies hard—there is still a feeling in the business world that the lion's share of Indian resources, whether human, vegetable, or mineral, should go to the white raj. Ronnie Lupe, tribal council chairman of the White Mountain Apaches, was pilloried by all non-Indian Arizona in the spring of 1969 for standing firm against a multi-million dollar proposition that did not give the Apaches as much control as they wanted. He told me that he and the council had decided they should not take any deal in which the tribe did not have eighty per cent ownership. This is a high-spirited figure. Most deals are considerably closer to zero percentage in Indian ownership.

But ownership entails risk and maneuverability, which Indian communities, in their mummy-wrappings of Bureau of Indian Affairs red tape, can seldom offer—and when they do, they are often, at least at first, as lambs in a world of wolves. The Crows dropped nearly half a million of their own money in their first venture, an electric-toothbrush factory—located within cannon shot of the Custer battlefield—but have since been doing all right. The Navajos are a well known example of hardnosed success and home-owned to boot—their portfolio contains quite a list of diversified ownerships, including, as a sort of ultimate in something, the Navajo Tribe's own credit card.

When it comes to legislation on Indian matters, Indian opinion is politely asked and regularly ignored. The so-called Indian Civil Rights amendment, tacked onto the 1968 Civil Rights Bill, is already back for repairs embodying recommendations a number of Indian witnesses had urged during six years of committee hearings. The subject is of much importance to the Indian world. On the one hand, civil rights represents a constant danger area in tribal life; group identity easily comes into conflict with individual liberties, and the more "successful," the more powerful the tribal administration, the greater the danger that authoritarianism may take over and run wild. On the other hand, the white raj, chronically hostile to the whole idea of group identity, would be not at all displeased to destroy it in the name of civil rights, a splendid new weapon in the assimilation arsenal.

The one point on which all Indians and experts are agreed is that Indians must have more voice in their own affairs—especially in handling their own money. Money earned by an Indian community, from leases or whatever, is customarily paid into the U.S. Treasury and then returned via a maze of red tape, and beribboned with controls, to the Indian community. Funds appropriated to the Bureau of Indian Affairs for Indian benefit travel a labyrinth wilder still. The regulations, the restrictions, the line-by-line reporting, the delays, the frustrations cultured among conscientious BIA people as well as among the Indian victims, attain without doubt some of the finest triumphs of bureaucracy in our time.

Tragedies, real and unnecessary tragedies, are a commonplace in the Indian world as a direct result of this situation. In the summer of 1969 a drought ruined grazing and caught the Papagos, in southern Arizona, short of feed for their tribal herd. This is not an unheard-of occurrence in that desert country, and the average cattleman obtains emergency funds for buying hay and rides it through—but emergency funds for Indians have to be untangled from red tape.

More than 500 head of Indian cattle had died of starvation before the "paper proc-

essing" for emergency help even got started. For the total herd of 12,000 head, some 1,200 bales of low grade hay a day were needed, which, at \$3.25 a bale, about twice the normal price, was far beyond anything the Papagos, who are among the poorest Indians in the country, could scrape up out of their own ready cash. The tribe had coming, however, a check for some three million dollars from copper-mining interests in connection with the opening of a \$100 million copper mine on the reservation. This check was due to arrive at any moment—but of course it could not be drawn against in advance.

Meanwhile, officials conferred on emergency measures. One procedure resulted in an official request from the Department of the Interior to the Department of Agriculture to declare the tribe eligible for the Federal free feed grain program—to the bitter amusement of all cow-country people, who knew range cattle would not eat grain to begin with, and cows weakened by starvation could not handle rich grain even if they would eat it. Even so, such grain might have been traded locally for hay, although not by regulation-shackled Indians.

And so, throughout July and August, the cattle died, bringing far-reaching hardship for those Indian families dependent on stock-raising as their only means of livelihood. The overall loss in cattle before the drought and the nightmare ended in early September was some 2,000 head.

On September 13 the tribe received, in proper form through the proper channels, the copper check—\$3.7 million.

The need, obviously, is for a thorough revision of the ungainly regulations under which the Bureau of Indian Affairs operates. It is necessary to repeat—again—that a solution is not the abolition of the BIA, which would mean termination. The BIA is absolutely essential as a trustee and protector of Indian rights and possessions, and should be strengthened as such.

Indian communities deeply need a strong Federal agency conserving and guarding their interests against other governmental agencies and powerful predators from the "private sector," but that protection surely does not need to extend to a minute interference in the communities' own internal operations. BIA weaknesses in stance and procedural rules are at least in some part the result of deliberate intent to cripple on the part of hostile Congressional committees, and will be repaired only by a struggle that could last a long time. But there is no reason whatever that Indian communities should not at once receive and control directly all their own funds, and the operational portion of Federal funds appropriated for Indian-related purposes, as Federal grants of whatever kind to towns and cities and counties are normally administered by the recipient community itself.

This, as with the substance of each of these three articles, deals with ideas that might be expressed as brief definite proposals. The three paramount ones can be summed up:

One—Restoration of lands and resources sufficient for present Indian populations.

Two—Direct Indian control of Indian schools.

Three—Direct Indian control of Indian funds, public as well as tribal.

The world of Indian communities is a world worth keeping with us. We are solemnly obligated, by treaties sworn on the heads of our fathers, to sustain it in our midst, but in all likelihood the obligation is of less import than the long-time yield we may be returned. The Indian has a property in the moon, Thoreau said, and he did not mean astronomically; the real business of the Indian revolution may turn out to be the illumination of the dark side of the soul, maybe even our own.

[From the Progressive Magazine, January 1970]

THE AMERICAN INDIANS: THE UN-AMERICANS  
(By William Brandon)

One thing American Indians don't lack is Indian experts. All told, there are probably more experts than Indians. For example, on the poverty-stricken Oglala Sioux reservation at Pine Ridge, South Dakota, sixty-four research projects are currently under way with a combined cost in academic salaries alone that would feed all the hungry children on the reservation. Almost the only people acquainted with Indians who don't claim to be Indian experts are the Indians themselves. The Indians' job is to listen to the experts. They listen because they have to, because essential structures of their community life are controlled by the experts and their "programs."

In traveling over the country last summer interviewing Indians and Indian experts, I found these two groups did not share, at least not equally, the same concerns.

Most Indians seemed most concerned that Indian communities are poor because they do not have enough land and resources for their growing populations. ("Indian community" means a tribal community with a quasi-sovereignty of its own and a sense of relatedness among its people akin to that of a religious community.) They were concerned, too, that the "dominant society," raid and besiege and harass them because they are alien—indeed so alien they won't even leave their poor communities and go look for jobs some place else, as we would do; and concerned that our raids and attacks are chiseling away what lands and resources they still have left, which leaves the still growing Indian populations even poorer.

These, it seemed to me, were the main areas of Indian concern.

The experts talked mostly about education. Experts have a touching faith in education, but Indians don't cotton to our white education at all. Their school dropout rates are high. "Achievement" rates are low. Indian students are, as a rule, just not interested in the kind of schools we provide for them. This bewildering problem has divided the experts into two camps.

One camp, made up generally of experts with a nationwide point of view, believes we should reconstruct Indian education to fit the Indian world.

The other camp, made up generally of experts concerned with the operation of local school districts, thinks we should keep hacking away at Indian children to carve them to fit into the pattern of our white education.

Until now the bureaucrats have won, and they fully expect to keep on winning. But it is impressive that after these many years of force-fed misfit education so many Indians are still resisting. In 1966, some 10,000 to 16,000—statistics differ—Indian children between the ages of eight and sixteen—some where about ten per cent of the total U.S. Indian school-age population of some 150,000—were out of school altogether. For some this was because no schools were available, but for many others, even though few Indian parents these days will admit it, it must be considered a deliberate withholding. The modern period in Indian statistics is neatly bracketed by the dates of 1891, when three Kiowa schoolboys froze to death trying to get home across blizzard-swept plains after running away from school, and 1967, when two Navajo students died in precisely the same way.

There is involved a clash, a conflict so profound that it takes place in the soul's least conscious depths. Our school system is naturally built to our own scale of values, "competitive, exploitative, oriented to acquisition, and above all to individual success," in the words of Dr. Anne Smith, Santa

Fe anthropologist and author of several works on Indian education in New Mexico. But these values are directly opposed to the gods of the Indian world. The inherent Indian orientation is toward a sense of community, interpersonal harmony, group endeavor and achievement, rather than isolated endeavor and individual achievement. To the Indian child therefore our schools are likely to seem either silly or hostile, as he comes to realize they are teaching false values compared to the values learned at home.

A number of recent studies have disclosed that the Indian family usually presents to the schools a stable, well-adjusted, willing, quick-learning child, who does splendidly at first, and then, at about the fourth or fifth grade, begins to regress. By the time he finishes high school—sixty per cent drop out along the way—he has acquired less than a tenth-grade education. Many teachers have commented on the typical Indian child in kindergarten, so outgoing and happy and friendly, who turns into the withdrawn, rather apprehensive child of later grades. Clearly, he approaches the big outside world ready for a joyous embrace, and the big outside world gradually infects his spirit with the nightmare sickness of finding one's self out of kilter with a world one expected to love.

Worst of all, since the children are danced into this invisible chasm of alienness without any idea that it is there, each child thinks his "failure" must mean there is something wrong with him personally. A 1966 Government report much quoted by educators (the Coleman Report) revealed that twelfth-grade Indian students chose for themselves bottom rank in answers to the question, "How bright do you think you are?"

Not surprisingly, this misfit educational system long ago lost interest in its apathetic child victims; its "goals" are for the benefit of the system, not the students. Prison-like boarding schools were established for easier administrative efficiency, better living conditions for the staff, convenience in using the visual-aid gadgets that to the superficial mind define "quality education." These children's concentration camps have come in for flaming criticism, much of it from white patriots alleging the Indian schools were slowing down "assimilation" by keeping Indian children fenced off from the melting pot. So, in 1965-66, the Government asked Indians what they thought of taking Indian children away from the Bureau of Indian Affairs and its segregated schools. Some younger Indians favored this, but most tribal spokesmen protested vehemently, less from love for the BIA schools than from opposition to the rejected goal of assimilation.

The Government thereupon carried out the vetoed proposal anyway but without saying so, and while education is still big business—two-fifths of the 1968 budget—in the BIA, two-thirds of all Indian pupils have been quietly transferred to public schools, where Federal funds pay for them by the head. Two of the leading specialists in Indian education, Professors Murray and Rosalie Wax, told me at the University of Kansas last summer that this hasty switch to public schools promises to be catastrophic. The public schools are generally unprepared for Indian students, and, with only occasional exceptions, uninterested in any special preparation.

"We teach exactly the same courses and use exactly the same textbooks as all other Arizona schools," said the superintendent of the handsome new elementary and high school on the Papago reservation in the desert country of southern Arizona. He was caustic about "Indian values" that were supposedly worth "saving." "My parents came from Denmark," he said. "They did not teach us children Danish. They were happy to come

to this fine country with all its great and wonderful opportunities. They wanted us children to appreciate America and be Americans." The superintendent all but implied that if the Indians didn't like this fine country they should go back where they came from.

Related to the central misfit problem are various other handicaps—language, for one. Classes are usually conducted in English although two-thirds of the children know no English at all when they begin school.

Our "best" people think nothing can be finer for their own children than a bilingual education in French, but an Indian child is generally regarded as "disadvantaged" by red and white alike because he speaks Cherokee or Ojibwa or Tsimshian—this, even though it is beginning to be recognized that Indian languages possess their own literatures, often literatures of beauty and sophistication. But the effects of the "primitive language" misconception will long remain, especially among the ignorant who speak of all Indian languages as "Indian dialects."

Malnutrition is a deep-lying handicap, as is racial discrimination. The U.S. Office of Education has reported that one out of four public school teachers would prefer not to teach Indian children.

Anti-Indian prejudice, where it exists, is blazingly open. "What do these Indians do, mostly?" I asked a white businessman on the Northern Cheyenne reservation in Montana. "As little as possible, like all the rest of the lazy bastards everywhere," he said unsmilingly. Do black people talk of police harassment? The national arrest rate for Indians is five times that for blacks—twenty-five times the rate for whites.

When I was in South Dakota a few months ago the Sioux were exercised—they still are—over the Tom White Hawk and the Baxter Berry murder cases. In the White Hawk case, an Indian college student from the Rosebud Sioux reservation, who was drunk, shot and killed an elderly white jeweler in the course of attempted robbery, and raped the victim's wife. In the other a well-to-do rancher, son of a former governor of South Dakota, shot and left to die a young Rosebud Sioux, the minister of an Indian church, who had come to protest the rancher's shooting of Indian dogs said to be causing losses in the calf crop on the Berry ranch. White Hawk was sentenced to be electrocuted; after two years and several stays of execution the governor commuted the sentence to life imprisonment with a recommendation against any consideration of parole. Berry was acquitted by an all-white jury on a plea of self-defense, although the murdered Indian had been unarmed. The Rosebud Sioux tribal council revoked tribal grazing permits held by Berry but was overruled by BIA officials who could find "no justifiable reason" for cancellation.

When parents practice prejudice, the children's teeth are set on edge. At Point Arena, California, where the Kashaya Pomo children from the wretched Stewart's Point reservation go to high school, all the Stewart's Point students are driven out sooner or later; the Kashaya say they haven't had a child finish high school in years.

Booze and broken homes, a characteristic dirge of the urban ghetto, is less a constant theme in the Indian world, where a tightly organized community can sometimes withstand incredible poverty pressures—but when such a modality does take over, and children from it then collide with a rigid, ill-natured, alien outside world, the results are often dramatized in the absolute destruction of the young. Youthful suicides, all but unheard-of among some Indian groups, such as the Pueblos, have reached fantastically high rates elsewhere in the Indian world, as at Fort Hall, Idaho, where child suicides have occurred as early as eight years of age. The late Senator Robert Kennedy's account of the jail-suicide at Fort

Hall of a sixteen-year-old boy accused of drinking during school hours was given wide publicity but is by no means an isolated example. Rather more flagrant might be the case of the Sioux boy who hanged himself in the Wilkin County jail at Breckenridge, Minnesota, in December, 1968, after having been held in the jail, according to a newspaper story, "in virtual isolation" for seven weeks. His age was thirteen. He was charged with having been involved, along with three older boys, in a car theft. He had been given no court hearing during his seven weeks in jail. The judge cleared his docket during a part of that time to go on a hunting trip.

Says Dr. Karl Menninger of such instances: "Where one commits suicide, scores are in despair."

Even though our Indian education is, plainly, misfitted to basic Indian culture, it can still train students in technical and professional skills. Despairing Indian parents see no way out of a poverty future for their children except to force them into the schools, and some Indian students do survive to remain tribal people while becoming university trained doctors, lawyers, or Indian chiefs. Yet some are left hopelessly deformed; some are trapped by the alien gods and find themselves "assimilated." Most, however, reject the education that is so foreign to their real world: The average Indian ends his formal education with just five years of school.

A faint hope has sprung up among deeply concerned Indian experts that the practice of carving an Indian child to fit the white educational system may be overthrown. Their hope is based mainly on the work of the special U.S. Senate subcommittee on Indian education, the "Kennedy Committee" first chaired by Senator Robert Kennedy, later by Senator Edward Kennedy. The subcommittee's final report, presented early in November, 1969, offers sixty concrete recommendations designed to bring about "culturally sensitive" programs and bilingual programs and increased Indian control of Indian education. It calls for a White House conference and a Senate Select Committee to see that these basic changes are really made. Throughout the 2,371 pages of testimony, the opinion prevails that the present destructive schooling should cease and that education for Indians should be totally redirected to fit the outlook of the Indian world, to "strengthen and develop and ennoble" the Indian social structure rather than oppose it, as the subcommittee testimony quotes expert Bruce Gardner of the U.S. Office of Education.

The obvious first move toward achieving the goal is simply to let Indians run their own schools, or, in the case of mixed schools, to serve on school boards more proportionally than is now the case.

Another obvious move is toward bilingual education. This can serve both the welfare of Indian students and the welfare of Indian languages, inextricably bound up together.

The model bilingual public school now in action is the Coral Way elementary school in Dade County, Florida, for the use of refugee Cubans. All subjects are taught half the day in Spanish and half the day in English. For Indian pupils this procedure will require translations into various Indian languages of grade-school textbooks dealing with subjects such as social and natural sciences, history, and mathematics. It will require not only Indian teachers, now rare, but, even rarer, teachers of the same tribal tongue as the pupils, all plus factors of such magnitude for Indian education as to well repay the difficulties involved.

The best known current attempts at bilingual Indian education are the Rough Rock Demonstration School in the Navajo country, and the new Navajo Community College nearby at Many Farms, Arizona. (See "Student Activists: The Navajo Way," by Stan Steiner in the July, 1969, issue of *The Progressive*.) Both were started during the last

four years by Dr. Robert Roessel, a white educator with a Navajo wife; both schools have attracted attention from educators all over the world, particularly for their endeavors to make the Indian community an integral part of the educational process. A few more orthodox schools and colleges have made some progress in such redirection. Fort Lewis College, a state college at Durango, Colorado, is white orthodox in entrance requirements but runs an intercultural program well enough that it has more Indian students in its small enrollment than there are in the relatively giant universities of Arizona and New Mexico combined.

A reconstruction of Indian education around the fundamental structures of the Indian world—a world of living together, rather than striving against one another for acquisitions, a world of community—might conceivably offer a vestibule to reconstruction of Indian education even in our mainstream world.

These various possibilities and hopes are now only foreshadowed. The important news in Indian education is the wholesale transfer of Indian students into public schools. While Indian criticism is fired at Indian education in both BIA and public schools, some of the strongest Indian protests against the public-school switch are aimed at another target altogether: Removing education from the Bureau of Indian Affairs might be a step toward dismemberment of the BIA and thus toward "termination."

Termination is truly a word of ill omen to tribal Indians. Its meaning in Indian affairs is the termination of "Federal responsibility," the responsibility of the Federal Government to act as trustee for Indian lands, rights, and resources; the responsibility to protect Indian groups in these rights and possessions—protect them particularly against states, counties, cities, or other local powers that might divest them of their rights and possessions—and to provide certain services such as education and health.

These responsibilities are based upon treaty promises or other equally legal commitments, in which the Federal Government pledged, in return for cessions of value, to render unto specific Indian groups specific rights and their protection, plus the provision of schools, hospitals, sawmills, teachers, doctors, tools and implements, roads, supplies when needed—all the services of the modern world, to be supplied and administered by the Federal Government rather than administered under state and local jurisdictions, because of well-founded apprehensions that state and local jurisdictions might not be trustworthy in carrying out such promises.

When this Federal responsibility is abrogated, the Indian community thus "terminated" is more than likely to fall prey to disintegration; few Indian communities are rich and strong enough to survive on their own under state and local jurisdictions armed with tax powers and hostile to the Indian community's way of life. The Menominee Nation of Wisconsin, terminated some ten years ago and transformed into Wisconsin's smallest and poorest county, seems already near the end of a losing fight for life; White purchasers are being invited to buy homesites in numbers that will make them a majority in the county. Whether it then remains a white-dominated county, or is absorbed by other counties, or becomes a National Park as some unhappy and concerned Wisconsinites are urging, the Menominee Indian Nation, simply unable to handle the state and local costs piled on it, seems to be headed for the shadows.

For many Indians such community disintegration is a fate to be fought off at all cost. The bulldog survival of some Indian communities through generations of shot and shell (figurative and literal) that would have annihilated a hundred Prussias is little short of miraculous.

Many Americans, in and out of officialdom, have pressed relentlessly for destruction of these, to them, alien Indian communities. Foreign communities of all sorts, from Amish to Orthodox Jewish, can be tolerated so long as the people in them are properly earnest about toil, thrift, and getting ahead; ethnic minorities can be understood as long as all they want is a bigger slice of the American pie. But the Indian communities don't much care for the pie at all, and this is truly intolerable. This is true un-Americanism.

The struggle between those anxious to "break up the tribes" and the Indians who want to live as Indian communities has been going on for a long time, sometimes underground, sometimes in open view. This struggle underlies much of the action in Indian affairs, even where it may not at first glance seem to be an issue.

A strong terminationist cell in the U.S. Senate is in the very heartland of Indian political matters, the subcommittee on Indian Affairs. The committee's chief professional staffer, James Gamble, originally appointed on the recommendation of Senator Clinton P. Anderson of New Mexico, has long been, in the words of Ralph Nader, "the chief Congressional worker for termination and assimilation. . . . The intensity of his animosity toward what he considers the privileged position of Indians and the BIA . . . is almost startling!"

Termination does not raise the question of Indians remaining "primitive" or becoming "modern." The quality of being an Indian is not a matter of handicrafts or of grinding corn but of the all-important sense of community, which may well exist more genuinely in overalls or business suits than in feathers and beads. It is the community that is brought into question: It is only the tribal community that lives under the constant menace of termination; urban assimilated Indians are already counted as captured—perhaps prematurely, for it was young urban Indians who engineered the occupation of Alcatraz Island in San Francisco Bay, and if any national Indian movement ever develops it will probably be nonreservation urban Indians who set it off. But termination is aimed at reservation communities only, and turns on one issue only, the issue of alienness, pure and simple.

Acceptance of tribal Indians, these communal aliens, perhaps the only genuine aliens left in our world, may face rough times ahead, as paranoia becomes more and more a national characteristic. Not surprisingly, beleaguered Indians have picked up a little paranoia, too, and see stealthy termination plots on every hand. But the menace is indeed real, never entirely absent even under the friendliest of climates. Generally speaking, whenever a politician, white or red, talks of "freeing" Indians from their "wardship restrictions" or demands "freedom" via the abolition of reservations and the BIA, he is probably plugging, openly or covertly, for termination. An Indian community can free itself any time of restrictions, of reservation status, of the BIA, merely by termination of its community life. Most Indian communities would rather struggle along alive. It is not separation from the BIA that Indian communities most want but some control over their destiny under the umbrella of the BIA.

The termination argument given widest circulation is that it would be an economy measure—"get the country out of the Indian business," save some money even if it means violating every Indian treaty ever made. In connection with this argument figures are often cited purporting to show the high cost in Federal funds and the large number of employees devoted to so few Indians. This expense is high indeed, even allowing for the normally high pipe-friction costs of bureaucratic operation. However, the apparent high per capita ratio of costs and the number of public employees in the

Indian business should be compared to a corresponding figure for the general public of total costs of goods and services and total number of public employes in all jurisdictions combined—Federal and state and local—for the nation as a whole. Such a comparison puts the per capita Government expense for reservation Indians about equal to that for the general population. Politicians viewing Federal Indian costs with righteous indignation are seldom conscious of this fact. Nor do they seem aware that when Indian communities are terminated, the Federal expense, although thereafter more or less masked, remains at least as high, or goes even higher, as the state and local governments demand increased Federal aid in supporting the added expense the state and county and municipality have assumed; states and local jurisdictions are never inclined to forget the legal Federal responsibility for Indians.

Total Government expenditures in all Indian matters since 1781—including, among other details, the cost of buying the United States from its owners—totals about three billion dollars. This is not quite enough to keep our brushfire war in Vietnam running for six weeks. There are many parallels between Vietnam and our Indian wars of the past, but cost is not one of them.

One aspect of termination, the Indian property of considerable value that might then go up for grabs, is an important aspect in the eyes of would-be terminators, and perhaps in some other respects may be more important to our mainstream world than is generally recognized even by terminationists (as I propose to show in the concluding article of this series). The future of the Indian world may conceivably be even wilder than its past.

**NEW YORK CITY COUNCIL UNANIMOUSLY SUPPORTS RYAN LEGISLATION TO COMBAT LEAD POISONING**

**HON. WILLIAM F. RYAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RYAN. Mr. Speaker, lead poisoning is a serious childhood disease which afflicts 1- to 6-year-old children in the slums of our urban centers.

Until recently, this insidious disease had been ignored—its causes and effects unknown. The symptoms of the disease were very similar to those of a flu or virus, and often cases were not discovered until they reached their most acute stages—resulting in possible mental retardation, brain damage, epilepsy, cerebral palsy, and sometimes even death.

Young children will eat anything they can get their hands on. In pre-World War II housing, which has usually deteriorated, paint and plaster peels and falls within the children's reach.

Although many cities have now passed ordinances forbidding use of lead-based paint, older buildings still have coats of lead-based paint, to which children are exposed, because the slum landlords do not perform proper maintenance work.

It is estimated that more than 200,000 American children are lead poisoning victims. In New York City, it is estimated that 25,000 to 30,000 children are afflicted with the disease.

To cope with this environmental disease, which now can and should be checked, I have introduced three bills with some 20 cosponsors.

H.R. 9191—H.R. 13256 and 14736 with cosponsors—establishes a fund in the Department of Health, Education, and Welfare from which the Secretary can make grants to local governments to develop programs to identify and treat individuals afflicted by lead poisoning.

H.R. 9192—H.R. 13254 and 14735 with cosponsors—authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop programs designed to detect the presence of lead-based paints and to require that owners and landlords remove it from interior walls and surfaces.

And H.R. 11699—H.R. 13255 and 14734—requires that a local government submit to the Secretary of Housing and Urban Development an effective plan for eliminating the causes of lead-based paint poisoning as a condition of receiving any Federal funds for housing code enforcement or rehabilitation, and that these plans be enforced.

Senator KENNEDY has introduced a similar bill, S. 3216, in the Senate with cosponsors and our legislation has received widespread support.

I am happy to inform the House that on February 10, 1970, Councilman David B. Friedland presented a resolution to the New York City Council calling upon Congress to enact this legislation. Councilman Friedland's resolution was considered immediately, the entire council requested permission to join in sponsoring the measure, and the resolution was unanimously passed without being referred to committee. I want to include in the CONGRESSIONAL RECORD the resolution which was unanimously adopted by the New York City Council on February 10, 1970.

I hope that my colleagues will heed the urgency expressed in the resolution of the New York City Council which reflects the growing concern about this needless disease and the need to eliminate it.

The resolution follows:

**RESOLUTION OF THE NEW YORK CITY COUNCIL**

Resolution calling upon Congress to enact pending legislation to provide financial assistance to cities and communities in order that they may develop and undertake programs to detect and treat incidents of lead-based paint poisoning and eliminate the causes thereof.

By Messrs: Friedland, Taylor, Burden and Postel: Ryan, Gretzer and entire council.

Whereas, It has been estimated that over 200,000 young children in the United States residing in old tenement buildings are victims of lead poisoning as a result of eating chips of paint tainted with lead from peeling window sills, door frames and walls and from crumbling plaster; and

Whereas, Approximately 25,000 to 35,000 children in New York City are adversely affected by lead poisoning annually; and

Whereas, 60% of all lead poisoning occurs in children between the ages of 2 and 3; and

Whereas, Lead poisoning results in neurological disorders, brain damage with mental retardation as a sequel and, at times, death; and

Whereas, The disablement of these innocent youngsters directly and indirectly affects the great bulk of the citizenry in terms of hospitalization costs, maintenance of mental institutions and therapy and social and other problems; and

Whereas, The causes of lead poisoning are known so that immediate steps should be taken to eradicate same, to alert parents as

to the dangers of lead poisoning and of the need for prompt medical treatment; and

Whereas, There are three bills sponsored by Congressman William F. Ryan presently pending in Congress to provide for federal financial assistance to the cities and communities for the detection and treatment of lead-based poisoning cases and for the elimination of the causes thereof; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to enact one of the foregoing bills to provide financial assistance to cities and communities in order that they may develop and undertake programs to detect and treat incidents of lead-based poisoning and eliminate the causes thereof.

**THE QUOTA SYSTEM—IT JUST WON'T WORK**

**HON. JOHN R. RARICK**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RARICK. Mr. Speaker, as Americans throughout the country see the absolute debacle which has resulted from the efforts of the leftists to force race mixing in the public schools, it becomes increasingly clear that this sorry experiment nears its unlamented end.

Volumes are being written about the failure, all trying to prove that the objective was good, only the method bad. The reaction of the mixologists to their failure is to try another tactic to obtain the same impossible end.

A totally integrated society is the objective of the left, apparently at any cost. So long as men are free, they cannot be forced into associations with one another against their will, nor should they be.

The essence of our civilization is the freedom to each man to do the most with his life that he can do, without in any way interfering with the same right in his neighbor. Success is not guaranteed—only freedom to try.

The quota system is dismally wrong. This implies that a certain number of individuals will achieve success without regard to their capabilities. No more and no less than the magic number will succeed. Not only will such a system hold back those who may be competent, but in excess of the quota, but it will certify as competent those who are incompetent—just to fill the quota.

The quota system has failed in the public schools. Its application has effectively destroyed public education in much of the land.

It is a dismal failure in both the Army and the National Guard. In each case it was applied as a sociological experiment at best, and a raw payoff for demagogues in reality. It should be made plain that the task of the Armed Forces, whether Regular or Reserve, is to fight. They are not the proper ground for either demagoguery or social experimentation. What improves their ability to perform their mission is proper, what does not is not.

We are witnessing the incursion of the quota system into the field of labor, including our labor unions. The architects of the school failure now demand that a certain quota of Negroes be hired—or given craft status by the unions—

whether or not they are qualified. If workingmen put up with this dishonesty very long, at the risk of their own jobs, their own seniority, their own safety, their pride in their craft and their hopes for their sons, then I do not know the people whom I have the honor to represent in the Congress.

Mr. Noyes' column concludes with the statement that the "problems" somehow, surely, must be solved. They will be, but not by further foolishness. They will be solved by reason and honest evaluation of the facts, as they were solved in the South until the demagogues, for their own selfish purposes, deliberately upset the delicate balance of a century.

Pertinent clippings are included in my remarks:

[From the Washington Star, February 26, 1970]

SCHOOL DESEGREGATION RESULTS RAISE QUESTIONS

(By Crosby S. Noyes)

I'm sorry, but I must respectfully disagree. I do not believe that we are in the midst of a deep and basic reversal on the issue of civil rights.

I do not believe that the Senate of the United States has now cravenly abandoned the policy of racial integration.

And most of all, I do not believe that we are experiencing a popular reaction aimed against the black people of this country.

That these conclusions have been drawn from the events which took place in Washington last week is largely a measure of the confusion surrounding those events.

No one, including the prime movers in the Senate debate, claims to know what effect, if any, the famous "Stennis Amendment" will have on the problem of school desegregation. The despairing intuition of some liberals that it reflects a deep and sinister national trend has no real evidence to support it.

What it may reflect—and even here, given the cross-currents of political tendencies within the debate, it is impossible to be sure—is a new spirit of critical reappraisal of some of the basic dogmas of the civil rights program.

A good deal of what was said in the Senate echoes what is being said pretty generally throughout the country. And what this adds up to is not a rejection of the objectives of the civil rights movement, but rather a certain disillusionment by both races with the results of school desegregation as it has worked so far.

There were, after all, a certain number of assumptions, held to be self-evident, behind the Supreme Court's school desegregation ruling of 1954.

The main assumption, of course, was that segregated education was inherently unequal education. Another was that unequal educational opportunity was a primary cause for the disadvantage of black people within the society.

From these assumptions, it followed logically that an integrated educational system must result in better schools for blacks, even at a temporary sacrifice in educational quality for some whites. It also followed—and this is the bedrock of liberal philosophy—that integration starting at the elementary school level must result in breaking down social barriers between the races and in a more harmonious and equitable society.

It is these assumptions that are being questioned today. And indeed, one would have to be either a fool or a fanatic to pretend that the questions, 16 years after the Supreme Court's order, do not have validity.

Granted that the order has not been universally applied. Resistance in the South—

and in the North, as well—to the literal application of the court's edict has been widespread. In the Deep South, many school districts have been gerrymandered to preserve traditional patterns of racially segregated education. In the Northern cities, segregated residential patterns and resistance to the busing of schoolchildren have in many cases prevented effective integration.

The new skepticism, however, has not resulted from the failure to achieve universal compliance. In schools all over the country, a wide variety of racial integration has existed for many years. There has been time to test the validity of the basic assumptions that produced the 1954 decision. And the findings, in the view of many people, are not entirely encouraging.

It is hard to argue that school integration has succeeded in most places in significantly upgrading the educational opportunity of black students. Here in Washington and elsewhere, it has undoubtedly speeded up the process of residential segregation by the movement of white families—and blacks who can afford it—toward the suburbs. The result is that Washington's technically "integrated" school system is today over 90 percent black.

Even where this has not been the pattern, there is a widespread impression that the quality of public education has deteriorated dangerously over the last decade. There are, of course, a variety of reasons for this that have nothing to do with integration.

But it has been found that the cultural and environmental disadvantages of black children from poor families are not automatically overcome by putting them in classes with white children. And the complication of the teacher's job resulting from this problem has increased the strain on the system as a whole.

Nor has integration notably improved relations between the races. The growing violence in the schools, the spontaneous social segregation of students within the schools, the demand of black students for studies "relevant" to them, all are discouraging symptoms.

These negative aspects, however, certainly do not invalidate the most basic assumption of all. The goal of integration—in housing, schools, jobs and all the rest of it—still is essential to the creation of a successful multiracial society. A return to enforced segregation in any area is simply unthinkable.

What is needed, quite clearly, is more time and far more resources than have been available so far. Enforced school integration has not turned out to be the instant panacea it once was thought. The educational system by itself is not capable of solving the problems that affect and afflict the society as a whole. But somehow, surely, the problems must be solved.

[From the Army Times, Feb. 18, 1970]

DEFENSE PUSHING RACIAL LESSONS

(By Bob Schweitz)

WASHINGTON.—Every basic trainee will receive lessons in race relations, and every soldier in the Army will recognize and understand the Black Power salute when he sees it, if the Defense Department's civil rights chief has his way.

L. Howard Bennett, Deputy Assistant Secretary of Defense for Civil Rights, will recommend the following action by commanders to ease racial tensions in the service:

"Threshold orientation", which would incorporate information about race relations into basic training.

Instruction for every serviceman in the meaning of signs and symbols such as the Black Power sign and salute.

Open forums where blacks and whites would discuss racial problems and related issues face-to-face.

On-post social activities where young

women—black and white—from nearby communities would participate.

More literature, movies, recordings and entertainment relevant to blacks available to Negro soldiers.

These steps would be in addition to those offered by the newly formed Inter-Service Task Force on Education in Race Relations ordered into being by Secretary of Defense Melvin R. Laird last month.

The task force will have eight members. There will be one officer and one enlisted man from each service. One of the two from each service will be a minority group member. A colonel (or a Navy captain) will be added to chair the group and the tenth member will be Secretary Bennett.

The task force will develop an educational program on race relations to be used throughout the armed forces.

Laird also asked each service to "examine in depth its own communications to judge whether or not it promotes better understanding between races, as a basis for then taking steps necessary to improve it."

Bennett would also launch a series of group activities. He says in his outline for command leadership. "A whole array of group activities suggest themselves: group singing (whites could learn the spirituals and Negroes country and western); group dancing (Negroes could learn the polkas and schottisches and the whites the Charleston and the Cake Walk) . . ."

Bennett believes the majority of young Negroes in the services do not know of the progress which has been made since segregation was officially abolished in 1948.

"They are unaware of the growth in the number of Negro officers, the steady advances that have been made by enlisted personnel in obtaining middle management and supervisory positions in a wide variety of military occupational specialties."

The civil rights chief says that his 1968 trips to Europe and Southeast Asia have convinced him that "racial tensions were dangerously increasing."

He notes the rise of racial conflict in the cities and says that the civil disorders are moving from the streets into the junior and senior high schools.

"It should be of special concern to the military because it is from youth of high school age that we get the vast majority of young men coming into the service."

In his "threshold orientation" suggestion Bennett says "on the very first day a young man comes into the (service) it should be made crystal clear from the levels of command that neither his color, his race, his religion and his regional background nor the place from which he comes is going to have any bearing whatsoever on how well he gets along in the service."

Discussing the Black Power salute, Bennett said "a large number of white military personnel said to me that they felt that the Black Power salute signalled and meant that they would be violently attacked. It was a threatening sign."

Bennett says that what the salute "really means is that it is time for the black brothers and sisters to unite; to work together cooperatively to achieve their goals and objectives, and that it is their intention to get into the mainstream of American life at this time.

"We should have blacks and whites understand what each is saying to himself and to each other, and not continue to let personnel in the military talk in 'foreign tongues' and unknown signs."

The Defense official is asking commanders to make available "relevant literature and the relevant sound—that is, books, magazines, movies, records and musical entertainment—which go to the heart of the search and thrust for identity which blacks now seek. The quest for his black heritage—

which is good and meaningful not only to blacks, but highly informative and educational for all personnel—is the 'thing' with the new breed of black."

[From the Washington Star, Feb. 26, 1970]  
GUARD REPORTS BLACKS SHUN ENLISTMENT DRIVE

A survey released by the National Guard Bureau indicates that Negro enlistment in the force over the last two years has remained virtually static despite administration efforts to attract blacks.

"We are very disappointed with the results of this survey," said Col. Wilmer Shimer, head of the equal opportunity and civil rights division of the National Guard Bureau.

Shimer, who compiled the semiannual report from nationwide returns, noted that preliminary reports from the Army Reserve and Air Force Reserve also showed a decline in percentage proportions of black recruits.

At the end of 1969, the combined Army and Air National Guard had 5,487 Negroes out of a total enlistment of 478,860, or 1.15 percent of the force. This compares with 5,541 Negroes at the end of 1968, when they represented 1.18 percent of the membership.

After the 1967 urban ghetto riots, when predominantly white units of the National Guard were used to quell the disturbances, the National Advisory Commission on Civil Disorders recommended to then-President Lyndon B. Johnson that immediate steps be taken to raise black participation in the Army National Guard substantially beyond the 1.24 percent it was at that time.

Citing "a matter of highest urgency," Johnson ordered a five-year plan to bring the membership to about 12 percent of Guard units in each state. However, the funds to carry out the project never passed Congress and similar funds were not included in the fiscal 1971 military budget.

Shimer attributed the continuing low level of black recruitment to "reluctance because of the use of the force primarily by government to control civil disturbances."

He also cited a predominantly poorer living level as a contributing factor in the blacks' reluctance to join the force. Enlistment in the National Guard entails 48 days of weekend drills and a 15-day training period each year. But the pay only averages out to \$5 a day.

Unlike more affluent whites, the blacks cannot afford to take time from their jobs to enlist in the guard, Shimer said.

"Until the blacks have the same economical degree of livelihood as whites," Shimer claimed, "they are less likely to join the Guard."

Although National Guard officials insist the effort to increase black participation has not been abandoned, there appears to be little prospect of immediate improvement. Out of 132,167 prospective volunteers on the force's "waiting list," only 1,548 are black.

Beginning March 1, the Guard will begin a program to recruit a greater number of experienced soldiers. Since many of these veterans—including those from Vietnam—are black, officials expressed the hope that the drive will increase black representation.

MAN'S INHUMANITY TO MAN—  
HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

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

How long?

JOB BANKS: A GOOD IDEA IN ACTION

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Friday, February 27, 1970

Mr. MATHIAS. Mr. President, one of the most successful new tools for matching people with jobs is the job bank, a service which originated in Baltimore in 1968 and is now being launched in many other cities under Labor Department leadership.

The job bank is basically a simple, computerized, up-to-date listing of all jobs available in a metropolitan area. Because it is so efficient, employment service personnel have been freed from many time-consuming clerical tasks for more productive work in placement services. Employers have been encouraged to list more vacancies with local employment services. Most important, jobseekers have been made aware of substantially more opportunities and have gained far more confidence in local manpower services.

In an article in the February issue of Social Service Outlook, the publication of the New York State Department of Social Services, Secretary of Labor George P. Shultz summarized the tremendous success of the Baltimore job bank, which has served as the prototype and provided valuable experience for use throughout the Nation.

The Maryland State Employment Service and the Labor Department both deserve great credit for the success of the job banks to date. I ask unanimous consent to have Secretary Shultz' interesting article printed in the RECORD at this point.

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

OUR NATIONAL JOB BANK SYSTEM

(By Secretary of Labor George P. Shultz)

Before the end of June, computerized job banks are expected to be operational in 55 major metropolitan areas populated by more than half of our national labor force. Others will follow.

Two years ago there were none. The public employment service was overburdened with paperwork and trained professionals were forced to devote their time to clerical work—time sorely needed for counseling and job development.

Because of the paperwork gap, jobseekers often would be sent out after jobs that had already been filed, discouraging them and annoying the employer.

These and many other problems are solved by the relatively simple, inexpensive, but highly efficient job bank system which uses a computer to provide a daily up-to-date list of available jobs in a metropolitan area.

Simple as the job bank principle may sound, it results in a major innovation in

the operating methods of the public employment service. It promises to improve considerably the entire process by which job-seekers and jobs are matched.

The service is speeded up, and the exposure of the applicant to job opportunities is expanded. In areas where the job bank has already been put into operation, it is found that the placements of hard-core unemployed have as much as doubled, and that employers in large numbers have turned to the public employment service in confidence to list their job openings.

The job bank does not attempt to use the computer to match workers and jobs. It uses the computer to assemble, update, and print a listing each night of all available job openings locally—in Baltimore, for example, as many as 10,000 or more. When the job bank first started there, only about 3,000 jobs were offered on an ordinary day.

Because the Baltimore job bank was the prototype, and has been in operation since May of 1968, it serves as the best example of the benefits the system offers.

The chief beneficiary is the disadvantaged applicant. The job bank has enabled the Maryland State Employment Service to improve significantly its manpower services to the disadvantaged in the Baltimore area. Placements of the disadvantaged, formerly about 17 percent of the monthly total, rapidly increased to more than 36 percent.

The employer's openings become exposed to a much larger number of applicants than has ever heretofore been the case. Applicants are furnished to them quickly, and when a job is filled, the opening is immediately removed from the list.

Maryland State Employment Service officials estimate that every Baltimore employer having more than 25 employees is using the service now to obtain workers.

Each morning 60 copies of the 300- to 600-page job list are reproduced and sped to employment service offices, to other manpower agencies, and to "outreach centers" located in the areas of heaviest unemployment.

The computer listings are arranged in DOT (Dictionary of Occupational Titles) code sequence. Training slots and orders from the National Alliance of Businessmen, the organization of private industry that spearheads the JOBS drive to place the hard-core unemployed, are included in the listings.

The listings contain such information as the amount of education required, physical demands of the job, working conditions, whether bonding or security clearance is required, and whether a handicapped person would be considered, in addition to the type of job and rate of pay.

Many of the jobs listed require little or no experience; others are openings for professionals. A battery of order-takers, usually about eight, records new openings received during the day. If these openings are not filled the same day, they are key-punched after the offices close to appear on the job bank lists the next morning.

During the day the computer keeps busy producing unemployment compensation checks and the like.

By 8 o'clock each morning, the "job book" is delivered to 17 "outreach" offices of the employment service in Baltimore. Before the new system went into effect, there were only three. With the job bank, it was possible to establish the 14 additional offices without additional personnel.

Just as in a non-computerized employment agency, the interviewer is responsible for matching the jobseeker to the job. If an applicant seems qualified and is willing to apply, the interviewer checks with "job central control" to see whether applicants are still needed to fill the employer's job order.

"Job central control" keeps track of the referrals, and tells the interviewer whether another applicant may be sent. The employer



is responsible for keeping his job order updated by informing the employment service of any change in the listing, or whether it should be canceled. Now all interviewers in all offices serve all types of applicants, and refer them to any type of employer, trying to fit or match the applicant with any of the openings listed in the job book.

The job bank is but one of a number of steps being taken to strengthen and build the federal-state public employment service into a comprehensive manpower services agency. It is our intention that this service shall be provided with the best guidance, equipment, and resources to accomplish its important mission.

But striking as the job bank is in assisting with the matching of men and jobs in the big cities, and even as we are establishing job banks in 55 of the nation's largest cities, we are looking beyond the job bank to the development of fully-automated statewide job-and-man matching systems under which the computer will help match specific jobs to the needs, interests, and ability of a particular applicant.

We expect such a system within five years.

#### THE GOAL IS NATIONAL

We have been moving forward rapidly in this field, and have experimental designs for matching systems in development in four states. Eventually the best of these, or the best parts of each, will be redesigned for adoption in other states to bring us closer to the goal of a national integrated fully-automated job-and-man matching system. From the experimentation it is anticipated that the already proven job bank systems being established in the large cities will evolve into fully-automated statewide matching systems which eventually will become a national integrated network.

It is at President Nixon's request that the automation of the public employment service is among the administration's top priority items.

We have indeed entered an era in which machines are aiding the men whom, it was feared, they might one day replace.

We have been balancing prudence against urgency as we forge ahead in this overall undertaking, which is one of the most ambitious computerization efforts ever made.

We are hoping to evolve a system that can instantly produce a current job inventory on a city, state, regional, or national basis; a similar inventory on job applicants; or a comprehensive identification of training areas and opportunities. Such a system conceivably could anticipate labor needs and head off the threat of economic crisis to a community by assessing where manpower programs should put their available resources to obtain greatest results.

There are major problems remaining to be overcome in establishing an electronics system big enough and sophisticated enough to meet the exacting needs of the federal-state network of more than 2,000 public employment offices. Spread over 50 states, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands, these offices make more than 10 million job placements a year.

#### NONE EVER LIKE IT

The computers required will be among the largest now made. Ways must be found to make them do precisely the things the Labor Department wants them to do. This can be attained only through experimentation and development, trial and error, for no such system has ever before existed.

The first fully-automated state man-job matching system was launched about a year ago in Utah and is still experimental. It has already been modified and readapted. Starts have been made in Wisconsin, California, and New York, all testing systems or approaches. Some planning on designs has been done in other states.

Thus two basic approaches are being made, which eventually will merge into one national integrated system. While the sophisticated fully-automated system is being painstakingly developed, the inexpensive and simple metropolitan job bank system commendably fills the gap and paves the way.

The Baltimore job bank prototype has already demonstrated the improved manpower services that it makes possible. But the overall benefits of such a system, or of a fully-automated system, are many in economic as well as in human terms.

It is too early to determine operating costs of a fully-automated system. They might run as much as \$100 million a year, perhaps more. But if the more direct service provided by computer-aided systems were to result in a reduction of the unemployment rate by as little as one-tenth of one percent, the approximate increase in wages be \$600 million annually and unemployment insurance payments would decrease by \$50 million.

#### FORMER AGRICULTURE UNDER SECRETARY SCHNITTKER FAVORS \$10,000 PER CROP SUBSIDY CEILING WHILE POPULAR SUPPORT FOR REFORM GROWS

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. CONTE. Mr. Speaker, a few days ago an excellent statement on proposals for new farm legislation was made before the Senate Committee on Agriculture and Forestry by the distinguished former Under Secretary of Agriculture, Dr. John A. Schnittker. Because of its importance I will insert a copy of the statement at the close of these remarks.

In examining the statement and in a recent conversation I had with Dr. Schnittker, I was convinced that our views have much in common. In fact this is evident from a comparison of this statement with remarks I made in this body only last week. (CONGRESSIONAL RECORD for February 19, 1970, p. 4059.)

We agree that there has been a disturbing lack of administration leadership in designing and supporting strongly a sound farm program—a point being made increasingly in the press. I will also include an example of press comment, an article by Mr. Don Oberdorfer in yesterday's Washington Post.

We agree that one change that simply must be a part of new farm legislation is to restore some semblance of budgetary restraints by making the farm payments program subject to the annual appropriations process.

Both Dr. Schnittker and I also see a good deal of merit in the administration's set-aside proposal in its capacity to "give farmers valuable new alternatives in using their land."

Finally, and perhaps most importantly, we agree that there must be a reasonable limitation on farm subsidy payments. Dr. Schnittker reminds us that Secretary Hardin himself has conceded that two-thirds of all cotton subsidies are income supplements, not needed for supply management purposes.

He also absolutely rejects the fre-

quently repeated argument that limiting payments to large farmers would destroy the farm program and hurt small farmers. He rightly labels it a serious distortion to argue "that the way to help small farmers is to pay out more Federal money to big farmers."

Mr. Speaker, one new aspect of Dr. Schnittker's position, is one which I need further time to consider. He now proposes a limitation of \$10,000 per program for each producer.

As you know, following the passage in this House of my amendment last year to limit total payments to \$20,000, I proposed a limitation of \$5,000 per crop in testimony before the House Agriculture Committee last July. Dr. Schnittker makes clear in this statement, and has assured me again personally, that the \$5,000 ceiling is administratively feasible. Nevertheless, he now feels that, for 1970 at least, the higher ceiling of \$10,000 would be a better choice.

One point, however, is crystal clear—the popular demand for this limitation is growing. Mr. Speaker, I hope some of my colleagues may have seen a recent excellent debate on the farm subsidy ceiling presented by the National Educational Television program "The Advocates" on February 8, 1970. Testifying in behalf of the ceiling were Dr. Schnittker and Mr. Nick Kotz of the Des Moines Register whose new book, "Let Them Eat Promises," is a damning indictment of the inadequacies of our past efforts to eradicate hunger and malnutrition. Presiding as decisionmaker was Senator BIRCH BAYH of Indiana.

As a result of that debate I am pleased to announce that of 2,200 who wrote in after the show from 48 States, 81 percent favored a limitation.

I am also pleased to report that support is growing for a limitation in the other body which has twice rejected my amendment passed in this House. Senator BAYH himself has now stated he favors a \$10,000 ceiling and there are indications that more of his colleagues are moving in this direction.

The statement and news article referred to follow:

#### STATEMENT BY JOHN A. SCHNITTKER

I am John Schnittker, Professor of Economics at Kansas State University, Manhattan, Kansas. I am speaking only for myself today, not for any institution or association. I hope I can contribute to a stronger agricultural economy, and to a pattern of federal spending which distinguishes more clearly than in the past, between high and low priority public programs.

I congratulate the Chairman on his statement to the Senate a few weeks ago supporting the Food and Agriculture Act of 1965 as effective legislation, and as the base from which to consider future farm policies. The 1965 Act has succeeded beyond expectations. It requires some amendments, but the basic approach is sound.

The 1965 Act stands out in sharp contrast to the phantom character of the Administration's farm policy.

After one year, we cannot be sure what program the Administration wants for farmers, or whether it wants any program at all. No bill has yet been advanced to Congress over the signature of the President or the Secretary.

The failure of the Administration to come to the support of farmers, and of legitimate

farm price and income stabilization programs has been a calculated failure. It requires the Senate and the House of Representatives to address themselves to these questions even more seriously than in previous years.

Congress must lead the struggle to continue and to improve farm programs in 1970, since the President and the Administration will not.

The Food and Agriculture Act of 1965 provides a workable base from which to begin this effort. It should be amended, however, to adapt it to future needs, to treat commodity producers in different regions of the country more equitably, and to limit total payments to individual producers.

Farm programs were once needed to help small family farmers. Most farmers were in this group in the 1930's.

It is different today. We have 3 million farms, but only 1 million are serious producers. Most of the benefits of the commodity programs now go to relatively few farmers. One-third of our farmers market 90 per cent of our farm products; six per cent market 50 per cent.

Benefits from farm programs are distributed approximately in proportion to production on any farm. So price support programs help few persons on really small farms achieve the better life they want.

For the future, commodity-oriented farm policies must be designed principally for full-time farmers. We also need programs directed to the problems of small farmers and poor people in rural areas. Some form of minimum income or family assistance plan would reach many thousands of small farmers now almost entirely missed by price support programs.

Some of the federal funds now paid to our largest farmers would be better spent on other programs for farm or rural people. We should design and finance future policies affecting large farmers and small farmers in line with the real needs of the two groups, and in line with overall national needs.

#### THE 1965 ACT

The key features of the Food and Agricultural Act of 1965 were:

1. a system of direct payments to farmers for cotton, feed grains, and wheat;
2. revised price support loan formulas effectively setting parity prices aside and linking feed grains, wheat and cotton to world markets; and
3. effective acreage control programs.

Direct payments replaced high price supports, and voluntary (payment-based) acreage diversion replaced (supplemented, in the case of cotton and wheat) the former rather rigid system of acreage allotments.

These features of the 1965 Act should serve as building blocks for future programs for commercial agriculture.

#### FEED GRAINS

The feed grain program in the 1965 Act is good legislation. Price support and payment formulas are flexible. The Secretary of Agriculture has discretion to administer the program toward a wide-enough range of income and cost objectives.

Feed grain payments under this Act have been set at levels which encouraged just enough farmers to participate in acreage diversion, to reduce the stored surplus and later to gear annual crops to current needs. This is the kind of formula that should apply to all the commodity programs.

Existing law would permit surplus-free stabilization of feed grain supplies in the 1970's. If present price support loan levels were continued, annual expenditures would probably range from the current level of \$1.5 billion a year, to perhaps \$2 billion a year by 1973 or 1974, if yields rise faster than feed grain utilization, as I expect. There is adequate authority in present law, either to stabilize farm income and total program costs to reduce them, or to allow

cost increases as described above. The range in which market prices could be supported under existing law is wide enough to suit almost any point of view on farm policy for the next 3 years.

It is extremely important, however, to expand feed grain exports. To this end, it would be better if the loan level for corn were to be related to world price levels, and if feed grain payment levels were set strictly according to acreage diversion and income targets. No other amendments are needed in the feed grain program.

It is feasible, however, for Congress to set a maximum level on total payments to producers of feed grains (in fact, any commodity) in advance, and to require the payment program to operate within that authorization.

#### WHEAT

The 1965 wheat program was a constructive change from the previous approach. Wheat is now priced as a feed grain; wheat and feed grain acreages are interchangeable on farms; wheat prices in the market are required to be supported near world price levels. The Secretary of Agriculture has adequate discretion in administering most features of the wheat program.

The payment (certificate) formula is too rigid, however. Payments are tied to parity prices, which are now obsolete except as a guide to the past, and should be systematically removed from the law. Wheat program costs to the federal government must increase by some \$30 million each year as a result of this feature.

The payment formula for wheat should be amended to provide the opportunity for the Executive Branch and Congress to determine payment levels in advance, on a year-to-year basis through the budget and appropriations process.

#### COTTON

The cotton program in the 1965 Act is seriously in need of amendment. We ought to start out fresh, although the basic idea of competitive level price supports supplemented by direct payments is as sound for cotton as for the grains.

Payments of \$900 million per year, mostly to large-scale cotton producers, are exorbitant by any standard. Cotton payments should be made only on the amount of cotton used in the United States, now some 8 million bales per year. This would be the same as in the wheat program. The payment level per pound should not be fixed as it is in present law. Congress and the Executive Branch should have the freedom to set maximum payments from year to year in the budget and appropriations process.

The present language in the law setting a minimum payment of 9 cents per pound on the domestic allotment could be retained if language requiring total payments to be equivalent of 65 per cent of parity on a fixed amount of cotton were to be deleted.

The "snap-back provision" exempting cotton from payment limitations must be deleted to make an across-the-board limitation on payments to individual farmers effective for cotton.

Acreage allotments for cotton should also be phased out or eliminated.

#### UNEQUAL TREATMENT

Feed grains, wheat, and cotton production are concentrated in different geographic regions. Unequal treatment of these commodities under our payment programs is, in fact, unequal treatment of the farmers who live in different parts of the country.

Rigid payment programs noted above require large direct income subsidies to cotton producers, and to a lesser extent to wheat producers. Payments to feed grain producers, however, include little or no direct income subsidy. Nearly the entire feed grain payment serves the function of production control, not income subsidy.

This is well illustrated in a tabulation made available last year by Secretary Hardin.

#### FUNCTIONAL CLASSIFICATION OF DIRECT PAYMENTS TO FARMERS IN 1968

(Dollar amounts in millions)

Program	Total payments	Supply management		Income supplement	
		Amount	Percent	Amount	Percent
Cotton.....	\$784	\$276	35	\$508	65
Feed grains.....	1,369	1,221	89	148	11
Wheat.....	746	384	51	362	49
Total.....	2,899	1,881	65	1,018	35

I repeat: feed grain payments in 1968 were almost entirely devoted to limiting output (supply management), while only 1/3 of total cotton payments served that function.

In 1970, nearly the entire amount of \$900 million for cotton payments will be an income subsidy, since the national acreage allotment for cotton has been increased, and cotton acreage is not severely limited on many farms. It certainly cannot be argued that a major part of cotton payments are for supply management.

One-half of all wheat payments in 1968 were direct income subsidies, but the 1970 figure will be lower, since the national acreage allotment has been reduced and wheat farmers must leave more of their land idle this year.

There is no justification for unequal treatment of producers in different regions. I urge the Senate to modify the payment formulas for cotton and wheat so that this situation can be corrected.

#### A PAYMENT LIMITATION

One major new provision should be added to the 1965 Act. *I urge the Senate to adopt a limitation on payments to any producer of farm products or owner of agricultural land.*

If the limitation applies to all programs together, including wool and sugar, it should not be higher than \$20,000.

Alternatively, a limitation of \$10,000 could be applied to each commodity program. This could be administered somewhat more effectively. I have argued on another occasion that the ceiling could be as low as \$5,000 per program, but I believe the higher figure of \$10,000 would be a better choice for 1970.

A ceiling of \$10,000 per program would be similar on many farms to a ceiling of \$20,000 per farm, since most farmers have several crops. The \$10,000 figure would affect more producers, however. Approximately 25,000 farmers—still less than 1 per cent of all farmers—would be affected by such a ceiling. In 1968, this included 3.4 per cent (15,097) of all cotton producers with about 45 per cent of total cotton acreage, 0.4 per cent (5,428) of all feed grain producers with 6 per cent of total production, and 0.6 per cent (4,861) of all wheat producers with 10 per cent of all wheat production. Payments to these farmers (not counting sugar and wool) would have been reduced by about one-half, or by \$250 million a year, if a \$10,000 ceiling had been in effect in 1968 and 1969. Adding sugar and wool would increase savings materially, while affecting few additional producers.

Only 10,000 producers would have been affected by a \$20,000 per farm limitation in 1968. Payments on those farms would have been reduced by about one-half—from \$380 million to \$200 million—for a saving of \$180 million. Two percent of all feed grains, 3-4 per cent of all wheat, and around 28 per cent of all cotton produced was grown on farms that would have been affected.

Acreage diversion programs would be workable with payment limits at levels mentioned above. For the grains, such small propor-

tions are grown on large farms that production control would easily continue to be effective.

Cotton payments, however, serve the function of enhancing income, not of limiting production. I know it will be argued that cotton cannot be produced without huge subsidies. Some fear that our payments balance will suffer for lack of cotton to export.

I say it is ridiculous to pay cotton farmers \$900 million a year to produce cotton worth only slightly more than \$1 billion, and to produce cash exports of some \$300 million per year. Our federal funds are too scarce, our public needs too great, and our balance of payments problems not nearly important enough to justify such payments.

It is regrettable that the argument has again been made in 1970, that limiting payments to large farmers would destroy the farm programs and hurt small farmers. This claim is absolutely without foundation, as shown earlier.

Put another way, this argues that the way to help small farmers is to pay out more federal money to big farmers. This is a serious distortion.

A payment limitation will be difficult for some producers. Land values inflated by huge payments may come down. Some areas may produce less cotton, but many large growers, relieved of allotments, would produce more.

I urge Congress to adopt a limit of \$10,000 per program to apply to 1971 and subsequent crops. Congress should also provide firm directives against evasion of this provision.

#### THE SET-ASIDE—ADMINISTRATION BILL

The set-aside is not so different from acreage diversion programs operating under existing law. It would give farmers valuable new alternatives in using their land, but it would also bring some problems.

The bill as it stands, however, defies analysis. It includes unnecessarily broad administrative discretion for price supports, and virtually no guidelines. Under it, farm price supports, farm incomes and farm program spending could be substantially increased, or materially reduced by executive action.

A degree of discretion is essential to good administration. But the extent of discretion in the new bill is neither desirable nor useful.

A comprehensive and sympathetic analysis of the set-aside proposal by Professor Tweeten of Oklahoma State University a few weeks ago came to the following conclusions:

*If cotton, feed grains, and wheat program costs paid by the federal government were to be fixed at recent levels, the set-aside would bring farmers \$5 billion less net income in 1971, than the present program.*

*If total net income were to be maintained at recent levels, the set-aside would cost the government about \$5 billion more than the existing programs would cost in 1971.*

This is not a high recommendation. Even so, the set-aside idea has features leading to greater flexibility, especially for cotton, which ought to be examined.

#### FARM ORGANIZATION PROPOSALS

My general views on two proposals made by farm organizations are probably clear from my earlier statements.

The Farm Bureau bill features a 5-year transition to long-term land retirement contracts as the only means for limiting output. This will not work, in my opinion. Long-term land retirement is a useful and efficient supplement, but not a replacement for annual acreage diversion programs.

I favor a long-term program, and I had something to do with developing the Cropland Conversion and Cropland Adjustment Programs. Long-term contracts should be expanded and annual diversion programs reduced over time if we are to maintain reserve productive capacity in agriculture. But long-term contracts alone are not enough.

The other major feature of the Farm Bureau bill relates to compensation for low-

income farmers, and is an idea deserving much greater study and support.

The Coalition bill has good features arising out of the 1965 Act. It includes, however, a number of provisions which lack merit. These include a minimum loan rate and minimum total price support for grains, an export payment for wheat, and a minimum price support level and acreage diversion program for oilseeds.

The extra annual cost of perhaps \$1 billion or more each year for these features would not be a good investment, considering the distribution of farm program benefits and the clear need for greater funding of many other programs.

Present law and various bills apply to much more than cotton, feed grains and wheat. I will be glad to respond to questions on any aspect of agricultural legislation.

[From the Washington Post, Feb. 26, 1970]

#### NIXON IS NOT EXPECTED TO PUSH FOR REFORM OF FARM PROGRAM

(By Don Oberdorfer)

President Nixon has won justified acclaim for undertaking reform of several outmoded government programs, but on one of the largest and most glaring of them all—the farm program—he has lowered his voice to the whispering level.

Farm income support programs cost the U.S. taxpayers \$4.5 billion annually, which is 50 per cent more than the federal outlay for elementary and secondary education or manpower training and about the same as the U.S. cost of the public assistance program which Mr. Nixon proposes to overhaul. Unlike the welfare program, however, the lion's share of the agriculture cash goes into the pockets of the comfortable and prosperous, and a great deal goes to the rich.

Of the three million farms remaining in America, the one million largest produce 90 per cent of the agricultural products. The largest six per cent of the farms produce half of the output. Under our subsidy system, most of the money goes to the people who produce large crops.

The present agricultural act expires at the end of 1970. Early last year, Mr. Nixon's adviser's decided that the way to enact a politically satisfactory farm bill was to let Congress take the lead. If things went well, there would be time later to claim administration credit in farm areas; if the bill went badly, as such measures usually do, the administration might get by with a minimum of blame.

Instead of proposing a major farm overhaul of his own, Mr. Nixon has said little or nothing on the subject. Instead, Secretary of Agriculture Clifford Hardin began drafting a "consensus" farm bill in an unprecedented series of 26 closed-door evening meetings with the House Agriculture Committee. The biggest change suggested by Hardin, to allow eventual lowering of price support levels, faces a doubtful future.

In view of the constantly dwindling influence and viability of the farm bloc, large numbers of urban and suburban votes will be needed to pass a big money agriculture bill this year. No longer is there a Democratic president in the White House to put the arm on city congressmen to go along. In this predicament, Chairman W. R. Poage (D.-Tex.) of the House Agriculture Committee has been holding up the food stamp program, which many urban lawmakers favor, as a sweetener to win support for an omnibus farm bill.

The trouble is, Poage and some of his colleagues have little sympathy for the food stamp program, and they have proceeded to devise state financial contributions and individual work requirements which are unacceptable to many urban congressmen. When discussing food for the poor, Poage has been known to berate the "lazy" and philosophize against aid to "drones."

About one-fourth of the people of his district are under the poverty line, but there is no food stamp program. Four of his 11 counties have no U.S. food distribution program for the poor. Most poor families in his home county can obtain U.S. surplus food only by appearing at an unmarked building once a month in a specified three-hour period.

Another major political problem for the farm bill is the demand for a dollar limit on individual subsidy payments. A limit of \$20,000 per farmer was passed in the House last year, but killed after Senate action. This year the Nixon administration has reluctantly devised a graduated-limitation plan which would allow most big farmers to keep most of their benefits.

The vast majority of the really big beneficiaries are cotton farmers. In 1967, some 18,000 cotton farmers nationwide received more than \$20,000 each in farm support payments, with a total take to these men of \$361 million.

Texas led the nation in the number of big-subsidy recipients. John A. Schnitker compiled these figures while undersecretary of agriculture in a report kept secret during the Johnson administration. According to him, most of the money in the cotton program goes to supplement the incomes of cotton farmers; only a little of it is used to limit the size of the cotton crop.

The way the farm bill is proceeding now, the chances are it will face major trauma in the House. There will be significant reform only if Mr. Nixon stoutly insists upon it. So far there is little indication he will do so.

MR. LOUIS S. SELK

#### HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MILLER of California. Mr. Speaker, I have received one of the most interesting and provocative letters from a very distinguished gentleman in my home city of Alameda, Calif.—Mr. Louis S. Selk.

I wish to share the letter and the article which inspired it with my colleagues in Congress; and, therefore, I am inserting them in the RECORD at this point:

ALAMEDA, CALIF.,  
February 18, 1970.

HON. GEORGE P. MILLER,  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN: This letter carries one of the finest messages to the American people that I have heard in a good long time.

I was born and raised in the town of Axtell and am well aware of the rule that no "colored people" were allowed to stay over night in Axtell. Thank God, my views are with Mr. Riggs, and someday we and the rest of America can stamp out such feelings as did exist.

I am sending you this letter for your consideration to read it into the Congressional Record and to make all effort possible that it be given wide publicity to alert other mid-west rural towns to eliminate such ordinances from their books.

Thank you very much.

LOUIS S. SELK.

#### LETTER TO THE EDITOR

DEAR EDITOR: In keeping with a New Year resolution to act on impulses before they are forgotten, I'm writing this letter.

Many outsiders who marry an Axtell native tend to adopt the town in the process. The remote setting of rural charm has much

appeal. Change does occur, but it is so gradual that it goes unnoticed.

Until recently, attending a church service in Axtell was a timeless experience. The things that were said and done seemed totally unrelated to the current world scene. Without a calendar you could not tell if it was 1910, 1930, or 1960.

But today, Feb. 8, 1970, the minister at the Axtell United Methodist Church was saying things that did relate to the world outside Axtell. The text was Jonah and the message was tolerance. It occurred to me that most of the good folk attending the service were in sympathy with the message, but it would be difficult to demonstrate tolerance for black people in a town where there are none. But I think there is a way.

I am not familiar with Axtell city ordinances but if they follow the general pattern, there are some that deal with non-whites in a shockingly prejudiced manner. Assuming such ordinances do exist, we all know that they would not be enforced today.

However, it would be a meaningful, symbolic gesture if the Axtell citizenry would take the trouble to screen the books for rules reflecting racial prejudice and have them repealed.

Given adequate publicity, this simple gesture would accomplish two worthwhile objectives:

1. It would reveal the kind of inhumanity present at the time the rules were adopted, and
2. It would by contrast measure the extent to which the civil rights movement had succeeded in penetrating one of the remote conservative bastions of middle America. It would demonstrate that people have indeed changed.

RON RIGGS.

## ATOMIC ENERGY AND THE ENVIRONMENT

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. WOLFF. Mr. Speaker, as I have been doing during the past 2 weeks I would like to include in the RECORD two statements received at a hearing I held in New York recently with my colleague (Mr. REID) on atomic energy and the environment.

Today I am including statements from Larry Bogart, of the Citizens Committee for the Protection of the Environment, and Mrs. Claire Stern, of the Long Island Environmental Council:

CITIZENS COMMITTEE FOR PROTECTION OF THE ENVIRONMENT, OSSINING, N.Y.

(By Larry Bogart)

This year marks the 25th anniversary of the nuclear age.

What began as an awesome demonstration of the power of the unleashed atom on the desert in New Mexico, July 16, 1945, has grown to be a double threat to all of mankind. In the words of the poet, "This is the way the world ends—Not with a bang, but a whimper." Don't bet on that. It's a neck-and-neck race, with the split atom in first and second place.

President Kennedy called nuclear bombs the sword of Damocles that hangs over all our heads. Today we are in the process of enlarging our nuclear arsenal, which already has the ability to inflict overkill by a factor of 300. ABMs and MIRVs are being added to the more than 100 depots of nuclear weapons that dot the nation. Already impoverished,

unable to find funds for restoring a livable environment after the military has preempted the largest part of the tax dollar, we now will purchase security by quadrupling our supply of plutonium-warheads.

The national motto should be changed from "In God We Trust" to "In the atom we trust."

The late Robert Oppenheimer, witnessing the frightful power of the first atomic explosion, quoted the Bhagavad Gita—"I am become death, destroyer of worlds."

Now we have enough nuclear weapons to allot the equivalent of 30 tons of TNT to every citizen, many of whom don't have a pound of food.

Although no use has been made of the power of the atom since Nagasaki, 1970 may be the end of the Moratorium. A war between Russia and China, which experts consider highly likely, would be a nuclear war. The U.S. would get enormous deadly fallout. Be warned.

In 1953 the word atom began to give way to the word nucleus, as we sought to exploit the potential of atomic energy for "peaceful" nuclear power. The public relations people thought the semantics could change the public's impression, and separate the dread of the atom bomb from the generation of electricity power by nuclear fission. The success has been almost complete.

In pursuit of the Atoms-for-Peace mania, millions of Americans have salved their consciences and looked the other way while the buildup of nuclear weapons multiplied. We have been all too willing to believe that the benefits to mankind from development of the "peaceful" atom have somehow justified Hiroshima and Nagasaki, and continuing development of more deadly nuclear devices.

If we could see what little value there has been in the whole overblown promotion of nuclear power; how, contrary to widely made claims, the growth of nuclear power has introduced a unique environmental threat and a danger to the health and safety of millions of citizens, we would turn in united action to compel the governments of the world to renounce the employment of nuclear weapons. We are now deceived into tolerating nuclear weapons by the fallacious belief that we are enjoying, or soon will, the blessings of the peaceful atom. Haven't we spent \$19 billions over the past 15 years?

What have we got for it?

Nowhere does the promotion of nuclear energy pose such a threat as in the New York metropolitan area and the already badly deteriorating Long Island Sound.

The greatest concentration of nuclear plants is proposed for the most densely populated area in the East.

Despite recent revelations that nuclear plants are neither economical, clean, safe or reliable, present plans of utilities in New York, New Jersey and Connecticut call for multiplying nuclear generation 20-fold in the next 10 years.

Consolidated Edison has chartered 13 nuclear reactors for the Hudson, Welfare Island and Long Island Sound. Long Island Lighting Company has applied for a construction permit from the AEC for an 800-megawatt boiling water reactor, the most polluting type, for Shoreham; and a site has been acquired near Huntington for another, also on Long Island Sound.

In addition to the large Connecticut Yankee nuclear station at Haddam Neck on the Connecticut River near its mouth on Long Island Sound, a large boiling water nuke is about to go to full power at Millstone Point near New London. Another even larger unit is being constructed at the same site. Having been dispossessed from Coekene Island off Westport, utilities are seeking another site for a nuke in that area.

Further east, large reactors are being suggested for Narragansett Bay and the New Bedford area, but an island at the mouth of

the Sound, appropriately named No Man's Land, is the only fit place for the highly experimental reactors that are proliferating on every river and bay on the Atlantic Seaboard.

It's all been a ghastly mistake, according to some experts, but now we are boxed in and the options aren't attractive.

The light-water type reactor, which has been so assiduously peddled since 1966 that over 100 are in various stages of materializing has inherent defects. These could be tolerated in small out-of-the-way reactors, but assume nightmare dimensions when we move them closer to populated areas, quadruple the size and cluster them. Imagine rushing four 1000-megawatt reactors for David's Island, 500 yards from New Rochelle, when there's no operating experience with a single reactor even half the size. In their haste to commercialize nuclear power, the industrialists took the concept before the national laboratory had checked it out. There have been no prototypes. The AEC has rubberstamped the incomplete and imperfect technology and let loose on the land something that could be as devastating as the plague, but more subtle and insidious.

Others here today will describe all the disadvantages of the current design reactors.

The situation is doubly alarming because New York State, at the urging of Governor Rockefeller, has adopted a policy of maximizing nuclear power in the Empire State and has put unlimited funds behind that effort, as evidenced in the 10th annual report of the "little AEC"—The New York State Atomic and Space Development Authority.

As the defects of the light-water reactor become common knowledge, the industry and government agencies concerned are frantic to develop an improved reactor. They are according to the highest priority, and making commitments that will exceed 2 billion dollars of federal subsidy to rush the "fast-breeder" reactor. The first of these "improved" devices is slated for Waddington, N.Y., on the St. Lawrence, in the middle of a high-risk earthquake belt. Angry citizens of Washington County, N.Y., drove it out of Easton, 14 miles north of Troy on the Hudson, last summer when they found out how dangerous it was. With evidences of technology out of control, all around us, let us not go further down the road to peaceful nuclear power.

On an attached sheet, we have quoted a number of authorities who have recently warned against using nuclear fission for electric power generation.

We want to give special emphasis to testimony presented January 28, 1970, before the Joint Committee on Atomic Energy in a Public Hearing in Washington.

Dr. John W. Gofman, a biophysicist and physician of Lawrence Radiation Laboratories, University of California (Livermore), who with his colleague Dr. Arthur E. Tamplin in November had urged before Senator Muskie's subcommittee an immediate reduction downward 10-fold in allowed discharges of radioactive wastes, or risk a national disaster, told the JCAE last week that the situation was worse than he had originally stated, in terms of increased incidence of leukemia, cancer and other conditions induced by excessive radioactivity.

He challenged the AEC to an open public forum under the auspices of any scientific society to defend the government position that present standards protect the public. The AEC will no doubt duck the issue, one of the most vital that has ever been raised in view of the number of nuclear reactors that have been committed.

Therefore, we appeal to the members of Congress who have called this hearing and other representatives not in the thrall of the utilities and The Joint Committee on Atomic Energy, to introduce legislation at once, calling for a Moratorium on all nuclear construction and the appointment of a

special committee of the National Academy of Science/Engineering to study the grave problem we face of widespread environmental pollution and make recommendations on how essential power needs can be met without compromising the health and safety of the people, particularly those who would suffer the greatest damage in the densely populated New York metropolitan area.

Beyond this, we must stop the fast-breeder scheme and cut \$1 billion out of the AEC budget for next year—as David Lillenthal, first AEC chairman, recommended years ago when he discovered the peaceful atom scarcely exists in fact.

SOME AUTHORITATIVE OPINIONS ON NUCLEAR POWER HAZARDS

David E. Lillenthal, first AEC Chairman; the New York Times, July 20, 1969: "Once a bright hope shared by all of mankind, including myself, the rash of proliferation of atomic power plants has become one of the ugliest clouds overhanging America."

LaMont C. Cole, Professor of Ecology, Cornell University, January 31, 1969: "I am convinced that this rush to blanket the Northeast with nuclear power plants is one of the most dangerous and misguided steps ever taken by man."

Statement to House Committee on Public Works by the League of Women Voters, March 17, 1969: "League members want all possible effects of nuclear plant location and construction considered before construction is begun . . . We do not say that no nuclear powered plant should ever be built. But our members are saying it is important that the country move much more slowly and with greater safeguards into the age of nuclear generated electric power."

Quoting Philip Sporn, former head of American Electric Power; Forbes Magazine, November 15, 1968, p. 58: "Sporn worries about safety. 'We ought to slow down,' he says. 'We ought to begin to get some experience out of these ordered before we go ahead with more. We don't have any atomic power in operation; it's practically nothing—less than 10,000 megawatts by 1970. What we have is nothing. What we have ordered is a great deal. We need to get that going and to have some experience. In atomic matters, we ought not to rush. We're going to have some accidents with atomic plants. We don't want to have any. None of us in the business does. But we're going to. Let's get our experience and have our accidents now before we take more chances with more plants.'"

The New York Times, Sunday, December 29, 1968, p. 1 report from Dallas meeting, American Association for the Advancement of Science: "Dr. Barry Commoner, director of the Center of the Biology of Natural Systems at Washington University, St. Louis, said, for example, that the use of nuclear reactors had to be evaluated in the light of 'hidden costs' to human health from the release of Iodine-131, a radioactive substance that could settle in the thyroid gland and possibly cause cancer."

Senator George McGovern; letter to Anti-Pollution League, March 14, 1969: "I certainly agree with you that the Joint Committee on Atomic Energy has been less than zealous in exercising its obligation to review the decisions of the Atomic Energy Commission, and I intend to support efforts to bring the Joint Committee's findings out into the open. The public has a right to know how its environment is being threatened."

Robert L. Whitelaw, Virginia Polytechnic Institute, Blacksburg, Virginia; IEEE Transactions, May 1969, pp. 374-75: "There is still by common consent an unwritten agreement to treat as 'incredible' the most fearful of all nuclear accidents that can occur in any plant with a highly pressurized primary system. Such an accident is, of course, the explosive rupture of the primary vessel itself, which is ruled out of the list of credible accidents for the simple reason there is no

answer short of putting the plant underground or inside of a mountain, as Ackerman has pointed out."

STATEMENT PREPARED FOR THE PUBLIC HEARING ON THE LONG ISLAND SOUND HELD BY CONGRESSMEN JOSEPH P. ADDABBO, OGDEN R. REID, AND LESTER L. WOLFF, FEBRUARY 6, 1970

My name is Claire Stern, and I am the Executive Director of the Long Island Environmental Council. I am speaking for the Board of Directors of the Council in my general remarks, and I will refer specifically to the Huntington Audubon Society and to the Long Island Sound Association in the course of my statement.

The Long Island Environmental Council is a membership organization chartered under New York State law as a non-profit, tax-exempt corporation, with individual and organizational memberships. A sampling of our member organizations: The Three Long Island Chapters of the Audubon Society, Action to Preserve the North Shore, the Nassau Outdoor & Hiking Club, the Adirondack Mountain Club, Manhasset Bay Sportsman's Club, Manhasset Bay Civic Association, the North Shore Unitarian Church, the Brookhaven Town Resources Council, the Sag Harbor Conservationists, etc.—a variety of conservation groups, civic associations, and religious institutions. We work with the Boy Scouts, Girl Scouts and the League of Women Voters, all of whom have a national charter which precludes their group membership in a council which takes legislative action. The Council has adopted as its basic principle the view that responsibility for the maintenance and control of a quality environment ultimately rests on the cooperation and knowledge of public officials, the scientific community and an informed public.

We therefore have structured the internal organization of the Council to assure an active role for the scientists and technically-trained residents of Long Island to give their advice, based on their professional competence, in each area of our environmental concern.

Some of the speakers today are among those we turn to for guidance. We also work closely with the Scientists' Institute for Public Information based in New York City and St. Louis, and with the Environmental Defense Fund.

By our charter we are primarily responsible for Nassau and Suffolk counties, but we cooperate with groups and individuals in the entire metropolitan area on specific problem areas such as Jamaica Bay, Little Neck Bay, etc.

So much for an explanation of our organization and our structure. Let me restate clearly that the Council is a coordinating federation of men, women, adult and students, who are unwilling to accept a second-best environment, and who feel a sense of crisis and urgency in restructuring our national goals and will support expenditures to accomplish those goals. For example, the Council was the only regional organization to associate with the Citizens Crusade for Clean Water, working to appropriate \$1 billion for sewage treatment plants. And we will monitor the release of the \$800 million to the states while we take up the \$1.25 billion for the next fiscal year.

You as Congressmen are receiving more visits and telephone calls than ever before to save the Everglades, vote "no" on the Timber Supply Act, vote "yes" for water pollution abatement, etc.—and there have been some successes. The postponement of the vote on the Timber Act today indicates the effectiveness of a combined voice of informed power.

But I can tell you we are losing the battle on a daily basis through the decisions made by local zoning boards and board of trustees who have neither the knowledge, nor the

time to acquire the understanding of the destruction of our precious resources.

Item: A salt marsh is being filled in for a parking lot in Great Neck Estates.

Item: A park in Bellmore is being considered for the site for a special services school.

Item: An oil purification plant is announced in Northport.

Item: A greenbelt is set aside crossing Suffolk County north/south part of the area is rezoned for development and illegal dredging was taking place this week.

Item: Nuclear power plants are planned for Long Island Sound while we are bombarded with press releases from the Atomic Energy Commission and from the power companies that we conservationists are few in number and obstructionists in attitude.

The list is endless. I have emphasized the variety of local crises we are responding to, and now let me support certain principles directly connected with the quality of the Long Island Sound.

We of the Council, and the Huntington Audubon Society support the legislation proposal for a one-year moratorium on building any plants on the Sound in order to determine in advance, if possible, the potential cumulative effects of such projects. We all need and use power. We ask only for a short holding time which can be used for reevaluation and rethinking by the utilities, by government, scientists and the people. Decisions to construct projects or legislate controls are made by too many agencies, too many departments, too many municipalities—from the federal down to the village.

We need one commission responsible for an overview of the Long Island Sound, which will see the interrelationship of a request to dredge in Great Neck, in Larchmont, in Jamesport. Who will work to restore the quality of the shorelines for recreation and public access.

Who will view the Sound as a natural resource of unequalled proportions that must be protected.

We urge that hearings be planned on S. 2472 in the very near future to enable us to have an identifiable, politically responsible agency for the Sound.

It is for just this reason that we formed the Long Island Sound Association, a steering committee of the leadership representing Westchester County, Eastern and Western Shores of Conn. and Long Island.

The citizens are ready. We hope the Congress is.

We appreciate the opportunity to be heard today, and look forward to working along with you in our effort to bring a new set of indices to our cost benefit ratios and to work for rational planning with respect for our natural systems, and a national well-being for all our citizens.

GOVERNOR MADDOX—IN TRUTH A MAD OX

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. LEGGETT. Mr. Speaker, earlier this week the Members dining room of the House of Representatives was treated to the fantastic spectacle of Lester Maddox, Governor of Georgia and advocate of law and order, passing out ax handles to all who would accept them. Shortly thereafter, 12 Members of this body, including three from my State of California—Messrs. COHELAN, REES, AND WAL-

DIE—took the floor to condemn this man and his action.

I take this opportunity to associate myself with their remarks in every respect.

Perhaps the ax handle is the symbol of justice in the State of Georgia. Perhaps it is not. I note that one member of the Georgia delegation has characterized the ax handles as "offensive," and I am glad to hear this. At the same time, I note that the rest of the Georgia delegation has not been heard from.

In any case, the ax handle is not yet the symbol of law and order in the United States. It is a symbol of hooliganism and the law of the jungle, and it is no less so in the hands of an elected public official.

#### FALSE ECONOMY

### HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. GIAIMO. Mr. Speaker, the administration says it is economizing this year to combat inflation and save taxpayer dollars. One example of this so-called economy is the closing of the U.S. Marine Biological Laboratory located in Milford, Conn. The Laboratory, operated by the Department of the Interior, is engaged in molluscan aquaculture research. In layman's language, the Milford Laboratory is developing a better breed of oyster.

The 40-year-old lab moved into a new \$2 million facility approximately 2 years ago. This highly specialized facility, described as "the finest shellfish laboratory in the world," operated last year on a budget of approximately \$336,000.

The laboratory research program includes physiological requirements and behavior of larval and juvenile mollusks; effect of environment of growth and fattening; genetics—to produce higher quality meats and disease-resistant strains—physiological requirements of marine algae utilized as food by molluscan shellfish; and development of mechanical and chemical methods to control predators such as starfish and oyster drills. The practical result of this research has been to revive a dying industry to the point where it again harvests over a million bushels of oysters a year. Contributions in the past few years to the commercial shellfish industry alone have been worth far more than the entire investment in the laboratory over its 40-year lifespan. The potential return on the investment for the future is inestimable.

Mr. Speaker, the decision to close the Milford Laboratory on May 30 of this year is obviously false economy. The fact is illustrated dramatically by Carroll Cavanagh in a recent article which appeared in the Bridgeport Post. For this reason, I insert that article in the RECORD at this point:

ARTICLE BY CARROLL CAVANAGH

There remains some hope that at least certain departments of the U.S. Bureau of Commercial Fisheries laboratory, only recently

(late 1968) rehoused in a specially designed multi-million dollar new technical building on Milford harbor, will be permitted to continue to pursue their research goals.

But the recent edict of the Bureau, a unit of the Fish and Wildlife Service (Department of Natural Resources), of the Interior department, calls for closing the laboratory by May 1, and handing the building over to some other federal government agency showing a need for it. Emissaries of other agencies are already making inspections and considering its usefulness.

Regional officials of the Fisheries bureau said last week they regret the scheduled closing of the Milford facility but it has become necessary as a result of a \$7 million cut in the bureau's \$52 million budget.

#### MOVE IS PROTESTED

The outcry against the threatened closing has been strenuous. Virtually every sector of the aquaculture and shellfish community has opposed the closing.

J. Richards Nelson, chairman of the Connecticut State Shellfish Commission, who is also president of the largest oyster growing and breeding concern north of Chesapeake Bay, Long Island Oyster Farms, Inc., terms the closing or curtailment "catastrophic."

He says that the economy move is extremely short-sighted, decrying the decision to cease basic research in a field where so much has been done to make America the leader in aquaculture.

Mr. Nelson insists that enhanced production of protein from these estuaries is of great significance to this country and the world, and that shutting off an outstanding source of knowledge about that development is not economy.

The budget for the laboratory, he points out, is a mere \$336,000 a year, a tiny sum in relation to the effectiveness and value of the work of the laboratory, and a relation to other federal expenditures for far less promising ends.

Norman and Hillard Bloom, growers from Norwalk with grounds all along the Connecticut shore, are equally opposed to the decision to close, as is Jack Radel, who head the Andrew Radel Oyster company on South Norwalk and Oyster Bay.

#### STUDY OF OYSTER BREEDING

The building was engineered and elaborately designed around what evolved over the years as the laboratory organization's chief mission, the breeding and rearing of oysters and other edible bivalve mollusks. In that mission there came to be included fundamental studies of the foods of these highly valuable shellfish, the algae. The algae are microscopic plants of almost infinite variety that abound in most littoral sea water, and are of benefit to man in almost no other fashion than in their role as fodder for the oysters, clams and mussels he eats.

The May 1 closing date will terminate the research of oysters genetics and the farming of the algae, unless the new federal landlord will be willing to accommodate these two programs, the only ones given any kind of stay of execution, in its utilization of the premises.

Even under such suzerainty it is hard to see how these two programs will flourish. The ongoing, year-round breeding and rearing of swarms of tiny shellfish larvae, the forerunners of the mature shellfish, are relied upon in the genetic studies for the indispensable new batches of crosses in pursuit of the heritable characteristics of oysters. Without the rearing program to rely upon, the genetics team will have to breed and rear its own oyster offspring.

#### LAB TEAM IS UNIQUE

The genetics team consists of Dr. L. Crosbie Longworth and her assistant, Miss Sheila S. Stiles. They are at present the only team in the nation, and very probably the world, whose work is devoted solely to basic

genetic shellfish research. The artificial breeding and rearing they will have to take on is in itself an art and a technology that has only recently become established. The Milford laboratory has been the fountainhead of research on that art and technology.

The rationale of the closing is the premise that the states control the waters in which most shellfish grow and should therefore undertake for themselves the work now done by the federal laboratory. In granting possible reprieve, or something like it, to the genetics program, the administrators of the Bureau of Commercial Fisheries take some cognizance of the value of the genetic knowledge that has been accreted slowly over the past two years. This knowledge is represented in the segregated strains of oysters growing in the specially constructed cultivation tanks covering a field near the laboratory, and by the records and analyses kept by Dr. Longworth.

Something of the same regard is shown for the bank of 80 different pure cultures of single species of shellfish food algae maintained under the laboratory's "diet" program. These cultures, developed and maintained under the direction of another woman authority in her field, Dr. Ravenna Ukeles, are without doubt the finest reservoir of pure marine algae strains in the world. Small "start-up" batches of these unique, bacteria-free cultures are shipped to commercial shellfish hatcheries and to university, state and national laboratories around the world.

For the present, the ultimate significance of these strains is how well they serve as food for the growing baby oysters and clams, though the study of algae for themselves as a direct source of food for man, or as fodder for land animals is growing.

#### DRIVE TO SAVE LAB

The oyster growers of Connecticut, New York and the Chesapeake Bay area have entered upon a campaign to save the laboratory in toto. They have been joined by shellfisheries scientists throughout the country.

The Oyster Institute of North America has urged all its members to write to Russell Train, chairman of the Presidential Council for Environmental Quality, at the Interior Department, or to Walter Hicel, Interior Secretary, or Charles H. Meacham, Commissioner of the Fish and Wildlife Service, to urge reconsideration of the decision to close.

The laboratory has three other programs which, under present decisions, will be terminated. They are: Physioecology, Rearing and Predator and Disease Control.

From the work in physioecology much pertinent information on water quality, discovered through observance of the effect of pollutants, on shellfish, their larvae and their food, has been amassed.

#### SUCCESS OF PREDATOR CONTROL

Predator Control, under Clyde MacKenzie, Jr., has contributed materially to the very recent resurgence of relative abundance of oysters in Connecticut and Long Island waters. Mr. MacKenzie has carried his program of studious, informed cultivation of the grounds of the oystermen, scuba diving on the average of two days a week year 'round on the beds of the grower, innovations and refining mechanical and chemical techniques to control the oyster drill and the starfish, the great predator on oysters. His work and his gospel of care are extendable to other shellfish areas.

His efforts have been accompanied by a return of oyster populations to levels which permit harvests above a million bushels annually from the Sound oysters. This comeback follows an unremitting decline lasting for 20 years.

The rearing program may be said to underlie most of the other programs carried on within the laboratory. The laboratory was commissioned in 1931. Its first substantial building was occupied in 1941.

The Bureau's decision is in line with a determination to transfer attention to stocks of finfish in the open sea. Many scientists challenge such a value judgment, arguing that finfish can only be negatively managed and, at best, the taking stabilized at something called "the maximum sustainable yield"; whereas increases of shellfish, in addition to being proprietary to the nation developing them, are virtually without ceiling and are a direct result of the effort expended and the knowledge applied in cultivating the shellfish.

The shellfish hatchery as a concept, to which the laboratory has so significantly contributed, is seen by many as the door to a new shellfish era.

Without the hatchery, genetics, through which prodigious accomplishments have been made in plant, poultry and large animal production, is impossible. The hatchery species to new niches around the world, makes possible the transfer of shellfish without the fear of introduction of diseases, new predators or other undesirable organisms. Millions of tiny larvae, or juvenile mollusks, can now be flown from one place to another and ultimately planted on new shores. Presently, for instance, the American hardclam is being cultivated around the shores of Britain and Ireland, promising a new fishery which comes a total dividend, since the clams interfere with no existing commercial species.

#### POLLUTION WORK SEEN HURT WITH CLOSING OF LAB

STRATFORD.—Edwin Fordham, chairman of the Stratford Shellfish commission, yesterday urged the public to write to Connecticut members of Congress in a campaign to keep the Milford laboratory of the U.S. Bureau of Commercial Fisheries in operation. The bureau announced last week the facility would be closed in May because of budget cuts.

Mr. Fordham yesterday pointed out the laboratory here has long been conducting studies to curb water pollution. In this connection, he said closing the laboratory would seem to conflict with President Nixon's emphasis on combatting air and water pollution.

#### TEXT OF STATEMENT

Here is Mr. Fordham's statement:

"Pollution is a word which has become very popular within the last few months. Formerly silent citizens have suddenly found their voices and are becoming involved in the pollution problem.

Most citizens in which areas are aware of the Bureau of Commercial Fisheries laboratory in Milford, but associate it primarily with the oyster industry. Few persons realize that personnel in this laboratory have been investigating and publishing facts relating to the effects of pollution on shellfish species since 1961. They have been studying the life cycles of shellfish species for more than 30 years, and by the very nature of their work have become involved with pollutants affecting the shellfish industry.

"Factual studies have been published regarding pesticides, detergents, turbidity, silt, which are forms of pollution affecting embryonic development of all shellfish. Oil pollution has created many recent problems and standard methods of testing for this pollutant involves oyster embryos as the test material.

"This method was developed from funds of the Federal Water Pollution Control Act, and yet was an offshoot of work carried out at the Milford laboratory. A scientist in the State of Washington devised a test for sulphur wastes from paper mills through use of shellfish embryos. Destruction of algae, a basic link in the food chain of fin fish as well as shellfish, has been attributed to pesticides by studies at this laboratory.

"It must be admitted that when only a few voices were heard protesting viola-

tions of laws relating to pollution, the Bureau of Commercial Fisheries at Milford had already become involved in the problem.

"Today the Milford laboratory is faced with a grave problem. President Nixon has financed investigations and control programs regarding pollution on one hand, but has reduced the budget of the Bureau of Commercial Fisheries on the other. Consequently, the laboratory facilities at Milford, are to be closed May 1, 1970.

#### NEW LAB COST \$1.3 MILLION

"Two years ago, new laboratory facilities costing \$1.3 million were constructed on the Milford site. This laboratory is the finest facility of its type in the United States.

"To close this marine laboratory and lose the personnel who have carried out so many original investigations regarding water pollution is not a sound decision from any economic standpoint. Here are facilities, capable personnel experienced in the areas which must be studied.

"This laboratory should not be closed but should be utilized to its fullest capacity for pollution study. Our political leaders should recognize this laboratory for its contributions throughout the world in the fields of shellfish culture, pesticides and detergent pollution studies, algae culture, predator control through use of chemicals and genetics related to aqul culture.

"It is hoped that fishermen, hunters, boatmen and all sportsmen will recognize that they have been affected by the growth of pollution in the last decade, yet the work of the Milford laboratory is just beginning to pay dividends in the form of applied science. It is hoped that the public will take the interest and time to write their congressman in an attempt to keep this facility open to continue its worthwhile investigations."

#### MISS JUDITH BETH WOODWARD: VOICE OF DEMOCRACY

#### HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. HECHLER of West Virginia. Mr. Speaker, I am proud that Miss Judith Beth Woodward's oration has won West Virginia's Voice of Democracy Contest annually sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary. The contest theme is "Freedom's Challenge," and Miss Woodward has done an outstanding job in defining the meaning of freedom, as well as breathing new life into that meaning as she delivers her address.

A senior at Parkersburg High School, Miss Woodward lives at 907 24th St., Vienna, W. Va. She is the daughter of Mr. and Mrs. James L. Woodward, and has one sister, Becki Ann Bailey, and two brothers, James Jeffrey and Thomas Matthew. She attends Methodist church, and has been very active in a number of extracurricular clubs including Entre Nous, Honorary Book Club, Thespians, Soccer Team, and Radio and TV Club. Her hobbies are acting, writing, philosophy, tennis, reading, and sewing.

It will be an honor to receive Miss Woodward in Washington, D.C., when she attends the Veterans of Foreign Wars Annual Congressional Dinner at the Sheraton Park Hotel on March 10. I commend to the attention of my col-

leagues Miss Woodward's excellent address on "Freedom's Challenge":

#### FREEDOM'S CHALLENGE

"Freedom" . . . Is it just to let one word—a one general term—stand for a concept that covers so wide a span? Every country and every man has his own idea of freedom. The challenge of that freedom—the challenge of any freedom is: "How does an individual use it?"

In America, the people are the government, so their ideas of freedom become America's idea of freedom.

"Freedom." What other country speaks the word "freedom" with such an adamant tongue? Perhaps freedom means more to Americans because it was the yearning of oppressed peoples for freedom that founded America.

It was the need for and the God-given right to freedom that brought on the Revolutionary War, the Civil War, and the World Wars. And it is that same need and God-given right that men are fighting and dying for today.

However, you don't have to die in a war for freedom to prove that you hold it more dear than even your own life. You do have to actively want it—Speak for it!—Fight for it!—Live for it!

Freedom is a truth—and truth knows no death. And as long as man believes in freedom—for man is what he believes in—then he too lives forever.

Freedom! Can't you hear it? Then listen . . . listen to the peal of the liberty bell—to the shot heard 'round the world—listen to the politician on his soap box—to the hippie in Hyde Park—to the truck driver in Chicago—to the first grader in California reciting the alphabet . . . Can't you hear it? . . .

Freedom! Can't you see it? Then look . . . look at the red, white, and blue waving in the wind—watch the crowd at a football game—look closely at the wrinkled skin of an old veteran or a newly born babe—look through the shelves of a public library—look at yourself . . . Can't you see it? . . .

Freedom! Can't you smell it in the air! Turn your head toward a campfire or freshly turned sod—or the salty sea air—or a hot dog stand—or newly cut hay . . . Can't you smell it? . . .

Freedom! Can't you almost taste it? Drink from a mountain stream or eat at Joe's Diner—touch your lips to a snowflake or chew on a grass blade and gaze at the clouds . . . Can't you almost taste it?

Freedom! Can't you feel it? Then reach out—touch your brothers—watch a group of refugees get their first sight of the Statue of Liberty—raise the flag—hold a baby—dry a tear—touch a smile . . . Can't you feel it?

That's freedom . . .

#### CAPT. ERASTUS "DEAF" SMITH: DEAF HERO OF THE TEXAN REVOLUTION, LAUDED IN "THE DEAF AMERICAN"

#### HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Friday, February 27, 1970

Mr. YARBOROUGH. Mr. President, no history of the folk heroes of the independence movement in Texas would be complete without an account of Capt. Erastus "Deaf" Smith—chief spy and commander of scouts for Gen. Sam

Houston. "Deaf" Smith's hearing was damaged in infancy. And as is so often the case, the loss of one sense only served to sharpen the other senses. It was said that "Deaf" Smith could detect the presence of people or animals before others could see or hear them.

"Deaf" Smith's moment of truth arrived early on the morning of April 21, 1836, the day of San Jacinto, when General Houston asked him to take a detachment armed with axes to destroy the only bridge over Vince's Bayou, a stream, the lower banks of which were flooded, in order to cut off the Mexicans' retreat in case of a rout; it also cut off the Texans only route of retreat in the event of a Texan loss. "Deaf" Smith completed his mission in time to participate in the Battle of San Jacinto that afternoon. The rest is now history. Texas' independence was won.

The Mexican forces were completely routed; their best means of escape had been destroyed. Their losses were catastrophic. On the following day Santa Anna himself was captured. Texas independence was secure. One wonders what the results might have been had Deaf Smith failed in his mission. Fortunately, he did not.

Mr. President, most of my Senate colleagues are aware of my deep interest in programs for the handicapped. My recent appointment to the board of directors of Gallaudet College has served to deepen my interest in the deaf. Thus I was delighted to read the article on Deaf Smith, called "Deaf" Smith by the early Texans, in the December 1969 issue of the *Deaf American*.

While the exploits of Deaf Smith are well known in Texas, they are not so well known outside the State. And since I think we can all learn from individuals, such as Deaf Smith, who can rise above severe physical handicaps, I would recommend a full reading of the article.

Mr. President, I ask unanimous consent that the article in the December issue of the *Deaf American*, entitled "The Hero Who Gave His Name to Texas' Deaf Smith County," be printed in the *Extensions of Remarks*.

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

GENERAL HOUSTON'S TRUSTED SCOUT: THE HERO WHO GAVE HIS NAME TO TEXAS' DEAF SMITH COUNTY

(By Robert L. Swain, Jr.)

The Lone Star State of Texas matches its huge size with as big a fierce civic pride in its galaxy of he-men, freewheeling heroes. Categorized as such is Captain Erastus "Deaf" Smith whose "severe hearing handicap" did not hamstring him from becoming one of the stars of the historic Texas Revolution that boldly threw off Mexico's yoke in 1835-36. He was also the first of a long line of distinguished Texas scouts.

As if by design, fate had Deaf Smith in the thick of the rebellion as a trusted ally and commander of scouts for General Sam Houston, commander in chief of the Texan revolutionary army and the first—and twice—president of the Republic of Texas before it was admitted into the Union as the 28th state in 1845.

No account of the revolutionary period in the history of Texas is complete without copious reference to Deaf Smith's

achievements; and he is mentioned in all biographies of Sam Houston. Even Deaf Smith is the subject of a hero worshipping, though largely fictionalized, children's book, titillatingly entitled, "The Nine Lives of Deaf Smith."

Smith did not have to wait for formal historians to evaluate his contributions properly as a step toward the canonizing of him as an authentic folk hero. Almost immediately after Texas took the lone path to becoming a full-fledged republic its treasury department started the beatification by having his likeness imprinted on the five-dollar bill it issued.

While the few surviving banknotes show Smith's faded face, we have, fortunately, the Houston Public Library's oil portrait of him to see what he actually looked like. It was Sam Houston, thanks to his prophetic feel for history, who had the painting done for posterity's benefit. The portrait, with the incisive sharpness of a clear color photo, tells us Deaf Smith had a long, lean, slightly handsome face—roughened by the elements and almost ascetic in quality; a pair of diamond-sharp eyes which, although narrow from habitual squinting under the glaring Texas sun, had the gleam of friendliness tempered with steely firmness; a tapering, sensitive nose accustomed to smelling danger miles away; and a determined mouth that spoke with such sincerity that people were won over to him, and yet knew when to keep tight-lipped when military secrets were involved.

Described as squat and stocky, Deaf Smith had his hearing damaged from sickness when he was a baby. Speaking of Smith's deafness, M. K. Wisheart, in his monumental biography, "Sam Houston—American Giant," cited: "Houston was struck by the fact that Smith's loss of hearing, caused by disease in infancy, had apparently sharpened his other senses; it was said that he could detect the presence of people or animals before others could see or hear them. His eyesight was especially keen. Deaf Smith's modesty, as well as his confidence, appealed to Houston. Obviously his deafness had made him sensitive; he was reticent and answered all questions laconically in a very high squeaky voice."

His deafness had Smith stapled with the "Deaf" sobriquet by his compatriots, and especially to set him apart, as he so rightly deserved to be, from the lesser Smiths. Houston preferred to call him either by his last name or referred to him admirably as "the wonderful Mr. E." The E stood for Erastus. In a communication to the Texas provisional government's Secretary of War, Thomas J. Rusk, Houston mentioned Smith's deafness by writing of him in this manner: "Mr. E. (Deaf) Smith."

Characteristically, Deaf Smith made the best of his handicap. A hardy soul summoned the courage one day to ask him, pointblank, whether he found the physical defect a hindrance. Not the kind to make excuses for his shortcomings, Smith frankly retorted: "No, I sometimes think it is an advantage—I have learned to keep a sharp lookout—and I am never disturbed by the whistling of a ball (bullet)—I don't hear the bark till I feel the bite."

To get an idea of the location and size, too, of Deaf Smith County, roll out your largest map of the United States and you will be able to pinpoint without eyestrain the county tucked in the Texas Panhandle in the High Plains—50 miles west of Amarillo and cheek to jowl to New Mexico.

No tiny flyspeck as so many counties are in smaller states, Deaf Smith County stands out like a giant, easily so, as the seventh largest in Texas' impressive agglomeration of 254 counties. Remember, some of Texas' counties make Rhode Island and Delaware look ridiculously puny by comparison.

Far from being a grubby, arid patch, Deaf

Smith County lies within a rich farming, ranching and cattle feeding area, and is recognized as a leader in these and other related industries. Principal crops are grain sorghum and wheat. Moreover, it is a competitor of Idaho and Maine in the harvesting of potatoes and has also cut into the lettuce business of California. As many as 365,000 acres are currently irrigated.

Hereford, the county seat since 1898, which counted a total of 12,568 residents as late as 1967, basks, as its name so suggests, in the reflective glory of the county's famous breed of cattle—the beefy, whitefaced Herefords. About 22,000 head valued at about \$7 million are marketed yearly. Several years ago Hereford won international prominence when a *Reader's Digest* article acclaimed "Hereford—The Town Without a Toothache." The research-backed writeup reported that the natural fluorides in the water in the Hereford area resulted in a very low incidence of dental caries.

Deaf Smith died 39 years before the county honoring him was carved out, in a neat rectangular shape, by the Texas legislature in 1876 from an enormous chunk of sparsely settled land tagged the Bexar District. The county was organized in 1890.

Older Fort Bend County in southeastern Texas is where Deaf Smith is buried. His grave is near the Episcopal Church in Richmond on the Brazos, an old community having the air of the Deep South—just 29 miles from Houston, the state's largest city. In Richmond, in the cemetery, four blocks southeast of the highway, is the Deaf Smith Memorial Monument erected in grateful appreciation by the State of Texas. It bears at its base this eloquent salute: "So valiant and trustworthy was he that all titles sink into insignificance before the simple name of 'Deaf' Smith."

Like so many adventure-driven Yankees who braved the vast desolation of Texas in the early nineteenth century, Deaf Smith was a transplanted Easterner, having been taken at the impressionable age of eleven by his parents, Chilab and Mary Smith, to Mississippi Territory near Natchez. He was born in Dutchess County in New York State on April 19, 1787.

Reaching his 30th year in 1817, he first entered what is now Texas, only to remain there for a short spell. In poor health, he returned in 1821 and was with Major James Kerr in the first settlement of Gonzales. When it was broken up by hostile Indians, Deaf Smith made San Antonio and vicinity his base. The next year, in 1822, he shed his bachelorhood by taking for a wife a Mexican widow, Senora Guadalupe Ruiz de Duran, in San Antonio and from this union were born four children—three of them girls.

His footloose wanderings over Texas and his outdoor work as a surveyor had the therapeutic effect of restoring his health, but, citing the chronicles, he "remained deaf." By coincidence, he worked as a surveyor for the brilliant Borden brothers who, like him, came from New York. They were of the family whose process for drying milk led to the founding of the highly successful Borden Company of Elsie the Cow image.

Spurred by a restless mind that clutched at facts with a talon-like grasp, he studied the topography of the endless Texas country until he seemed to know every inch by heart. Then, too, he was something of an anthropologist, for he took pains to learn the customs, manners and language of the Mexican settlers. This encyclopedic knowledge was to make a profound impression upon General Houston. Unlike the socially aloof typical Yankee settler, Smith went out of his way to make friends among the Latins. He was also well liked by many American pioneers.

The eruption of the Texas Revolution against Mexico in 1835 found Deaf Smith assuming a shaky hands-off stance in def-



erence to his family. Naturally he came under suspicion in the American community. However, he soon dropped his neutrality after Mexican troops blundered by refusing him entry into San Antonio to visit his family. The affront once again reminded him painfully of the indignities long meted out by haughty Mexican officialdom to the Americans in Texas.

His temper ignited, he went to General Stephen F. Austin's camp and placed himself available for military service. Virginia-born Austin—he was the American leader of colonization in Texas—indicated his pleasure in having Smith by awarding him a commission. An insight into Smith's makeup as a gusty, resourceful fighter is this revealing sizing up: "He was a taciturn, thoughtful man, with courage, and a goodly portion of what may be termed, in partisan warfare, adroitness or cunning." Similarly, his contemporaries praised him "for his coolness in the presence of danger," but regarded him "as a man of few words." A historian of the Alamo gave this popular verdict: "He (Smith) was nearly as silent as he was hard of hearing, but when he said he saw something nobody ever doubted him."

Smith quickly measured up to expectations by proving adept as a scout, the modern equivalent of which is the military intelligence agent and spy. He performed meritorious work in reporting on enemy movements and his information—often secured under great risk—proved invaluable to the Texan army.

He took part in reconnoitering parties, including those under Col. James W. Fannin, Jr., and Col. James Bowie at the Battle of Concepcion on October 28, 1835. Prior to the conflict Deaf Smith had been under orders to watch for attempts to reinforce the old mission, called Concepcion, near San Antonio, as it was known that a call for help had been sent south. The battle ended in a stunning victory for the Texans, with only one killed and none wounded, while the Mexicans suffered nearly 100 killed and wounded.

Prisoners seized at the battle said hard silver to pay all the Mexican troops in Texas was on the way from Mexico. Therefore, a force was dispatched to watch for a train of pack animals expected anytime. It was Deaf Smith, his powers of observation functioning to the hilt, who spotted an armed procession of heavily laden burros. He promptly reported his discovery to Col. Bowie, who hurriedly rounded up a force and intercepted the mules and their escorting cavalry. Bitter fighting resulted and the enemy lancers ultimately fled, leaving behind the frightened, braying burros. Instead of precious silver, the poor draft animals carried bundles of forage for the hungry mounts of the beleaguered Concepcion garrison. This skirmish, descriptively called the Grass Fight, was one of the many examples of how Deaf Smith made the most of his razor-sharp eyes.

Another feat of Deaf Smith was his guiding, on December 5, 1835, under the very noses of the enemy, the forces of Col. Francis W. Johnson stealthily into San Antonio to a rendezvous where they were to meet Col. Ben Milam. Three days later Milam was shot through the head during a fierce bombardment of the American positions in San Antonio. About the same time Deaf Smith was wounded.

After the surrender of Mexican General Martin Perfecto de Cos following the Battle of Concepcion, Deaf Smith's first thought was to hustle his family off to a safe haven some distance away in Columbia, the old capital of Texas. His house, incidentally, was still standing in 1948 at the corner of San Antonio's South Press and Nueva Streets.

In Columbia, he ran into Gen. Houston, who was supposed to be on his way to the aid of the besieged Alamo in San Antonio. Earlier, at Gonzales between San Antonio

and Columbia, Smith learned of the smashing of the Alamo by nearly 3,000 troops of Gen. Santa Anna, the president-dictator of Mexico. Houston, greatly upset over the news, deputized Deaf Smith to go out for more details. He was accompanied by his best friend and fellow-scout, 24-year-old Capt. Henry Karnes, a native of Tennessee.

Smith returned bringing with him Mrs. Almeron Dickerson and her 15-month-old baby. She was the only American woman at the Alamo, a fortified mission-chapel which heroically held out for nearly two weeks—February 23 to March 6, 1835. Her husband, a colonel, was among the between 187 and 200 defenders, mostly volunteers, including Davey Crockett and Bowie, who were brutally massacred. Gen. Santa Anna, at hearing there was a Yankee lady at the Alamo, ordered her to be spared so he could use her, of course without making his intentions known, as a propaganda tool in spreading among other Texans a spine-chilling eyewitness account of the citadel's bloody disaster.

When the Texan army was revamped in early 1836 after setbacks, Gen. Houston demonstrated his deep respect for Deaf Smith's unusual combination of qualities by placing him in command of a company. He had been particularly impressed with his daring in capturing a buckskin dispatch box containing confidential information intended for Santa Anna's eyes. The papers were seized in a sharp encounter with Gen. Sema's scouts who suffered considerable losses. Smith also rendered valuable service by notifying Houston of the fleeing of the Texas provisional government ahead of a Mexican advance.

Deaf Smith's immortal step into history occurred on April 21, 1836. On that fateful day Santa Anna let his chance to attack Houston's much smaller army slip away irreversibly.

To fill gaps in his formidable army, Santa Anna had received reinforcements totaling 400, but they were so worn out from marching as not to be ready for immediate battle. The Mexican president resignedly ordered a rest period, during which the soldiers either attended to routine camp chores or dozed. Nor did the butcher of the Alamo and his aides refrain from the luxury of taking siestas in their tents. And to compound the blunder and in spite of his military sense, he mistook the deceptive inactivity for a similar lull.

Meanwhile, less than a mile away, cagy Houston had plans for quick action but kept them to himself to avoid a leak. He preferred to wait for the right moment to strike, despite the growing impatience of some of his younger officers for an immediate showdown with Santa Anna's numerically superior army.

At this juncture, it is of interest to note that Houston was not sure of how many men Santa Anna may have had, placing the estimate at upwards of 1,500. Deaf Smith's count came close to the official figure—1,360, together with the reinforcements.

With the uncanny intuition for which he was famous, Deaf Smith is said by a reputable source to have suggested to Houston the brilliant stratagem of razing the only bridge over Vince's Bayou, a stream, the lower bank of which was flooded, in order to cut off the Mexicans' retreat in case of a rout. So strategically important was the bridge that it was used by the enemy in their earlier advance. At the same time, Smith and Houston were both acutely aware that the proposed destruction of the bridge raised a threat of suicide to the small Texan army in that this would deprive it of an escape route if the tables were reversed in favor of the foe.

The military significance of the span may be readily grasped from the layout of the site of the battlefield, now the San Jacinto

State Park. It lies between San Jacinto River and the Houston Ship Channel which extends down Buffalo Bayou to nearby Galveston Bay. Vince's Bayou flows into Buffalo Bayou, which is deep and wide enough for oceangoing vessels. Between San Jacinto River and a large lake, named Santa Anna Lake and fed by a tortuous stream, is a wide strip of marshland. These natural features gave few opportunities for a hurried exit into the interior, except by way of the only bridge across Vince's Bayou.

Houston, with a confidence as big as Texas, decided to take a gambler's choice and told his deaf commander of scouts to go ahead with a detachment armed with axes. Before he left on the morning of April 21, two days after his 49th birthday, Smith was admonished by the tall, doughty general: "And return like eagles, or you will be too late for the day." To his everlasting glory, Deaf Smith completed the dangerous mission entrusted to him in the nick of time to participate in the decisive Battle of San Jacinto on the afternoon of the same day. The battle clinched independence for Texas.

The ferocious engagement was the outcome of a surprise blow Houston and 783 Texans sprang on the more than 1,000 resting Mexican soldiers during the siesta hour. Santa Anna, his staff and his men were practically caught napping. So great was the disarray within the enemy ranks that the clash ended in 30 minutes—some claim in even less time, with staggering losses to the enemy. Scared for his life, Santa Anna, clad in red worsted slippers and a blue dressing gown, mounted a fast horse and sprinted off in the direction of Vince's Bridge. Imagine his uncontrollable fury at finding the span smashed into splinters!

During the battle Deaf Smith galloped to Houston's side and triumphantly told him of his successful errand. Elated, Houston sped on horseback in front of Col. Burleson's regiment with the news that the bridge was knocked out. Leaving Houston, Deaf Smith rode back and forth across the field behind the advancing line of resolute Texans, waving his axe as a signal that the bridge was destroyed. In his "squeaky falsetto," he shouted encouragement to the fighters: "Vince's Bridge is down. They can't get away, men! Victory or death!"

The fleeing Mexicans, their best means of escape gone with the destruction of the bridge, were hotly pursued to the air-rending, vindictive cries of "Remember the Alamo! Remember Goliad!" (Goliad was the name of the town where some 330 Texas soldiers defending a fort were ruthlessly slaughtered by the Mexicans in March, 1836.) Smith's demolition of Vince's Bayou Bridge is regarded "as a main factor in the victory of Houston's forces over those of Santa Anna at San Jacinto."

The enemy's losses were catastrophic. According to Houston's report, among the 630 killed were one general, four colonels, two lieutenant colonels, five captains and 12 lieutenants. In addition, 208 were wounded and 730 (including the wounded) were taken prisoners. In lopsided contrast, only two Texans fell, six mortally wounded and 32 less seriously.

Soon after the battle, 240 Mexicans collected under the command of Col. Almonte, Santa Anna's most trusted aide, were seen advancing beyond the bayou as if intending to renew the contest. Racing around the bayou with his men, Houston ordered the colonel to halt and then directed Deaf Smith to approach the colonel with the assurance that if he surrendered he and his soldiers would be treated as prisoners of war. Deaf Smith, followed by the Texas secretary of war, Rusk, succeeded in getting Col. Almonte's compliance.

Santa Anna, his customary aplomb squashed like a run-over pumpkin, was cap-

tured the next day, April 22, near Vince's Bayou. Glowering, he was brought before Houston—himself a battle casualty, being shot in the left leg. Fatigued from loss of blood and his wounded leg wrapped with rags, Houston was lying on a multi-colored Mexican blanket beneath a stout oak tree, its voluminous network of leafy branches offering cooling shade. In this setting Houston dictated the terms whereby the Mexican armies were withdrawn from Texas. With this stroke Texas became free and was to enjoy status as an independent nation for nearly ten years under the famous Lone Star flag before joining company with the rest of the United States.

Wearing a buckskin shirt, Deaf Smith had a front-row seat at the momentous proceedings. A photograph-like painting of Santa Anna's surrender, in the possession of Deaf Smith County Historical Museum, shows Smith prominently in the foreground, under the massive oak tree and within arm's reach of Houston. Symbolic of his deafness, he is depicted cupping his right ear as if straining, at least, to catch some of the history-making exchange between Houston and the defeated Mexican generalissimo. Or the artist may have taken poetic license in painting in such a gesture to dramatize Smith's handicap.

After the surrender, an attempt had to be made to notify Santa Anna's other commanders elsewhere in Texas of the cessation of hostilities. Houston delegated to Deaf Smith the responsibility of contacting Gen. Filisola, one of Santa Anna's four top generals. Riding hard, Deaf Smith and his party overtook the general and his men mired in mud, 70 miles from San Antonio. Smith handed him the message written out by Col. Almonte at Houston's request. Gen. Filisola agreed to obey and scribbled his reply, requesting that Houston should relay it to Santa Anna. Deaf Smith took the communication to Houston who, after reading it, gave it to Santa Anna as directed. Seriously, he told the Mexican president if Gen. Filisola had chosen to refuse orders to lay down arms "he would have been cut to pieces by Smith" and others. Deaf Smith's men also brought to the Texan army's headquarters the Mexican General Cos, several officers and Santa Anna's secretary.

Three days after the Battle of San Jacinto, Houston, much improved, found time to make a full report about the surrender to the Texan provisional government. He singled out Deaf Smith, among the other members of his staff and certain officers, for special praise.

The subsequent retreat of the beaten Mexican battalions across southern Texas to Laredo on the Rio Grande had the effect of throwing that border town into a sort of "no man's land." This caused a bitter disagreement over the new Republic's southern boundary which did not extend to the Rio Grande, now the international demarcation line between Mexico and Texas. Determined to do his part in rectifying the matter, Deaf Smith, in 1837, headed a band of men "with the intention of raising the flag of independence on the spire of the church at Laredo." Five miles northeast of his objective, he was challenged by a larger contingent of Mexican cavalry. After spirited fighting lasting 45 minutes, the Mexicans withdrew thus giving Smith, technically speaking, a decided victory.

After analyzing the situation, he voted against proceeding further on the assumption that he would be outnumbered in the attempt to wrest control of Laredo from the Republic. This display of patriotic bravura is one of the many deeds that have gilded Deaf Smith into so legendary a figure of Texas history.

The next we know of Deaf Smith is that he served a short time as a captain of rangers, after which he retired and made his home in Richmond, where he died, at the

comparatively early age of 50, on November 30, 1837.

Even though Texas proudly claims Deaf Smith as one of its luminaries, the deaf of America can claim him with equal vigor as a notable addition to the Hall of Fame of outstanding personalities who took their deafness or severe hearing impairments in stride as they went on to achieve shiny success or had fame justifiably thrust upon them.

#### ACTION GUIDE ON AIR POLLUTION

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MIKVA. Mr. Speaker, all too often when a legislative issue becomes a popular conversation piece, the conversation soon begins to overwhelm the legislation. People talk, experts discuss, task forces write reports, agencies write counter-reports, the media digest them; and somehow it seems that nothing is ever done.

Then the public begins to ask—What can we do? What must we know? All too often my colleagues and I cannot give the people the answers and encouragement they seek.

The problem of air pollution is exactly the type of issue I am speaking of—where rhetoric and generalized good words already have begun to inundate the concerned public's sources of information and have made them question whether anyone is doing anything but talking.

At least one source of the public's information is doing something, and doing it well and conscientiously, and I wish to bring this to the attention of my colleagues. The special projects team of WBBM-TV News, Chicago, has recently issued a very concise and instructive "Action Guide on Air Pollution" for viewers of its documentary program "No Place To Hide."

This pamphlet is not just another emotional rehashing of the Nation's and Chicago's pollution problems. It concretely spells out the identity, characteristics, and sources of major air pollutants. It describes dramatically yet empirically the effects of air pollution on persons, plants and things, and discusses several ominous theories about the future effects of pollution on our environment.

The action guide then identifies and categorizes the laws, agencies, and people responsible for air pollution control in the Chicago area and singles out and describes the proposals of aldermen, State assemblymen, and Congressmen involved in pending legislation.

It lists the addresses of 22 central and neighborhood citizens' interest organizations, and perhaps most importantly, discusses specifically "How To Report Violations of the Air Pollution Control Ordinance," and includes a simple preprinted form for that purpose.

The special projects staff of WBBM-TV news is to be commended on this vital project. The work which has gone into the preparation of this "Action Guide on Air Pollution" gives the lie to currently fashionable comments about the irresponsibility of the television news

medium. As a source of information and as a public service, the value of this publication should not be overlooked.

The material referred to follows:

#### ACTION GUIDE ON AIR POLLUTION

(Compiled by WBBM-TV News Special Projects, T. M. Alderman, executive director; Judy Wise, research director; R. Stephen Berry, professor, Chemistry Department, University of Chicago, consultant, "No Place To Hide")

"NO PLACE TO HIDE

(By Will Mercier)

"Well some of you folks might ask  
Of why I sing the blues.  
Well buddy, if you're still breathing  
It shouldn't be any news.  
There's active Strontium 90 in our kids'  
bones and DDT in their fat.  
It's radioactive iodine in their thyroids  
That keeps them going like that.  
Why they've even got asbestos in their lungs.  
They get all this from the air  
And momma's still worried about the com-  
mon cold,  
'Bout the air she don't seem to care.  
Oh, we can't put any signs up in the air.  
Pollution sometimes can't be seen.  
But from dust thou came . . . to dust thou  
shall return.  
You shall breathe the stuff in between . . .  
Brother, you'll breathe the stuff in be-  
tween."

#### DEFINITION OF A POLLUTANT

Generally, a pollutant is something noxious put into the air by man-made processes. Five major pollutants are commonly measured in our atmosphere.

**Sulfur Oxides:** Sulfur dioxide is the most common gaseous pollutant that arises mainly from heating and power generation. It is the choking, irritating gas associated with burning sulfur. It is moderately corrosive, attacking the lungs and air passages.

Evidence is growing that exposure for 24 hours to .11 parts per million (ppm) of sulfur dioxide with particulate present, represents a recognizable health hazard. Sulfur dioxide combined in the atmosphere with particles becomes the far more dangerous sulfuric acid.

**Carbon Monoxide:** Carbon monoxide is a colorless, odorless, poisonous gas which comes almost entirely from motor vehicles. It is the most common toxic gaseous pollutant in the urban atmosphere.

**Hydrocarbons:** These compounds are found mostly in petroleum, natural gas, and coal. The major source of hydrocarbons in the atmosphere is again motor vehicles. The most potent hydrocarbon is benzo-a-pyrene. This is a substance used in labs by scientists to cause cancer. It is one of the most dangerous cancer-producing substances in cigarettes.

**Nitrogen Oxides:** Two nitrogen oxides, nitric oxide and nitrogen dioxide, are serious air pollutants. Nitric oxide is a colorless, toxic gas formed in automobile cylinders, electric power plants, and other very large energy-conversion processes.

Nitrogen dioxide is considerably more poisonous than nitric oxide. It is the only important and wide-spread pollutant gas that is colored—yellow brown. Its effect is still unknown. While some nitrogen oxides are formed in Chicago's air, they are a more serious problem on the West Coast where the nitrogen oxides and sunlight convert air and hydrocarbons into Los Angeles' well known, irritating photochemical smog.

**Particulate:** Particulate matter is, for the most part, fine smoke or dust which comes from many substances and hangs in the air. Some of the most dangerous kinds are asbestos, lead and other metals. Particulates may be emitted into the air from liquid or solid substances. In addition to having their own detrimental effects such as carrying harmful substances to the lungs, reducing

visibility, soiling property, and causing dust deposits, particulates act as catalysts for the formation of other more harmful substances such as the change of sulfur dioxide to sulfuric acid.

#### SOURCES OF POLLUTION

Major sources of pollution in the nation are transportation (autos, planes, etc.);

power plants (the utilities); industry (major industrial polluters include pulp and paper mills, iron and steel mills, petroleum refineries, smelters, and chemical manufacturers); space heating (homes and apartments); and refuse disposal. Some random figures will give an idea of the significance of each of these sources.

#### NATIONAL SOURCES OF MAJOR AIR POLLUTANTS<sup>1</sup>

(Millions of tons per year)

Source	Carbon monoxide	Sulfur oxides	Hydrocarbons	Nitrogen oxides	Particulate	Miscellaneous	Total
Transportation.....	66	1	12	6	1	(?)	86
Industry.....	2	9	4	2	6	2	25
Power plants.....	1	12	(?)	3	3	(?)	20
Space heating.....	2	3	1	1	1	(?)	8
Refuse disposal.....	1	(?)	1	(?)	1	(?)	4
Total.....	72	25	18	12	12	4	143

<sup>1</sup> Air Pollution Primer, National Tuberculosis and Respiratory Disease Association, 1969, p. 34.

<sup>2</sup> Less than 1,000,000.

In Chicago, the following are figures for the amount of dust dumped on the city between 1965-1968:

1965—38 tons per square mile per month

1966—40 tons per square mile per month

1967—42 tons per square mile per month

1968—43 tons per square mile per month

When discussing the health effects of pollution, sulfur dioxide is usually cited as the most detrimental pollutant. The following are sources of sulfur dioxide in Chicago with the percentage each contributes to the air:<sup>1</sup>

Utilities [major: Commonwealth Edison Plants], 65.6%.

Industry, 11.5%.

Commercial Enterprises, 8.3%.

Residences [home and apartment dwellers], 14.6%.

Automobiles are the major source of pollutants other than the sulfur dioxide. It is estimated that in Chicago automobiles are responsible for 8500 tons of particulate per year. Even more serious, autos are responsible for 903,000 tons of carbon monoxide per year. Automobiles produce 90 percent of all carbon monoxide in the air.

Much has been in the news about pollution from airplanes. While this is a serious problem, it is not considered by most experts as serious as some other sources because the emissions from airplanes are so much less than those from automobiles. Material dumped in the air from airplanes, however, is increasing and is certainly a contributor to today's ever-dirtier air. In New York City, turbo jet engines dump 1139 tons of carbon monoxide and 409 tons of particulate on the city every year.

#### EFFECTS OF POLLUTION

Pollution kills. Pollution causes illness. Pollution impairs judgment and response. Pollution damages property, art treasures, clothing, and crops. Pollution even causes major changes in the earth's ecology—changes of incalculable significance.

Increased deaths are associated with periods of especially high pollution. Those who suffer most are the very young, the elderly, and individuals with chronic pulmonary or cardiac disorders. The general population, however, also suffers. Over five thousand deaths were attributed to air pollution in London as a result of three air pollution incidents between 1952 and 1962.

In Chicago, following the episode of extreme pollution during the inversion in November, 1969, three times more deaths from

tracheal bronchitis were reported than had been projected. City Health Commissioner Dr. Murray Brown stated, "The death rate of tracheal bronchitis in children has been running about 50 percent higher than it was expected."

A recent study of several types of cancer found significant correlations of mortality with chronic exposure to sulfur dioxide and nitrogen dioxide. A Chicago scientist estimates that a five-fold reduction in Chicago's average annual sulfur dioxide concentration would reduce the number of deaths from cancer by about 800 per year.

Lung disease is the fastest growing disease in the country, according to Dr. Bertram Carnow, University of Illinois Medical School. It is the second highest cause for people under 65 years of age being forced to retire and live on social security. Dr. Carnow's studies show that people with heart or lung disorders are sicker when pollution levels go up. In a recent study, people over the age of 55 who had chronic bronchitis suffered twice as many days of illness when the pollution level was .04 as when it was .02.

The effect of carbon monoxide is to cut off the oxygen supply in the blood, thereby impairing the brain and nerves. In large doses, this kills. [It is carbon monoxide which kills the person caught in a closed garage with the car running.] In lesser doses, it causes nausea, dizziness, headaches and impaired judgment.

The carbon monoxide level on the Eisenhower Expressway and other expressways leading to and from the Loop during rush hours is frequently above the danger level for impaired judgment. It is estimated that an increasing number of drivers' reactions become slower and that their ability to respond to crisis is lowered during these times.

Corrosion of all sorts of materials is caused by pollution. Sculpture that has been standing for hundreds of years in Rome and Florence is being destroyed by modern day pollution. Limestone at Oxford University must be replaced. In Chicago, corrosion at the worst sites in the city occurs 50 percent faster than at the least polluted parts of the city.

The effects of pollution on homes, cars, clothing, furniture—on everything with which we come into contact—is self-evident. Estimates of the cost of pollution are varied, but a cost of \$500 per year per family is fairly safe.

The danger done to plant life by pollution is not as obvious to Chicagoans, but its effects across the nation create an economic disaster. The total loss in California alone is estimated at \$132 million. Many kinds of plants are killed by pollution, while other crops are now smaller than they used to be.

There are many theories about other more subtle effects of pollution; and pollution

is only one factor in our environment contributing to major and ominous changes in the earth's ecology.

According to one source, a side effect of pollution could be more frequent earthquakes and volcanic eruptions in the next 50 years. Moreover, if coal and oil continue to be burned at today's rising rates, the world's average temperature will increase by nine degrees in the next 50 years. This would cause snow fields and icecaps to melt so much that inevitably coastal cities would be flooded.

Other experts say that between 1980 and 1985 the earth's sunlight will be cut by 50 percent if the current air pollution situation is allowed to continue. Another ice age could eventually ensue.

These are theories, very credible, but yet to be proved. However, one thing is sure. According to Dr. Carnow, this generation is the first in history to have radioactive strontium 90 in their bones, DDT in their fat, asbestos in their lungs, and radioactive iodine in their thyroids.

#### AIR POLLUTION CONTROL STANDARDS

There are three sets of air pollution control standards—federal, state and local.

City: Chicago's present city ordinance deals almost entirely with visible emissions. In other words, black smoke coming out of a chimney is supposed to be illegal. However, beginning July, 1970, a new kind of standard will apply in Chicago which will limit the sulfur content of coal.

The new city standards will attempt to limit sulfur content in three steps. Effective July, 1970, the maximum sulfur content in coal is to be 2½ percent. After two years the sulfur content must be reduced to 2 percent; and 18 months after that, the sulfur content must be reduced to 1½ percent. The coal users are given the option of using low sulfur coal or sulfur removal equipment. Either is feasible, since figures from the Bureau of Mines make it clear that there is no shortage of low sulfur coal in this country. In fact, half the coal in the country is low sulfur.

Many criticisms have been leveled at Chicago's air pollution control program, including that the program is too slow. New York set a limit of sulfur dioxide content in fuel oil and coal at one per cent and brought everyone into compliance, within one year. Chicago, on the other hand, adopted a program which gave polluters three and one-half years to comply with a final standard which was higher than in New York—and then delayed the original effective date of the new ordinance for one year.

Blame for this has been placed in many areas. A look at the way Chicago's system has been set up may illuminate some of the problems.

Chicago's Department of Air Pollution Control, which was recently incorporated into the city's new Department of Environmental Control, is headed by H. Wallace Poston. It has the power to make inspections and bring action against violators of the air pollution ordinances. However, if the Air Pollution Control Department brings administrative rather than court action against a polluter, the polluter may appeal the action to the Appeals Board.

The Appeals Board, which has the final say about disposition of a case, consists of seven members appointed by the Mayor. Many citizens have complained that the Appeals Board is comprised of personal friends of the Mayor and representatives of the major industrial polluters. The legitimacy of this complaint is for others to decide. However, experts maintain that there has been a lack of enforcement of the existing code as well as a lack of preparation necessary to enforce the new standards that go into effect in July.

In addition to their authority to hear appeals on action attempted by the Department, the Appeals Board negotiates abate-

<sup>1</sup> "Chicago Air Pollution Systems Model," First Quarterly Progress Report, Argonne Laboratory, February, 1968, p. 41. Figure 4.1.

ment programs with the major polluters. To date, the programs that the Appeals Board has negotiated have given industry time to curb their pollution. During the period given by the Appeals Board for an industry to act, the Department of Air Pollution Control is powerless.

An example of the above is the case of U.S. Steel. In 1963, the Department filed a claim against U.S. Steel. They appealed. The Appeals Board negotiated a program with the company which allowed them seven years to curb their pollution. During this time the Department has been powerless to impose fines or any other restrictive action. During the seven years it is alleged that U.S. Steel continued to pollute that their pollution was worse in 1968 than it had been in 1963, and that only now, as they draw toward the end of their allotted time, are they installing anti-pollution equipment.

**State:** The State of Illinois in the last session of the General Assembly passed legislation giving the Attorney General broad powers to bring suit against any polluter causing a "nuisance."

**Federal:** Federal air pollution control standards have been negotiated on regional bases. Each state must set its own air quality standards which must be consistent with other states in their same region and must be approved by the Department of Health, Education, and Welfare.

Illinois' standards were adopted September, 1969, by the State Air Pollution Board in Springfield, whose technical secretary is Clarence Klassen. The standards demand a certain air quality, limiting the amount of sulfur oxide and particulate that will be tolerated in the air.

The state is already beginning to install monitoring equipment in Chicago and elsewhere. The monitoring equipment will monitor four pollutants in the air—nitrogen oxides and carbon monoxide in addition to sulfur dioxide and particulate which are measured presently by Chicago's monitoring stations.

The Illinois standards must be reached by January, 1972. Within the next couple of months there will be hearings on the implementation plans to reach the state standards. Implementation plans must be complete by May, 1970. Interested citizens should watch the news and be ready to appear when these hearings are called. The new state standards are extremely important as they supersede any lesser standards set by the city.

**Legislative action—local, state, and federal—**is an important aid to citizens seriously concerned about the environment. However it is important that the public not assume the problem will be solved just because there may be effective legislation on the books. Experts say the public must continue to insist on stringent enforcement of the laws. The public must be constantly vigilant, accepting no excuse for inaction.

The responsibility for pollution cannot be placed on one segment of our society, and likewise, the responsibility for improvement cannot be placed on one segment. Part of the responsibility for improvement belongs to the negligent polluter, and part to the public for tolerating the pollution—its damages and devastation. Both must be willing to share the cost or accept the consequences.

#### ANTIPOLLUTION ORGANIZATIONS

The following is a list of some of the organizations which are actively involved in fighting pollution. Any of them will welcome your participation. We suggest that you write or call the organizations which interest you and volunteer your participation. The first four organizations are the larger groups with full-time staff and offices. The others are smaller, community or neighborhood groups which are trying to mobilize citizens in their areas:

#### Central organizations

Campaign Against Environmental Violence, P.O. Box 4100, Chicago, Illinois 60654; Mr. Joseph Karaganis, 641-5570.

Clean Air Coordinating Committee, 1440 W. Washington Street, Chicago, Illinois 60607; Mr. John Kirkwood, 243-2000.

Open Lands Project, 53 West Jackson, Chicago, Illinois 60604; Mr. Gunnar Peterson, 427-4255.

Industrial Areas Foundation, 520 N. Michigan, Chicago, Illinois 60611; Mr. Richard Harmon, 329-0430.

#### Neighborhood organizations

Southwest Air Pollution Committee, 6401 S. Narragansett Avenue, Chicago, Illinois 60638.

Peoples Group of Garfield Ridge, 5117 S. Merrimac, Chicago, Illinois 60638.

Hyde Park Clean Air Committee, 5532 South Shore Drive, Chicago, Illinois 60637.

Hyde Park-Kenwood Community Conference 1525 E. 53rd St. Chicago, Illinois 60615.

Illinois Citizens Clean Air League, 725 South 26th Street, Springfield, Illinois 62708.

Ivanhoe Junior Women's Club, 14438 LaSalle, Riverdale, Illinois 60627.

Illinois/Wisconsin Friends, Committee on Legislation, 4100 Warren Avenue, Hillside, Illinois.

Citizens Revolt Against Pollution, 6019 S. Ingleside, Chicago, Illinois 60637.

Revolt Against A Polluted Environment, 5825 Woodlawn Avenue, Chicago, Illinois 60637.

Save the Dunes Council, 1512 Park Drive, Munster, Indiana.

Illinois Federated Sportsman Clubs, P.O. Box 241, Blue Island, Illinois 60406.

Lincoln Park Conservation Association, 741 W. Fullerton, Chicago, Illinois 60614.

Memorial Park Improvement Association, 9852 S. Marquette Avenue, Chicago, Illinois 60617.

Izaak Walton League, 520 Park Drive, Glenwood, Illinois 60425.

Human Ecology Study Group, 681 Minerva, Wauconda, Illinois 60084.

Citizens of Greater Chicago, 18 S. Michigan Avenue, Chicago, Illinois 60603.

Concerned Citizens for Clean Air and Water, 1710 Fletcher, Chicago, Illinois 60657.

Rainbow Neighbors, 7535 S. Yates, Chicago, Illinois 60649.

#### CITY LEGISLATION

To demand action against polluters or action on legislation in the City Council, Chicagoans should contact the Mayor, as the presiding chairman of the City Council, or any Alderman by writing him in care of City Hall, Chicago, Illinois. The following Aldermen have resolutions or ordinances on pollution pending before committees of the City Council:

#### Before the Health Committee

Date introduced, Alderman, action requested:

July 11, 1968, Despres and others, Ordinance for amendment of existing Air Pollution Code.

July 8, 1969, Despres and others, Repeal of Ordinance for extension of time on Air Pollution Code.

July 11, 1969, Sperling and others, Amendment of Code for Air Pollution Control.

November 17, 1969, Singer and others, Amendment of regulations governing Air Pollution Control.

November 17, 1969, Sperling and others, Amendment to reduce use of electric power during pollution alerts.

#### Before the Rules Committee

July 8, 1969, Singer and others, Creation of Air Pollution Committee and an immediate investigation of why an extension of Air Pollution Standards was granted.

#### Before the Finance Committee

October 29, 1969, Wigoda and Keane, Amendment to raise the minimum fines allowable under the Air Pollution Control Ordinance.

#### STATE LEGISLATION

There is no legislation currently pending in the Illinois General Assembly. However, the following state legislators sponsored legislation in the last session:

Senator Jack T. Kneupfer, 901 Washington, Elmhurst, Illinois.

Representative James Carter, 601 E. 32nd St., Chicago, Illinois.

Representative John H. Kleine, 155 Wooded Lane, Lake Forest, Illinois.

Representative Oral Jacobs, 303 19th Street, Moline, Illinois.

Representative Alan K. Johnston, 206 Cumberland Avenue, Kenilworth, Illinois.

#### FEDERAL LEGISLATION

As of November 1, 1969, the following Congressmen and Senators had introduced legislation in the 91st Congress which dealt with all sides of the issue of Environmental Quality. Their Washington, D.C. office addresses and phone numbers are listed in case you are interested in contacting them for information about their legislation:

#### Congressmen

Thomas Ashley (D, Ohio), 2427 Rayburn Building, 225-4146.

Charles Bennett (D, Fla.), 2113 Rayburn Building, 225-2501.

George Brown (D, Calif.), 313 Cannon Building, 225-5464.

Emilio Daddario (D, Conn.), 2330 Rayburn Building, 225-2265.

Charles Diggs (D, Mich.), 2464 Rayburn Building, 225-2261.

John Dingell (D, Mich.), 2210 Rayburn Building, 225-4071.

Thomas Foley (D, Wash.), 325 Cannon Building, 225-2006.

James Howard (D, N.J.), 131 Cannon Building, 225-4671.

Joseph Karth (D, Minn.), 2432 Rayburn Building, 225-6631.

Torbert Macdonald (D, Mass.), 2448 Rayburn Building, 225-2836.

Spark Matsunaga (D, Hawaii), 442 Cannon Building, 225-2726.

Abner Mikva (D, Ill.), 1532 Longworth Building, 225-4835.

John Monagan (D, Conn.), 2331 Rayburn Building, 225-3822.

John Moss (D, Calif.), 2185 Rayburn Building, 225-7163.

Richard Ottinger (D, N.Y.), 129 Cannon Building, 225-5536.

Ogden Reid (R, N.Y.), 240 Cannon Building, 225-6506.

Henry Reuss (D, Wis.), 2159 Rayburn Building, 225-3571.

John Saylor (R, Pa.), 2354 Rayburn Building, 225-2065.

John Tunney (D, Calif.), 429 Cannon Building, 225-2305.

#### Senators

Clifford Case (R, N.J.), 463 Old Senate Office Building, 225-3224.

Norris Cotton (R, N.H.), 4121 New Senate Office Building, 225-3324.

Michael Gravel (D, Alaska), 248 Old Senate Office Building, 225-6665.

Philip Hart (D, Mich.), 253 Old Senate Office Building, 225-4822.

Henry M. Jackson (D, Wash.), 137 Old Senate Office Building, 225-3441.

Edward Kennedy (D, Mass.), 431 Old Senate Office Building, 225-4543.

George McGovern (D, S.D.), 362 Old Senate Office Building, 225-2321.

Warren Magnuson (D, Wash.), 127 Old Senate Office Building 225-2621.

Frank Moss (D, Utah), 204 Old Senate Office Building, 225-5251.

Edmund Muskie (D, Maine), 221 Old Senate Office Building, 225-5344.  
 Gaylord Nelson (D, Wis.), 404 Old Senate Office Building, 225-5323.  
 Joseph Tydings (D, Md.), 6237 New Senate Office Building, 225-4524.

**BIBLIOGRAPHY ON AIR POLLUTION**

"Managing the Air Resources in Northeastern Illinois," Technical Report No. 6, Northeast Illinois Planning Commission, 400 West Madison Street, Chicago, Illinois (1967; \$5.00).

"Cleaning Our Environment; The Chemical Basis for Action," Report of the Subcommittee on Environmental Improvement, Committee on Chemistry and Public Affairs of the American Chemical Society, Washington, D.C. (1969; \$2.75) (This covers water, solid wastes and pesticides also. In addition, it contains extensive bibliographies.)

"Consultative Report on the Chicago Air Quality Region," Department of Health, Education and Welfare, 1968.

"Air Quality Criteria for Particulate Matter," U.S. Department of Health, Education and Welfare (HEW), National Air Pollution Control Administration (NAPCA) Publication No. AP-49, Washington, D.C., 1969.

"Air Quality Criteria for Sulfur Oxides," HEW, NAPCA Publication No. AP-50, Washington, D.C. 1969.

"The Automobile and Air Pollution: A Program for Progress," Part I, October, 1967; Part II, December, 1967, U.S. Dept. of Commerce, U.S. Government Printing Office (U.S. G.P.O.), Washington, D.C.

Battan, Louis. The Unclear Air. Garden City, N.Y.: Doubleday & Company, Inc., 1966. 141 pages. \$1.25.

Bregman, J I. and Sergel Lenormand. Pollution Paradox. New York; Spartan Books, Inc., 1966. 200 pages. \$4.95.

Carr, Donald E. The Breadth of Life. New York: W W Norton & Company, Inc., 1965. 175 pages, \$4.95.

Herber, Lewis. "Crisis in Our Cities." Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1965. 239 pages. \$5.95.

Lewis, Alfred. "Clean the Air!" New York: McGraw-Hill Book Company, 1965. 96 pages. \$3.50.

Perry, John. "Our Polluted World." New York: Franklin Watts, Inc., 1967. 213 pages. \$4.95.

Weaver, E. C. ed. "Scientific Experiments in Environmental Pollution," New York: Manufacturing Chemists Association and Holt, Rinehart & Winston, Inc., 1968. 40 pages. \$1.00.

McDermott, Walsh. "Pollution and Public Health," Scientific American, Vol. 205, No. 4, October 1961, p. 49.

Went, Fritz W. "Air Pollution," Scientific American, Vol. 192, No. 5, May 1962, p. 62.

Wise, William. "Killer Smog," New York: Rand McNally & Co., 1968. 181 pages. \$5.95.

"Air Pollution Primer." National Tuberculosis and Respiratory Disease Association, New York, New York (1969).

**HOW TO REPORT VIOLATIONS OF AIR POLLUTION CONTROL ORDINANCE—DEPARTMENT OF AIR POLLUTION CONTROL**

*Smoke*

**Emission Limitations:**  
 Very light smoke.....may be emitted at all times.  
 Light smoke.....at most four minutes out of each half hour.  
 Medium heavy smoke.at most four minutes every two hours.  
 Very dark smoke.....is always in violation.

**Reporting:** Call the Mayor's Office of Inquiry and Information (744-3370), which will refer your complaint to the Department of Air Pollution Control, or call directly to the Department of Air Pollution Control (744-4077). Be sure to have the correct address of the violating building. In the case of chronic violators, give all the information you have:

past and present observations, duration of violations and time of day in which they are most likely to occur. This will help the inspector choose the best time for his checkup.

*Odors from garbage burning*

Call the Mayor's office or the Department of Air Pollution Control. Specify time and duration of smell.

*Ash removal and coal deliveries that cause dust in the air*

Call the Mayor's office or the Department of Air Pollution Control. Indicate name of scavenger or coal company. Call police or ward office about coal deliveries that block streets or alleys.

*Dust from unpaved lots and other causes*

Call the Mayor's office.

*Burning of leaves*

After July 5, 1970, garbage burning in boilers and leaf burning will be prohibited. Meanwhile, three rules must be observed:

- 1) an adult must be present the entire time;
- 2) leaves must be burned in small piles;
- 3) no leaves should be added to a burning pile;
- 4) emission limitations for smoke listed above must be observed. For improper burning, call Fire Department, Police, Ward office or Mayor's office.

*Excessive dust from wrecking*

Call the office of the wrecking company and the Mayor's office.

*Excessive exhaust fumes from buses and trucks*

In the case of city buses, call the Public Information Division of Chicago Transit Authority (MO 4-7200); give license number. Report other buses and trucks by telephone or in writing to the Department of Air Pollution Control, giving license numbers.

*Telephones*

Mayor's Office of Inquiry & Information: 744-3370.

Dept. of Air Pollution Control, Community Relations Director: 744-4070.

Dept. of Air Pollution Control, Complaint Section: 744-4077.

Police: PO 5-1313.

Fire Dept.: FI 7-1313.

**NUISANCE COMPLAINT FORM**

DEPARTMENT OF AIR POLLUTION CONTROL, Room 500, 320 North Clark Street, Chicago, Illinois 60610.

1. Date.
2. Source Complained of:
  - Name.
  - Address.
3. Complainant:
  - Name.
  - Address.
  - Phone No.
  - How long there.
4. Distance from Source: Direction from Source.
5. List three specific nuisance occurrences:
  - (a) Date, Hour, Wind from the—
  - (b) Date, Hour, Wind from the—
  - (c) Date, Hour, Wind from the—
6. Describe specifically the nuisance itself.
  - a. Difficulty breathing.
  - b. Eye Watering.
  - c. Other.
7. Names of other persons affected:
  - (a).
  - (b).
  - (c).
8. If complainant's address is his home, is home in area zoned for residence?
9. Did complainant notice effects to neighbors? Did neighbors tell of being bothered?
10. Has complainant any definite evidence thru an attempt to sell that value of his property decreased because of the nuisance? How much?

11. Has complainant definite evidence of increase in cost of cleaning or laundry? How much?

12. What other damage to property?
13. How do you connect nuisance to source?
14. Will complainant appear in Court?
15. Signature of Complainant.

Remarks:

**CONCERN FOR ENVIRONMENT**

**HON. DANIEL E. BUTTON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. BUTTON. Mr. Speaker, it has become politically fashionable to talk about pollution; the environmental issue is viewed as good campaign property. But regardless of the danger that opportunists may cash in on the fight against pollution, it is a matter of grave concern and one which deserves our utmost attention. The seriousness of the issue is perhaps best evidenced by growing discussion of the problem among citizens in all walks of life. In my own district, I was encouraged that the Albany Times-Union has published a four-section supplement on environment which explores existing programs and plans for improving the quality of life.

A report from the New York State Health Department, included in the supplement, quite clearly summarizes progress so far. I am encouraged that New York has done more than any other State to solve the problems of pollution in terms of money and program already committed. What is evident, however, is that so much more needs to be accomplished, both in New York and in every other State in the Union. Perhaps the key to the environmental issue is the general apathy that Times-Union writer John Maguire discusses in a lead article. Particularly disturbing is the report from a recent meeting of the American Association for the Advancement of Science in Boston where a highly respected group of biologists and ecologists predicted that the end of life on earth could be within the average lifespan of children now alive. Such is the enormity of this problem that it could very well be we have doomed this planet to destruction. A sense of urgency is not enough, however. We must have commitment from Congress, from the States and, most importantly, from the people.

In the final analysis, it will be the commitment of the people that will spell the difference in the battle for our environment. The scope of the problem is admirably summed up by Mr. Maguire, I think:

Man is in greater danger of extinction now than ever before, and bold and drastic actions must be taken, the apathy that has brought us to our present perilous state must vanish.

I share with Mr. Maguire his closing commentary: "Let's hope it does, in time."

Because of the wealth of information and comment presented in these two articles I recommend them to the attention of my colleagues. They follow:

[From the Albany (N.Y.) Times-Union, Feb. 16, 1970]

APATHY IN HEALTH COULD CAUSE MAN'S  
EXTINCTION

(By John Maguire)

In the past 20 years, we have seen a steady parade of truly impressive medical advances, from the polio vaccine of the early 1950s to open heart surgery and organ transplants, not to overlook a general upgrading of the quality of medical diagnostic and therapeutic skills.

But there are some puzzling and disturbing facts about the state of our health that must be faced. In these past two decades, despite the undeniable progress that has been made, our death rate has NOT gone down—and our life expectancy has NOT gone up.

How can such a state of affairs exist?

Well, there are many answers, some of them readily apparent and some not yet clearly understood. Of those that are known, however, a surprising number can be included under the general category of apathy—and by far the most significant and most deleterious form of apathy is that displayed by the man in the street.

Certainly the medical profession has shown apathy in some areas, not at all in its search for new professional techniques and procedures and knowledge, but in a failure to exert more effort, as a group, to find ways to deliver more and better medical services to the people of the urban ghettos and the rural slums.

In many ways, government, too—especially the federal government—has been apathetic, or short-sighted, in its off-again, on-again activities in the admittedly complex field of public health. The federal government has taken action against cyclamates, while doing virtually nothing against cigarettes. Congress has authorized expenditures for water pollution control programs in cooperation with the states, and then has failed to appropriate the funds they themselves authorized.

The really important drawback to improved health and longer life, however, is the inexplicable apathy, the bored indifference of the people themselves.

Every year in New York State, for one example that should be frightening but somehow doesn't frighten enough of us, at least 16,000 people die of diseases induced by cigarette smoking, according to Dr. Hollis S. Ingraham, state health commissioner.

Cigarettes are slow poison. If present death rate continue, one million children now in school will die of lung cancer. One of them may be your child. Two, perhaps, or three. Maybe you choose to disregard the danger to yourself—although apathy about one's life span seems all but incredible—but no man can excuse his failure to do whatever he can to educate his children to the dangers of starting to smoke.

Everyone knows that drinking and driving don't mix. Or shouldn't be mixed. Yet with truly monumental indifference to life and death, many thousands of men and women climb with some regularity behind the wheels of their cars while under the influence of alcohol and roar off into the night, usually, in a kind of highway roulette, gambling that they won't kill themselves or someone else. Whether you call it apathy or stupidity, it's hard to understand, but it's a commonplace of today's life.

Too many people overeat. Too few people get any regular exercise. Too many parents feed soft drinks to their youngsters, and fall to make sure they get a balanced, nutritious diet. Too many parents apparently never talk to their children about the perils of glue-sniffing and smoking pot and swallowing pills of unknown chemical constituents and strengths; yet the newspapers in all parts of the state repeatedly carry stories of youngsters, many children of highly edu-

cated and presumably well informed parents, who have been using such chemical "crutches" to an extent that has brought them to the attention of the police.

There is difference of opinion, even among medical men, as to whether or not smoking marijuana leads ultimately to the use of stronger drugs—heroin, in particular. No one really knows at this time. Yet it is true that use of heroin, a deadly addictive drug, has increased greatly among youngsters in this state, most noticeably in New York City.

Deaths associated with use of heroin there totaled more than 900 last year, and several hundred of these were 16 years old and younger. One boy died, arms pocked with needle marks, at 12. Recently a 17-year-old college girl died from sniffing heroin at a party; all her friends and teachers agree she was not a "user" in the accepted sense of the word, and apparently her death resulted from an experimental episode, perhaps occasioned by a desire to "be one of the bunch."

Sniffing heroin can be just as fatal as "main-lining" the drug into the veins. Amphetamines ("speed") can kill. LSD effects may seem mild, in some instances and for some people, but on other occasions and for other people the hallucinogenic drugs can literally drive them up the walls—or out the windows to death.

Marijuana is cited by its users and apologists as no more dangerous than alcohol. Maybe it is and maybe it isn't. Nobody really knows, in the scientific sense, despite the young pot smokers who argue that they use it frequently and it hasn't hurt them. Alcohol, they repeat often, leads to alcoholism and cirrhosis of the liver and other degenerative disorders; the unuttered assumption is that marijuana does not hold comparable dangers. But when you consider that in most cases it takes 20 to 30 years of regular drinking to create an alcoholic or ruin a liver, the obvious question arises: what will 20 to 30 years of regular marijuana smoking do to a person?

Nobody knows yet. When we do find out, a couple of decades from now, the answer may be a horrible one.

Have we gone far afield from the subject of apathy? No, not really, because it is the apathy of too many parents, and of too many educators and teachers, that has contributed to today's widespread use by young people of marijuana and the other psychically supportive substances.

For five or 10 years now, a small but vocal group of health officials and drug experts has been speaking out on the problem, and many of the nation's science writers have reported their findings and their opinions, but the well-documented stories apparently failed to crack the indifference—the "it can't happen here" apathy—of parents and teachers and all too many physicians.

Now, at last, the voices in the wilderness are being heard, and being heeded. Some 250 school and college administrators and faculty members were shocked last week when Dr. Donald Louria, president of the State Council on Drug Addiction, told them that "within a couple of years every high school and every college in the country will be inundated by heroin."

And there are other signs that the size and complex nature of the drug problem are at last reaching home to the general public; the first crumbling away of the wall of apathy has become evident. Let's hope it is not too late for too many young people.

Serious though this problem is, it is by no means as great a threat to the health and welfare—and, indeed, the very life—of the people of this country and of the entire world as the sharp-edged Damoclean sword of environmental pollution that has been hanging over our heads for many years by a thread that grows ever thinner.

For decades now, a few far-sighted scientists have been trying to reach the nation's

leaders, and the general public, with the frightening word that we were rapidly fouling our environment, even the world itself, to an extent that actually made Doomsday—the end of the world—a possibility for the foreseeable future rather than a hard-to-visualize event many thousands of years distant.

Rachel Carson was not the first, but she was the first whose scare story reached the public eye. But she dealt almost entirely with the harmful effects of pesticides, and to many people her message concerned only birds and animals and fishes.

Now, at long last, words like ecology and environmental pollution and algae and eutrophication and scores of other unfamiliar terms are being seen in the newspapers and heard on television, and with a shock of disbelief millions of people are being made to drop their apathy, and to realize the world is moving down a path of pollution and over-crowding that descends more steeply each day toward an ultimate Silent Spring in which there will be no birds, no animals—and no people.

Is this newspaper scare talk? Sensationalism?

No, it isn't. Unfortunately, tragically, it isn't.

If it were, the President of the United States would not have given such high priority to a program of environmental pollution abatement and control.

Nor would dozens of scientists from different fields have declared immediately that the program, though a good step, does not begin to spend enough, or do enough.

Nor would a California legislature study group have reported this month that it is questionable "whether major portions of the state will be capable of supporting tolerable human life within several more decades." Nor would they have said that a decision must be made as to how many persons can live in the Los Angeles basin; they suggest that the total may be less than the number who live there now.

Nor, more disturbingly, would highly respected biologists and ecologists attending the recent meeting of the American Association for the Advancement of Science in Boston have stated, in all seriousness, that the end of life on earth may be within the normal lifespan of children now alive.

One estimated Doomsday as possibly 75 years from now. Another's estimate was the year 2037 or thereabouts, which is 67 years close. A third, less of an optimist, saw the end of life in about the year 2000.

These men may well be mistaken. Mankind may yet shrug off the ignorance and carelessness and unawareness of this very real threat, and may change his ways enough to extend his occupancy of this third planet from the sun for a time.

But, mistaken in their estimates or not, these scientists' dates are based on calculations, not guesses. The calculations involve many imponderables: overpopulation, and the spiraling rate of population increase; the growing rise of carbon dioxide, an inert but unbreathable gas, in the atmosphere because of increased combustion; the increase of toxic gases and particles in the air; the fouling of our waters by sewage and industrial waste and thermal pollution and radioactivity; the likelihood of famine elsewhere in the world and the real threat of massive nuclear war as one result—and dozens of other chains of events now going on whose effects are not yet fully understood but which may be even more deadly, and quicker, than those cited here.

Once again, in case you skim these statements and find them so "far out" as to be unlikely and unrealistic: why do you think New York State's legislative leaders sponsored a bill at this present session to outlaw the sale of vehicles using internal combustion engines, starting in 1975?

It will not pass this year, unless more of

the people realize the danger. Presumably, it is intended principally to warn Detroit to find ways to stop automotive air pollution.

But it is a first step, and it shows that our apathy about our environment is being shattered.

The Vietnam war is a tragedy. The city ghettos are tragic. There are hundreds of things wrong in this country and in the world.

But comparatively they are nothing, all of them together, compared to the rapidly worsening state of the environment.

Man is in greater danger of extinction now than ever before, and bold and drastic actions must be taken to reverse the downward spiral.

But before they can be taken, the apathy that has brought us to our present parlous state must vanish.

Let's hope it does, in time.

[From the Albany (N.Y.) Times-Union,  
Feb. 15, 1970]

**CLEANING UP THE MESS WE HAVE MADE OF OUR ENVIRONMENT: PROGRAMS RANGE FROM AIR AND WATER TO SOLID WASTE**

(EDITOR'S NOTE.—Restoring and protecting the environment has become perhaps the single major task facing the planner of today. Public concern over the issue has led to massive government involvement in the environment as evidenced by New York State's five-year-old Pure Waters program; Governor Nelson Rockefeller's recent call for the forming of a new Department of Environmental Conservation; and President Richard Nixon's proposal that the environment be given a high priority in Federal spending plans. Here, in a report prepared by the New York State Department of Health, some insight into the complex nature of the problem is offered via a look at the extensive workings of the state's present environmental health programs administered by the Health Department under Commissioner Dr. Hollis S. Ingraham.)

The State Health Department's programs to control and reduce all forms of environmental pollution continued to make gains during 1969, according to a year-end report issued by the department.

The department's environmental health activities included programs that deal with water pollution, air pollution, solid waste disposal, pesticides residues, radiological health, rodent and insect control, general sanitation and other aspects of community health and safety.

The State's Pure Waters program moved ahead satisfactorily despite the continued failure of the federal government to fulfill its financial commitment to the program.

State and federal funds to help local governments construct and modify sewage treatment facilities are basic to the Pure Waters concept. Initially, the State promised to assume 30 per cent of such costs and to advance funds to the full federal share of 30 per cent. Congress in 1966 authorized grants for this purpose, but has subsequently failed to appropriate enough funds for the program it authorized.

In practice, Dr. Ingraham said, federal grants have amounted to approximately seven per cent of the estimated total of eligible costs, for which reimbursement is authorized. Localities must furnish 40 per cent, and the State is providing about 53 per cent.

So far this year, 108 projects with an eligible cost of about \$123 million have been completed and are in operation. State grants for these totaled about \$57 million. Another 77 projects under construction have a total estimated eligible cost of \$577 million, of which \$306 million is State aid. There are 52 projects in final design stages, with an estimated eligible cost of \$211 million, for which \$114 million of State grants has been firmly committed.

The State completely finances comprehen-

sive sewerage planning studies by local governments, which are prerequisites to the construction grants program. These studies, started in 1963, result in economical operations and improved performance because they combine numerous small systems into fewer but larger and more efficient systems. Forty-five county-wide studies are underway or completed; as a result multi-municipal systems have been organized in 3 years.

To date, 37 new industrial waste treatment plants were put into operation in 1969, and 26 more reached the design stage. For the 12 months ending Sept. 30, 290 construction permits were issued for industrial waste treatment. To date, 70 State institutions and 33 federal installations have fully abated pollutional discharges or are in process of doing so.

State payments to localities of one-third of the cost of operating and maintaining effective municipal sewage treatment plants began in 1965. Since then, 940 grants to 61 per cent of municipal plants in the State have been approved, for a total of \$27.9 million.

Water quality surveillance to measure the biological, physical, radiological and chemical characteristics of State waters had been increased. A 100-station network now includes 12 automatic water monitors, and a new laboratory in Syracuse permits improved quality analyses for the center of the State.

Four major research projects aimed at improving State waters are under way. A study seeking ways of controlling the excessive growth of algae which now menaces many lakes is under way at Canadarago Lake in Otsego County. A pilot plant using a 10,000-gallon-per-day chemical-physical treatment process to convert wastewater to reusable, high quality water is in operation at New Rochelle and was moved to Waterford Jan. 1. An experimental demonstration in the use of pressure sewers may ultimately lessen the high cost of sewers in hilly terrain and around lake shores.

Finally, construction was started on a full-scale experimental sewage treatment plant at West Coxsack; this project seeks to increase the efficiency of present biological sewage treatment methods by improved design and operation.

At the start of the Pure Waters program in 1965, there were 1,678 industrial, community and institutional polluters. At present 880 polluters, or 52 per cent, have abated pollution.

Substantially all major polluters are under order to abate their pollution. A total of 461 polluters have been placed under orders. Where firm resistance or major violations are found, penalty assessment proceedings are begun or referral is made to the Attorney General. To date, 28 penalty assessments have been initiated, and 25 cases referred to the Attorney General, whose office now has a special pollution abatement enforcement unit.

In July, the State Water Resources Commission adopted comprehensive criteria governing thermal discharges. The task of enforcing them has been started.

A new law requiring boats with toilet facilities to provide approved treatment devices or holding tanks by March 1, 1970, will go far in abating pollution from this source.

Industries of the State are complying, or planning to comply, with emission regulations adopted by the State Air Pollution Control Board to meet the Jan. 1, 1971 deadline. During the year, however, 50 abatement orders were issued. Five major sources of pollution were sealed and replaced with a low emitting source, resulting in an appreciable pollution decrease in the western part of the State.

The classification of the State into air quality zones and the assignment of standards for air quality was completed for all

counties in the State this year. Supplementary standards for sulfur oxides and particulates were adopted for New York's two air quality regions established under federal law, the New York Metropolitan area and the Niagara Frontier. A plan to implement these standards is being developed.

During 1969, the Air Pollution Control Board adopted two additional regulations designed to reduce the amount of sulfur dioxide in the atmosphere. One established the maximum allowable sulfur content of fuels used in the New York Metropolitan area and the other established similar, but slightly higher, limitations for the rest of the State.

Another rule adopted in 1969 established stringent limitations on the amount of dust which can be emitted from utility and industrial coal-burning power plants. Planning and, in some cases, construction have already been started to meet the July 1, 1972 compliance date established by the Board.

During the year there was a modest decrease in air contaminants emitted throughout the State, continuing the trend which began four years ago as a result of the new regulations. It is predicted that 1970 should show a marked decrease in contamination concentrations in New York's atmosphere because of the number of rules which will require complete compliance.

Another major decrease occurred in the amount of carbon monoxide and hydrocarbons emitted to the atmosphere due to the requirement that all new cars have exhaust emission control systems.

The Health Department also has been actively working toward improved solid waste handling by municipalities and private contractors. Almost 40,000 tons of municipal wastes and 14,000 tons of industrial wastes are generated in the State each day. This amounts to almost 20 million tons of waste that must be disposed of each year or an average of more than one ton per person.

The solid waste problem has become more critical because of the rapid increase in amounts of waste requiring disposal. Recent projections indicate an increase of seven per cent over the next five years. Proper handling and disposal of these wastes is one of the greatest challenges now facing local governments in the State.

Recognizing this, the Health Department has been moving ahead with its state-wide study to develop a modern system for planning local or regional solid waste management projects. Already comprehensive solid waste planning studies have been completed for Suffolk County and Herkimer-Oneida Counties. A study for New York City is underway, and studies for the Capital District, Monroe County and Ulster County are nearing completion.

Similar projects for Nassau, Chatauqua and Warren-Washington Counties will be completed in 1970. These studies provide local officials with sound alternative solutions to their solid waste problems.

Substantial progress was made during the year in improving refuse disposal practices. Sanitary code enforcement activities were accelerated to help eliminate open dumps. Forty-nine hearings were held and formal orders served, requiring correction of code violations during the year, 94 open dumps were closed and 249 disposal areas were brought up to a satisfactory operating level. Forty-eight per cent of the State's 900 disposal areas are now in compliance with the Sanitary Code as compared to only 19 per cent one year ago. The Health Department will continue its drive to abate unsatisfactory conditions in 1970, and assist municipalities in developing efficient and economical refuse disposal operations.

VA DOCTORS AND NURSES AT  
BOSTON VA HOSPITAL DEMAND  
PROPER CARE FOR HOSPITALIZED  
VETERANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. TEAGUE of Texas. Mr. Speaker, on February 26 I advised my colleagues about the funding and staffing shortages which Massachusetts VA hospitals were experiencing. Apparently the situation at Boston's Jamaica Plain's VA Hospital has reached a crisis stage. Dr. Robert C. Saunders of the Boston VA Hospital Ad Hoc Committee recently sent me a copy of a letter signed by numerous members of the hospital staff. These staff members are demanding that VA patients hospitalized at the Jamaica Plains Hospital be given proper care. The views expressed in the employees petition support the Veterans' Affairs Committee finding revealed by the continuing survey we have been conducting beginning in April of 1969.

Mr. Speaker, these employees contend that the Boston hospital is seriously underfunded and understaffed—and it is—according to our findings also. The communication from the employees, in part, states:

Doctors have been called all too often to see critically ill patients whose blood pressure and pulse have not been taken at the ordered intervals and found them to have suffered a dramatic change in condition. Frequently complication could have been averted had the doctor been notified of the changes earlier.

It was further stated:

There is often only one nurse responsible for forty patients, if an emergency situation develops, the other thirty-nine patients may go unseen for an hour or more. To have two emergencies at the same time, a not infrequent occurrence, can only be described as utter, tragic chaos.

The Boston VA hospital employees also contend that the hospital's laboratory is 30 percent understaffed which "results in unnecessary risks to patients" because of "inaccurate and inadequate" tests. It is also contended that X-ray reports and ECG reports are sometimes delayed for periods of 3 to 6 weeks; that X-ray scheduling is "greatly delayed" and X-rays are "lost or unavailable at the time needed" because of lack of personnel.

Mr. Speaker, a copy of the Doctors and Nurses Ad Hoc Committee statement follows:

FEBRUARY 17, 1970.

FRANCIS B. CARROLL, M.D.,  
Hospital Director,  
Veterans Administration Hospital,  
Boston, Mass.

DEAR SIR: We the undersigned employees of the Boston Veterans Administration Hospital have long felt the health care provided to be inadequate and now realize that the conditions will only deteriorate further unless we insist on major improvements, and refuse to settle for less. The wards are in-

adequately staffed in nurses, nurses assistants, and ward clerical personnel with many active medical and surgical wards operating with less than one-third the prescribed personnel. The laboratory and X-ray units are hopelessly undermanned, with vacancies that have gone unfilled for months.

It is impossible to render adequate health care to our patients in this situation. We are attempting, futilely, to make up for these deficiencies, and as a result are suffering a breakdown in morale and a sapping of energy which further aggravates the problem.

These conditions have arisen in part as a result of budget cuts and inadequate funding, superimposed on an already unrealistically low operating budget. We do not accept the explanation that there is no money available because we know that funds can and should be made available for people's basic health needs. Certainly veterans of our armed services should have "health care second to none," the VAH motto.

In order to remedy some of these deficiencies, the following demands are being made:

1. Doctors have been called all too often to see critically ill patients whose blood pressure and pulse have not been taken at the ordered intervals and found them to have suffered a dramatic change in condition. Frequently complications could have been averted had the doctor been notified of the changes earlier. There is often only one nurse responsible for forty patients, if an emergency situation develops, the other thirty-nine patients may go unseen for an hour or more. To have two emergencies at the same time, a not infrequent occurrence, can only be described as utter, tragic chaos. In the intensive care unit the personnel shortage defeats the purpose of such facilities, with our ICU using only one-half its space and even closing altogether for a few days in December, thus wasting thousands of dollars worth of equipment and space. Therefore, we demand three nurses and three nursing assistants per ward on days and two nurses and two aides on evening and night shifts. An administrative assistant to the head nurse shall be hired in order to free time for nurses to devote to nursing activities. Licensed Practical Nurses are an integral part of most hospital nursing staffs, our hospital fails to attract LPN's because the VAH pay scales are far below community standards; therefore we recommend a review of the policy regarding this practice. We are demanding that ward staffing be raised to minimum standards necessary for patient care.

2. Acutely ill patients are admitted twenty four hours a day even though there is no emergency ward. Rapidly available, comprehensive laboratory tests are indispensable. At the present time only an inadequate minimum of laboratory studies are available after daytime hours, and even during the day; performance and reporting of laboratory test is sporadic and inaccurate due to a lack of personnel. Out of fifty recommended technicians there are 36, a deficiency of thirty percent. Such a lack of staff results in unnecessary risks to patients, prolonged hospital stays and compromise in diagnosis and treatment. We demand that the Laboratory Service be brought up to full capabilities so that the doctors can do their jobs.

3. At the present time ECG and x-ray written reports are available three to six weeks after being submitted. The result of this delay in essential data is either poor diagnostic evaluation of many seriously ill patients and often delay of appropriate therapy. We demand that steps be taken to insure that all ECG and x-ray written reports are on the wards within 24 hours of submission.

4. As in the laboratory, the x-ray depart-

ment must provide both around the clock emergency service and the full complement of diagnostic radiology if adequate medical care is to be provided. Presently, the x-ray scheduling is greatly delayed, films are of poor quality and many studies cannot be done due to lack of technicians time. We demand that more x-ray technicians be hired to bring that unit to minimum standards of modern patient care.

5. X-rays are lost or unavailable at the time when they are needed to care for seriously ill patients, due to the current lack of two thirds of the filing clerks in the x-ray department's file room. We demand that the needed clerks be hired and the positions be upgraded.

6. The hospital's paging system is ineffective. The need for a paging system in an active hospital is beyond question. Innumerable cases of compromise of patient care could be cited. A portable electronic paging system must be made available to all doctors involved in primary care of patients.

7. In this hospital a team of staff physicians evaluate all patients for admission. There is an average of three and one-half doctors who see an average of 60 patients per day. Because of time limitations, the screening of patients is incomplete, and therefore, subject to error. Our demand is for two more admitting physicians, as recommended by the chief of admitting.

8. Many other services have serious deficiencies for similar reasons and therefore we list them here in order to save time and avoid repetition, but they are equal in importance to the above: telephone operators, inhalation therapy, clerical, dietetics, house-keeping and laundry. In fact it is fair to say that every service in the hospital is understaffed, thus contributing to the substandard conditions. All of these areas should be brought to full strength, paid competitively, and properly equipped if this hospital is to meet its responsibility to its patients.

9. Surprisingly, the elevator system in this fourteen story building is one of leading sources of inefficiency. On an average day, an employee might spend one-half to one hour a day waiting for and riding in elevators. At least maximum use must be made of existing elevators, which means that the two manually operated elevators function until 10 PM daily, actively carrying passengers.

10. This 920 bed hospital has attempted to provide emergency professional services at night in some vital services with on duty officers taking call from outside the hospital. The result has been that they are often not available in a practical sense. We demand that all services provide in-hospital night coverage, if they do not already do so, such as radiology, anesthesia, and psychiatry.

11. The Veterans Administration Hospital System does not provide follow-up out patient care for non-service connected illnesses. The result of this policy is inefficient use of the health care dollar and many cases of unnecessary illness secondary to failure to deliver early treatment. Patients leave the hospital upon recovery from their acute illness with no provision for follow-up care except an uncertain referral to the private physician or a very informal appointment to see the ward physician, which usually fails due to lack of the needed clerical and ancillary personnel. A majority of our patients have chronic diseases where early treatment of minor complications can frequently prevent hospitalization. We strongly recommend that steps be taken to create a follow-up out patient department.

We submit our demands with the stipulation that steps be taken to satisfy each of them, and that proof of action be shown—not just promises—or we will take further steps. It is clear that all VA Hospitals across



the country share the same problem. Our intention is to join forces with interested parties elsewhere to insure the prompt action that is needed to avoid a crisis in the VA system.

Mr. Speaker, there were approximately 125 signatures on the statement and Dr. Saunders indicated that he did not include the full list of those who signed the

copy he sent to me. The conditions are described in very specific terms and are of a nature to demand immediate attention.

## SENATE—Saturday, February 28, 1970

(Legislative day of Thursday, February 26, 1970)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our help in ages past, hear us as we lift our morning prayer to Thee. Come upon our Nation by the mighty power of Thy Holy Spirit to cleanse and renew our inmost life. Make us a pure, orderly, and godly people. Assist the strong that they may help the weak. Teach us to live to serve others and thus fulfill Thy divine law. Keep us God fearing, industrious, and trustful of one another. Hear our most earnest prayer that we may keep Thy laws and manifest Thy love in daily word and deed.

In the Redeemer's name. Amen.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, February 27, 1970, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### STAR URGES RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, yesterday, in an editorial entitled "The 21-Year Procrastination," the Washington Evening Star voiced its support for ratification of the human rights convention outlawing genocide. It also, I might add, voiced its indignation over the fact that this Chamber has not seen fit "to put the United States on a par with the other civilized nations of the world by ratifying the agreement."

Mr. President, as the Star editorial has so forcefully pointed out, the eyes of the world are upon us. Why has this Nation, supposedly the moral and political leader of the Western World, supposedly a civilized nation, been so reluctant to add its support to an agreement that would outlaw this most das-

tardly crime? This is the question the world is now asking, and has asked throughout the 21-year period of procrastination the Star referred to.

I again urge the Senate to move immediately to consider and ratify this agreement. The world is watching, and waiting, for our response.

Mr. President, I ask unanimous consent that the Washington Evening Star editorial of February 28, 1970, entitled "The 21-Year Procrastination" be printed in the RECORD.

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

#### THE 21-YEAR PROCRASTINATION

Twenty-one years ago, the United Nations prepared an international agreement outlawing genocide. The United States played a leading role in the drafting of the document. One year later the agreement was submitted to the Senate for ratification. A foreign relations subcommittee held some hearings. And all progress toward ratification halted at that point.

Now, President Nixon has asked the Senate to dig out the document, to dust it off, and to put the United States on a par with the other civilized nations of the world by ratifying the agreement.

One might assume that the request would pose no problems, that once the committee overcame its inertia, the Senate would lose no time in putting this country on the side of the angels. One could be wrong. For the fact is that ratification was vigorously opposed two decades ago—and still is—by the defenders of states' rights. The opposition is of such intensity that, unless the President applies some real pressure, the United States could find itself in the agonizingly embarrassing position of rejecting the international condemnation of genocide.

In addition to the small but powerful bloc of senatorial states-righters, ratification has been consistently opposed by the American Bar Association. This year, the ABA's house of delegates voted by a narrow margin to continue its opposition, despite arguments for ratification by former Attorney General Katzenbach and Solicitor General Griswold. A former ABA president raised the specter that an individual might charge his own government with genocide and bring the United States before the World Court.

The delegates, by a margin of four votes, chose to overlook the effect that continued failure to ratify would have on world opinion, and to concentrate instead on the possibility that a troublemaker might cause the government some difficulty.

The congressional arguments against ratification are based on the fact that such international agreements supersede existing national law. Thus, in the eyes of guardians of state sovereignty, the agreement would in effect place in the hands of the federal government a possible threat to the states' jurisdiction over murder cases.

This legalistic sophistry is valid if it is agreed that (a) the federal government

might frivolously employ the agreement in an attempt to usurp the power of the states in capital cases, or (b) that states might undertake a program of genocide.

Neither possibility exists outside of some mildly paranoid imaginations. The attorney general sees no constitutional conflict with the agreement. The secretary of state has urged that the pact be ratified. The Senate should take the President's advice and end the 21-year procrastination. And the President should disregard the nightmares of the ABA. He should back up his request with sufficient prodding to make sure that the Senate moves briskly—and in the right direction.

### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll. Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

#### REPORT OF THE DEPARTMENT OF AGRICULTURE

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on the orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities, dated January 1970 (with an accompanying report); to the Committee on Agriculture and Forestry.

#### REPORT ON HIGHWAY TRUST FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the financial condition and results of the operations of the highway trust fund, dated June 30, 1969 (with an accompanying report); to the Committee on Finance.

#### PROPOSED LEGISLATION EXTENDING FOR A 10-YEAR PERIOD EXISTING AUTHORITY OF THE ADMINISTRATOR OF VETERANS' AFFAIRS TO MAINTAIN OFFICES IN THE PHILIPPINES

A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines (with accompanying papers); to the Committee on Finance.

#### REPORT ON ACTIVITIES OF THE EAST-WEST CENTER IN HONOLULU

A letter from the Secretary of State, transmitting, pursuant to law, a report on the