Snider, Samuel E., III, xxx-xx-xxxx
Solomon, Edward D., xxx-xx-xxxx
Soltman, Donald J., Jr., xxx-xx-xxxx
Spatola, Michael A., xxx-xx-xxxx
Spiker, Phillip W., xxx-xx-xxxx
Spitznagel, Frank R., III, xxx-xx-xxxx
Sprott, Robert E., xxx-xx-xxxx
Stachak, Stanley J. Jr., xxx-xx-xxxx
Stanley, Hal M., xxx-xx-xxxx
Staponski, Virgil D., xxx-xx-xxxx
Stegman, Carl D., xxx-xx-xxxx
Steipp, Thomas W., xxx-xx-xxxx
Stevens, Jonathan L., xxx-xx-xxxx
Stewart, Robert L., xxx-xx-xxxx
Stewart, Todd A., xxx-xx-xxxx
Stienke, Harold L., Jr., xxx-xx-xxxx
Stiles, Lorren Jr., xxx-xx-xxxx
Stobie, James G., xxx-xx-xxxx
Stokes, George N., Jr., xxx-xx-xxxx
Stoll, Douglas A., xxx-xx-xxxx
Stooke, Willard N., Jr., xxx-xx-xxxx
Strauss, Frederick J., xxx-xx-xxxx
Strawn, Charles D., xxx-xx-xxxx
Stubblefield, John E., xxx-xx-xxxx
Sucher, Mark L., xxx-xx-xxxx
Sullivan, Richard L., xxx-xx-xxxx
Summers, Victor J., xxx-xx-xxxx
Suttler, George L., xxx-xx-xxxx
Sveum, Edward A., xxx-xx-xxxx
Swanson, John W., xxx-xx-xxxx
Swecker, Gregory A., xxx-xx-xxxx
Sweeder, James, xxx-xx-xxxx
Sweesy, Thomas I., xxx-xx-xxxx
Sylling, Charles D., xxx-xx-xxxx
Teelin, Harold W., xxx-xx-xxxx
Tehee, Duane O., xxx-xx-xxxx
Temple, Lafayette P., III, xxx-xx-xxxx
Thode, Henry P., III, xxx-xx-xxxx
Thomas, Raymond L., Jr., xxx-xx-xxxx
Thompson, John D., Jr., xxx-xx-xxxx
Tibbetts, Gary L., xxx-xx-xxxx
Tiemann, Terry J., xxx-xx-xxxx
Tieszen, Dennis D., xxx-xx-xxxx
Tietz, Dale E., xxx-xx-xxxx
Tiller, Stephen R., xxx-xx-xxxx
Timmer, John B., xxx-xx-xxxx
Todd, Sammy S., xxx-xx-xxxx
Torblaa, Jon N., xxxx
Tracey, Robert J., xxx-xx-xxxx
Trotter, David D., xxx-xx-xxxx
Tully, Peter D., xxx-xx-xxxx
Turk, Reavis W., xxx-xx-xxxx
Turner, Lonnie D., xxx-xx-xxxx
Tyree, Kirk J., xxx-xx-xxxx
Uecker, Michael E., xxx-xx-xxxx
Vandenberg, Roland J., xxx-xx-xxxx
Vangoethem, Anthony J., xxx-xx-xxxx
Vanpelt, Jay W., xxx-xx-xxxx
Vansaun, Richard, xxx-xx-xxxx
Vantwout, William A., xxx-xx-xxxx
Venemon, William R., xxx-xx-xxxx
Vickroy, Ronald, xxx-xx-xxxx
Vranish, Thomas F., xxx-xx-xxxx
Wacker, Daniel J., xxx-xx-xxxx
Wagner, Norbert C., Jr., xxx-xx-xxxx
Wahlquist, John A., xxx-xx-xxxx
Waiss, Steven F., xxx-xx-xxxx
Waller, Forrest E., Jr., xxx-xx-xxxx
Walsh, Samuel L., xxx-xx-xxxx
Warburton, Jeffrey R., xxx-xx-xxxx
Ward, Frank S., Jr., xxx-xx-xxxx
Watkins, John W., xxx-xx-xxxx
Watson, James G., xxx-xx-xxxx
Watson, Orrin S., xxx-xx-xxxx
Webster, Harry T., xxx-xx-xxxx
Weilert, Ronald L., xxx-xx-xxxx
Weimer, Theron E., xxx-xx-xxxx
Weisel, Stephen E., xxx-xx-xxxx
Wellington, Michael F., xxx-xx-xxxx
West, Lawrence A., xxx-xx-xxxx
Whaley, Harold E., xxx-xx-xxxx
White, Leon G., xxx-xx-xxxx
White, Warren T., III, xxx-xx-xxxx
Whitmore, Robert M., xxx-xx-xxxx
Wildermuth, Roger L., xxx-xx-xxxx
Wilhelm, Lewis E., II, xxx-xx-xxxx
Willadsen, Lynn J., xxx-xx-xxxx
Willett, Richard M., xxx-xx-xxxx
Williams, Larry J., xxx-xx-xxxx
Wilson, Gary S., xxx-xx-xxxx
Wilson, Samuel H., xxx-xx-xxxx
Wimberley, Amos D., xxx-xx-xxxx
Wimberley, Bruce P., xxx-xx-xxxx
Wingad, David G., xxx-xx-xxxx
Wirth, Richard C., xxx-xx-xxxx
Witman, Mark C., xxx-xx-xxxx
Witt, John J., xxx-xx-xxxx
Wittenborn, John L., xxx-xx-xxxx
Witter, Gerald L., xxx-xx-xxxx
Wolf, John D., xxx-xx-xxxx
Wolfe, Lawrence D., xxx-xx-xxxx
Wood, Rodney J., xxx-xx-xxxx
Woodard, Earl W., xxx-xx-xxxx
Woods, Terry L., xxx-xx-xxxx
Wright, Frederick W., xxx-xx-xxxx
Wroblewski, Jon E., xxx-xx-xxxx
Wuerslin, Thomas H., xxx-xx-xxxx
Yanni, Kenneth J., xxx-xx-xxxx
Young, Joseph D., xxx-xx-xxxx
Zablotny, Mark A., xxx-xx-xxxx
Zavada, Francis J., xxx-xx-xxxx
Zedaker, William D., xxx-xx-xxxx
Zeimet, Richard H., xxx-xx-xxxx
Zeller, Dale L., xxx-xx-xxxx
Zwanziger, Jon H., xxx-xx-xxxx

The following cadets, United States Military Academy, for appointment in the Regular Air Force, in the grade of Second Lieutenant, effective upon their graduation, under the provisions of section 541 and 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Amos, David E., xxx-xx-xxxx
Buckowsky, John P., xxx-xx-xxxx
Cron, Patrick M., xxx-xx-xxxx
Deparle, David V., xxx-xx-xxxx
Drake, Paul, xxx-xx-xxxx
Goodwin, Richard C., xxx-xx-xxxx
Gordon, Kenneth E., xxx-xx-xxxx
Hoelscher, William B., xxx-xx-xxxx
Karhuse, Kenneth B., xxx-xx-xxxx
Kelly, Logan R., xxx-xx-xxxx
Leclaire, Richard L., xxx-xx-xxxx
Litchfield, Robert L., Jr., xxx-xx-xxxx
Neyland, Michael A., xxx-xx-xxxx
Smoak, Andrew W., xxx-xx-xxxx
Spivey, Hugh M., xxx-xx-xxxx
Watts, Weyland M., III, xxx-xx-xxxx
Worthington, Robert G., xxx-xx-xxxx

HOUSE OF REPRESENTATIVES—*Thursday, May 13, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I beseech you to endeavor to keep the unity of the spirit in the bond of peace.—Ephesian 4: 3.

Eternal Father, we pray Thee that on this Hill and in this Chamber we may be united in purpose as we seek the well-being of our country. May mutual regard and mutual respect be the spirit of our relationship and as a result let each one of us contribute our best in thought and action for the welfare of our people. Grant, we pray Thee, that the strength which comes from unity may be ours and may be used for the good of all.

Bless us with cool heads and warm hearts, with an enthusiasm for justice and peace, and with an assurance of Thy presence wherever we are and wherever we go this day and forevermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE POOR PAY MORE

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROSENTHAL. Mr. Speaker, a recent study by Washington Post reporter Ronald Kessler once again points up a fact we know only too well—the poor pay more.

Mr. Kessler compared the prices of 40 popular items at a pair of F. W. Woolworth Co. stores—one in the affluent white Georgetown section of Washington, and the other in one of the city's most depressed black areas.

His survey revealed that prices are "consistently higher" in the ghetto neighborhood store.

Woolworth officials offered only weak, lame excuses for the differences. One contended items not included in the study were priced identically at both stores, and he gave specific examples. A subsequent check revealed that he was incorrect.

Articles such as Mr. Kessler's provide a valuable service to the public, and he should be commended. He has presented the case fairly and completely. The facts are undeniable—the poor pay more.

One reason for this is that the more affluent the consumer the better able he is to shop around for the better buy—he is more likely to have a car, thus giving him mobility, and there are more stores and better selections in the more affluent neighborhoods.

At this point, Mr. Speaker, I would like to insert in the RECORD Mr. Kessler's report; it speaks for itself:

[From the Washington Post, May 9, 1971]

GHETTO PRICES HIGHER—SURVEY SHOWS DIFFERENCES IN TWO CITY STORES

(By Ronald Kessler)

The F. W. Woolworth Co. store in Georgetown serves one of the city's most affluent white sections. The Woolworth store on 14th Street at Park Road NW serves one of the city's most depressed black areas that was heavily damaged by the 1968 riots. And if the stores' clientele is different so are the prices they charge.

A Washington Post survey indicates prices in the 14th Street store are consistently higher than in the Georgetown store 2½ miles away.

While not disputing the price comparisons, Woolworth officials contend many of them are special cases, pricing errors or efforts to meet local competition. They say no partiality to one group of customers or another is intended.

Of 40 items compared, 13 were found to be priced higher at the 14th Street store. Only one item, a medium size tube of Crest

toothpaste, cost more in Georgetown. For example, a box of 48 crayons was $.69 in Georgetown and $.79 on 14th Street. Saran wrap was $.31 in Georgetown, $.36 on 14th Street.

The other 26 items, including a large tube of Crest, were priced the same at the two stores.

The total bill for the 40 items would have come to $55.48 at the 14th Street store, or $2.61 more than if the same items were purchased at the Georgetown store.

(Managers of the two stores did not dispute that the 40 items checked were representative of high volume goods.)

In addition, three higher priced items not included in the total showed an even greater price disparity. A 20-inch fan that was marked down from $16.66 to $11.66 in Georgetown was $17.99 at 14th Street. A room cooler that cost $25.99 in Georgetown was $27.99 on 14th Street, and a seven-piece Teflon set was $14.95 in Georgetown and $16.95 on 14th Street.

The manager of the Georgetown store, at 3111 M St. NW, declined to comment on the price differences, whereas the manager of the store at 3200 14th. NW, Walter Granison, said he couldn't account for the differences.

"Prices should be the same," Granison said. "We're getting merchandise from the same source."

Items selected for comparison were generally high volume goods or staples, but they were otherwies chosen at random. Items compared were determined to be identical through label information and Woolworth code numbers imprinted on shelf labels.

In one or two instances when prices marked on the same merchandise in one store differed, the one consistent with the shelf price was used. The survey was made April 30 and subsequently rechecked.

STRIKING DIFFERENCES

Among the more striking price differences were four General Electric 60-watt soft white light bulbs at $1.09 in the Georegtown store and $1.21 in the 14th Street store; similar standard white bulbs were 99 cents in Georgetown and $1.11 along 14th Street.

A package of 100 Woolworth brand legal size envelopes had preprinted prices of 88 cents in Georgetown and 99 cents at 14th Street. Two pounds of Peter Paul fudge were $1 in Georgetown and $1.18 at 14th Street.

A bottle of 100 Anacin tablets that were $1.17 in Georgetown were $1.59 at 14th Street and 50 tablets were 89 cents in Georgetown and 99 cents at 14th Street.

District Manager Eugene V. Brennan termed the light bulb prices at Georgetown "errors," and said the 88-cent price on the envelopes at that store was because it was old merchandise printed before a price change. The fudge price in Georgetown was set to "liquidate" the item, he said. And the Anacin prices were an effort to meet "local competition."

While the $1.17 price of Anacin at Woolworth's in Georgetown beat the $1.29 price of that item at a People's Drug Store nearby, a People's store next to Woolworth's on 14th Street kept the price at $1.29, 30 cents less than it cost at Woolworth's there.

Merchandise checked in the two People's stores was generally found to be identical in price.

DISPARITIES EXPLAINED

Brennan attributed the price disparities either to exceptions, errors or efforts to meet local competition. He cited three items not included in the study—window shades, Massengill feminine deodorant and two ounces of Miss Clairol hair color bath—as costing more in Georgetown than in the 14th St. store.

However, a subsequent check revealed the brand of feminine deodorant cited isn't sold in the Georgetown store, that window shades are priced the same at both stores although the brands are different, and that two ounces of Miss Clairol hair color bath sell for $1.37 at both stores.

Asked why the exceptions and errors all appeared to favor the Georgetown customers, Brennan said, "You can't give one overall explanation."

Asked if the Georgetown store faces stiffer competition, accounting for its lower prices, Brennan replied "I don't know."

Woolworth's regional vice president in Philadelphia, W. C. Pierce, said, "There's definitely no intent to have higher prices at one place or another, but there is an intent to take care of customers so they are given good values . . . There's no partiality being shown one way or the other."

STORE REBUILT

The 14th Street store opened in November, 1969, after a previous facility had been destroyed in the riots. It was one of the few establishments on that street to rebuild.

At the time, Woolworth called it part of the firm's "three-year program for improvement of its facilities in areas populated by minority groups." Almost all of the store's personnel, including Granison, are black, fulfilling a commitment made by Woolworth in connection with the opening.

Last year, the Woolworth company's annual profit was $76.6 million on total sales of $2.5 billion, according to the New York-based company's report to stockholders.

Price comparisons were made at Woolworth's three other Washington stores, all in middle-class black neighborhoods. There appeared to be no pattern. Many items were priced higher than even the 14th Street store's goods, but some were lower, and some items at some of the stores were occasionally lower than the Georgetown store's prices.

HOW STORE PRICES VARY

[A sampling of identical items priced at Woolworth stores at 3111 M St. NW, and 3200 14th St. NW]

Item	Georgetown	14th Street
64 Crayola crayons	$.79	$.98
12-oz. Phillips milk of magnesia	.98	.98
48 Crayola crayons	.69	.79
6¼-oz. Rise shave cream	.69	.89
Happy Home (Woolworth brand) durable press pillow case	1.99	2.49
7-oz. Right Guard antiperspirant	1.59	1.59
2 lbs. Peter Paul fudge	1.00	1.18
Happy Home 15-amp. fuses	.43	.94
4 60-watt GE soft white bulbs	1.09	1.21
14-oz. Johnson's baby powder	1.29	1.29
4 Lido glasses	1.29	1.39
100 Woolworth legal envelopes	.88	.99
Saran wrap—50 feet	.31	.36
100 Anacin tablets	1.17	1.59
50 Anacin tablets	.89	.99

PROVIDING ADEQUATE FOOD FOR THOSE IN JAIL

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am introducing legislation today to make surplus food commodities available to all correctional institutions. Under the present Federal law, surplus commodities are available only to Federal correctional institutions and State penal institutions for minors. My bill, which would amend the Agriculture Act of 1956, would allow the donation of surplus commodities to prisons on all government levels: city, county, State, and Federal. Prison officials would make their requests to the State office distributing commodities and receive supplies in bulk.

In February of 1970, I sent a questionnaire on prison conditions directly to inmates of the Tombs, a detention facility in New York City for those awaiting trial. Many of the prisoners in responding complained bitterly about the food. During the riots at the Tombs last fall, prisoner grievances listed molded bread, rotten potatoes, and termed the food not fit for human consumption.

In the Tombs, the correctional department spends 69 cents per day per prisoner for three meals. Is it any wonder that the prisons are in a constant state of revolt? My bill would provide free of charge many of the staple products for which local prisons now pay and frequently do not buy because of lack of an adequate budget.

Mrs. Carol Greitzer, a city councilwoman from my congressional district, has provided me with invaluable help on this bill. Mrs. Greitzer investigated the city prison for women and documented the absence of fresh fruit from the prisoners' diets. Although it was claimed that prisoners could get fresh fruit in the commissary, Mrs. Greitzer learned, in talking with the woman who ran the commissary, that oranges had not been supplied for 8 years.

Our city and county penal institutions need these surplus commodities just as much as our Federal and State institutions do. This bill would broaden present regulations and would free some of the food budget of all prisons for the purchase of fresh fruit and other necessities which are not now available. I urge our colleagues to give this legislation their consideration and support.

H.R. —

A bill to amend the Agricultural Act of 1956 to allow for the donation of certain surplus commodities by the Commodity Credit Corporation to State and local penal institutions, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859) is amended by striking out "and to State correctional institutions for minors" and inserting the following in lieu thereof: "to State penal and correctional institutions, and to penal and correctional institutions of any political subdivision (including jails) of any such State".

PRODUCER VERSUS CONSUMER

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the consumer is locked in uneven battle in the marketplace with producers and sellers. When it comes to organization, strength, sophistication, resources, and determination, there is no contest—the consumer is out of the running.

That is why many of us in Government are working to close the gap and put consumers on a more even footing with producers and sellers.

This responsibility falls to the Con-

gress even more so now than before because we have in the White House an administration that, despite its righteous rhetoric, has shown little interest in the consumer's welfare.

One man who has led the way in the Congress fighting for the consumer long before it became fashionable even to speak sympathetically of "consumerism," is Representative BENJAMIN S. ROSENTHAL of New York.

He recently put some of his philosophy down on paper for the Economic and Business Bulletin, published by the Temple University School of Business Administration.

I would like to insert his article in the RECORD at this point:

[From Economic and Business Bulletin, Temple University, Winter 1970]

PRODUCER VERSUS CONSUMER: THE UNEQUAL BATTLE: HOW GOVERNMENT CAN HELP SOLVE THE PURCHASER'S PROBLEMS IN THE MARKETPLACE

(By BENJAMIN S. ROSENTHAL)

"Consumerism" is not the threat to free enterprise that some businessmen see. Nor is it an attempt to catch all consumer issues in one bundle. Rather, "consumerism," at least in Washington, tries to attack the ineffective, costly, and awkward manner in which consumers are represented in the federal government.

The consumer's need for help comes in the midst of a productive economy which is far better developed in its producer institutions and relations than in any comparable efforts by its consumers either to organize themselves, or otherwise attain some balance in their dealings with producers.

The consumer is in serious need of help. The American free enterprise system, with its give and take in the marketplace, is basically healthy. But in the drug store aisle, on the auto showroom floor, and across from the cash register everywhere, the consumer must face Madison Avenue, the whirling computer, and the motivational research psychologist. He must face the giant corporate structure with its single-minded concern for profit and its capacity to spawn powerful lobbies in Washington and state capitols. The consumer must face not simply outright fraud and deception but sharp practices honed to incredible subtlety. Standing alone, the American consumer cannot deal with this power in the marketplace.

QUESTIONS OF JUSTICE

The result of this mismatch is that until quite recently, such major private-sector consumer injustices as hidden credit costs, unsafe automobiles and hazardous household products, unsanitary meats and poultry, dangerous or non-efficacious drugs, and deceptive packaging and labeling, received superficial attention.

Still to be dealt with in the years ahead are abuses in the insurance field, sharp practices in the automobile and TV repair industries, warranty problems, deceptive and noninformative advertising, home repair frauds, costly games of chance, trading stamps, sweepstakes, household moving problems, inadequate and confusing food grades, and discrimination against low-income consumers.

What has government's response been to these problems? Briefly, the federal government has tried, but with fragmentary and inadequate attempts, to cope with "consumerism."

Some state governments have also struggled to face these essentially national economic issues, but with less vigor than Washington, and with much less success.

Local government, with isolated exceptions, has done little.

In Washington, we have just witnessed another Administration's attempt to address itself to consumer problems. After an uncertain start, the post of Presidential advisor on consumer affairs was continued under a knowledgeable and earnest women with some good experience as head of a state consumer protection office.

But the uncertainty of this staff position and the hesitation with which it was filled were not good omens. Nor is it good government to have consumer protection, as a high-level executive branch concern, face each new year or even each new Administration with questions like "Do we need such a job?" "Can we find someone to fill it?" or "Don't we need a presidential assistant for X even more?"

Yet this is the prospect unless it is acknowledged that consumer protection deserves Cabinet-level authority and permanence if the public is to take seriously these concerns of economic justice, safety, and welfare which are called the consumer interests.

If there were a Cabinet-level Department of Consumer Affairs, the consumer's interest would not be subject to the whim or caprice of any President.

THE EXAMPLE OF EUROPE

To those who see this as a radical proposal, this writer would like to point out that a number of Western European nations already have Cabinet-level departments to represent and protect consumers. We are now far behind these countries.

There are many who would have us believe that the spate of new consumer laws has elevated consumers to a dominant position in the marketplace; that the weight of governmental action has shifted from the producer side to the consumer side. Nothing could be further from the truth.

While our government is presently more aware of and even more responsive to consumer needs than in the past, producer groups still exercise a disproportionate influence over economic policy. This is true in the governmental body that makes the laws; it is true in the body that administers the laws.

In proposing a Department of Consumer Affairs over the past seven years, the writer's thesis has been that, to change policy, one must change organization. Roger Hilsman, in his book *To Move a Nation* cites as an example of this principle the difficulties experienced by Theodore Roosevelt in trying to establish conservation of natural resources as national policy in place of the older "homesteading" policy.

Hilsman's description is highly relevant: ". . . the old organizational arrangements provided easy channels for lumbering and other exploitative interests to express their preferences and almost none for 'conservationist' interests to express theirs. There were almost no mechanisms for gathering the kind of information that would permit governmental decisions to conserve rather than exploit. The result was that President Roosevelt could not really change . . . policy . . . until he changed the organization dealing with the problem."

DECEPTIVE LAWS

In this writer's view, the consumer of the 1960s is in much the same position as the conservationist of 1900. The present organizational arrangements at the federal level—with Cabinet representation for business, industry, and agriculture—provide easy channels for producer interests to express their preferences but almost none for consumer interests to express theirs.

The worth of any law is found, ultimately, not by measuring how it has been designed, but by measuring how it is being executed. The mere enactment of consumer laws, without effective consideration of how these laws are to be administered, and by whom, is deceptive.

We have arrived at the point where the steadily increasing body of consumer laws to be administered by the federal government is now beyond the efficient reach of any haphazard combination of agency appendages. This was true of housing problems in 1965 when the Department of Housing and Urban Development was established; it was true of transportation problems in 1966 when the Department of Transportation was created; it is true today of consumer problems.

Fundamental economic problems face government today in the questions of how consumers really are represented in existing agencies, whether consumer activities in one agency bear any relationship to those in another agency, whether there are adequate coordination and overview of consumer-related programs, and whether there should be more central control.

DIVISION IN THE GOVERNMENT

At present, the American consumer's voice is faintly heard through some 33 federal departments and agencies carrying on approximately 260 consumer activities. Consider that

. . . Responsibility for enforcing the Truth-in-Lending Act is vested in nine separate agencies;

. . . Administration of the Fair Packaging and Labeling Act is divided among three agencies—the Federal Trade Commission, the Food and Drug Administration, and the Department of Commerce;

. . . No fewer than five federal agencies are responsible for consumer protection of the poor;

. . . The Flammable Fabrics Act of 1967 is shared by the Department of Commerce, the FTC, and the FDA;

. . . Responsibility for the wholesomeness of fish and fishery products falls both to the Food and Drug Administration and the Interior Department's Bureau of Commercial Fisheries;

. . . Programs to control air and water pollution can be found in half a dozen agencies.

These laws, individually good, have proliferated beyond the ability of present government to handle.

Despite the large number of federal agencies that purportedly represent the consumer, it is still a fact that:

There is no single federal agency to which consumers can direct complaints;

There is no single federal agency devoted to the pressing needs of the low-income consumer;

There is no single federal agency which gathers and disseminates to the public the considerable product and economic information that is available at the federal level;

There is no single federal agency which represents the consumer interest before federal courts, departments, and regulatory agencies on matters of great moment to the consumer;

There is no single federal agency in which the consumer education function resides;

And certainly, there is no single federal agency which can boast that it has consistently anticipated consumer problems instead of reacting to them on a crisis basis.

JUDGING THE RECORD

What is the consumer record of our federal government?

. . . Are we satisfied with the performance of our regulatory agencies in advancing the consumer interest in America?

. . . Has the Federal Trade Commission been a vigorous champion of the consumer cause?

. . . Has the Interstate Commerce Commission effectively represented the consumers' interest in matters relating to household moving problems and railroad passenger service?

. . . Has the Federal Communications Commission been an effective advocate for the public in policing the airwaves?

. . . Has the Department of Commerce moved with dispatch in approving flammability standards for clothing or in administering its portion of the Fair Packaging Act?

. . . Are we satisfied with the activities of the Interior Department and the FDA in protecting the consumer against unwholesome fish and fish products?

. . . Has the Department of Agriculture striven to achieve the most effective and far-reaching consumer food grading program, as Congress directed it to do?

. . . Is the welfare of consumers a prime consideration of the Interior Department when its Oil Import Administration establishes quotas for cheap foreign petroleum products?

. . . Do the efforts of the Department of Transportation's National Highway Safety Bureau in the field of auto safety match the grim reality of 52,000 deaths last year on our highways?

. . . Is it in the long-range best interests of consumers that solutions to many of their most important problems are entrusted to temporary commissions like the Food Market and Product Safety Commission, whose recommendations are largely ignored because of the absence of an institutional framework for continuing action?

. . . Have the General Services Administration, the National Bureau of Standards and other federal product-testing agencies, moved to maximize the benefits of their tests by releasing valuable product information to consumers?

WHO IS REPRESENTED?

Moreover, how can the consumer interest be protected in agencies with competing and diverse interests to protect?

Can the Milk Marketing Administration of the Department of Agriculture faithfully represent, at the same time, the desire of consumers to get the most for their money and the desire of dairy farmers to get the most for their product? Can the Department of Commerce successfully administer its part of the Fair Packaging and Labeling Laws and yet serve the interests of its real constituency, the business community? Can the important consumer responsibilities relating to food and drug labeling required by the Food, Drug and Cosmetic Act receive adequate attention in a department whose secretary is burdened by problems of education and welfare?

This writer's conclusion is that, without full, vigorous, and coordinated enforcement, many consumer protection laws benefit only the printers and bookbinders of the United States Code. The Wholesome Meat Act was passed two years ago but there are still sixty persons infected with trichinosis in a small Missouri town. The same confusing labels still remain on supermarket shelves because the Fair Packaging and Labeling Act is not being properly enforced. And dangerous fabrics are still sold to unsuspecting consumers, some of whom suffer needlessly from burns, because agreement cannot be reached on how the Flammable Fabrics Act should be inforced.

A NEW CONSUMER DEPARTMENT

What vital functions would such a central agency perform that are not now performed by the 33 departments and agencies exercising consumer protection responsibilities?

1. A central clearing house for consumer complaints would be established where now there is none.

2. A central repository for consumer information would organize, release, and in some cases disseminate on a regular basis useful data on products and services in non-technical language. Many agencies of government that test consumer products refuse to release test results and other valuable consumer data. While many federal agencies readily make their test results and scientific studies available to private industry sources, the public which pays for those tests is denied access to their results.

3. For the first time, the consumer's viewpoint would be vigorously represented before federal courts and regulatory agencies in matters or proceedings substantially affecting the interest of consumers.

4. For the first time, consumers would be effectively represented before other federal departments and agencies when substantial consumer interests are involved.

Until such time as there is a statutorily created Cabinet-level Department of Consumer Affairs, our consumer programs will continue to be mismanaged and will fail to serve the purposes that Congress intended. It is our responsibility to the American consumer to provide the vehicle which will assure equity and justice in the marketplace.

TRI-PART ADDICTION TREATMENT PROGRAM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today my colleague from New York (Mr. CAREY) and I are introducing three bills designed to focus attention on three categories of drug addicts who are easily identifiable and yet now are receiving very little attention or treatment. These groups are:

First, addicts on welfare.

Second, addicts in prison and on parole.

Third, members of the Armed Forces who are confirmed drug addicts and about to be discharged from the military service.

The measure affecting addicts on welfare is one that we have already submitted to the Ways and Means Committee for inclusion in the family assistance program.

Drug addiction is presently taking a tremendous toll in our country—both in human resources and in dollars. It has reached epidemic proportions and is still growing. There are an estimated 200,000 narcotic addicts in the country—and in New York City alone the estimate ranges from 75,000 to 125,000 heroin addicts. It is time that both the country and government approach the problem with the same respect and thoroughness as we do any contagious disease. It is urgent that the Federal Government, the States, and cities make the necessary commitment to reach and treat today's addicts. The important fact is that a large number of addicts are easily identifiable—and yet as serious as this problem is we still fail to provide adequate supervision and medical and psychological treatment for them.

For instance, the military currently is returning to the community persons they have found to be confirmed opiate users. Navy Secretary John H. Chafee has stated that drug abuse in the Navy and Marine Corps is out of control. He estimates that at least 11,700 men were directly implicated with narcotics in the Navy and Marines in 1970. The Navy discharged 5,000 men and the Marines released 1,700.

There are an estimated 15,000 persons on welfare in New York City because of their drug disability, and yet not all are receiving treatment because of a lack of facilities. Instead of providing the necessary treatment resources for the addicts the society is supporting their habits. In New York City the police department estimates that one half of the city's street crime is related to drug abuse. An example of what this means in dollars is found in my own congressional district. A hotel in Greenwich Village houses some 750 former convicts, many of whom are now on welfare; it is estimated that approximately 400 of these people are drug addicts whose habits cost an average of $50 a day per individual. This means that $7 million a year must be raised by the drug addicts in this single hotel, and because stolen goods are fenced at approximately 20 percent of their value, this necessitates some $35 million worth of goods being stolen annually.

I would like to describe briefly what each of the bills would do.

NARCOTIC ADDICTS ON WELFARE

The first is the proposal that we have submitted to the Ways and Means Committee for inclusion in the family assistance plan. The bill requires that for any narcotic addicted person to receive Federal assistance, that person would have to undergo treatment. Furthermore, the bill provides that the Secretary of Health, Education, and Welfare will be required to take what steps are necessary to provide for the development and operation of additional institutions that are needed so that all drug addicts on welfare can be treated. The bill provides that persons receiving welfare benefits and undergoing treatment be monitored by periodic testing so as to be sure that they are not reverting back to their drug use. Essentially, what we are doing here is providing persons who are on welfare because of their drug disability, the necessary treatment so they can again become self-supporting. Drug addiction is a physical disability—and it is absurd for the Federal Government to provide subsistence without providing a means so that the welfare recipient has an opportunity to again become self-supporting.

ADDICTS IN PRISON

The second bill would require States, in developing their plans for assistance under the law-enforcement assistance program to make provisions for the treatment of drug addicts in prisons and

to provide continuing treatment when the prisoner is paroled. The States would have to demonstrate that treatment programs are being provided where necessary in order to get approval for their State plans.

ADDICTS IN THE MILITARY

The third bill is designed to stop the flow of drug addicts currently being discharged from the Armed Forces. It would require that each member of the Armed Forces be examined in a military medical facility at a time near his scheduled release from active duty for the purpose of determining whether or not he is a narcotic addict. If a man is determined to be a narcotic addict, he would not be released from active duty and instead immediately placed in either an Armed Forces hospital for treatment or in the custody of the Surgeon General of the Public Health Service for treatment in a Public Health Service hospital. The serviceman would be required to undergo treatment so long as required and would be discharged only when certified to no longer be a drug addict. Provision is made for persons able to undergo private treatment, so long as the treatment program has been approved and he reports for periodic examination at an Armed Forces medical facility.

CRIMINAL LAW CLINIC AT NYU

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I should like to bring to the attention of our colleagues an article which appeared on the front page of the New York Law Journal entitled "A Report on Criminal Law Clinic for NYU Students," authored by Prof. Harry I. Subin.

It superbly describes an experimental program in clinical education at New York University School of Law. I take special pleasure in noting this article because I am an alumnus of that school.

Article follows:

A REPORT ON CRIMINAL LAW CLINIC FOR NYU STUDENTS

(By Harry I. Subin)

INTRODUCTION

This article will attempt to describe the operations of the Criminal Law Clinic at New York University School of Law. The clinic is one of a number of experimental programs in clinical education at the school, where, for the past few years, we have been attempting to determine whether augmentation of the traditional curriculum with programs involving supervised field work is both justified and feasible.

The guidelines for these efforts were set by the faculty in April, 1969, when it adopted the Report on Clinical Education of the school's curriculum committee. The report stressed the need for experimentation in the clinical area, particularly with an eye toward enlivening and making more relevant the third year in law school, during which time many students are extremely anxious to apply the legal skills they have acquired in the first two years.

The report concluded that clinical programs should be considered a part of the school's academic program, and not merely as extracurricular opportunities. All clinical programs, therefore, are offered for academic credit, and constructed in such a way as to assure not only that students are given a glimpse of the "real world," but in a manner which assures that the clinical experience is both academically and professionally viable.

CREATION OF THE CLINIC

The clinic began operations in August, 1970, pursuant to a two-year grant from the Council on Legal Education for Professional Responsibility, Inc. (CLEPR). The aim of the program was to expose third-year law students to the practice of criminal law. Unlike programs in a number of schools, this one was designed to involve students in direct representation of indigent defendants, rather than as assistants to practicing attorneys. This had been made possible by the enactment of a student practice law by the state Legislature, which was followed by implementing rules promulgated by the Appellate Division of the First Judicial Department.

According to these rules, third-year students are permitted to represent indigent defendants under the following conditions: First, they must work under the aegis of a recognized legal aid organization, which must provide seventy hours of orientation and training prior to the students' court appearances; second, the students must receive the consent of the defendant to be represented by a student; third, they must be supervised at every court appearance by a member of the Bar; and fourth, they must practice in nonfelony cases only.

In compliance with these rules, and with funds provided by the CLEPR grant, the clinic entered into an agreement with Mobilization for Youth (MFY), pursuant to which an MYF attorney, Oliver Rosengart, with a number of years of experience in the Manhattan Criminal Court, would become the clinic's supervising attorney, with the CLEPR grant paying his salary. The students, fifteen in number, would receive their orientation from MFY, and would be assigned to nonfelony criminal cases which were received by the MFY office. For their work in the program, the students were to receive seven hours of academic credit in each of their last two semesters, in return for which they would be required to devote at least twenty hours per week to the clinic, in field work and related seminars.

INITIAL STAGES OF THE PROGRAM

At the outset, it was clear that the students would require an intensive period of orientation. Like most law students, and indeed like most lawyers, they were largely unfamiliar with the processes of the criminal courts, and with the many invisible not to say wondrous ways of the criminal justice system. Preconceived notions about what happened at various stages of the process, gleaned from casebooks, had to be dispelled. Well-learned principles of criminal procedure, gleaned from appellate court decisions, had to be put in perspective. And, perhaps most important, the students simply had to be familiarized with the often baffling maze of court parts, papers, clerks, and offices into which their cases would flow. There was, to say the least, a good deal of anxiety among the students at the outset.

After the orientation period, the students began doing intake work at the MFY office. At first they were closely supervised to assure that they would learn how to handle the vital initial contact between attorney and client. The results of these interviews were recorded on interview forms, and served as a basis for seminar discussion of interviewing techniques, and for planning strategy for the next stages of the case.

The students were responsible for all field investigations (observing, visiting and photographing or diagramming the scene, finding witnesses, interviewing complainants and police officers, etc.) and for the preparation of any motion papers required in their cases. Court appearances were handled by Mr. Rosengart at first, until the students became acquainted with the process. Ultimately, all court appearances—preliminary hearings, motions and trials—were handled by the students themselves, as were the all-important plea negotiations with the prosecution, with Mr. Rosengart present to give advice when necessary.

THE PROGRAM IN ACTION

By November, the students had gotten fairly comfortable in the courts. Each of them was responsible for four or five cases at any one time—the number kept low intentionally to assure the concentrated attention necessary to a thorough training experience. The students, by then, had learned their way around the courts physically, and had made substantial strides towards gaining the practical sophistication which one must possess to operate successfully there. They learned that the prepared and persistent attorney can often obtain good dispositions where a more casual approach might result in a client being host, in effect, in the flood of cases entering the court.

In one such case, a student was able through repeated efforts to gain the ear of the prosecutor and the judge, to obtain an informal "hearing" at which she presented facts which convinced the judge that the charges against her client were unjustified. The case, which in the normal course might have been in the system for weeks or longer, was dismissed on arraignment. This experience was repeated many times, and often resulted in dismissals, lower bail, or substantial reduction in charges.

The students were also active at the dispositional stage, again learning that in many cases while proof of guilt might be overwhelming, there was still much that a defense attorney could be to move the court toward adopting a positive course at sentencing. This is particularly true in drug or drug-related cases, in which many if not most of the judges will impose a nonjail sentence (probation or conditional discharge) if the defendant is doing something about his drug problem.

The students have been instrumental in getting about a dozen addicts into either residential treatment programs or methadone programs. Most often the students have brought this about by getting personally involved with their clients and then persuading, cajoling and even physically bringing them to the drug program. In one such case, the student attorney, prior to sentencing in a drug possession case, was able to place his client in a methadone program, make living arrangements for him, and enroll him in a job-training program. Despite a rather lengthy prior record, the defendant was not imprisoned. In the months which have followed, the student has remained in close touch with his client, who continues to work at his new trade and stay free of drugs.

As for formal litigative experience, each of the students has handled at least one preliminary hearing argument on motion or trial, and in most cases has been successful. There has not, it should be noted, been as much formal courtroom work as we would have liked for educational purposes, mainly because there is very little such work in the system as a whole.

Because of the enormous volume of business handled in the courts, there is strong pressure for out-of-court settlement, usually through negotiation between counsel. On a

number of occasions, the students came to court fully prepared and eager for trial, only to be offered an irresistible "deal" by the prosecution, or to see their cases dismissed on motion of the prosecutor, after presentation of the defense case to him before trial. In part to compensate for the frustrated urge of the students to engage in formal advocacy in these cases, and in part to provide more skills training in litigation, we devoted a number of hours in our seminars to stimulation of the litigative experience.

THE ACADEMIC PERSPECTIVE

As noted, the seminar component of the program was considered highly important. Not only was it the mechanism through which we provided the initial orientation, and a forum for discussions of tactics and strategy in pending cases, but it also served as the place for discussion of the broader legal, social and ethical problems involved in the administration of criminal justice. One cannot, I feel, understand the criminal process without coming to grips with the enormous gap between its theory and present practices.

The fact that 90 per cent of all criminal cases are resolved without trial; that a large percentage of defendants are detained prior to trial because of their poverty; that our jails and prisons do more harm than good; and that one's ability to maneuver—to delay, to "shop" for the right judge, and to bargain—are often of more practical importance than one's skills as an advocate, are subjects as worthy of contemplation as are abstract notions such as the "presumption of innocence," and "mens rea."

The fact that prominent Supreme Court decisions dealing, for example, with searches and seizures, interrogations, and effective assistance of counsel are not so much "good" or "bad" in practice, but largely irrevelant, is one with which every student of the criminal law must grapple. Far from being merely a "how to do it" experience, therefore, the clinical program can serve to effectively broaden the education of the student.

CONCLUSIONS AND PLANS

The first year of the program is now almost completed. My sense is that it has been a valuable learning experience for the students, although I concede that there are no simple ways to measure this. Their enthusiasm remained extremely high throughout, and they devoted long hours to their cases and to the lives of the clients whom they served. They obtained less formal litigative experience than I would have liked, but hopefully they learned some of the basics of successful litigation. They certainly obtained a perspective in this important field of law which could not have been obtained in the classroom.

And, contrary to what some feared, far from being turned away from the criminal law as a result of seeing it in action, almost all of them are moving, or trying to move, further into the field upon graduation.

The second year of the program begins in September. We shall double the number of students involved, and add two more supervisors, the cost to be shared by CLEPR and the School of Law. We hope to be able to demonstrate to the school that the clinical experience is worthy of perpetuation in the curriculum, and to the legal community that the student practitioner is a valuable resource in the criminal justice field.

CONGRESS MUST BAR THE CIA FROM RUNNING GUERRILLA WARS

(Mr. BADILLO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BADILLO. Mr. Speaker, I am introducing legislation today amending the National Security Act of 1947 to specify the intent of Congress that the authority of the Central Intelligence Agency is confined to the gathering, analysis, and dissemination of intelligence and does not include the organization, supervision, or conduct of any military or paramilitary operation abroad.

This bill would close a loophole in the National Security Act which permits the CIA to undertake "such other functions and duties related to intelligence affecting the national security" as may be directed by the National Security Council.

It is this provision which apparently is the justification for the presence of the CIA in Laos—not to gather intelligence but to train, finance, and lead tribal guerrillas and even the Royal Laotian Army as a covert adjunct to U.S. combat operations in Vietnam.

It is reliably reported that the CIA has more than 300 men in Laos, supplying and training Government guerrillas and leading commando and reconnaissance teams. In addition, the CIA is mainly responsible for planning of the massive air bombardment of Laos, which has made a wasteland of this tiny nation and turned its people into refugees in their own land.

By its use of the CIA in this manner, our Government has developed a new and cynical formula for running a war, out of sight of the Congress and the American people. I fear that unless legislation such as the bill I offer today is enacted, we will find the CIA running military operations in Indochina long after other American combat forces have been brought home.

The bill follows:

H.R. 8371

A bill to amend the National Security Act of 1947 to specify certain activities in which the Central Intelligence Agency may not engage

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102(d) of the National Security Act of 1947 (50 U.S.C. 403(d)) is amended by adding at the end thereof the following new flush sentence:

"Nothing in this subsection shall be deemed to authorize the Agency to engage, in any manner or to any extent, in the organization, supervision, or conduct of any military or paramilitary operation of any kind (including any operation of the kind commonly known as a 'guerrilla warfare' operation) which will be executed by forces primarily composed of (i) mercenaries, (ii) regular or irregular personnel of any armed force of any foreign nation or area, or (iii) personnel other than those listed in (i) and (ii) who are under arms and are indigenous to any foreign country or area."

A BILL TO RESTRICT THE SALE OF "SATURDAY NIGHT SPECIAL" HANDGUNS

(Mr. MURPHY of New York, asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of New York. Mr. Speaker, I introduce, for appropriate reference, an amendment to the Gun Control Act of 1968.

The proposed legislation is a bill to prohibit the sale of the domestic "Saturday night special," the gun that has taken the place of the imported "Saturday night special," which Congress outlawed from importation into the United States under the provisions of the Gun Control Act of 1968.

Saturday night specials are inexpensive, poorly made handguns whose only purpose is to terrorize prospective robbery victims.

The prosecuting attorney of Wayne County, Mich., testified before the Congress just a few days before the disastrous Detroit riot and described the massive flow of these weapons from Toledo into the city of Detroit. He said that many minor hoodlums in Detroit who wanted to commit armed robbery would purchase one of these pistols immediately prior to the crime. And because most armed robberies take place on Saturday night, Michigan authorities dubbed them "Saturday night specials."

Since then, congressional investigators have found this situation was not unique to the city of Detroit. The term "Saturday night special" had spread to every section of the country. This is the weapon most used not only in the crime of robbery but in the crime of murder and assault as well.

The involvement of this handgun in crime is disproportionate to its number in comparison with long guns, in the commission of homicide, aggravated assault, and armed robbery.

Over 50 percent of the 15,000 homicides in 1969 were committed with handguns.

Virtually every one of our 100,000 firearm robberies involves a handgun, and 75,000 of the Nation's aggravated assaults are committed with these "manstoppers."

The effect of the amendment would be to prevent the transfer or sale by a federally licensed dealer of any firearm, other than a rifle or shotgun, to anyone unless the Secretary of the Treasury determines that the gun is suitable for lawful sporting purposes.

This means that standards now applicable to imported foreign firearms would be made applicable to domestically made firearms. If the guns do not meet certain specified standards, then they could not be sold or transferred to the public.

I would like to have the documents entitled "Internal Revenue Service Factoring Criteria for Weapons" and "Excerpts From Subpart G of Part 178 of Title 26 of the Code of Federal Regulations" printed in the RECORD at the end of my remarks.

The documents which I have included in the RECORD with the amendment set forth the standards in detail that would be applied to these domestically made guns so I will not elaborate upon them at this point.

What are the types of firearms with which this amendment is concerned?

First, these weapons are basically the small caliber, inexpensive revolvers, usually of .22-caliber design.

Second, these firearms are useless for sporting purposes.

Third, these guns are crime guns, and are used in substantial numbers of murders, armed robberies, and aggravated assaults.

Fourth, they are the weapons that went into production after the enactment of the Gun Control Act of 1968, which prohibited the importation of these very firearms.

In the decade of the 1960's, the imported Saturday night special became the gun of choice in some 30 percent of all gun murders, numerous robberies, and aggravated assaults.

The gun was inexpensive to buy.

It was easily concealed and it was lethal.

During congressional inquiries into the gun problem in the United States, virtually every public official who appeared before Senate and House committees urged that this particular class of gun—the small caliber, inexpensive, pot metal revolver—be prohibited from import into the United States.

With no questions asked, it was sold by mail order to nonresidents, to immature juveniles, to criminals.

Then in 1968, in response to the urgent plea of law enforcement officials from throughout the United States, legislation was enacted prohibiting these deadly weapons from importation into the United States.

I sponsored that legislation in the House.

At that time there was no substantial comparable domestic production of these firearms. However, with the prohibitions of the Gun Control Act of 1968, entrepreneurs who had been in the importing business suddenly became firearms manufacturers and began to make the very gun that had been embargoed by Federal law.

Marginal business operators with names familiar to the Congress began to produce these guns in large volume. The former importers of the Saturday night specials, the guns that law-enforcement officials from throughout the land urged be banned from import, became the domestic manufacturers. These "fast buck" artists are now producing an American version of the "Saturday night special" which sells at prices comparable to the imported weapons.

The most bizarre case involved a church in Florida which was converted to gun manufacturing and became one of the Nation's largest cheap gun operations.

So, instead of millions of these weapons being imported into the United States, we began to witness the production of hundreds of thousands of Saturday night specials right here in this country.

During Senate hearings on the matter in August 1968, Associate Deputy Attorney General Donald Santarelli testified that some 60,000 cheap, domestically manufactured Saturday night specials were manufactured in the United States in that year and predicted substantial increases in production with each succeeding year.

Santarelli concluded that the crime problem caused by the Saturday night specials, "has not abated, but, in fact, has exacerbated."

Two other witnesses representing the National Commission on the Causes and Prevention of Violence, called for an extension of the Gun Control Act to prohibit the domestic production of these junk guns.

It is now 1971, and as Mr. Santarelli pointed out in his testimony, the problem of the Saturday night special continues to grow.

In testimony before an appropriations committee of the House of Representatives Commissioner Randolph Thrower of the Internal Revenue Service, the Federal agency which administers and enforces our Federal gun laws, said that the cheap handgun known as the Saturday night special "is the most frequently used for illegal purposes and in conflict between humans."

He went on to say:

> While I can see the difficulties of reopening the gun legislation problem, if, in some way, this technical correction could be made, it would resolve a problem and permit local efforts to be effective in getting these nonsporting, irresponsible, and wholly lethal weapons out of full circulation.

He referred, of course, to the technical correction which would prohibit the domestic production and sale of these crime guns.

Mr. Speaker, the amendment that I introduce today would effectively preclude the sale of these weapons to the public.

I believe that we must act upon this amendment without undue delay, before the incidence of criminal misuse of these guns reaches astronomical proportions.

We cannot afford the delay that occurred with regard to the foreign imported Saturday night special.

For 10 years, prior to 1968, millions of those weapons were imported each year and many of them were either used in crime or are now lodged in the hands of potential abusers.

A similar situation cannot be allowed to develop with the domestic variety.

A recent survey by a member of my staff of 73 police departments throughout the country reflects the criminal use of domestic Saturday night specials in major U.S. cities.

For example, in 1969, police officials reported that over 1,000 crimes were committed in their jurisdiction with .22-caliber Saturday night specials. These were domestically made and fell into only four brand-name firearms: the IMP, the CDM, the RG–14, and the RG–23.

The crimes for which these guns were confiscated range from illegal possession of firearms to murder.

A pattern of use of these weapons is beginning to form rapidly. Hopefully, the Congress will act before a relatively small problem becomes a national outrage.

Further information about the four brand-name guns I referred to shows that, in just the first 3 months of 1970, 471 of these guns were seized by police as a result of their misuse in crime. Projecting this quarterly figure for the full year of 1970, over 1,880 of these guns were involved in violent crimes or other violations of the law.

This represents an 87-percent increase over 1969.

As has been the case in the past with the foreign imports, our Nation's largest cities, including Chicago, Detroit, Los Angeles, New York, and others are bearing the brunt of crime committed with these domestically made weapons.

But our suburban areas are affected, too. Dade County police officials have said that 30 to 40 percent of the homicides in the county are committed with this type of pot-metal killer gun. These same police officials are quoted as saying these guns "are popular particularly in the lower income groups where kids 14 and 15 and 16 are carrying guns."

The foreign imported Saturday night special became a multiple murder-a-day gun—we cannot allow this to happen with regard to its American counterpart.

Only the Congress can prevent such a tragic situation from developing.

If the production of these weapons goes unchecked, I am certain the judgment of the Justice Department will be confirmed—the situation will exacerbate."

The legislation that I propose today provides the necessary controls to restrict the manufacture and sale of these weapons, the production of which reached a staggering 630,000 in 1970. If this trend continues, we can expect millions of these weapons to flood the market each year, and we can expect substantial numbers of these guns to be involved in crimes of violence.

This would be deplorable.

We are faced with a real and pressing decision that must be made with regard to the potential abuse of the weapons that I have just described in my remarks.

Are we to wait for a rash of killings, assaults, and armed robberies with these weapons, before we act?

I should hope not.

The House must act to assure our citizens an additional measure of safety from armed delinquents and hoodlums. The enactment of this bill, will, I am certain, guarantee that measure of safety.

I urge Members to give this amendment their earnest consideration and support, so that we may move it through this body toward enactment into law.

The material follows:

FACTORING CRITERIA FOR WEAPONS

(Note.—The Internal Revenue Service reserves the right to preclude importation of any revolver or pistol which achieves an apparent qualifying score but does not adhere to the provisions of section 925(d)(3) of Amended Chapter 44, Title 18, U.S.C.)

PISTOL MODEL

Individual characteristics and factor allowance.

Overall length

For each ¼" over 6" (1 value).

Frame construction

Investment cast or forged steel (15 value).
Investment cast or forged HTS alloy (20 value).

Weapon weight w/magazine (unloaded)

Per ounce (1 value).

Caliber

.22 short and .25 auto (0 value).
.22 LR and 7.65mm to .380 auto (3 value).
9mm parabellum and over (10 value).

Safety features

Locked breech mechanism (5 value).
Loaded chamber indicator (5 value).
Grip safety (3 value).
Magazine safety (5 value).
Firing pin block or lock (10 value).

Miscellaneous equipment

External hammer (2 value).
Double action (10 value).
Drift adjustable target sight (5 value).
Click adjustable target sight (10 value).
Target grips (5 value).
Target trigger (2 value).

Prerequisites

(1) The pistol must have a positive manually operated safety device.

(2) The combined length and height must be in excess of 10" with the height (right angle measurement to barrel without magazine or extension) being at least 4" and the length being at least 6".

Score achieved

Qualifying score is 75 points.

REVOLVER MODEL

Individual characteristics and factor allowance.

Barrel length (muzzle to cylinder face)

Less than 4" (0 value).
For each ¼" over 4" (½ value).

Frame construction

Investment cast or forged steel (15 value).
Investment cast or forged HTS alloy (20 value).

Weapon weight (unloaded)

Per ounce (1 value).

Caliber

.22 short to .25 ACP (0 value).
.22 LR and .30 to .38 S&W (3 value).
.38 special (4 value).
.357 mag and over (5 value).

Miscellaneous equipment

Adjustable target sights (drift or click) (5 value).
Target grips (5 value).
Target hammer and target trigger (5 value).

Prerequisites

(1) Must pass safety test.

(2) Must have overall frame (with conventional grips) length (not diagonal) of 4½" minimum.

(3) Must have a barrel length of at least 3".

Safety test

A Double Action Revolver must have a safety feature which automatically (or in a Single Action Revolver by manual operation) causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge. The safety device must withstand the impact of a weight equal to the weight of the revolver dropping from a distance of 36" in a line parallel to the barrel upon the rear of the hammer spur, a total of 5 times.

Score achieved

Qualifying score is 45 points.

EXCERPTS FROM TITLE 26—INTERNAL REVENUE—CHAPTER 1, SUBCHAPTER G—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES—PART 178—COMMERCE IN FIREARMS AND AMMUNITION

SUBPART G—IMPOSITION

§ 178.111 General

(a) Section 922(a)(3) of the Act makes it unlawful, with certain exceptions not pertinent here, for any person other than a licensee, to transport into or receive in the State where he resides any firearm purchased or otherwise obtained by him outside of that State. However, section 925(a)(4) provides a limited exception for the transportation, shipment, receipt or importation of certain firearms and ammunition by certain members of the United States armed forces. Section 922(1) of the Act makes it unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition except as provided by section 925(d) of the Act, which section provides standards for importing or bringing firearms or ammunition into the United States. Accordingly, no firearm or ammunition may be imported or brought into the United States except as provided by this part.

(b) Where a firearm or ammunition is imported and the authorization for importation required by this subpart has not been obtained by the person importing same, such person shall:

(1) Store, at his expense, such firearm or ammunition at a facility designated by U.S. Customs or the Assistant Regional Commissioner to await the issuance of the required authorization or other disposition; or (2) Abandon such firearm or ammunition to the U.S. Government; or

(3) Export such firearm or ammunition.

(c) Any inquiry relative to the provisions or procedures under this subpart, other than that pertaining to the payment of customs duties or the release from Customs custody of firearms or ammunition authorized by the Director to be imported, shall be directed to the Assistant Regional Commissioner for reply.

§ 178.112 Importation by a licensed importer

(a) No firearm or ammuniton shall be imported or brought into the United States by a licensed importer (as defined in § 178.11) unless the Director has authorized the importation of the firearm or ammunition, or the firearm or ammunition is listed on the Importation List compiled by the Director as provided by paragraph (c) of this section.

(b) An application for a permit, Form 6 (Firearms), to import or bring a firearm or ammunition into the United States or a possession thereof under this section shall be filed, in triplicate, with the Director. The application shall contain (1) the name, address, and license number of the importer, (2) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and name of the manufacturer, (3) the unit cost of the firearm to be imported, (4) the country from which to be imported, (5) the name and address of the foreign seller and the foreign shipper, (6) verification that if a firearm, it will be identified as required by this part, and (7)(i) if imported or brought in for scientific or research purposes, a statement describing such purposes, or (ii) if for use in connection with competition or training pursuant to chapter 401 of title 10, U.S.C., a statement describing such intended use, or (iii) if an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece, or (iv) if a firearm, other than a surplus military firearm, of a type that does not fall within the definition of a firearm by section 5845(a) of the Internal Revenue Code of 1954, and is for sporting purposes, an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (v) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. In determining whether a firearm or ammunition is particularly suitable for or readily adaptable to sporting purposes, the Director may seek the recommendation of the advisory board authorized by paragraph (c) of this section. If the Director approves the application, such approved application shall serve as the permit to import the firearms or ammunition described therein, and importation of such firearms or ammunition may continue to be made by the licensed importer under the approved application (permit) during the period specified thereon. The Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the license importer shall be notified of the basis for the disapproval.

(c) The Director may compile an Importation List of firearms and ammunition which he determines to be generally recognized as particularly suitable for or readily adaptable to sporting purposes. The determination of the Director that a firearm or ammunition is generally recognized to be particularly suitable for or readily adaptable to sporting purposes may be made with the assistance of an advisory board to be appointed by the Commissioner. Such board may be composed of persons from within and without governmental agencies who are recognized as being particularly knowledgeable in the use and classification of firearms and ammunition. No firearm shall be placed on the Importation List unless it is found that (1) the caliber or gauge of the firearm is suitable for use in a recognized shooting sport, (2) the type of firearm is generally recognized as particularly suitable for or readily adaptable to such use, and (3) of the firearm in a recognized shooting sport will not endanger the person using it due to deterioration through such use or because of inferior workmanship, materials or design. No ammunition shall be placed on the Importation List unless it is found that (1) the caliber, size or gauge of the ammunition is suitable for use in a recognized shooting sport, (ii) the type of ammunition is generally recognized as particularly suitable for or readily adaptable to such use, and (iii) the use of the ammunition in a recognized shooting sport will not endanger the person using it.

(d) A firearm or ammunition imported or brought into the United States by a licensed importer may be released from Customs custody to the licensed importer upon his showing that he has obtained a permit from the Director for the importation of the firearm or ammunition to be released, or that the firearm or ammunition appears on the Importation List. In obtaining the release from Customs custody of a firearm or ammunition authorized by this section to be imported through use of a permit or because the firearm or ammunition appears on the Importation List, the licensed importer shall prepare Form 6A (Firearms), in duplicate, and furnish the original Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region where-

in the licensed importer maintains his place of business. The Form 6A (Firearms) shall show the name, address, and license number of the importer, the name of the manufacturer of the firearm or ammunition, the country of manufacture, the type, model, and caliber, size or gauge, and the number of firearms or rounds of ammunition released.

(e) Within 15 days of the date of release from Customs custody, the licensed importer shall (1) forward to the Assistant Regional Commissioner a copy of Form 6A (Firearms) on which shall be reported any error or discrepancy appearing on the Form 6A (Firearms) certified by Customs, (2) pursuant to § 178.92, place all required identification data on each imported firearm if same did not bear such identification data at the time of its release from Customs custody, and (3) post in the records required to be maintained by him under Subpart H of this part, all required information regarding the importation.

§ 178.113 Importation by other licensees

(a) No person other than a licensed importer (as defined in § 178.11) shall engage in the business of importing firearms or ammunition. Therefore, no firearm or ammunition shall be imported or brought into the United States or a possession thereof by any licensee other than a licensed importer unless the Director issues a permit authorizing the importation of the firearm or ammunition.

(b) An application for a permit, Form 6 (Firearms), to import or bring a firearm or ammunition into the United States or a possession thereof by a licensee, other than a licensed importer, shall be filed, in triplicate, with the Director. The application shall contain (1) the name, address, and the license number of the applicant, (2) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge barrel length (if a firearm), country of manufacture, and name of the manufacturer, (3) the unit cost of the firearm or ammunition to be imported, (4) the name and address of the foreign seller and the foreign shipper, (5) the country from which the firearm or ammunition is to be imported, and (6) (i) if the firearm or ammunition is being imported or brought in for scientific or research purposes, a statement describing such purposes, or (ii) if for use in connection with competition or training pursuant to chapter 401 of title 10, U.S.C., a statement describing such intended use, or (iii) if an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece, or (iv) if a firearm, other than a surplus military firearm, of a type that does not fall within the definition of a firearm under 5845(a) of the Internal Revenue Code of 1954, and is for sporting purposes, an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (v) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. If the Director approves the application, such approved application shall serve as the permit to import the firearm or ammunition described therein. The Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the applicant shall be notified of the basis for the disapproval.

(c) A firearm or ammunition imported or brought into the United States or a possession thereof under the provisions of this section may be released from Customs custody to the licensee importing the firearm or ammunition upon his showing that he has obtained a permit from the Director for the importation. In obtaining the release of the firearm or ammunition from Customs custody, the licensee importing same shall furnish a Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the licensee importing the firearm or ammunition maintains his licensed premises. The Form 6A (Firearms) shall show the name, address, and the license number of the licensee, the name of the manufacturer, the country of manufacture, and the type, model, and caliber, size (if ammunition) or gauge of the firearm or ammunition so released, and, if applicable, the number of firearms or rounds of ammunition released.

§ 178.114 Importation by members of the U.S. Armed Forces

(a) The Director may issue a permit authorizing the importation of a firearm or ammunition into the United States to the place of residence of any military member of the U.S. Armed Forces who is on active duty outside the United States, or who has been on active duty outside the United States within the 60-day period immediately preceding the intended importation: *Provided*, That such firearm or ammunition is generally recognized as particularly suitable for or readily adaptable to sporting purposes and is intended for the personal use of such member. An application for such a permit, Form 6 (Firearms), shall be filed, in triplicate, with the Director. The application shall contain (1) the name and current address of the applicant, (2) certification that the transportation, receipt, or possession of the firearm or ammunition to be imported would not constitute a violation of any provision of the Act, Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), or of any State law or local ordinance at the place of the applicant's residence, (3) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and the name of the manufacturer, (4) the unit cost of the firearm or ammunition to be imported, (5) the name and address of the foreign seller (if applicable) and the foreign shipper, (6) the country from which the firearm or ammunition is to be imported, (7) (i) that the firearm or ammunition being imported is for the personal use of the applicant, and (ii) if a firearm, a statement that it is not a surplus military firearm, that it does not fall within the definition of a firearm under section 5845(a) of the Internal Revenue Code of 1954, and an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (iii) if ammunition, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and (8) the applicant's date of birth, his rank or grade, his place of residence, his present foreign duty station or his last foreign duty station, as the case may be, the date of his reassignment to a duty station within the United States, if applicable, and the military branch of which he is a member. If the Director approves the application, such approved application shall serve as the permit to import the firearm or ammunition described therein. The Director shall furnish the approved application (permit) to the applicant and shall retain the two copies thereof for administrative purposes. If the Director disapproves the application, the applicant shall be notified of the basis for the disapproval.

(b) Upon receipt of an approved application (permit) to import the firearm or ammunition, the applicant may obtain the release of same from Customs custody upon his showing that he has obtained a permit from the Director for the importation. In obtaining the release of the firearm or ammunition from Customs custody, the military member of the U.S. Armed Forces importing same shall furnish a Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the State of residence of the military member of the U.S. Armed Forces is located. The Form 6A (Firearms) shall show the name and address of such military member, the name of the manufacturer, the country of manufacture, and the type, model, and caliber, size or gauge of the firearm or ammunition so released, and if applicable, the number of firearms or rounds of ammunition released. However, when such military member is on active duty outside the United States, he may appoint, in writing, an agent to obtain the release of the firearm or ammunition from Customs custody for him. Such agent shall present sufficient identification of himself and the written authorization to act on behalf of such military member to the Customs officer who is to release the firearm or ammunition.

(c) Firearms determined by the Department of Defense to be war souvenirs may be imported into the United States by the military members of the U.S. Armed Forces under such provisions and procedures as the Department of Defense may issue.

§ 178.115 Exempt importation

(a) Firearms and ammunition may be brought into the United States or any possession thereof by any person who can establish to the satisfaction of Customs that such firearm or ammunition was previously taken out of the United States or any possession thereof by such person. Registration on Customs Form 4457 or on any other registration document available for this purpose may be completed before departure from the United States at any U.S. customhouse or any office of an Assistant Regional Commissioner. A bill of sale or other commercial document showing transfer of the firearm or ammunition in the United States to such person also may be used to establish proof that the firearm or ammunition was taken out of the United States by such person. Firearms and ammunition furnished under the provisions of section 925(a)(3) of the Act to military members of the U.S. Armed Forces on active duty outside of the United States also may be imported into the United States or any possession thereof by such military members upon establishing to the satisfaction of Customs that such firearms and ammunition were so obtained.

(b) Firearms and ammunition may be imported or brought into the United States by or for the United States or any department or agency thereof, or any State or any department, agency, or political subdivision thereof. A firearm or ammunition imported or brought into the United States under this paragraph may be released from Customs custody upon a showing that the firearm or ammunition is being imported or brought into the United States by or for such a governmental entity.

(c) The provisions of this subpart shall not apply with respect to the importation into the United States of any antique firearm.

(d) Firearms and ammunition are not imported into the United States, and the provisions of this subpart shall not apply, when such firearms and ammunition are brought into the United States by:

(1) A nonresident of the United States for legitimate hunting or lawful sporting purposes, and such firearms and such ammunition as remains following such shooting ac-

tivity are to be taken back out of the territorial limits of the United States by such person upon conclusion of the shooting activity;

(2) Foreign military personnel on official assignment to the United States who bring such firearms or ammunition into the United States for their exclusive use while on official duty in the United States;

(3) Official representatives of foreign governments who are accredited to the U.S. Government or are en route to or from other countries to which accredited;

(4) Officials of foreign governments and distinguished foreign visitors who have been so designated by the Department of State; and

(5) Foreign law enforcement officers of friendly foreign governments entering the United States on official law enforcement business.

§ 178.116 Conditional importation

The Director may permit the conditional importation or bringing into the United States or any possession thereof of any firearm or ammunition for the purpose of examining and testing the firearm or ammunition in connection with making a determination as to whether the importation or bringing in of such firearm or ammunition will be authorized under this part. An application for such conditional importation shall be filed, in duplicate, with the Director. The Director may impose conditions upon any importation under this section including a requirement that the firearm or ammunition be shipped directly from Customs custody to the Director and that the person importing or bringing in the firearm or ammunition must agree to either export the firearm or ammunition or destroy same if a determination is made that the firearm or ammunition may not be imported or brought in under this part. A firearm or ammunition imported or brought into the United States or any possession thereof under the provisions of this section shall be released from Customs custody upon the payment of customs duties, if applicable, and in the manner prescribed in the conditional authorization issued by the Director.

§ 178.117 Function outside a customs territory

In the insular possessions of the United States outside customs territory, the functions performed by U.S. Customs officers under this subpart within a customs territory may be performed by the appropriate authorities of a territorial government or other officers of the United States who have been designated to perform such functions. For the purpose of this subpart, the term customs territory means the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

LET THEM EAT EXHAUST

(Mr. JACOBS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, after the negative vote on Tuesday by the House of Representatives on mass transit, and then the vote on Wednesday by the House for the jet-set luxury airplane, Marie Antoinette took time out from her busy schedule to issue a statement. It read, "Let them eat exhaust."

Mr. Speaker, I yield back the balance of my time.

RED CHINA IN THE UNITED NATIONS?

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, we must not reward aggression in Southeast Asia by admitting Red China to the United Nations. We must not reward their invasion of North Korea with the loss of thousands of United Nations' lives. We must not reward their occupation of Tibet, their invasion of India, and other aggressive acts by placing upon them the stamp of approval, dignity, recognition, and a good image. To reward Red China with a seat in the United Nations before they renounce aggression, sabotage, infiltration and subversion would be utter folly as a national policy. This would be the road to disaster and ruin for us nationally and the cause of freedom.

I fear a United Nations military force, which will come with the admission of Red China, would be largely dominated by the manpower of those nations committed to world revolution and aggression. Those same spokesmen advocating admission of Red China will advocate a United Nations military force dominated by the totalitarian aggressors. Then, as night follows the day, the same spokesmen advocating the admission of Red China in the United Nations will advocate free trade with Red China, which would wreck international trade concepts and the economy of the free world.

Mr. Speaker, imagine free trade with a dictatorship where its people are paid as low as 3 cents per hour.

This administration, before it takes this final and perhaps fatal step, should stop, look, and listen carefully to the lessons of history.

AVERELL HARRIMAN IS NOT AN ELDER STATESMAN

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, a comment attributed to former Gov. Averell Harriman came to my attention yesterday in which the former Governor is quoted as saying:

> I am doing everything I can to help President Nixon become a one-term President.

Mr. Speaker, some of the inane comments of Mr. Harriman over the past few months I have attributed to senility, but now it appears it is not senility, but a well-designed attack on the President, not as a Republican, but as a personality.

Now, I make this observation to the House in order to alert the news media that Mr. Harriman is not a senior statesman—quite the contrary. He has been our sellout negotiator for the past few years, but his comments in the future should not be given the respect of those of a statesman, but purely a personality-motivated individual who is opposed to the personality who has become the President of the United States.

Those of us who have followed Mr. Harriman's career of failure heaped upon successive failure in international diplomacy have been content to regard his record as one which merely revealed basic incompetence. At the best, his record deprives him of a base from which he can be critical of the Nixon administration.

When Mr. Harriman speaks of doing "all he can" to defeat President Nixon, I find myself wondering if he has ruled out willful sabotage of this Nation's best interests to achieve his stated purpose. When his pledge in the past was to protect this Nation's best interests, the results were more often to the contrary.

Mr. Harriman's failures of the past to achieve his stated purpose gives me, and I am sure, the President, as well, reassurances as to the reelection of President Nixon.

BUFFALO NATIONAL RIVER

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, in 1930, Mr. Justice Holmes in a landmark court opinion, stated—

> A river is more than an amenity, it is a treasure. It offers a necessity of life that must be rationed among those who have power over it.

It is my confident belief that the bill I am introducing to provide for the establishment of a Buffalo National River in the State of Arkansas will ration wisely the resources of this magnificent natural waterway so that it will continue to be an amenity and a treasure, to the people of Arkansas and the entire Nation.

The legislation I am introducing will safeguard the wild and natural character of the Buffalo as a free-flowing watercourse. The preservation and protection that will keep the river in its primitive condition will also bring the economic benefits of permanent Federal investment, private investment opportunities, increased job opportunities, and a higher environmental standard for the people of the region.

My bill will not result in a serious dislocation of the people of the Buffalo River country. Few residents whose properties are within the boundaries of the proposed Buffalo National River will be required to vacate their homes. The bill permits life tenancy for most of those who wish to retain their property. But for the few who will be required to move, the Uniform Relocation Assistance Act, approved by the 91st Congress, provides fair and equitable treatment. This new law offers considerably expanded benefits to those who will be displaced.

The primary purpose of the Buffalo National River is recreation based on natural resources preservation. If the Buffalo is exploited rather than preserved, there will be jobs and increased investment for a limited time. But how permanent will those jobs and the investment be?

The history of national park system projects—though some of them were originally opposed by local interests—is that they inevitably become recognized as permanent economic assets. They become an anchor of stability. Recreation is a nonconsumptive use of natural resources that can continue forever if the resources upon which recreation is based are not

exhausted or degraded. If the resources are properly managed, they are improved.

As far as I can determine, no units of the national park system have failed to bring increased economic benefits to the communities where they are located. I doubt if any community close to a national park—even though it might originally have opposed its establishment—would today vote to abolish it.

But the time is now. Irreversible development is moving into the basin of the Buffalo River. If action is not taken soon, the finest of the last free-flowing semi-wilderness rivers in America's midlands may still be an amenity, but hardly a treasure. If the Buffalo ceases to be a scenic river, few of the 15 million Americans who live within a 1-day drive will have any reason to make the trip. An opportunity for scenic preservation and economic improvement will have been irretrievably lost.

The text of the bill follows:

H.R. 8382

A bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed Buffalo National River" number NR–BUF–7103 and dated December 1967, which shall be on file and available for public inspection in the offices of the National Park Service Department of the Interior. The Secretary may revise the boundaries of the national river from time to time, but the total acreage within such boundaries shall not exceed ninety-five thousand seven hundred and thirty acres.

SEC. 2 (a) Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 337; 40 U.S.C. 471 et seq.), as amended. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

(b) With the exception of property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereafter in this section referred to as "owner") of (1) improved property and used solely for noncommercial residential purposes on the date of its acquisition by the Secretary or of (2) lands used solely for agricultural purposes, including but not limited to grazing, on such acquisition date may retain the right of use and occupancy of such property for such respective purposes for a term, as the owner may elect, ending either (a) upon the death of the owner or his spouse, whichever occurs later, or (b) not more than thirty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (1) shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this Act, (2) may be transferred or assigned, and (3) may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential or agricultural purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1971, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use: *Provided,* That the Secretary may exclude from any improved property any waters or land as he deems necessary for public access thereto.

SEC. 3. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

SEC. 4. In order to alleviate the immediate real estate tax losses sustained by counties as a result of any acquisition by the United States of property within the Buffalo National River, the Secretary shall, as soon as practicable after the end of the first fiscal year in which such property has been acquired and as soon as practicable after the end of each of the four succeeding fiscal years, make payments to the county in which such property lies in an amount equal to the taxes last assessed and levied on the property prior to its acquisition by the United States. Funds for such payments are hereby authorized to be appropriated from the general fund of the Treasury.

SEC. 5. The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the national river and the values to be protected by it under this Act.

SEC. 6. The Secretary shall administer, protect, and develop the Buffalo National River in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

SEC. 7. There are authorized to be appropriated not to exceed $16,115,000 for acquisition of land and not to exceed $12,102,000 for the development of the area as provided for in this Act.

THE SOLUTION: REPEAL THE FOOD STAMP AMENDMENTS OF 1970

(Mrs. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SULLIVAN. Mr. Speaker, we have all been hearing expressions of shock, dismay, surprise, and outrage over the proposed regulations of the Department of Agriculture for carrying out the Food Stamp Act amendments passed in the dying days of the last Congress. I am wondering if those who have been criticizing the Department for its alleged cruelty have reread the law the 91st Congress enacted.

Actually, the Department has been more than generous in applying some of the law's requirements. For instance, under the terms of the act, it should rule ineligible for food stamps anyone whose equity in a home, or in a car, or in tools of a trade, placed his "assets"—not his liquid assets as in the previous law but all of his assets—over a certain maximum figure of say $1,500. But the Department chose to interpret "assets" as not including equity in a home, or in a car, or in tools of a trade. I applaud them for doing so, but I think they probably are violating the law in doing so.

As to the so-called unrealistic income limits which will now cut off hundreds of thousands of families and millions of people from eligibility in the more industrialized States, I point out that Congress required that the income eligibility standards be uniform all over the country, without regard to the obviously different standards of income in different States. So a standard which is high enough to accommodate what the people of New York regard as a barely adequate

minimum income may be high enough to encompass most of the working people in Mississippi.

Thus, you must decide whether to place all of the working people of Mississippi under the food stamp program or knock off everyone in New York whose income exceeds the levels of neediness in Mississippi.

So while it is easy to blame the Department of Agriculture for its insensitivity in setting up the new regulations, Mr. Speaker, I think we should place the blame where it belongs—right here in the Congress.

The act passed in the last Congress was an abomination. But so many of the Members were so intent on punishing the poor for being poor, and so many others were so intrigued by the idea of giving some free stamps to a comparative handful of families that the successful legislative achievement of those two disparate objectives resulted in an unworkable monstrosity.

On the opening day of this Congress, therefore, I introduced a bill to repeal the 91st Congress food stamp amendments, restore the act as previously written, and provide for an open end appropriations authorization. I also introduced a resolution to change the House Rules to transfer the committee jurisdiction over food stamp legislation from the Committee on Agriculture, which has never wanted or liked the program, to the Committee on Banking and Currency, which is concerned with rural as well as urban problems and has treated both types of problems humanely and fairly.

Mr. Speaker, there is still time to prevent the terrible consequences of the latest food stamp law from taking effect, but the time is short. There was very little wrong with the previous law that adequate funding could not have corrected—but when we reached the point of achieving adequate funding last year, those who hate the program because it is feeding too many hungry people and those who attacked it because it was not instant Utopia combined to give us a worse law than we had before. It should be repealed before the food stamp program becomes an unworkable sham.

FINDS TONIC IN DISTRICT OF COLUMBIA NEWS

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALEY. Mr. Speaker, it has been my privilege to know for many years the distinguished American author, MacKinley Kantor. As an excellent reporter and interpreter of the American scene, he has the reputation of telling it as it is. Mr. Kantor has done just that in the enclosed Letter to the Editor which appeared in our hometown, Sarasota, Fla., newspaper, the Herald Tribune on May 9, 1971.

I include "Mack" Kantor's letter at this point in the RECORD:

FINDS TONIC IN DISTRICT OF COLUMBIA NEWS

Sir: In your issue of Monday, 3 May, you included on the front page an AP wirephoto over the title, "Antiwar Demonstrator Arrested by Washington Policeman."

Please allow me to congratulate you on your good taste in thus featuring one of the sublime photographs of the decade, or possibly even of the mid-century.

The cops are trim, alert, smartly uniformed, smartly trained. They look exactly like the gratifying Law and Order which they are busily maintaining.

The partially human monster in their grasp is typical of that entourage whom the so-called "Liberal" press and so-called "Liberal" pulpit have been deifying through recent years. His scurvy opinions have been forced upon us; his shrieks have been interpreted as statutes; the disrepute of his garb has been adopted as approved costuming for the young.

He has made the air hideous with thuds and blattings, to replace the traditional bold or gentle music of our past. He has been permitted—nay, encouraged—to defile the Nation's flag, exalt the Nation's enemies, and fling his excrement over the Nation's memorial.

. . . And now that screwed-up filthy bearded face under the thatch of putrid hair is contorted with pain "because, man, the pigs have blown their cool."

It may be more than a mere happenstance that the white lummox is writhing in the grasp of a Negro police sergeant.

Let us hang this picture in a dometsic Louvre or Prado already adorned with the unforgettable and the proud. Such as those Marines raising their flag on a bleak eminence from which the Pearl-Harbor-dealing Japanese have been blasted away.

. . . And did Dr. Spock cry "Shame!" when they were blasted?

Incidentally, it was pleasant to see on 4 May the worthy doctor howling behind steel mesh, and looking exactly like the Simian he is in thought and deed.

Keep the pictures coming, sir. They are tonic for souls grown ill on a diet of apology and subterfuge.

MACKINLAY KANTOR,
Siesta Key.

TO PROTECT FEDERALLY GUARANTEED RIGHTS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I am today introducing legislation recommended by the U.S. Commission on Civil Rights to provide meaningful redress for deprivation of constitutional rights.

The legislation is quite simple in its basic thrust. Currently, individual State and local officers, including police officers, may be sued by victims of unconstitutional acts under section 1983 of title 42 of the United States Code. But the agencies for which these officers work are, in almost all States, immune from liability. The consequence is that a police officer found guilty of an unlawful act may well be judgment-proof—in the sense that the damages awarded cannot be recovered from him for lack of funds—and the system of law enforcement, by virtue of its immunity, feels little pressure to discourage subsequent misconduct. My bill makes the governmental body for which the officer works liable for damages, thus providing a built-in incentive for reform.

The efficacy of this approach is emphatically expressed by Prof. Kenneth Culp, of the University of Chicago Law School:

Policemen, as experience proves, are largely indifferent to theoretical personal liability, which is sporadically imposed and which typically lags years behind the abuse. But policemen, like any other employees, do respond to rules enforced by their superiors, for the enforcement may be steady, swift, and sure, and the penalties, including suspension or dismissal, provide fully effective motivation. (3 Davis, *Administrative Law Treatise*. Section 25.17 (1965 Supp.).)

The problem of official lawlessness at which my bill aims is becoming an increasingly perceived, and increasingly perilous, circumstance of daily life. Police behavior toward demonstrators in Chicago at the 1968 Democratic Convention presaged the actions of the police at Jackson State, and these actions were themselves a reflection of decades of governmental violence directed at blacks in the South. But, while Chicago and Jackson State were particularly dramatic and particularly outrageous incidents, similar incidents—on a lesser scale—are not rare.

Far more common than these incidents of infamous prominence are the daily minor abuses inflicted upon the poor and the powerless. These, perhaps, are even more dangerous in their ultimate consequences for all Americans, because of the backlog of fulminating resentment they engender. Minority group members—the most frequent victims of official lawlessness—become increasingly alienated and rightfully resentful. In this regard, the 1970 report of the U.S. Commission on Civil Rights, entitled "Mexican Americans and the Administration of Justice in the Southwest," is particularly enlightening. In the summary of the first chapter, the report states, at page 12:

In the five Southwestern States which were the subject of this study, the Commission heard frequent allegations that enforcement officers discriminated against Mexican Americans. Such discrimination include more frequent use of excessive force against Mexican Americans than against Anglos, discriminatory treatment of juveniles, and harassment and discourteous treatment toward Mexican Americans in general. Complaints were also heard that police protection in Mexican American neighborhoods was less adequate than in other areas. The Commission's investigations showed that belief in law enforcement prejudice is widespread and is indicative of a serious problem of police-community relations between the police and Mexican Americans in the Southwest.

Many young people also have developed a widespread resentment of the police. In most instances, this is unjustified. But again, the incidents of police brutality that do occur do justify and feed that resentment. And, of course, all people of good will become distressed.

But not only do the consequences of official lawlessness embitter the victims, thereby engendering and increasing the polarization which threatens our society. Those who are identified by association with the perpetrators—who are, in fact, a small minority among the great number of dedicated, honest public officials—likewise suffer. The fatal sniping of a policeman in Chicago last summer, the bombing of Federal buildings, the killing of a judge in San Rafael, Calif., all are

indicators that violence begets violence, and that injustice, once sanctioned, spreads invidiously. Irresponsible action by a few police officers taints the rectitude of the great majority of their honest colleagues, and exposes all to danger. And, needless to say, the actual victims of violence suffer directly.

And finally, the specter of unredressed wrongs, daily perpetrated, threatens an ultimate breakdown in the commitment to the rule of law which guides this Nation. Herbert B. Rothschild, president of the American Civil Liberties Union of Louisiana, wrote a particularly pointed letter which appeared in the August 10, 1970, edition of Newsweek magazine, amplifying upon this development:

Increasingly, middle-class kids who dare to change their life styles are learning what blacks, chicanos, the poor in general, and special out-groups like homosexuals always knew: law enforcement in America has too little concern with what you do and all too much concern with who you are, how you live and what you think. The New Orleans police in their continued harassment of those whom they personally deem undesirable on catch-all charges like loitering and disturbing the peace, and in their vicious attack on federal judge Christenberry when he dared to apply the law to their own behavior, have demonstrated that they see themselves as the law, not servants of it. . . .

Growing numbers perceive the difference between the concept of justice and the way criminal justice is administered. When one puts together two realities—the diminishing patience with police abuse by swelling minorities, and the sizeable independence of law enforcement agencies from lawful control—one sees a cataclysm shaping up for which every American, and especially the "silent majority" who quite vocally support police lawlessness, will bear responsibility.

My bill aims at bridging the gap—the gap between the concept of justice, and the way justice is sometimes administered. This legislation is not a novel approach. In fact, it has the imprimatur of official governmental recommendation, for in the 1970 report of the U.S. Commission on Civil Rights, entitled "Mexican Americans and the Administration of Justice in the Southwest," the Commission stated:

The Commission recommends that Congress amend 42 U.S.C., Section 1983, which provides Federal civil remedies for police malpractice, to make the governmental bodies who employ officers jointly liable with those officers who deprive persons of their civil rights. (page 90).

A similar recommendation was made in the 1961 U.S. Commission on Civil Rights Report, at page 113:

Recommendation 3.—That Congress consider the advisability of amending Section 1983 of Title 42 of the United States Code to make any country, government, city government, or other local governmental entity that employs officers who deprive persons of rights protected by that section, jointly liable with the officers to victims of such officers' misconduct.

And a like recommendation was made in the Commission's 1965 report on justice.

The U.S. Commission on Civil Rights has prepared a legal memorandum in support of my legislation, and I am including this memorandum at the end of my statement. I should like, however, to briefly run through the provisions of the bill.

Subsection (a) restates the existing language of section 1983 of title 42 of the United States Code.

Subsection (b) amends section 1983 to make States and units of local government and public agencies liable for damages caused by violations of the constitutionally protected rights of others.

Subsection (c) provides for suits in Federal, State or local courts. This procedure follows the scheme of the Federal Employers' Liability Act, 45 U.S.C. section 51 et seq., and is included in recognition of the fact that there may be situations where it is more convenient for a injured party to sue for relief in a State or local court, rather than in a Federal court.

Subsection (d) authorizes the court in which the action is brought to appoint an attorney for the plaintiff.

Subsection (e) provides that the prevailing plaintiff may be awarded reasonable attorney's fees.

Subsection (f) provides that the plaintiff's attorney need not be admitted to the bar of the State in which the action is brought.

Subsection (g) authorizes the Attorney General to initiate a section 1983 action, and to seek effective remedies, including injunctive relief or money damages.

Subsection (h) authorizes the Attorney General to intervene in a section 1983 action.

Subsection (i) provides definitions for "unit of local government" and "public agency."

Subsection (j) defines the term "person" so as to make it clear that the Attorney General, when he initiates an action, may proceed against States and units of local government.

Subsection (k) is a standard saving clause providing that if any section of the bill is found invalid, the remainder shall not be affected thereby.

The bill which I am today introducing addresses a crisis of our society—a growing lack of faith in the responsiveness and responsibility of Government. It does so by requiring Government to be responsive to those who are victimized by unlawful acts. And equally important, by exposing States and local governmental bodies to liability for unlawful acts committed by police officers, this bill forces Government to be responsible by providing a very real incentive for imposing internal reforms and disciplines, so that deprivations of federally guaranteed rights will cease.

Abraham Lincoln said, in his first annual message to the Congress:

It is as much the duty of Government to render prompt justice against itself in favor of citizens as it is to administer the same between private individuals.

This duty has not abated; its urgency has only increased.

Following is the legal memorandum in support of my legislation prepared by the U.S. Commission on Civil Rights, and dated April 28, 1971:

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., May 3, 1971.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: In response to your letter of September 23, 1970, enclosed is a copy of our suggested draft legislation to amend 42 U.S.C. § 1983 to make State and local governments liable for damages arising from the torts of their officers or agents in depriving citizens of their constitutional rights, and to give the Attorney General broader powers in the area of deprivations of constitutional rights by such officers. We have expanded and extensively revised the suggested draft legislation which was enclosed in your letter. In addition, there is a memorandum from the Commission's Office of General Counsel explaining the amendments to the statute and dealing at some length with the constitutional questions that arise in connection with the amendments. . . .

If you have any questions about the draft legislation or the supporting memorandum, please do not hesitate to call my office.

Sincerely,

HOWARD A. GLICKSTEIN,
Staff Director, U.S. Commission on Civil Rights.

AMENDMENTS TO 42 USC § 1983

This memorandum is a section-by-section analysis of the Commission's suggested amendment to 42 U.S.C. § 1983 (See Attachment A).

Subsection (a) is merely a restatement of the existing language of Section 1983.

I. Provision for Liability of States and Units of Local Government cannot be Defeated by Claims of Sovereign Immunity.

Subsection (b) amends 42 U.S.C. § 1983 to make States and units of local government and public agencies liable for damages caused by violations of the constitutionally protected rights of others. This amendment can be sustained against the challenge that it infringes upon the sovereign immunity of State or local governments.

Unless a State has statutorily consented to be sued, the doctrine of sovereign immunity allows it, acting in its governmental capacity, to assert an absolute defense to any suit brought against it, even though liability would attach if the defendant were a private party. This doctrine of sovereign immunity developed from the common law tradition that the king could do no wrong. It became incorporated into United States law by judicial interpretation and was founded primarily on the theories that: 1. it is better that the individual should suffer an injuiry than that the public should suffer an inconvenience; and 2. that liability would tend to retard the agents of the State in the full performance of their duties because of fear of suits against their government. These theories are now considered unreasonable. Instead, experts like Kenneth Culp Davis maintains that the damage resulting from the wrongful acts of governments should be distributed as evenly as possible.[1]

The purpose of § 1983 was to give individuals a right to obtain private compensation for injuries sustained by having been deprived of their constitutional rights. However, suits against individuals under § 1983 have not deterred police officers and other public officials from infringing upon peoples' constitutional rights. To impress State and local governments with the need to prevent their officers, employees, agents or representatives from violating the constitutional rights of others, Congress must act to make State and local governments amenable to suits for damages arising from such unconstitutional acts. A State should not be able to shield itself from the enforcement of constitutional protections by claiming that sovereign immunity protects it from suits for damages.

The constitutional basis for amending § 1983 to include State and local governments is found in the fourteenth amendment.[2] It has been held many times that Congress can enact any legislation reasonably necessary to enforce the protections of the four-

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Footnotes at end of article.

teenth amendment. For example in *Ex Parte, Virginia*, 100 U.S. 339 (1879) which upheld the constitutionality of a Federal law making it a criminal offense for State and Federal officials to exclude persons from service on grand or petit juries because of race, the Supreme Court said:

"Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power." *Id.* at 345–46.

Likewise in *South Carolina* v. *Katzenbach* 383 U.S. 301, 324 (1966) the Court recognized that "[a]s against the reserved powers of the States, Congress may use any rational means to effectuate the constitutional prohibition of racial discrimination in voting".

In every State there have been judicial and legislative decisions abrogating the State's sovereign immunity from tort liability.[3] Although New York is the only State that is liable for substantially all State torts, a dozen other States have undertaken responsibility in most cases.[4] "All such legislation has tended, however, to receive a strict and narrow construction which favors the State." Prosser, The Law of Tort § 125 (3rd ed 1964). In some States, state, municipal and other units of government are liable for the torts of their employees, other than those of police officers.[5] Where a police officer may be sued for damages, as in a § 1983 action, recovery is generally permitted only against the individual tortfeasor.

There is ordinarily no liability for the torts of (municipal) police officers, even where they commit unjustifiable assault and battery, false arrest, trespass . . . or are grossly negligent and even though the city authorities ratify the act or have themselves been negligent in failing to exact a bond from the officers on which the injured person might have sued. *Id.* § 125.

In *Hargrove* v. *City of Cocoa Beach*, 96 So. 2d 130 Fla. 1957, the Florida Supreme Court rejected municipal immunity for the torts of employees performing governmental functions. *Hargrove* involved liability for police negligence in a case in which plaintiff's decedent was alleged to have died from suffocation when fire broke out in an unattended jail. The court said:

To endow [municipal corporation] with sovereign divinity appears to us to predicate the law of the Twentieth Century upon an Eighteenth Century anachronism. Judicial consistency loses its virtue when it is degraded by the vice of injustice. *Id.* at 133.

In *Miami v. Simpson*, 172 So. 2d 435 (Fla. 1965), the *Hargrove* decision was construed to extend governmental liability to torts of police officers. Often, however, police activities are considered to be immune governmental functions. See 120 A.L.R. § 198, 264 (1939).

Moreover, there are States in which sovereign immunity is protected by statute or constitutional provision. For example, the Georgia Constitution expressly immunizes municipal corporations from liability for the "torts of policemen or other officers engaged in the discharge of the duties imposed on them by law." Ga. Const. § 69–307.

In Michigan, absolute immunity is given the State, political subdivisions and municipal corporations from liability for employee torts committed in the performance of governmental functions. Mich. State § 3.996(1) *et seq.* Since amendment of § 1983 to make State and local governments amenable to suits for damages would be a means of effectuating constitutional protections, any State constitutions or laws to the contrary would have to fall by virtue of Federal supremacy.[6]

The history of the passage of § 1983 does not weigh against adoption of the proposed amendment. During the efforts for passage of § 1983, then labeled the Act of April 20, 1871, Senator Sherman of Ohio introduced an amendment to the bill which generally provided that "a county, city or parish" would be liable whenever there occurred within it certain acts of racial violence, such as destruction of buildings, whipping or murder. Cong. Globe, 42d Cong., 1st Sess. 204 (1871). The amendment was passed by the Senate and rejected by the House. A similar provision was introduced by the conference committee and again accepted by the Senate and rejected by the House.

At the time the amendment was rejected, no city or State had waived governmental immunity for torts committed by its officers or agents. The amendment's defeat appears to have been attributed largely to a reluctance by Congress to force liability upon *unwilling* governmental entities.[7] See Comment, *Toward State and Municipal Liability in Damages for Denial for Racial Equal Protection*, 57 Cal. L. Rev. 1142 (1969). Now that all States have, to some degree, abrogated their immunities, there should be no reluctance to require them and their governmental subdivisions and agencies to be open to suits for damages for violations of citizens' constitutional rights.

There is little likelihood that providing for governmental liability will cause State and local government employees to so strongly fear suit as to fail to adequately perform their duties. Instead, it is possible that like "an employee in a private enterprise (who) naturally gives some consideration to the potential liability of his employer, (which) . . . attention promotes careful work; the potential liability of a government entity, to the extent that it affects primary conduct at all, will similarly influence public employees." *Johnson v. State*, 69 Cal, 2d 782, 792; 447 P. 352, 359 (1968).

Similarly, administrative law expert Kenneth C. Davis has stated that:

"Policemen, as experience proves, are largely indifferent to theoretical personal liability, which is sporadically imposed and which typically lags years behind the abuse. But policemen, like any other employees, do respond to rules enforced by their superiors, for the enforcement may be steady, swift, and sure, and the penalties, including suspension or dismissal, provide fully effective motivation." 3 Davis *Administrative Law* § 25.17 (1958).

Even in *Monroe v. Pape*, 365 U.S. 167 (1961), where the Court found that Congress had not imposed liability on municipalities in § 1983 actions, the Court noted that "private remedies against officers . . . are conspicuously ineffective," and if the government entity were held liable it would be cause "to eradicate abuses that exist at the police level." *Id.* at 191. In *Pape* the Court did not find that Congress could not constitutionally have made municipalities liable for damages in § 1983. Instead, on the basis of legislative history alone, the Court found that cities were not covered by the language of the Act.[8]

II. Provision for Liability of States is not Limited by the Eleventh Amendment.

The eleventh amendment states:

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State."

It has long been held that this amendment does not extend to public corporations, municipalities, counties, or other political subdivisions of a State. See *Lincoln County* v. *Luning* 133 U.S. 529 (1890); and *Hopkins* v. *Clemson Agricultural College* 211 U.S. 636 (1911). It has also been settled that these bodies are suable in Federal Court even though the State statutes creating them purport to limit suit to State court, e.g. *Lincoln County* v. *Luning, supra*. Therefore, the eleventh amendment presents no obstacle to amending § 1983 to include municipalities and any units of local government other than States themselves.

The great majority of actions against public agencies for violations of constitutionally protected rights will be suits against municipal or county police departments. Thus, the eleventh amendment, if it were upheld to bar suits against States under § 1983, would apply only to a very small number of claims.

However, the eleventh amendment was passed to meet a specific historic circumstance and probably would not now be applied to impede effectuation of the guarantees of the fourteenth amendment. The eleventh amendment was passed in 1795 in reaction to the decision of the Supreme Court in *Chisholm* v. *Georgia*, 2 Dall. 419 (1793). In *Chisholm* the question was whether the State of Georgia could be made a party defendant in a case in a Federal Court by a private citizen of another State, and, if so, could a judgment in assumpsit (a money judgment) be entered against the State. The Court ruled yes to both questions. The decision was unpopular among the States and the eleventh amendment was ratified to overrule the Court's decision. In *Hans* v. *State of Louisiana*, 134 U.S. 1 (1890) the Court held that the eleventh amendment also prohibits suits in Federal Court against a State by citizens of that State.

There have not been many Supreme Court decisions involving the eleventh amendment. However, when such cases have arisen, the Court has created various fictions to avoid its prohibitions. Although the amendment has never been repealed, its application has been so narrowly circumscribed that it should not now be a bar to actions against a State to assert a Federal right.

In the landmark case of *Ex Parte Young* 209 U.S. 123 (1908) the Minnesota legislature passed a law reducing railroad rates and providing severe penalties for any railroad which failed to comply with the law. The stockholders of the railroads sued in Federal Court to enjoin their companies from complying with the law. Among the defendants in the injunction action was the State Attorney General, Young. The Federal Court ordered the Attorney General to refrain from enforcing the law. This relief was given over Young's objection that the suit was a suit against the State and thereby prohibited by the eleventh amendment. Until the Supreme Court decision in this case, the Court had held that the eleventh amendment barred suits in Federal Courts against a State without its consent even when the basis of the jurisdiction was a claim under Federal law. *Hans* v. *Louisiana, supra*. In *Young* the Court held that:

"The act to be enforced is alleged to be unconstitutional, and, if it be so, the use of the name of the State to enforce an unconstitutional act to the injury of complainants is a proceeding without the authority of and one which does not affect the State in its sovereign or governmental capacity. It is simply an illegal act upon the part of a State official, in attempting by the use of the name of the State to enforce a legislative enactment which is void because unconstitutional. If the act which the State Attorney General seeks to enforce be a violation of the Federal Constitution, the officer in proceeding under such enactment comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. "*Id.* at 159–60.

Most cases involving the eleventh amendment have been resolved by fictions similar to the one created in *Young*—that is, when

Footnotes at end of article.

doing an unconstitutional act, a state officer acts in an individual capacity and not as a representative of the State.

As was pointed out by Charles Wright in his *Handbook of the Law of Federal Courts* (1963), the fiction developed in *Young* has its own illogic:

"The Fourteenth Amendment runs only to the states; in order to have a right to relief under the amendment the plaintiff must be able to show that state action is involved in the denial of his rights. It *might have been possible to hold that the Fourteenth Amendment qualified the immunity from suit granted states by the Eleventh Amendment,* but the Court did not so hold. Instead it created the anomaly that enforcement of the . . . statute is state action for purposes of the Fourteenth Amendment but merely the wrong of Edward T. Young for purposes of the eleventh amendment" (emphasis added) *Id.* at p. 159.

In *Griffin* v. *School Board of Prince Edward County et al.*, 377 US 218 (1964), the sequel to *Brown* v. *Board of Education*, 347 U.S. 483 (1954), the respondent school board contended that the case was an action against the State and therefore in violation of the eleventh amendment. The Court noted that the complaint charged that State and county officials were depriving petitioners of rights guaranteed by the fourteenth amendment. The Court then dismissed the eleventh amendment claim by acknowledging that "[i]t has been settled law since *Ex Parte Young*, 209 U.S. 123 (1908), that suits against State and county officials to enjoin them from invading constitutional rights are not forbidden by the eleventh amendment." *Griffin* 377 U.S. 228. The Supreme Court has similarly relied upon *Young* in other situations where constitutional rights were allegedly violated by State officials and thereby has avoided directly confronting the conflict of the eleventh amendment with the fourteenth amendment.[9]

In light of courts' frequent reliance upon the fourteenth amendment to protect individual's constitutional rights, it is not unlikely that courts would today plainly hold that the eleventh amendment must give way when in conflict with enforcement of the fourteenth.

A further support for the adoption of the proposed amendment is found by reference to the 1966 amendment to the Fair Labor Standards Act of 1938, 29 U.S.C. § 206 (1938) which required every employer to pay each of his employees "engaged in commerce or in the production of goods for commerce" certain minimum hourly wages. The Act defined the term "employer" to exclude "the United States or any state or political subdivision of a state." 29 U.S.C. § 203 (1938).

However, the Act was amended to cover employees working in schools, hospitals, and similar institutions regardless of whether or not such institutions were public or private or operated for profit. Congress also modified the definition of employer so as to remove the exemption of the States and their political subdivisions with respect to employees of hospitals, institutions and schools, 29 U.S.C. § 203(d) (1964 ed. Supp. II).

In *Maryland* v. *Wirtz*, 392 U.S. 183 (1968), the Supreme Court considered the claims raised by 28 States that the remedial provisions of the Act, if applied to the States, would conflict with the eleventh amendment. The Court made clear "that the Federal Government, when acting within a delegated power, may override countervailing state interest, whether these be described as 'governmental' or 'proprietary' in character." *Id.* at 195. However, the Court refused to resolve the eleventh amendment issue, but suggested it would do so in future cases if necessary. Instead, the Court held that because the State had continued to operate its schools, hospitals and institutions after passage of the amendment, it had impliedly waived its immunity from suit. *Id.* at 200. This implied waiver theory appears to have been carried to a ridiculous extreme since to avoid waiver the State would have to cease fulfilling its State duties.

In the fall of this year, the Court denied certiorari in *Briggs* v. *Sager*, 424 F. 2d 130 (10th Cir.) 1970 cert. denied, 39 U.S.L.W. 3147 (1970), a case in which the eleventh amendment issue was raised by Utah in defense of being forced to pay public school cafeteria workers minimum wages.[10] Therefore, the Supreme Court avoided ruling upon the issue of whether or not the eleventh amendment gives way when in conflict with acts passed to enforce other constitutional rights.

In view of the history of the eleventh amendment and the Supreme Court's use of fictions and theories of implied waivers to avoid its restrictions, it is likely that the Court would uphold the constitutionality of an amendment to § 1983 to permit suits in Federal courts against State governments. Since all jurisdictions have in some degree abrogated their sovereign immunities against tort suits, Congress would not be compelling them to be open to suits unlike those they have already permitted. Consequently, there are no insurmountable constitutional or political impediments to passage of the proposed amendment.

III. Provision for suit in State or Local as well as Federal Court.

There may be situations where it is more convenient for an injured party to sue for relief under § 1983 in a State or local court than in a Federal court. Therefore, in paragraph (c) there is provision for suits in Federal, State or local courts. This procedure follows the scheme of the Federal Employers' Liability Act, 45 U.S.C. § 51 *et seq.* (1964). In *Mondou* v. *New York, N.H. & H.R. Co.*, 223 U.S. 1 (1912), the Court held that rights arising under the Federal Employers' Liability Act could be enforced, as of right, in State courts when their jurisdiction, as prescribed by local laws, was adequate. Moreover, it has been held that a State cannot refuse to hear a claim arising from Federal law in its courts, even if the statute giving jurisdiction to the State courts does not authorize suits of that type. *McKnett* v. *St. Louis & S.F. Ry. Co.*, 292 U.S. 230 (1934).

IV. Provisions for Appointment of Plaintiff's Attorneys and Award of Plaintiff's Attorney's Fees and Court Costs.

In paragraphs (d) and (e) the Commission suggests a provision for appointment of plaintiff's attorney and the award of attorney's fees and costs to the prevailing plaintiff. In its report, *Mexican Americans and the Administration of Justice in the Southwest*, the Commission noted that many lawyers in the southwest are reluctant to represent individuals in civil suits under § 1983 because of the expense of undertaking such litigation and the unlikelihood of an adequate recovery. The victims of police brutality and racial violence are frequently people who cannot afford the costs of bringing a suit for damages. Therefore, the provision for award of fees and costs will encourage attorneys to accept § 1983 cases.

The recommended provisions are similar to the provisions in Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e-5(e), and 2000e-5(k) (1964); in the Public Accommodations Sections of the 1964 Civil Rights Act, 42 U.S.C. § 2000a-3(b) (1964); and in the Fair Housing Act of 1968, 42 U.S.C. § 3612(b), (c) (1968). Thus, it follows a pattern already established for civil rights litigation

Similarly, the provision for the award of attorney's fees would be in accord with the theory of the Supreme Court's decision in *Newman* v. *Piggie Park Enterprises, Inc.*, 390 U.S. 400 (1968). There the Court said:

"Congress therefore enacted the provision for counsel fees not simply to penalize litigants who deliberately advance arguments they know to be untenable but, more broadly, to encourage individuals injured by racial discrimination to seek judicial relief. . . ." *Id.* at 402.

The Commission recommends, however, that the attorney's fee amendment make it possible only for the *prevailing plaintiff* to receive an award of fees or costs. Many indigents with § 1983 claims may be reluctant to press them if there is a possibility that a prevailing defendant could obtain fees or costs from the losing plaintiff.

V. Provision for Admission of Out-of-State Attorneys to Practice before the State or Federal Court in which a § 1983 Action has been Filed.

In paragraph (f), the Commission recommends that provisions for out-of-state attorneys be liberalized because in many States it has been difficult for injured parties to find local counsel to assist them in vindicating violations of their civil rights. Often important civil rights cases have required the assistance of attorneys from other States and they have been hampered by the restrictive bar admission rules of the jurisdictions in which the civil rights actions must be brought.

For example, in *Sobol v. Perez*, 289 F. Supp. 392 (E.D. La. 1968) Sobol sought an injunction to prevent his prosecution in Louisiana State Court under the Unauthorized Practice Statute. Sobol, and the United States who intervened on his behalf, contended that the arrest and threatened prosecution were to harass and deter him and other out-of-state lawyers from representing blacks in civil rights cases. Although the Court granted the injunction against Sobol's prosecution, it explicitly confined its decision to the facts of his case. Therefore, in Louisiana and in other States with Unauthorized Practice statutes, out-of-state attorneys who might be willing and necessary to represent plaintiffs in § 1983 actions might be subject to similar time-consuming and expensive litigation and possible fine or imprisonment.

There is no constitutional prohibition to Congress' requiring State courts to admit out-of-state attorneys to represent parties in § 1983 actions. State regulations of their court procedures must give way because of supremacy when they conflict with effectuating a Federal right. Moreover, in actions involving the Federal Employers Liability Act Federal procedural rules and not State procedure controls. In light of this, Charles Wright, the authority on Federal Courts has commented that:

"Even if the FELA cases are unique, they stand for the proposition that Congress has constitutional power to control the incidents of a state trial of a federal claim." Wright, *Handbook of the Law of Federal Courts* § 45 (1963).

VI. Authorization for the Attorney General to initiate and to intervene in a § 1983 Action, and to Seek Effective Remedies Including Injunctive Relief, or Money Damages for Injured Persons and Property.

The provision in paragraph (g) for the initiation of litigation by the Attorney General is essential to deter violations of individuals' constitutional rights. The recommended provision follows similar provisions in the Voting Rights Act, 42 U.S.C. § 1971(c), § 1971(d) (1965); in Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e-6 (1964); and in the Fair Housing Act of 1968, 42 U.S.C. § 3613 (1968).

The Department of Justice has apparently never taken the position that the Attorney General has authority to bring a civil action to enjoin a State or local government, political subdivision, or individual from violating § 1983.[11]

Moreover, several courts have explicitly stated that the Attorney General cannot bring civil actions to enforce fourteenth

Footnotes at end of article.

amendment rights without an express statutory grant. In *United States v. Bossier Parish School Board*, 220 F. Supp. 243 (W.D. La., 1963), The Court noted:

"It is likewise common knowledge that . . . Congress expressly refused to empower the Attorney General to bring suits in the name of the United States to vindicate Fourteenth Amendment Rights of persons, other than in the field of voting [and other fields by later civil rights acts]. . . ." *Id.* at 247.

In light of these precedents, the Attorney General will not initiate civil actions to prevent violation of § 1983. A specific statutory provision is therefore necessary to encourage the Department of Justice to take steps to protect civil rights from being infringed by persons acting under color of law, or by employees of State or local governments.

In addition, an amendment to § 1983 authorizing the Attorney General to bring civil suits should enable him to seek effective remedies, including injunctive relief, or money damages for injuries to persons and property.

There are a number of statutes specifically authorizing the Attorney General to seek injunctions. Under Title VII, § 707(a) of the 1964 Civil Rights Act, 42 U.S.C. § 2000e–6(1964), for example, the Attorney General is empowered "[to] bring a civil action requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice. . . ." Therefore, such an addition to § 1983 would follow previous civil rights legislation.

Similarly, there is authority under Title VII for the Attorney General to seek money damages in the form of back pay to compensate persons injured by unlawful employment practices. The Attorney General in actions pursuant to § 707 of Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000–6 (1968) can seek back pay for persons injured by an employer's practices.[12] Moreover, in actions by the Department of Labor to enforce the Fair Labor Standards, 29 U.S.C. § 201 *et seq.*, the government may seek awards of back pay which it holds for distribution to employees who have been aggrieved by violations of the Act, see *Mitchell v. DeMario Jewelry, Inc.*, 361 U.S. 288 (1960). Thus, there is ample authority to support an amendment of § 1983 authorizing the Attorney General to seek money damages to compensate persons injured by infringements of their civil rights.

The provision in paragraph (h), which authorizes the Attorney General to intervene in § 1983 actions brought by individuals, is modeled after Title VII of the Civil Rights Act of 1964, 41 U.S.C. § 2000e–5(e) (1964). Government intervention in § 1983 cases would often be desirable because in complex cases, the resources and expertise of the Attorney General's office may be vital to the success of the suit.

VII. Definitions.

Paragraph (i) has broad definitions of the terms "units of local government" and "public agency." These are standard definitions which are intended to be all inclusive.

In paragraph (j), a definition of the term "person" as used in paragraph (g), makes it clear that the Attorney General has the power to act against States and units of local government not just individual persons where it is warranted.

VIII. Saving Clause.

Paragraph (k) is a standard clause designed to prevent the entire statute from falling if a section of it is declared unconstitutional.

JOHN H. POWELL, Jr.,
General Counsel.

ATTACHMENT A

42 U.S.C. § 1983, as amended:

§ 1983 *Civil action for deprivation of rights:*

(a) Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

(b) Whenever, any person acting under the authority of any State, unit of local government or public agency thereof, commits any act or practice or omits to act in any manner which deprives an individual of any rights, privileges or immunities secured by the Constitution or laws, such act, practice or omission shall be deemed that of the State, or unit of local government and of the public agency thereof, if any, by whom the person was employed or for which he acted, and such State or unit of local government, and public agency shall be liable to the individual injured in any action at law, suit in equity or other proper proceeding for redress.

(c) The rights secured by this Act may be enforced by civil proceedings in any appropriate State or local court, or in any appropriate United States District Court without regard to the amount in controversy, and without regard to whether or not the individual instituting the action has exhausted any administrative or other remedies that may be available under State or local law. An action under this Act may be commenced in any United States District Court in the judicial district in which the plaintiff's injury occurred, or in the judicial district in which the plaintiff's resides, or in the judicial district in which the person or persons who injured plaintiff are employed or reside.

(d) Upon application by the plaintiff and in such circumstances as the court may deem just, a State, local or United States District Court in which any action has been commenced under this Act, may appoint an attorney for the plaintiff and may authorize the commencement of a civil action without the payment of fees, costs or security.

(e) In any action under this Act the court, in its discretion, may allow the prevailing plaintiff a reasonable attorney's fee as part of the costs.

(f) In any action to be commenced under this Act in any State, local or United States District Court, the plaintiff may be represented by an attorney admitted to practice before any State bar, regardless of whether or not the attorney has been admitted to practice before the bar of the State in which the action is brought.

(g) Whenever any person has engaged, or there are reasonable grounds to believe that such person will engage in any acts, practices or omissions which deprive or would deprive any individual or any rights secured by Constitution or laws, the Attorney General acting on his own initiative, or at the request of any individual, may institute against such person, a civil action or other proper proceedings, including an application for a writ of mandamus, a permanent or temporary injunction, an award of just compensation for any injured individual, and for any other necessary relief. An individual seeking relief under this Act shall have available to him the same remedies as are available to the Attorney General suing under this Act.

(h) Upon timely application, the court in which an action under this Act has been brought, may permit the Attorney General to intervene in such action.

(i) For the purposes of this Act:

(i) The term "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Canal Zone.

(ii) The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State or an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior;

(iii) The term "public agency" means any board, department, or administrative unit.

(j) For the purposes of subsection (g), the term "person" includes individuals, States, units of general local government and public agencies of any State or unit of local government.

(k) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

FOOTNOTES

[1] e.g. 3 Davis, Administrative Law § 25.01 (1958).

[2] Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * * * *

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

[3] Among the major States that have wholly or partially rejected traditional sovereign immunity by judicial decision are Illinois, Kentucky, Minnesota, New Jersey and Wisconsin. In other States the authorized carrying of liability insurance is held to have waived or nullified municipal immunity to the extent of the insurance coverage. Some States indemnify public employees against liability on judgments for torts committed in the course of their employment. However, the indemnity provisions are often subject to limitations concerning the nature of the employee's conduct and the time demand for indemnity is made. The restrictions on indemnification make it unlikely a plaintiff will be able to collect his judgment against a policeman with indemnity, thereby greatly limiting the amount he can recover.

[4] The dozen States are Alabama, Arkansas, Illinois, Iowa, Kentucky, Minnesota, North Carolina, Ohio, Oklahoma, Rhode Island, Tennessee and West Virginia.

The California Public Entity Liability Act, besides providing for the direct liability of the entity in prescribed circumstances, requires it to pay actual damages for the employee in any action it defends. However, there is no indemnification for exemplary or punitive damages, or if the employee was guilty of corruption, actual malice, actual fraud or was not acting in the scope of his employment. There is also no indemnity if the defendant does not make a timely request. Cal. Govt. Code § 825 (West 1966). See Prosser, The Law of Torts § 125 (3rd Ed. 1964).

[5] Idaho, Illinois, Indiana, Kentucky, Minnesota, Ohio, Oregon and Pennsylvania have enacted statutes relating specifically to police activities which waive to some extent municipal immunity in this area. McQuillan, Municipal Corporations, Vol. 18, 53, 79d.

[6] *McCulloch* v. *Maryland*, 4 Wheat. 316 (1819).

[7] The opposition to the Sherman Amendment also focused upon the argument that

Congress does not have the constitutional power to tax States and requiring them to be liable to private suits would amount to imposing an invalid tax on them because the States would have to raise their taxes to pay the judgments obtained against them. Comment "Injunctive Relief Under Section 1983," 119 U. Pa. L. Rev. 389, 396 (1971). This argument has no merit today since courts frequently require States to expend public funds to protect constitutional rights e.g. *Harkless* v. *Sweeny Independent School Distr.* 427 F 2d 319 (5th Cir. 1970); petition for cert. filed 39 U.S. L.W. 3073 (U.S. Aug. 19, 1970) (No. 561) and the Congress has as much power as the courts in this regard.

Furthermore, implementation of the constitutional safeguards for judicial proceedings, such as the guarantee of a jury trial, require States to spend money. Moreover, in Federal legislation protecting rivers, harbors and coast lines Congress has imposed obligations on States and local governments and has provided for fines against any governmental body which violates the Federal law. See Protection of Navigable Waters and of Harbor and River Improvements 33 U.S.C. § 406, 407, 409, 411 (1970). While payment of any fines imposed against States or governmental units would most likely be paid from local taxation, the constitutionality of this legislation has many times been upheld. e.g. *U.S. or Banister Realty Co., C.C. N.Y.* 155 F. 583 (2d Cir. 1907); 6 Op. Atty. Gen. 172 (1853).

[8] Several courts have interpreted *Monroe* v. *Pape* as holding that cities are immune only from damage suits under 1983 and not from prohibitive injunction actions. In *Adams* v. *City of Park Ridge* 293 F 2d 585 (7th Cir. 1961), a § 1983 action, the Court restrained the enforcement of a city ordinance as repugnant to the fourteenth amendment. Likewise in *Dailey* v. *City of Lawton* 425 F2d 1037 (10th Cir. 1970), the court held that *Monroe* differentiated "between actions for damages and actions for equitable relief and as intending no bar to equitable actions for injunctive relief against invasions of a plaintiff's Federal constitutional rights by municipal action." 425 F 2d at 1038. Some courts which have granted or approved prohibitory injunctions under § 1983 distinguish them from damage actions because these injunctions do not require the State or local governmental unit to spend public money to comply with the order. But compare *Harkless* v. *Sweeny Independent School Dist.* 427 F2d 319, (5th Cir). petition for cert. filed 39 U.S.L.W. 3073 (U.S. Aug. 19, 1970) (No 561).

[9] Another clear statement of the inability of the eleventh amendment to prevent enforcement of constitutionally protected rights is found in *School Board of City of Charlottesville* v. *Allen* 240 F 2d 59 (4th Cir. 1956), cert. denied 353 U.S. 910 (1957). In response to the School Board's objection that the suit and lower court order were in violation of the eleventh amendment, the Court, relying on *Young*, explained that the suit to enforce constitutional rights . . . is not a suit against a state within the meaning of the 11th Amendment to the Constitution, but is a suit for the protection of individual rights under the Constitution by enjoining state officers and agencies from taking action beyond the scope of their legal powers. 240 F 2d at 62.

The Court further maintained that:

If high officials of the state and of the federal government . . . may be restrained and enjoined from unconstitutional action, we see no reason why a school board should be exempt merely because it has been given corporate powers . . . 240 F2d at 63.

[10] The *Briggs* decision is based primarily upon the theory of waiver of eleventh amendment immunity developed in *Parden* v. *Terminal R of Alabama Docks Dept.*, 377 U.S. 184 (1964). In *Parden*, the Court held the State had impliedly waived its immunity by operating a railroad after the passage of the Fair Labor Standards Act.

[11] However, in special situations, the courts have held that the Attorney General may bring actions to enforce constitutional provisions without express statutory authority to do so. For example, in *Wyandotte Transportation Co.* v. *United States*, 389 U.S. 191 (1967), the United States tried to require the owner of vessels which had been negligently sunk in navigable waterways to pay the government for the costs of their removal. The Court found that the government had standing to bring a civil suit against the owner because of the power granted to it by the Rivers and Harbors Act. The Supreme Court commented that "our decisions have established, too, the general rule that the United States may sue to protect its interest . . ." *Id.* at 201. The Department of Justice does not, however, rely upon the *Wyandotte* decision as authority for the Attorney General to bring civil actions to enforce civil rights legislation.

The cases cited in *Wyandotte* also fail to support the proposition that the Attorney General has the power to bring civil actions to protect civil rights without specific authority to do so. In the case of *In re Debs*, 158 U.S. 564 (1895), the United States sought an injunction against labor leaders to prevent them from obstructing railway services during the 1894 Pullman Strike. In denying Debs' petition for a writ of habeas corpus, after the government had obtained an injunction against the strikers, the Court emphasized that the government had authority to seek an injunction under the commerce clause and through its authority to regulate the transmission of mail.

Similarly, in other cases, the authority for the government to seek an injunction has been founded upon the commerce clause, or upon specific statutes similar to the Rivers and Harbors Act, see *Sanitary District of Chicago* v. *United States*, 266 U.S. 405 (1925). The government has also been able to seek injunctions to protect its property because the courts have held that the power to bring civil actions is a normal incident of the rights of an owner of property, see *United States* v. *San Jacinto Tin Co.*, 125 U.S. 273 (1888). Similarly, courts have held that the government can raise the usual contract remedies when it is sued or when it sues for breach of contract, see *United States* v. *County School Board of Prince George County, Virginia*, 221 F. Supp. 93 (E.D. Va., 1963).

[12] *Local 53* v. *Vogler*, 407 F2d 1047 (5th Cir. 1969); *Local 189* v. *U.S.*, 416 F2d 980 (5th Cir. 1969); *cert. denied*, 397 U.S. 919 (1969).

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I ask for this time for the purpose of asking the distinguished majority leader the program for the rest of this week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in reply to the minority leader, there is no further program for this week and it is my intention to ask unanimous consent to go over until Monday.

The program for next week is as follows:

Monday is Consent Calendar day.

There are nine bills scheduled to be considered under suspension of the rules which are as follows:

H.R. 7271, Civil Rights Commission authorization;

H.R. 5257, National School Lunch Act amendment;

H.R. 4848, Commission on Government Procurement extension;

H.R. 6077, removing certain limitations on lost or stolen bearer securities;

H.R. 7964, cost-of-living adjustment for civil service retirement annuities;

H.R. 56, National Environment Data system;

H.R. 5060, penalty for shooting certain birds and fish from aircraft;

H.R. 2587, National Advisory Committee on the Oceans and Atmosphere; and

H.R. 6359, Water Resources Planning Act amendment.

It is probable that there will be some rollcalls on some of these bills.

The legislative program for Tuesday and the balance of the week is as follows:

On Tuesday, the call of the Private Calendar to be followed by:

H.R. 3613, Emergency Employment Act of 1971. This bill will be considered under an open rule with 3 hours of debate.

Then that will be followed by three housekeeping resolutions:

House Resolution 418, telephone allowance adjustment;

House Resolution 420, postal allowance adjustment; and

House Resolution 429, House food service cost adjustment.

Also, seven printing resolutions from the Committee on House Administration.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. Speaker, I would also like to advise the House that the leadership has been advised that early next week there may be a motion—and I emphasize the word "may"—to discharge the Government Operations Committee from further consideration of a disapproving resolution on Reorganization Plan No. 1.

ADJOURNMENT OVER TO MONDAY, MAY 17, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZATION FOR THE CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next that the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORTS UNTIL MIDNIGHT FRIDAY, MAY 14

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight Friday, May 14, to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

1971 WILL BE A GOOD YEAR, AND 1972 WILL BE A VERY GOOD YEAR

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, last February 24, the following headline appeared in the New York Times: "Samuelson Derides Nixon's Forecast on the Economy."

The news story elaborated as follows:

The 1970 winner of the Nobel Prize for economics used such terms as "poppycock," "ludicrous," "cynical" and "comic opera" today to describe the Nixon Administration's relatively optimistic projections of the economy for this year.

Mr. Speaker, let me bring the record up to date.

In a revision and updating of the first quarter GNP figures, the Nation's gross national product increased by nearly $31 billion in the first quarter of 1971 instead of the originally projected $28.5 billion. This new figure, translates into an increase in dollar value of 13.1 percent over the fourth quarter of 1970 and still remains the largest percentage increase in the GNP since 1958.

A number of other critics thought in February that the administration's hope for economic expansion were unrealistic. For example, Otto Eckstein, a former Democratic member of the Council of Economic Advisers and professor at Harvard predicted earlier this year that the first quarter GNP would increase about $22 billion. His prognosticative skills should be duly noted today.

This increase brings the seasonally adjusted annual rate for the GNP up to $1,020.7 billion. Real GNP—the GNP stated in 1958 dollars—also was revised upward to a seasonally adjusted annual rate of $732.7 billion, a 7.1 percent increase over the fourth quarter of 1970.

Most importantly, the upward revision of the GNP is due to the fact that personal consumption expenditures were higher than originally projected—an indication that consumer confidence is returning and that continued expansion is in sight.

Moreover, about half of this upward adjustment in GNP is an improvement in real terms so that inflation is not the principal reason for the economy's expansion.

Along with the upward revision in the GNP first quarter figures, increased retail sales and upward bound corporate profits show that the economy is responding to President Nixon's policies. First quarter retail sales now stand at $31,649 million, an increase over the fourth quarter of 1970 of 4.1 percent.

The seasonally adjusted annual rate for corporate profits in the first quarter of 1971 stands at $86.4 billion, an increase over the first quarter of 1970 of 4.6 percent. The trend of corporate profits points upward and reflects the continued upswing in the economy.

Perhaps those who continue to think that they can succeed in playing political games with the economy would do well to take the sound advice of President Nixon: "1971 will be a good year, and 1972 will be a very good year."

FORTY-SEVEN YEARS OF DEDICATED SERVICE TO AMERICA

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, because of unavoidable circumstances, it was not possible to be on the floor of the House at the conclusion of legislative business on Monday, May 10, to participate in the special order of the gentleman from Illinois (Mr. COLLIER) when he recognized Mr. Hoover's 47 years of dedicated and distinguished service to America.

Accordingly, I make these remarks for two reasons: First, because I sincerely believe that it is appropriate we pay this tribute to a truly great American and, second, because I did not want to leave any implication or inference that by failing to salute this great American, I may be associating myself in some way with those who have recently been critical of the Director of the FBI and have gone so far as to call for his resignation.

There are so many good things that can be said about this good man. He has long been the Director of a law enforcement agency whose efficiency and skills have, over many years, contributed to our national security. He has headed an agency that has never been charged at any time of being partisan. The only partiality has been his insistence upon the implementation of justice in accordance with the law.

Mr. Hoover has served under eight Presidents. During these eight administrations he has served under 16 Attorneys General. He has served under trying conditions. Remember he was Director of the FBI during prohibition days. It was his job to fight the gangs of the 1930's. He was the man that had the job to fight, on the home front, during World War II when Axis spies were attempting espionage and subversion.

Year after year, the FBI has achieved optimum results. More than 95 percent of the cases that the FBI has brought into court have resulted in convictions. It has been estimated that the FBI has returned $1.60 for each dollar of appropriations.

The job of being Director of the FBI is probably one of the most trying and difficult in our Government. In the discharge of his duties, Mr. Hoover has always acted as a fair, impartial and, above all, a professional law enforcement official.

Who can forget that during the 1930's it was the FBI that brought to an end John Dillinger, Pretty Boy Floyd, Baby Face Nelson and the Barker-Karpis gangs? Many of us remember that during World War II it was the FBI who apprehended the eight Nazi saboteurs who landed by submarine on our eastern seaboard. Even as early as 1942 the FBI had captured and helped convict almost 50 Nazi agents. After the war it was Mr. Hoover with his FBI that broke up the Rosenberg espionage network.

Recently, Mr. Hoover has been under attack. In my judgment, the allegations made against him are unsupported. Some of his critics have based their objections to Mr. Hoover on his age. They say he is too old to hold his job and should resign. For my part, I do not want to retire this kind of man with his record of competence and more than that, his loyalty to America in such times as these. We have had many distinguished Americans who have performed outstanding service to this country at ages beyond Mr. Hoover's. To list a few would be to recall that such men as Thomas Jefferson, George C. Marshall, and Mr. Justice Holmes are examples of men who have achieved immeasurable public good while in their 70's.

Mr. Hoover may be 76 years old, but today he is always on the job leading his famous Bureau with the same vigor and dedication as when he started. If Mr. Hoover wants to retire that is up to him. In my judgment it would be a tragic loss to this Nation.

I predict he will not be intimidated into retirement by the groundless accusations of his critics. For my part, I want to make it very plain that they speak for themselves and I am sure there is only a very limited group of like thinking.

Mr. Hoover, over the years, has insisted that the FBI remain no more than a factfinding agency that investigates violation of Federal laws. He always opposed the concept of a centralized national police force. The idea of Federal police has been just as repugnant to Mr. Hoover as to all the rest of us who would oppose any semblance of transforming the FBI into some kind of national police force.

I welcome the opportunity to join in this tribute. I join in the thanks of most Americans to the Director of the FBI for a job especially well done. This week we mark Mr. Hoover's 47th anniversary as Director of the FBI. It is an occasion for those who admire his service to say so. I salute him and express the wish that he may continue as Director of the FBI. It is my hope that Americans may enjoy the benefit of his dedicated and distinguished service for several years.

ONE HUNDRED YEARS YOUNG

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, it is my honor and privilege to have in our congressional district a fine institution of higher education which proudly bears the name of Central Missouri State College. It was 100 years old on May 10, 1971. Its home is Warrensburg, Mo., which is the county seat of Johnson County, Mo. Because of the importance of this educational institution, Warrensburg has been frequently described as the Athens of west central Missouri.

This institution has a student body that is mostly made up of students from the counties surrounding the institution. Of course, there is a sizable number of enrollees from the Greater Kansas City metropolitan area, but these are also students from all across America and several foreign countries. In the 12 years it has been my honor to represent this area in Congress, I have witnessed the enrollment at this college grow almost sixfold. I have seen this excellent institution of learning establish a second campus in my home city of Independence, Mo., near the famous Truman Library.

A little over a week ago, Jack Carmichael, assistant to the president, Warren C. Lovinger, was in the city of Washington with information that there will soon be a newly created school of public services established at Central Missouri State College. This new school will become effective September 1, 1971. It will consolidate into one academic area the departments of safety, criminal justice administration and corrections, the Missouri Safety Center, and the Traffic Management I stitute. The dean of the new school will be Dr. Robert L. Marshall, who is currently the director of the Missouri Safety Center.

Central Missouri State is already a source of safety and law enforcement manpower for our State and the Nation. Laboratories exist already and special facilities for study in these areas are among the finest in the Nation.

There are more than 1,000 students enrolled in public service programs on campus. There are 375 criminal justice administration majors; 331 driver and safety education majors or minors; and 312 graduate students from 49 States and seven foreign countries. This represents the largest graduate safety program in the Nation. It does not include the hundreds of law enforcement officers and other traffic safety specialists enrolled in short courses through the Traffic Management Institute.

The college currently offers undergraduate and graduate degrees in safety; undergraduate and graduate degrees in criminal justice administration; a certificate in law enforcement; a training program for conservation agents and a 2-year program for in-service law enforcement officers.

The Missouri Safety Center, through its special services activities, regularly conducts workshops throughout the State on schoolbus driving and law enforcement. Since it was created 4 years ago, more than 13,000 persons have received safety training through the center's services.

The Traffic Management Institute, which opened last December, offers an 11-week program for law enforcement officers at middle and upper management levels. The TMI program is open to police officers from every State in the Nation who wish to obtain advanced police training for college credit.

Mr. Speaker, I was particularly impressed that at this great college in our district there are courses in a new kind of driver education. They have a driving range where students learn to handle their cars in emergencies. They are taught how to skid safely. They have what is called blowout practice. A special tire that goes suddenly flat when an instructor flicks a switch. Students are caught off guard by purposeful accidents. There are many, many other innovations provided in this new kind of driver education.

Without saying more it is my privilege to salute Central Missouri State on their formation of the School of Public Service which will become effective September 1, 1971. Yes, Central Missouri State at Warrensburg, Mo., is 100 years old, but by its awareness to the current need of our American youth, it is truly 100 years young.

INDOCHINA WAR—A LESSON FOR FUTURE GENERATIONS

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, future generations of Americans will read about our Indochina debacle as probably our Government's greatest and most futile misdirection of our military leaders, and power and wealth in all our history. We can eventually recover our power and wealth but not the American lives and casualties.

The following article in the Gary, Ind., Post Tribune of Sunday, May 9, by Fred Hoffman sets out concisely a few of the top facts concerning our experience in Southeast Asia. Mr. Hoffman failed to remind his public that the No. 1 jumping-off place which started this regretable experience 10,000 miles away came in the year 1954. The then Secretary of State, John Foster Dulles, in the Eisenhower administration, devoted several years to selling the Congress on ratifying his Southeast Asia Treaty. Even President Eisenhower was very reluctant to endorse the Secretary of State's misguided arguments to enter the Southeast Asia Treaty. In his testimony before the Senate Foreign Relations Committee at that time Secretary of State John Foster Dulles stated that the treaty would not lead to sending American boys to fight on the Asian mainland. It would only limit America's obligation to helping finance, provide military equipment, and sending advisers to aid the Southeast Asian nations if they were attacked by Communist aggressors.

Mr. Speaker, I wish to include with my remarks the article by Fred S. Hoffman, AP writer, referred to above.

THE LONGEST WAR: 280,000 ALLIES DIE, $135 BILLION SPENT

(By Fred S. Hoffman)

WASHINGTON.—The Indochina war, almost a quarter century old, has killed more than 280,000 allied fighting men and cost the United States and France more than $135 billion.

It sped France's decline as a world power.

It ignited a youth revolution in the United States, threw American politics into turmoil and soured this country on foreign military involvements.

It produced a generation of Vietnamese, South and North, who have never known peace and may not for years to come.

The French fought first, with heavy U.S. aid in money and material. But they gave up and the United States moved ever more deeply in. Now this country has been in an undeclared war for over 10 years, the longest of any of the wars in U.S. history.

The 54,505 American lives lost in Southwest Asia compare with the 405,399 U.S. deaths in World War II, 116,516 in World War I, and 54,246 killed in the three-year Korean War.

The Indochina war opened in 1946 and France fought for eight years to overcome Nationalist and Communist forces and regain control of its colony. The French lost heart and went home after the Vietminh humiliated their army at Dien Bien Phu in 1954.

France paid with 92,800 dead French, Indochinese, African colonial and Foreign Legion troops. It also paid $5.8 billion of its own money.

An international conference partitioned Vietnam, and there was an uneasy lull until the late 1950s when Communist-led insurgents began a campaign to overthrow the South Vietnamese government.

In 1961 President John F. Kennedy responded to Saigon's plea for help with increased U.S. arms and advisers. A decade later the United States is painfully disengaging from a war swollen to proportions nobody anticipated.

So far, it has cost the United States 45,019 lives in battle and 9,486 from other causes. The bill to the U.S. Treasury adds up to more than $129,395,000,000 counting direct support and conduct of the war plus military and economic aid to France, South Vietnam, Laos and Cambodia.

South Vietnam has seen 129,127 of its soldiers killed in combat over the past 10 years. Five allied nations—South Korea, Australia, New Zealand, The Philippines and Thailand—have spent 4,485 lives in the cause.

Statistics on Communist and Nationalist military losses are of questionable reliability. But various estimates total 1,238,202 since 1946—roughly four times as many dead as the Allies have suffered.

French sources have used a round figure of 500,000 Vietminh slain in the 1946–1954 phase of the war across what is now North and South Vietnam.

CONGRESSIONAL RESPONSIBILITY IN WARMAKING DECISIONS

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, on April 6 I introduced H.R. 7290, a bill to restore to Congress its constitutional responsibilities in decisions to send American troops into hostilities. Today, I am reintroducing this measure together with 19 of my colleagues.

I have spoken at length, both in this Chamber and before the Senate Foreign Relations Committee, on the need for

Congress to resume its role in decisions of war and peace. My remarks today will be brief.

The current crisis over Executive war-making powers has been brought painfully to our attention by Vietnam and our incursions into Laos and Cambodia. While some have preferred to concentrate their efforts on proving the President has illegally usurped congressional powers, I blame the Congress for not developing a viable procedure whereby we can share in decisions to engage U.S. troops abroad which fall short of a declaration of war.

It is for this reason that H.R. 7290, unlike the other war powers bills, focuses directly on the actual mechanics of congressional responsibility in warmaking decisions. The Joint Committee on National Security created by H.R. 7290 would bring together the leadership and the military and foreign affairs experts of the House and Senate. Its membership would total only 24 men who could be available to the President in a short period of time. The President, at his option, could consult with the Joint Committee prior to taking a military action which requires congressional ratification. But he must consult with it within 24 hours after taking such action. The Joint Committee would serve as a liaison between the White House and the Capitol throughout deliberations on ratifying or changing the President's action. Most importantly, the very existence of the Joint Committee would help set the stage for a working partnership between the Congress and the Executive in moments of international crisis.

In his April 29 press conference, President Nixon stated it would be a great mistake to force the Commander in Chief to wait for congressional action. I must emphasize again, Mr. Speaker, that H.R. 7290 would neither force the President to wait for congressional concurrence nor tie his hands in foreign policy.

Under the terms of H.R. 7290, the President may act immediately to meet an emergency situation without waiting for congressional action. He would be required, however, to withdraw U.S. troops within 30 days if Congress had not authorized continuation of the action within that time. H.R. 7290 gives the President the latitude and flexibility he needs, and which the Constitution assigns him as Commander in Chief, to respond to any crisis. At the same time, it would bring Congress back into the decisionmaking process, a role also dictated by the Constitution. Should the Congress terminate Presidential authority to continue military hostilities, he is given enough flexibility to withdraw our troops safely.

Mr. Speaker, I should think that both the legislative and executive branches of Government would welcome legislation such as this.

The 19 colleagues who have joined me in cosponsoring H.R. 7290 represent both political parties and a wide range of viewpoints on the Vietnam war in particular. But we all agree that the role of Congress in military and foreign policy decisionmaking must be restored if we are ever to avoid future Vietnams.

Several of my colleagues, I realize, feel that the President must obtain the advice and consent of Congress before any dispatch of U.S. forces. Others would hold that the President should have no constraints whatsoever on his authority. In my mind, these arguments are unsound from the standpoint of our national security, unsupported by the Constitution, and politically unrealistic.

I ask, Mr. Speaker, that we put aside our differences over Vietnam and past mistakes and work together to forge a partnership in responsibility with the Executive over the commitment of U.S. troops abroad. I believe H.R. 7290 is the responsible way to achieve that goal.

Mr. Speaker, at this point I would like to list the sponsors of the bill:

LIST OF COSPONSORS

James Abourezk, Democrat, of South Dakota.
Joseph P. Addabbo, Democrat, of New York.
Edward P. Boland, Democrat, of Massachusetts.
Silvio O. Conte, Republican, of Massachusetts.
Don Edwards, Democrat, of California.
Marvin L. Esch, Republican, of Michigan.
Ella T. Grasso, Democrat, of Connecticut.
Gilbert Gude, Republican, of Maryland.
Seymour Halpern, Republican, of New York.
Michael Harrington, Democrat, of Massachusetts.
Henry Helstoski, Democrat, of New Jersey.
Robert L. Leggett, Democrat, of California.
Paul N. McCloskey, Jr., Republican, of California.
Romano L. Mazzoli, Democrat, of Kentucky.
Charles A. Mosher, Republican, of Ohio.
Otis G. Pike, Democrat, of New York.
Howard W. Robison, Republican, of New York.
Benjamin S. Rosenthal, Democrat, of New York.
James H. Scheuer, Democrat, of New York.

FINAL REPORT—HEMISFAIR '68

The SPEAKER. Under previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 1 hour.

Mr. GONZALEZ. Mr. Speaker, the first world exposition ever held in the Southwest was HemisFair '68, held at San Antonio from April 6 to October 6, 1968.

Some 6,400,000 people came to HemisFair, where 25 foreign governments mounted exhibits, plus 21 major corporations and others. Two of the greatest exhibitions were mounted by the State of Texas and the U.S. Government.

The Congress authorized U.S. participation at HemisFair, and appropriated $6,750,000 to cover the cost of building a pavilion and operating it. Since this investment was made by Congress, I feel a special obligation to render a final report on the event, now that the Secretary of Commerce has issued his report to Congress—a document which I commend to the Members of the House, since it is the most complete report ever given on how an international exposition works, and how the United States participates. There are important lessons in HemisFair, lessons that can save the United States immense amounts of money and difficulty. The fact is that HemisFair was the first exposition in which the U.S. participation was carefully planned in advance and wholly in the hands of a professional staff. HemisFair was a success, and U.S. participation was a success; and we owe a great debt to the skilled and dedicated professional staff at the Department of Commerce for their work in mounting the U.S. pavilion.

I believe that whenever the U.S. Government undertakes participation in events such as HemisFair, the mounting of that exhibit should be carried out along the lines used for HemisFair. We have at the Department of Commerce a professional staff that is competent, energetic, and completely dedicated. They know how expositions work, they know how pavilions should work, and they have the most complete experience available in this field. If we use this staff fully for the bicentennial or for any other Federal participation in international expositions, we should rely on that staff.

Federal participation at HemisFair was made the responsibility of the Department of Commerce. This responsibility was in turn entrusted to the U.S. expositions staff, headed at that time by John E. Orchard, a most able and energetic man. He has since left Government service, and his place is now filled by his very talented, equally energetic, and dedicated deputy, J. William Nelson. These men, and their staff, together with an interagency committee, were able to create the U.S. exhibit in record time, to keep it operating smoothly, and to make a bold statement on behalf of our country—and all within a sharply curtailed budget. In fact, this staff worked so effectively that even after expected appropriations for HemisFair participation had been reduced by one-fourth, they still achieved all the objectives that had originally been set, and even return a little money to the Treasury.

Accordingly, as the first order of business in this report, I commend this staff, and urge that the Congress maintain it for employment in future international expositions.

At HemisFair, the United States invested $6,750,000 in its participation.

For the first time, U.S. participation was based on results of an advance study and report, authorized by Public Law 89–284, enacted October 22, 1965. Congress charged the Department of Commerce with the responsibility of determining whether the United States should participate in HemisFair, and if so, what the nature and extent of such participation should be. Thus, Congress asked to have a professional opinion of the desirability of our participation in HemisFair, together with as much advance planning as possible. It was this background study, this advance planning, that enabled the United States to establish such an excellent pavilion, and that enabled Congress to know fully in advaice what the cost of participation would be.

In short, I asked Congress not to approve a blind, open-end participation, but to act only on the basis of well-prepared information.

The Department of Commerce expositions staff, together with an interagency advisory committee, undertook the de-

terminations and planning required by Public Law 89–284, and reported back to Congress, recommending participation with a $10 million budget, and setting forth alternate schemes for the pavilion, should Congress give its approval and appropriate the necessary funds.

The report was placed in the hands of the committees having jurisdiction, and they responded with approval. The law approving U.S. participation in HemisFair, Public Law 89–685, was enacted October 15, 1966. By the time appropriations had been approved—with a 25 percent reduction from the request—just 58 weeks remained until opening day. No U.S. international exposition pavilion had ever been mounted in such short time.

But John Orchard, Bill Nelson, and the rest of the expositions staff at the Department of Commerce undertook their task with confidence, and the U.S. Pavilion did open in time—fully finished, equipped, and operating.

They designed the pavilion, called in the architects, the engineers, the creative talent, gathered the materials, let the contracts, supervised the construction, and undertook myriad other tasks successfully, within the budget and on time.

The U.S. Pavilion was in reality two buildings. One building was a theater, built in circular shape—easily the most striking and beautiful pavilion at HemisFair. The Confluence Theater, as it was called, seated 1,200 people.

The other building was the Exhibits Building, and was the entrance to the Pavilion. Here people viewed exhibits relating to the history, development, promise and problems of America. From there they moved across a magnificent courtyard into the theater.

The theater featured curtain walls, dividing the audience into three parts. As the film proceeded, and showed how the United States developed into a single great land, the curtains fell, uniting the audience into one.

The film exhibited was called US, and was created by Francis Thompson; it was shown on a triple screen, and represented a number of technological innovations. The film was an honest account of our country and ourselves, and it had an immensely favorable impact on visitors, especially those from abroad. In all, 2.3 million people visited the pavilion and saw the film.

I know that one of the major reservations many of my colleagues have about participation in international events is that the investment made in the pavilion is supposedly lost. This does not happen with proper planning; it did not happen at HemisFair. In fact, at HemisFair there is every reason to believe that the Federal pavilion was a sound investment.

The fact is that the Federal pavilion still stands, and that is as it was intended. From the very beginning, I asked—and the Commerce Department agreed—that the U.S. Pavilion should be built as a permanent structure, with a permanent end use in mind. The legislative history and the statutes made it clear that the Federal pavilion was not intended to be built and then abandoned.

The ultimate user of the Federal pavilion will be none other than the U.S. Government. By using the Confluence Theater as a Federal courthouse—part of a planned Federal courthouse and office building complex in San Antonio—the General Services Administration expects to save considerable sums of money. The result is that we have a Federal building complex that is well designed, beautiful, appropriate, and very much less costly than might have been expected. The Federal Government did not build a gift to the people of San Antonio, but a structure that ultimately will serve its own needs and functions. This was another first, as far as U.S. pavilions are concerned, but again, I believe that it only offers a model for future fairs—such effective utilization is made possible by exactly the kind of planning that preceded the commitment to even participate in HemisFair.

HemisFair was made possible in large part because of the faith of Congress; this faith was well founded, and I am grateful for the help and support of my colleagues. I believe that the final report of the Secretary will show that HemisFair 1968 achieved all it set out to achieve, and that the procedures used by the Federal Government in arranging its participation should serve as models for future expostions.

San Antonio received immense benefits from HemisFair, some immediate and some lasting.

San Antonio found in HemisFair a unifying force that enabled the city to plan and execute an event of far greater magnitude, sophistication, and complexity than anyone ever thought possible.

The people of the city united to lend their financial support to HemisFair; they subscribed to an underwriting that gave the event its first line of credit, its first operating expenses, and its first great success, which was concrete evidence that the dreams were more than just talk.

The people of San Antonio, to their great credit, voted to support the biggest municipal bond issue in the history of the city to pay for the expenses involved in preparing for HemisFair. That bond issue was approved by every single voting precinct—and I think that it may be the only bond issue of its size that was ever given such unanimous support anywhere, before or since.

San Antonio built a magnificent convention center and theater complex at HemisFair, and the city will reap the benefits of that investment for years to come.

Private investors built hundreds of new hotel rooms—badly needed by the city, and crucial to the successful operation of the convention center. HemisFair led to almost $500 million in new commercial construction, produced 4,000 man-years of employment, increased sales tax revenues by $750,000 and led to visitor spending of $122 million. Every index of economic performance in San Antonio took a dramatic leap ahead. It was the greatest thing ever to happen to San Antonio. HemisFair closed with an operating deficit of $7.4 million, but that loss can be viewed in fact as an investment that produced immense returns; the benefits to San Antonio, the permanent structures left behind after HemisFair, all this and more—made the operating loss look miniscule, as in fact it was.

International expositions, even one in the special category class as HemisFair was, are complex operations. The U.S. Government learned valuable lessons at HemisFair, as the Secretary of Commerce reports to Congress. I believe that these lessons should be taken to heart, because at HemisFair the United States learned how to participate in international expositions effectively, with the greatest possible benefits, and with the most lasting results. HemisFair provides the U.S. Government with an ideal pattern to follow in establishing future participation in international events. The report of the Secretary is a how-to-do-it book that Congress will benefit from—and is ultimate proof that HemisFair's Federal participation was well worth the investment.

Mr. Speaker, I make the report of the Secretary a part of the RECORD at this point:

FEDERAL PARTICIPATION, HEMISFAIR '68

THE SECRETARY OF COMMERCE,
Washington, D.C.

The PRESIDENT OF THE SENATE.
The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIRS: I have the honor to submit herewith the final report, as required by Section 4 of Public Law 685, 89th Congress, approved October 15, 1966, on Federal participation in HemisFair '68, San Antonio, Texas. You will recall that a brief summary report was submitted in April of 1969.

In contrast to past final reports on Federal participation in international expositions which were concerned largely with legislative history and a description of the pavilion, the Commerce Department has also attempted in this report to recount and analyze typical problems that were encountered and solutions that were developed as a guide for those who will be responsible for similar projects in the future.

The Department gratefully acknowledges the generous cooperation of the officials of the City of San Antonio and the San Antonio Fair Corporation. In addition, we thank the State of Texas and its representatives in the United States Congress. Their gracious assistance, as well as that of other Government agencies and sponsors and donors from private industry, contributed in large part to the success of the project.

Respectfully submitted.

MAURICE H. STANS,
Secretary of Commerce.

CHAPTER I—WELCOME TO "CONFLUENCE, U.S.A."

Visitors to the United States Pavilion at HemisFair '68 in San Antonio, Texas were welcomed by a circular marble and glass Confluence Theatre separated from an arc-shaped Exhibits Building by an open-air Migration Courtyard. HemisFair '68 was the first international exposition in the southwestern United States. It was located on a compact downtown site dominated by a 662-foot theme tower.

Commanding the southern portion of the site, the U.S. Pavilion stood in a setting of flowers, pools, and fountains, long-standing pecan trees, and modern sculpture. It adjoined the international plaza and was readily accessible by elevated walkways, minimonorail, or waterway.

In the international area 25 foreign governments exhibited their art and culture in individual modules. Elsewhere on the site, 21 major U.S. corporations and institutions and the states of Texas and Arkansas built pavilions for their exhibits.

From April 6 to October 6, 1968, some 6.4 million visitors took part in the color, life, and action of HemisFair.

In the courtyard of the U.S. Pavilion, visitors were greeted by guides dressed in blue and white uniforms and directed first to the Exhibits Building, which was planned as an introduction to the documentary motion picture shown in the Confluence Theatre.

This single-story contemporary building complemented the dominant theatre and captured the flavor of the southwest in its monochromatic, stucco finish. It blended with surrounding pavilions in the neighboring international area.

The audience entered the raised air-conditioned structure by a ramp. Guides were available to lead tours of the building, narrate on the exhibits, and answer questions.

The three-part theme of "Confluence, U.S.A.," (the "Legacy" of the past, the "Harvest" of the present, and the "Promise" of the future), was established in a message from the President displayed at the entrance.

His message welcomed visitors to "the story of a nation built by many peoples." Like most explanatory material in the pavilion, it was reproduced in both English and Spanish.

Visitors approached the initial exhibit area, the "Legacy," along the entrance ramp "Discovery Trail." Overhead colorful banners recalled the explorers whose voyages opened the promise of the New World. Heraldic music evoked memories of the courage and imagination of the men who explored this unknown land.

This "Discovery Trail" led to a gangplank which brought visitors onto the deck of the "All Peoples' Ship." This stylized vessel symbolized the voyages made by all the immigrants who came to our country—some to find adventure and wealth, some to escape from hunger, fear, or tyranny.

The feel of the deck underfoot, the sight of the masts, spars, and rigging overhead, the sounds of the sea in the background, and the murky halflight gave the effect of being aboard a sailing ship.

On the unfurled sails of the "All Peoples' Ship," color slides portrayed the faces of the settlers of the 17th and 18th centuries and their sailing vessels, the faces of later immigrants of the 19th century and the political refugees of our time.

Humor and history merged in the next area to illustrate how our forefathers of diverse races and cultures, working together for common purposes, achieved a sense of community—the essence of nationhood. These shared experiences became the substance of our folklore.

In this section, "Achieving Community," animated three-dimensional models depicted some of these dramatic episodes including the building of the Erie Canal, the Gold Rush, a Texas cattle drive, a barn raising, and Ponce de Leon's search for the fountain of youth. Many visitors, particularly children, lingered to enjoy this section of the Exhibits Building.

Moving on, visitors saw the "Faces of the Confluence"—portraits of famous Americans born in other lands: Andrew Carnegie, George Santayana, Jacob Riis, David Sarnoff, and many others who contributed to our country's progress. This gallery caught the attention and imagination of many visitors interested in the migration to America.

From this hallway gallery, visitors moved into the "Harvest" area which depicted today's fruits of the confluence. A three-screen slide sequence, showing how we encourage and preserve the national goals set forth in the Preamble to the Constitution of the United States, introduced the "Harvest" exhibits. Six displays in the large circular room expressed the spirit of "We, the People of the United States" united in one Nation built on the legacy of the past.

The emphasis was on cooperative action to achieve the Nation's goals through a confluence of individual ideas and skills. Visitors could wander freely in the "Harvest" area, although the placement of the exhibits tended to direct traffic around the circular room.

Each display section focused on one aspect of today's harvest of the fruits of confluence. The display section "Bread Upon the Table and A Roof Over Our Heads" showed foods which reflect tastes and customs of many nations, the abundance of our farms and fisheries, and the architectural heritage of many cultures in our homes.

"Land of Our Own" showed flowers, trees, and plants brought to this country from around the world, and the gardens and public parks patterned after those in many countries.

Especially popular with young people was the section "Companionship and Recreation" which featured sports and games that trace their origins to many different lands. Equipment used by great names in American sports was displayed: boxing gloves used by Joe Louis, Ty Cobb's bat, Arnold Palmer's driver, Sam Huff's and Knute Rockne's football helmets, and similar mementos of other outstanding athletes.

A display on the "Mobility of People, Ideas, and Goods" contrasted historic and modern artifacts to show the role of transportation and communications in linking our heterogeneous communities and people. Among the artifacts displayed were an early Bell telephone next to a modern trimline style phone, and an Edison wax cylinder recorder beside a pocket-size transcriber.

Another popular display section was "Honest Work Justly Rewarded." Here the automobile industry was used to illustrate how one product results from cooperative efforts and talents of many peoples. Examples of the evolution in the parts needed to build an automobile were featured. They included a 1908 carburetor, a 1909 magneto, and an early speedometer.

The final display "The Spirit of Discovery" showed how man's curiosity has led him to search for better answers. Historical tools of exploration and discovery were shown in contrast to contemporary items. The display included Billy Mitchell's helmet and an astronaut's helmet, a wet cell battery and a solar battery, a brass microscope circa 1800 and a photoelectron microscope.

This final display served not only as the exit from the "Harvest" area but as an entrance to the "Promise" area. This was appropriate, as it showed that it is man's yearning for adventure, for knowledge, and for beauty which leads him to a better future.

"The Promise of Tomorrow is a world of challenges. Can we meet them alone?"

This question was asked of the visitor as he entered the "Promise" area. This section gave a glimpse of today's accomplishments which have also created today's challenging problems:

Rapid industrialization and urbanization accompanied by congestion in our cities and overcrowding in our schools and hospitals;

Increased mobility of people and products bringing also traffic jams and air pollution;

Advances in medical science together with a population explosion.

Choosing one of three identical dimly lit lanes to walk through, visitors experienced a new mood—a feeling of aloneness.

They were bombarded by a series of questions flashed into the semi-darkness on light boxes.

The questions challenged them as individuals: "Why stay in school?" "Is it my responsibility?" "Am I part of the solution?"

The three lanes of this "Challenge Maze" merged into two and then into one. Visitors rejoined the people from the other lanes and walked with them down "The Confluence Road" where they were confronted with questions that challenged group cooperation and action: "Can more and more people be fed?" "Why go to the moon?" "Can air and water pollution be stopped?"

The story told in the introduction to the "Promise" area was that our local communities, our Nation, and the world need to find the best possible solutions to problems that affect our mutual well-being. One person alone cannot provide the answers, nor can any local, national, or international group—unless the individual helps to stimulate group action and contributes his own ideas and knowledge. Thus "The Confluence Road" begins with a single step by a single indivdual.

The main display area of the "Promise" attempted to answer or point the way to answers to the questions posed in the "Challenge Maze."

As visitors roamed freely in this area they saw six displays portraying ways mankind attempted in the past, is now attempting, and will attempt in the future to deal with the problems of transportation, city planning, food, health, education, and commerce.

For each subject, a series of graphic exhibits illuminated in sequence traced the input of many minds and skills which contributed to today's successes. Multi-sided panels carried the story forward by depicting new problems resulting from this confluence and the old problems still unsolved. The panels showed what people are doing today—together—in our Nation and in the world to identify, reach agreement on, and solve these common problems.

Finally visitors were given a three-dimensional view of the promise of tomorrow: fume-free cars, floating cities, underseas farming, spare parts for the human body.

In the free-flow traffic pattern of the "Promise" area was a display devoted to the computer, one of modern man's most important new tools for solving the problems of our times.

On one wall was a highly sophisticated graphic version of a computer with a giant perforated computer tape pouring from it. Surrounded by an intricate web of simulated computer tapes used as a display panel, visitors became aware of how computers work and how they serve man today. A panel pointed out, "Tool of the Confluence, the computer helps us store and use the knowledge of great minds." It provides a "bridge from the known to the unknown," from problems to solutions. "But it is no substitute for the human brain."

The computer display, like every other exhibit in the "Promise" area, centered on one main idea—the confluence of human resources as the essential element in all human progress.

There was a great deal of interest in the audio-visual finale, "The Future We Can Build," which epitomized the theme of the "Promise" area. This multi-slide presentation was flashed on a large free-form screen. Visitors often sat on the carpeted floor to watch the four-minute presentation.

Scenes, sound effects, and narration created an atmosphere of suspense: a flood inundated a city, homes were destroyed by an earthquake, a fire. Neighbors and strangers rushed to help victims.

"The acts of God come swiftly and with surprise," the narrator said, "They demand our attention and action. The acts of man . . . begin quietly . . . a single bit of trash . . . one ill-educated man . . . and grow with stealth until they seem to overwhelm us."

New scenes appeared: trash on the street, sewage dumping into a river, hungry children, protests, riots, strikes.

The narrator continued: "I am helpless, we say. What can I [the individual] do about poverty, crowding, pollution, riots, war?" With accompanying slides of a VISTA class, a college debate, Red Cross workers, the narrator said, "As individuals, we can study and learn needed skills . . . listen . . . share our

abilities . . . vote . . . strive and understand. But most of all we must care . . . because caring is the simplest, yet most powerful, act of man we know. We must care because the future is today and the future we can build."

Leaving the audio-visual finale, visitors walked down a ramp. Bright hanging banners repeated the words "Confluence, U.S.A." in every tongue spoken in our land: confluencia . . . zusammenkunft . . . le confluent . . . and many more.

As they departed visitors faced themselves on a closed circuit television set and for the last time confronted the question, "Am I part of the problem?" The impact was doubled as they turned the corner and saw themselves on a second television screen with the question, "Am I part of the solution?"

Emerging from the Exhibits Building into the Migration Courtyard, fairgoers saw to the right a monumental sculpture entitled "Migration." It was a tribute to the free spirit that made America.

Sixty stylized aluminum birds were poised in perpetual flight above a series of step-down pools bordering the courtyard. The sculpture was silhouetted against a curtain of cascading water spilling over three free-standing walls.

Behind the waterfall was a quiet garden with bright flowerbeds, walks, and benches under the trees. Modern sculpture was placed throughout the grounds and garden area. Landscaping and stone benches, provided a cool retreat under the Exhibits Building where foot-sore fairgoers could relax.

Crossing the outdoor courtyard, the visitor felt the full impact of the massive round theatre encircled by a ground-to-roof colonnade. A striking exterior design of sophisticated simplicity, the interior of the Confluence Theatre contained a distinctive lobby, a unique system of disappearing walls and screens, a large curvilinear screen, and a thought-provoking documentary film.

The front exterior wall of the theatre was a tremendous expanse of glass, and travertine marble panels contributed interesting texture and patterns to the side walls.

Visitors moved through glass front doors into a spacious air-conditioned lobby that served as a holding area and then into the 1,200-seat theatre. After viewing the 23-minute film, they left at the opposite end of the building.

The lobby, of impressive dimensions, was designed for the waiting audiences' visual pleasure. Sunlight filtered through ceiling-to-floor drapes. Red carpeting covered the floor; eight spherical crystal chandeliers illuminated the lobby. Striking photomurals on dividing walls symbolized "Confluence, U.S.A."

Here, a visitor could buy a brochure with text and pertinent graphics for a review of the theme and as a souvenir of the pavilion.

The interior of the theatre was specially designed and equipped to heighten the drama of the film. Movable soundproof curtains divided it into three adjoining 400-seat theatres.

The film was titled "U.S." It was written without punctuation so that the viewer was left to determine for himself whether it stood for United States or for us. As the film began fairgoers sat in one of the three small theatres, unaware that the first phase of the film was also being shown simultaneously to two other audiences.

They saw the waiting land, its exploration and settlement—our "Legacy." Vivid scenes of the natural beauty preserved in our Nation today recaptured the land as it looked when western man first saw it.

Quoting from the film's text by the poet W. H. Auden, the narrator began "Was this the Vineland the Vikings' legend said they saw? If so, the glimpse was soon forgotten. Centuries passed. The map was blank 'til Iberians looking for a quicker route to the Indies, stumbled instead on a strange continent. Vast, unhumanized, a virgin wilderness, the land lay in her long sleep, waiting to be woken by western man."

Scenic views of the country from virgin forests of New England to snow-capped Rockies and the rugged Pacific Coast filled the screen. Old prints and paintings illustrated the early settlement and founding of the Republic.

With a burst of fireworks, the second phase of the film, the "Harvest," flashed on the screen which had expanded vertically to become almost square. The narration continued: "Immigrants came . . . they streamed to join us . . . a million a year . . . as they crossed the Atlantic they looked forward with hope." Pictured in black-and-white newsreel shots taken at Ellis Island and other ports of entry were immigrants, their faces mirroring their hopes and dreams.

The film traced the building of our industrial society showing the building of the railroad and the growth of river transportation among other scenes of technological development. As an early biplane sailed into the clouds, the image faded and the great roar of a jet airplane filled the darkened auditorium.

The three screens and interior walls rose swiftly into the ceiling. The three threatres became a single "confluence" theatre, and a combined audience of 1,200 watched the rest of the film projected on the world's largest curvilinear screen.

In a split-screen presentation, the film showed the progress of our confluence starting with shots taken from the nose of a plane flying through great banks of cumulus clouds. The skyscrapers of New York then passed around the viewers, and a montage of present-day America in all its ethnic diversity began.

Unusual photo techniques were used to depict both our successes and hopes for future progress and our failures and inadequacies in dealing with the problems created by this progress. This is "a land of great plenty with promises to keep," said the narrator.

A series of episodes showed the achievements and abundance of contemporary America as well as its natural beauty. Other vignettes followed which posed as pressing challenges the problems of this day: the overcrowding of our urbanized society; the unwelcome by-products of technology; the devastation of our natural resources; the plight of the unskilled and the unschooled; and the prejudice against minority groups.

The narrator concluded: "The eyes of the world are upon us and wonder what we're worth, for much they see dishonors the richest country on earth. Shamefully we betray our noble dead if we, after two hundred years, cannot or will not see, more clearly what is meant by certain truths that they believed self-evident. On each of us depends what sort of judgment waits for you, for me, our friends, and these United States."

As visitors moved out of the theatre, passing forward under the giant screen, each felt that he was not a spectator but one of the players challenged by the drama of "Confluence, U.S.A."—as he would be in the life to which he returned.

CHAPTER II—AN INTERNATIONAL EXPOSITION IN THE SOUTHWEST

Staging an Exposition

The idea for staging a major international exposition in San Antonio, Texas, was conceived during the late 1950's. The name "HemisFair" was coined in 1959. In 1962 U.S. Representative Henry B. Gonzalez, 20th District, Texas, included the fair as a major element of his "20th Century Plan for the 20th Congressional District."

Responding to his proposal that the 250th anniversary of the founding of San Antonio be celebrated with a "Fair of the Americas," a group of San Antonio citizens formed a planning council to explore its feasibility.

The leaders of San Antonio had definite long-range objectives for the fair. They saw it as a possible remedy for the static economic condition of the city as compared to other Texas communities. It was hoped that the event would motivate the local population to work together for the common benefit of the city as well as create a catalyst for building and broadening the base of community leadership.

The fair was also expected to renew and improve the strong cultural and economic ties between San Antonio and Latin America and to focus attention on its commercial, industrial, and residential advantages and tourist attractions.

Finally, the fair would leave a heritage of permanent facilities and institutions, including a new civic and convention center.

The first move of the council was to enlist San Antonio's business and civic community. A nonprofit corporation, San Antonio Fair Inc., was formed with a 167-man Board of Directors, representing a cross section of citizenry, and an Executive Committee. An economic feasibility study was ordered from Economic Research Assoc. of Los Angeles to evaluate whether the city was equipped to assume the responsibility for an international exposition. The report, delivered in April 1963, projected an attendance of 5.9 to 8.5 million visitors and weighed the costs of mounting a fair against projected revenues. It indicated that the fair could succeed.

The community responded by pledging more than $7.5 million in less than four months to underwrite the costs of the proposed fair and establish a credit line of $4.5 million with San Antonio banks.

The city of San Antonio supported HemisFair '68 with a $30 million municipal bond issue to finance a convention and community center for fair and post-fair use and a $5.5 million bond issue to finance the HemisFair '68 theme structure, the Tower of the Americas.

A 92.5 acre portion of a depressed area downtown was acquired by the city with $12.5 million of Federal urban renewal funds. It was leased to the fair for the duration of the exposition.

Bexar County delegates to the Texas State Legislature introduced legislation in 1965 providing for recognition, support, and participation by the State of Texas. Ten million dollars was eventually appropriated by the State Legislature for what would become a permanent Institute of Texan Cultures. Governor John Connally gave the legislation strong support and in early 1965 accepted the post of Commissioner General for the exposition.

Assured of local and State support, HemisFair officials turned to gaining assistance from the United States Government and to getting international recognition by the Bureau of International Expositions in Paris. The latter regulates the conduct and scheduling of international expositions.

Since the HemisFair sponsors desired maximum foreign nation participation, they realized that they would have to have the Bureau's approval. Without it ordinarily none of its 34 member governments will participate in a world's fair. Such sanction generally results in not only substantial member participation but that of nonmember countries as well.

In accordance with the U.S. Department of Commerce "Rules Governing Official U.S. Government Assistance to Sponsors of International Expositions Held in the United States" (Title 15, Part 367, of the Code of Federal Regulations), the fair sponsors applied to the Department in February 1965 requesting that it present and support HemisFair's petition to the Bureau. After review and endorsement, HemisFair's application was transmitted through the Department of State to the Bureau for consideration.

Legislation providing for Congressional recognition of HemisFair '68 and for the exten-

sion of official invitations to foreign governments was introduced in June 1965 in the House and Senate by Representative Gonzalez and Senators John G. Tower and Ralph W. Yarborough of Texas.

It was enacted as Public Law 89–284 on October 22, 1965. A few weeks later the President signed a proclamation recognizing the fair and authorizing and directing the Secretary of State to invite foreign nations.

With Federal endorsement, the Bureau of International Expositions, on November 17, 1965, approved HemisFair '68 as a Special Category Exposition with the dates April 6 to October 6, 1968. The theme of this Special Category Exposition would be "The Confluence of Civilizations in the Americas."

The theme would celebrate the common history of the Americas, its legacy of peoples and civilizations from four continents, and the challenge and the promise of the new land. Under Bureau rules, participants would be required to adhere closely to this exposition theme.

Congressional approval of federal participation

Public Law 89–284, which gave Congressional recognition to HemisFair '68 as an event "designed to enhance the existing brotherhood between new world nations, reaffirm common ties, increase understanding and fortify world peace," also called for a study on the manner and the extent of United States participation. The responsibility for the study was assigned to the Secretary of Commerce.

Preparation of the study was delegated by the Secretary of Commerce to the Department's U.S. Expositions Staff. The Staff was established in 1966 as a continuing organizational unit to study, plan, and mount Federal participation in international expositions within the United States and to establish an orderly procedure for considering requests from local fair sponsors for Federal assistance.

The organization of a permanent staff was an effort to improve the previous practice of administering Federal participation in world's fairs by ad hoc commissions.

With this change it was possible to plan and stage the Federal presentation at HemisFair '68 with a small, tightly knit permanent staff of exposition professionals with experience in fairs and expositions throughout the world. The experience and organization of such a staff gave complete flexibility to assignment and interchange of personnel and achieved maximum economy.

As Public Law 89–284 authorized other Federal departments and agencies to cooperate with the Secretary of Commerce, the first step was to form an interagency committee to provide advice and assistance in doing the feasibility study.

The committee consisted of 16 representatives from the 14 Federal departments and agencies with interest in the project.

The feasibility study undertaken prior to a reqeust for legislation and appropriations from the Congress covered five major areas:

(1) Evaluation of the merits of participating in HemisFair;

(2) Determination of the best form of Federal participation with particular attention to developing a residual use for any structures for the continuing benefit of the public;

(3) Preparation of a theme and storyline for Federal participation;

(4) Analysis of exhibits to carry out the theme with an estimate of the cost of constructing and mounting them; and

(5) Preliminary designs, engineering plans, and cost estimates for the Federal pavilion.

Before recommending that the national interest would be served by Federal participation in HemisFair '68, the U.S. Expositions staff applied criteria it developed to evaluate requests for Federal participation in domestic expositions.

Congressional recognition of the event and the sanction of the Bureau of International Expositions were evidence that the exposition satisfied the first of these criteria; that it was of more than local or State interest.

Local financial support, the non-profit corporation set up to administer the program, and the feasibility studies prepared by Economic Research Assoc. were proof of adequate local planning, financing, and organization, another prerequisite.

The inter-American theme of the exposition and its clear relation to the spirit of the Alliance for Progress, the anticipated increase in foreign visitors, the probable contribution to the U.S. balance of payments, and the tie-in with the 1968 Olympics in Mexico City were demonstrations of a third criterion, definite national interest in the success of the exposition.

Development of a theme for Federal participation was given high priority to insure that the exposition would be educational as well as entertaining and that it would convey a substantial, thought-provoking message.

To achieve this, in-depth research and detailed planning for the buildings and exhibits were guided by the selected theme. Out of HemisFair's theme, "The Confluence of Civilizations in the Americas," grew that of the U.S. Pavilion, "Confluence, U.S.A."

Development of the storyline also took into consideration the estimate of Economic Research Assoc. that 95 percent of the visitors to the fair would be from the United States.

The Staff and the Interagency Committee decided early that outside assistance would be necessary for timely completion of the planning report. Consequently an industry-wide design competition was planned to invite proposals for the preparation of cost estimates to design and construct buildings and exhibits in keeping with the approved storyline.

Firms were requested to pay special attention to an ultimate residual use for any buildings proposed. On Dec. 7, 1965, invitations to make design proposals were sent to 31 well-known design firms.

After consideration of bids, the Staff approved the lowest responsive bidder, Donald Deskey Assoc. of New York City, as the estimating design contractor. In accordance with its contract, Deskey Assoc. prepared two alternate design concepts together with the estimated cost for each.

The Interagency Committee chose the Deskey Assoc. proposal which called for a Federal pavilion consisting of a Confluence Theatre joined by an enclosed walkway to an exhibition hall.

The theatre would contain four separate theatres. During the showing of a film based on the theme "Confluence, U.S.A.," the four would become two, then one theatre through the lifting of dividing walls, giving the audience a sense of actual spatial confluence. For post-fair use the theatre could be converted to a multi-story office building and the exhibit area to a school.

The feasibility study was submitted to the President on April 1, 1966. It recommended Federal participation in HemisFair '68 with an exhibit entitled "Confluence, U.S.A." to be housed in a Federal pavilion on land deeded to the United States.

Cost of construction, operation, and maintenance of the exhibit was estimated at $10 million. The study also included a proposed draft bill including the authority and waivers to permit the Commerce Department to carry out the purposes of the act. May 13, 1966, the President forwarded the recommendation to the Congress with his endorsement.

May 17, 1966, legislation was introduced in the House authorizing Federal participation in HemisFair '68 and requesting an appropriation of $10 million. August 24, 1966, a companion bill was introduced in the Senate.

The Congress, October 15, 1966, approved the Commerce study and passed Public Law 89–685 amending Public Law 89—264 and authorizing Federal participation in HemisFair '68.

Public Law 89–685 designated the Secretary of Commerce to carry out the project and authorized an appropriation of $7.5 million.

Public Law 89–697, Oct. 27, 1966, called for an additional reduction of 10% from the authorized appropriation bringing the funds available for mounting Federal participation to $6.75 million.

Public Law 89–685 required that the San Antonio Fair Corp. safeguard specific community interests. The legislation called for assurances that all segments of the community participate in the management of the fair, that no officer or member of the corporation have a substantial interest in any organization doing business with the corporation, that the public be kept fully informed about the activities of the fair corporation, and that the historic structures on the exposition site be preserved to the maximum extent possible.

Because the Department of Commerce could not obligate funds until these provisions of the legislation were met, it established monitoring procedures.

The fair corporation submitted certificates signed by all members of the Executive Committee indicating their business and financial interests, community affiliations, and elected political offices to indicate participation by all segments of the community and an asbence of conflicts of interest.

Full public disclosure of the corporation's activities was guaranteed by holding public Executive Committee meetings and publishing financial reports.

The fair corporation, in cooperation with the San Antonio Conservation Society, preserved and restored 24 historic structures on the fairgrounds. These buildings became industrial pavilions, restaurants, and fair offices and contributed to the charm of the site.

In February 1967 the Department of Commerce was satisfied that the requirements of Public Law 89–685 were met. It was just 58 weeks before the opening of HemisFair '68 that the Department had both available funds and the clear authority to obligate them for mounting the Federal pavilion.

Despite a lead time of about half of that available for mounting Federal pavilions at other recent world fairs, the pavilion was completed, fully staffed, and fully operative by opening day, April 6, 1968.

CHAPTER III—AN IDEA COMES ALIVE

Reduction of the requested appropriation of $10 million to $6.75 million dictated a reworking of the two-building design concept. It was decided to retain the Confluence Theatre on a smaller scale, but to reconsider completely the exhibits area.

Deskey Assoc., who had prepared the feasibility study, entered into a joint venture with the San Antonio architectural firm of Marmon & Mok Assoc. In January 1967 this team won the contract for architectural and engineering design of the theatre and landscaping plans for the site.

The Motion Picture & Television Service of the U.S. Information Agency, former officials of the Federal pavilion at the 1962 Seattle World's Fair and of the 1964–65 New York World's Fair, and Deskey Assoc. were requested to provide names of qualified producers of documentary films.

Among those contacted were Francis Thompson and Alexander Hammid, two widely respected producers whose sprightly and intricate triple-screen production "To Be

Alive" delighted New York World's Fair visitors for two seasons and went on to win an Academy Award. Their firm was selected to produce a documentary film which would portray the pavilion theme in the Confluence Theatre.

To obtain new design proposals for the Exhibits Building and exhibits under the pressure of time, a contract was signed with the four top contenders from the original feasibility study competition.

The design house, The Displayers, Inc. of New York City, and their San Antonio architectural associates, Roberts, Allen & Helmke, won the competition for the building and the design of its exhibits.

The Confluence Theatre

The engineering of a multi-screen theatre and the architectural form of the building were interrelated problems which had to be worked out simultaneously. The design of the building had to take into account the size and location of the screens, slope of the seating area, and the placement of the audience within that area.

Originally it had been designed as an elliptical building housing four theatres which, through the use of rising walls, would become two and then one. As Deskey Assoc. worked the problem out on paper and tested solutions in a scale model, it became evident that the number of theatres would have to be reduced to three which would be transformed directly into one.

A four-screen theatre was rejected because the four-camera rig which would be required for filming would be unmanageable. It was rejected also because the seating in a theatre with such a screen span could not be arranged to permit good viewing from all seats. The most functionally effective form for the theatre proved to be circular rather than elliptical.

To dramatize the circular form, the building was encircled by a ground-to-roof colonnade. At the front, curvilinear glass panels, each 8 feet wide by 19 feet high, reached from base to roof around one-third of the building.

Travertine marble panels covered the side and rear walls. The columns, bases, and entablature were faced with quartz aggregate. When completed the building, 195 feet in diameter, rose 70 feet.

The lobby was designed for one-way theatre traffic. It was divided into three holding areas by 12-foot partial walls on which photomurals of the faces of Americans of all ethnic backgrounds were enlarged and superimposed on raised disks.

It was decided that the Confluence Theatre would house the operational staff of the pavilion. Deskey Assoc. planned administrative facilities on the lower level.

This area contained the Commissioner's office, operations, protocol and central administrative offices, staff lounge, locker room, custodial and storage rooms, and a hospitality lounge. Separated from the administrative area by a striking 42-foot, hand-carved wood partition were public facilities and lounge.

Will Szabo, Inc., New Rochelle, N.Y., was chosen to supervise the design, installation, and later, the operation of the multi-screen projection system and audio and acoustical systems. Among the firm's credentials were the planning and installation of 19 projection systems at Expo '67.

The engineering of the raising and lowering of the screens and dividing walls was subcontracted by the general contractor, D. J. Rheiner Construction Co., of San Antonio, to Joseph Vasconcellos, Inc., of West Babylon, N.Y., who had handled similar problems in Radio City Music Hall and Lincoln Center.

Under the supervision of the Commerce Department, these firms joined forces with Deskey Assoc. and Francis Thompson Inc. to make this unique concept of the theatre a reality.

Under a separate film coordination contract, Deskey Assoc. built a working scale model of the theatre to demonstrate the rising screens and curtain walls. The model was used to establish screen sizes, projection throws, timing, lighting, acoustical levels, seating, and color coordination.

As the idea grew to reality, many changes occurred because much was being attempted for the first time in cinematography. For instance, instead of buying expensive, specially ground lenses to meet projection throw requirements, standard lenses were used, making it necessary to change the actual screen sizes three times. Or as another example—the film size for the last, large-screen portion of the movie had to be enlarged from 35mm to 70mm to insure clarity and brightness.

Film projection was of top priority in the preproduction stage. Will Szabo, Inc., worked closely with Francis Thompson, Inc., on the timing of the film in relation to screen sizes. Szabo, Inc., coordinated with Deskey Assoc. to plan projection throws, speaker locations, and projection booth requirements.

They worked with the U.S. Expositions Staff on the purchasing of all equipment, utilizing and refurbishing as much as possible from the New York World's Fair inventory.

When the projection booth was finished, it was the largest in the world, furnished with the latest and most sophisticated equipment available. It had three 35mm projectors, three 70mm projectors, and a full supply of back-up parts. The entire stereo and projection system was automated and controlled from a drum console in the projection room.

Two methods for raising and lowering the screens and dividing walls were considered. Deskey Assoc. supervised the research and its engineering consultants checked for feasibility.

The first proposal was a hydraulic lift system which would lower the screens and walls into the floor. It was rejected when it proved impossible to control the lowering so that all parts disappeared simultaneously.

The alternative chosen was a mechanical lifting method in which a cable and winch system raised the three screens and the dividing curtains.

Each flying screen had a 25 x 30 foot screen area and upper and lower masking which cut the screen to 15 x 30 feet for the "Legacy" chapter. Each screen had an aluminum frame which held a speaker and a motor to move the masking and enlarge the screen area for the "Harvest" chapter.

Hung by cables, these screens, three-quarters of a ton each, were lifted out of view of the audience in 12 seconds. Simultaneously, the dividing curtains, threaded with cables, were raised 55 feet, turning the three theatres into a single one with a 38 x 140 foot curvilinear screen.

The electrical and electronic system was connected to the projection system so that the projectionist could start each show with the flick of a single switch which would put film, sound and the complicated system of curtain walls and flying screens into operation.

Both the audio-visual and mechanical systems had manual interruption control in case of any electrical or mechanical failure. Catwalks were designed to that the entire mechanical system could be checked regularly for audience and operator safety. Because of its high voltage, it could be turned off completely to allow the audience to exit safely.

Because the concept of a confluence theatre was one in which many features, both mechanical and cinematic, had never been achieved before, the Staff and its contractors were involved in the research and development stages of the idea.

As always in such a project there were moments of doubt when failure seemed probable. The successful opening of the show and the acclaim of the critics and the public added to the satisfaction felt by a team which had set itself a challenge and met it.

The Film "US"

The triple-screen theatre which the film makers designed to present a film based on the theme "Confluence, U.S.A." permitted them to divide it into three single-screen viewing sections or to treat it as one large-screen unit.

They chose to use a large screen for the final portion because of the dramatic force inherent in it. They considerad a large screen, well used, a significant tool in the development of a story and the communication of ideas. It enables the film maker to present ideas simultaneously for comparison with one another or to repeat a single image across the screen for strong emphasis.

As Francis Thompson explained the concept in the August 1968 issue of the *American Cinematographer*, using multiple images presents a continuous montage ". . . . and the relationship between those images—edge-to-edge, side-to-side top-to-bottom, or diagonally—makes a compound relationship that becomes . . . very powerful."

Although the multiple image technique had been used before, the incorporation of mechanical and dramatic devices into the presentation in the Confluence Theatre achieved a totally new effect. Francis Thompson explained: ". . . . We have tried to design the film 'US' to work as an organic whole with the theatre structure and to communicate its ideas as vividly as possible. . . . The film itself had to be structured so that the story would arrive at dramatic moments when the screens were about to expand or rise."

The enlargement of the screens from the "Legacy" to the "Harvest" segment was dramatically emphasized in the film with a burst of fireworks, symbolic of the celebration of the Declaration of Independence. At the introduction of the "Promise" portion, the impact of the spatial confluence and the appearance of the large screen was heightened by shifting from the humorous vignette of a bi-plane struggling to fly, which ended the "Harvest" segment, to the triple-screen view of cumulus clouds in endless space shot from a jet.

This made a forceful statement not only of how far technology has come but also of how far it can still go. In the finale, the producers used the large screen to its greatest advantage. They mixed multiple images, repeated images, vast panoramas, and overwhelming views. They enveloped the audieence with their film and conveyed "Confluence, U.S.A." with tremendous dramatic impact.

Thompson Inc. undertook production in two phases, each covered by a separate contract. The first contract covered preproduction planning and the second, filming and printing. In addition to coordinating with Szabo, Inc., and Joseph Vasconcellos, Inc., on projection equipment and timing, the first contract included development of camera equipment and preparation of a rough storyline.

Because the triple screens required three-camera filming, the producers designed a unique camera mount. The cameras were mounted on a common base with one motor driving them in synchronization. The base was constructed so the cameras could be adjusted sideways permitting the use of any focal length lens. Camera boxes were minia-

turized and special lens supports manufactured. When complete, the rig was compact and manageable, weighing only about 100 pounds.

In these early stages, Thompson Inc. consulted historians and specialists for material for the "Legacy" and the "Harvest." Libraries and museums were searched for graphic examples of confluence. For the "Promise" segment, scriptwriters consulted architects, scientists, technicians, and other specialists whose concern is the future.

Potential locations were surveyed and classified for possible filming. On May 23, 1967, a proposed script outline was submitted and approved.

With the acceptance of this rough treatment, the production phase began in May 1967. Two teams began shooting, each equipped with a three-camera rig and a fourth camera for single lens shots. All photographing was done with 35mm film. The camera rig could be set up in the back of a convertible, on the hood of a car, on a special platform in front of the radiator, or in the trunk for moving sequences.

For crowd scenes, a small walk-in van was set up with either a single camera or the three-camera rig. The windows of the van were masked leaving only holes for filming. On other occasions the cameras were set up inside a store window in order that the reflections would conceal them.

The purpose was to film natural crowd shots, but releases were obtained from anyone who was in any way conspicuous. Throughout the film, in fact, no professional actors were used, though some of the vignettes were staged.

The teams filmed for six months, beginning on the east coast and moving across the country to the Pacific coast. They recorded many faces of America: the untouched lands, mountains, plains, and beaches and the crowded highways and cities, polluted waters, and denuded forests.

They photographed poverty, neighborliness and affluence. They shot America at work and at leisure, in joyous moments and in despair.

The most tragic moment during the filming of "US" was the murder of one of the directors, Canadian Hugh O'Connor. O'Connor was shot and killed while making a sequence on poverty in Appalachia. The film was dedicated to him and no doubt this tragedy contributed to the sense of deep concern which pervaded it.

When the filming was completed, the company had more than 50 miles of film. To edit them down to a 23-minute movie, the strips were run through special viewing equipment to insure that the three strips for the multi-image screen were closely related visually and esthetically, as well as in content.

Rough cuts were then prepared which the U.S. Expositions Staff reviewed at the producers' studios in New York City, making recommendations on contents and sequence. As the film took shape, Francis Thompson Inc. chose David Amram, the first composer-in-residence at the New York Philharmonic, to write the score, and the poet, W. H. Auden, Pulitzer Prize winner, to write the narration.

After the rough cut was accepted by the U.S. Exposition Staff, the film was sent to MGM Laboratories in Hollywood for processing, printing, and anamorphic enlargement of the final segment from 35mm to 70mm.

The Exhibits Building and Migration Courtyard

In order for a two-building complex to become a cohesive whole, certain objectives must be achieved. The masses or three-dimensional forms of the two structures must have a pleasing, visual relationship; the materials used in construction of each must be complementary; and the space between the two buildings must unite them.

The U.S. Expositions Staff had the responsibility to insure the architectural coherence of the two-building Federal pavilion. This involved supervision of scheduling and coordination of the work by the firms chosen to design the two structures, and making certain that the final plans would be esthetically successful.

The Staff felt the Exhibits Building and its contents had to be developed simultaneously so that the design would relate to the function of housing effective exhibits.

The Exhibits Building concept of The Displayers, Inc., had called for an exhibition area of four small buildings interconnected by enclosed walkways. It was redesigned through the cooperative efforts of representatives of the Exhibits Building designers, the theatre designers, the U.S. Expositions Staff, and its architectural consultant, Kent Cooper of Washington, D.C. The new plan was for a single arc-shaped, semi-permanent structure which complemented the circular theatre. Its natural stucco finish enhanced the beige tone of the marble theatre.

In the final stages minor changes were made to enhance its appearance. One improvement was to stucco the underparts of the building, rather than to sandblast, to give it a finished appearance. Another was to add exit and entrance ramps under the building, rather than at ground level, to facilitate crowd control. These ramps were paneled with beige conglomerate stone which blended with the courtyard and theatre. They gave the impression that the building was growing from the earth rather than perched on stilts.

In the latter stages of architectural planning, the courtyard between the two buildings came into focus as an integral part of the overall design that served to unify the two buildings. This effect was achieved with beige tiles fanned out as lines of tension from the circular theatre to the arc of the Exhibits Building.

The courtyard was accented by a series of step-down pools from the theatre which led to the sculpture of sixty stylized aluminum birds ranging in wingspan from four to six feet. They were poised in migratory pattern against three walls of cascading water, thus giving the name to the courtyard area—"The Migration Courtyard."

The pavilion grounds were landscaped, sodded, and planted with flowers, shrubbery, and ground cover suitable to San Antonio's soil and climate. The site was further enhanced by the display of loaned contemporary sculpture.

The exhibits

The purpose of having an exhibits area as well as a film was to present the message more explicitly through the media of two- and three-dimensional exhibits and audio-visual presentations. The exhibits were intended to be a complete presentation as well as an introduction and complement to the film.

In developing its proposal, The Displayers, Inc., took into account not only the purpose of the exhibits area, but also the problem of accommodating an anticipated traffic flow of 30,000 people daily, and of creating an overall exhibit plan consistent with the architecture of the building.

The designers chose to develop each chapter of the story—the "Legacy," the "Harvest," and the "Promise"—in separate areas joined by transitional walkways. In January 1967, when a letter of intent was issued, the firm began work on the project.

In June 1967, the contract was signed requiring it to undertake all research necessary to develop the theme, to prepare a script descriptive of the exhibits, to prepare all copy and design all exhibit components, and to provide a complete list of all graphics and artifacts to be procured from other sources.

The U.S. Expositions Staff worked closely with the designers in supplying basic research material and advice. The Displayers made frequent presentations of exhibits using rough sketches and narratives for evaluations of material that would make an effective exhibit, facilitate the traffic flow, and develop the theme.

Each photograph and artifact was checked for applicability and authenticity. The design firm, Tasi, Gelberg, Symons & Assoc., of Washington, D.C., served as consultants.

Minor changes often made important improvements in the total effect. For example, it was first planned that artifacts relating to the voyages of the early explorers would be displayed along the entrance ramp. It was later determined that such a display would only serve as a traffic bottleneck, so greater emphasis was put on the colorful overhead banners of the explorers.

As another instance, the "Harvest" area display case "Companionship and Recreation" was originally to have held representative samples of sports equipment. Instead, the Staff determined that the display of equipment used by famous American sportsmen would attract more interest and assisted in obtaining its loan. This section proved to be especially attractive to visitors.

By May 1967 an acceptable rough treatment of the plan for the entire exhibits area was received from The Displayers. In June the firm made a presentation preliminary to the preparation of drawings and specifications for fabrication bid requests. With minor modifications, the design of the "Legacy" and "Harvest" areas was approved for detailing.

The "Promise" area, however, needed more thematic focus and underwent further development. Revision of this section took several months of cooperative effort by the U.S. Exposition Staff, its consultant and designers to develop the display panels in the area as thought-provoking graphic statements on the continuing need for the confluence of the skills and ideas of many men to solve today's problems and those of the future.

Similar cooperative effort with the subcontractor developed an audio-visual finale as a challenging depiction of the need for national and international cooperation to realize the promise of the future.

As a complement to the exhibits and the film, a 16-page, four-color brochure was published to be sold to visitors. It provided a descriptive statement of the theme illustrated by photographs of the presentation. One out of every ten visitors purchased the brochure.

The brochure was also useful in public relations efforts, and copies were sent in response to letters of inquiry and comment on the pavilion. To provide sponsors of loaned or donated items with maximum exposure, lists of these sponsors were inserted in each booklet. The brochures were also sent to the sponsors with letters of appreciation for their assistance.

CHAPTER IV—THE PAVILION TAKES SHAPE

Construction of the Buildings

Feb. 13, 1967, the Commerce Department had available for the first time both the appropriated funds and the clear authority to obligate them for mounting the Federal pavilion. To expedite completion of the project on schedule, the architects and engineers were told to divide the plans, specifications, and scope of work into three sequential phases.

Phase I covered site preparation and excavation, footings, and foundations for the Confluence Theatre.

Phase II covered construction of the theatre, with the courtyard and specialty items to be added later as amendments to the contract.

Phase III was for construction of the Exhibits Building.

As a result of this planning, preparation of the site and construction of the foundations for the theatre could progress while design work was being completed on the theatre, the courtyard, and the Exhibits Building.

The Commerce Department's contracting office recognized the limitations of time and the necessity for securing a qualified contractor before construction demands at HemisFair '68 put the U.S. Government in costly competition for manpower with other pavilions. It ruled that for each major phase of construction, the negotiated request for proposal procedure would be utilized instead of the formal advertised bid procedure.

An identical procedure was used in contracting for each of the three phases of construction. After the Department approved the plans and specifications, "requests for proposal" were distributed in San Antonio to a list of firms submitted by the architects and compiled from the files of the General Services Administration's regional contracting officer. Advertisements were also placed in trade publicaitons in the southwestern United States.

Separate "requests for proposal" were sent out for each of the three construction phases. In each instance, the D. J. Rheiner Construction Co. of San Antonio was the lowest responsive bidder and was awarded the contract.

In compliance with Executive Order 11246 and equal opportunity clauses in three contracts with the Rheiner Construction Co., a special assistant of the Secretary met with the contractor to determine if he had an affirmative equal opportunity program. A similar program was also mandatory for all subcontractors, and follow-up investigations at the site indicated complete contractor cooperation in this program.

Alexander B. Trowbridge, then Acting Secretary of Commerce, officiated at the formal groundbreaking ceremony, April 8, 1967, two days less than one year to the day prior to the scheduled opening day of HemisFair '68.

Site preparation began immediately. The necessity for completing all construction to allow time before opening day to install and test the exhibits, to test the film and theatre equipment, to train the staff, and to brief the press created an atmosphere of urgency. All construction projects are subject to modifications, changes, and delays. But the pressure for completion is particularly intense in expositions where the opening date is immutable.

The task of supervising and coordinating the progress of construction of the theatre, courtyard, and Exhibits Building was magnified by the use of new dimensions in architecture and design, such as the immense glass-and-marble, free-standing walls in the Confluence Theatre and the lobby photomurals.

The electro-mechanical system of rising screens and curtain walls in the Confluence Theatre had never before been constructed for any theatre. Only 280 days were available for construction of the theatre in order to have it ready for film testing in February 1968.

The time schedule for the Exhibits Building was less critical although it was important that its construction schedule be maintained so that it could be coordinated with the fabrication and installation of the exhibits. A clean, uncomplicated structure, the building presented few unusual construction problems.

Frequent, on-site meetings with the general contractor and subcontractors, architects, engineers, and designers maintained a sense of urgency. At first, these meetings were scheduled periodically as required, but beginning in the late autumn of 1967, they were held weekly.

Commerce Department experts in personnel, administration, budget, and management were included on these trips when problems developed in their areas of competence. These sessions were successful in overcoming delays, deficiencies, and other problems.

To complete the task of supervising construction progress without increasing staff, the Department hired specialists on an "as needed" basis. The architectural-engineering consultant, Kent Cooper, reviewed all plans and specifications and the critical path schedule, and advised where to look for weak points and how to overcome them.

In order to facilitate coordination of the various trades involved in general construction—carpenters, electricians, plumbers, masons, glaziers, and others—and to integrate with them the installation of the complex electro-mechanical system in the theatre, a critical path method of scheduling (CPM) was developed by San Antonio Fair, Inc., and used by the general contractor. While this system was intended to inform the contractor and client whether the project was on or behind schedule and how a delay in one area would affect others, the computer print-outs received by the Department were usually delayed. They did not reflect the current status of construction.

This delay was a result of the failure of the distribution system and the fact that the CPM for the U.S. Pavilion was only a part of the total CPM being operated by the administrators of HemisFair '68. Also the print-outs were concerned solely with the buildings and not with the time needed to install their contents.

This problem was overcome by bringing a Commerce Department computer expert to the site in January 1968 to develop a modified milestone or critical date approach for the buildings. Exhibit fabrication and installation were handled by a separate critical date control system.

Schedule maintenance was made more difficult by such problems as the late receipt of glass for the theatre, which postponed enclosing the structure to keep out rain and cold; or the delay of the mechanism for the courtyard pool, which temporarily prevented installation of the fountain structure.

Delays such as these affected the entire completion schedule. They were often the result of the lack of awareness on the part of subcontractors of the urgency of timely completion of their own work.

There were more than 40 subcontracts for the construction, fabrication, and installation of various components of the Confluence Theatre ranging from steel trusses to theatre seating to the electro-mechanical system for the flying screens and curtain walls. Twenty subcontracts were awarded for the Exhibits Building, ranging from drilled piers to landscaping.

The principal contacts for the subcontractors and suppliers were the architects, designers, engineers, and the general contractor, who was liable under contract for the prompt delivery of their work and materials.

The U.S. Expositions Staff supplemented these contacts with on-site briefings for subcontractors before construction of the theatre began. However, such briefings were not held in every instance for suppliers of such specialty items as carpeting, exterior lighting, and curtains for the theatre lobby.

As a consequence, some suppliers and contractors often did not know the Department of Commerce was the actual client. With the Department only one of many clients, plans and specifications on such specialty items were slow in being received.

Future exposition planners should pay attention to the careful selection and briefing of the many subcontractors. It would strengthen the position of the general contractor if both the Department's program and contracting officers would contact all subcontractors in person or by letter to advise them of the urgent nature of the project and the need for their complete cooperation.

The problems of late or inaccurate material shipments or specifications arose most frequently in dealing with non-local firms. Local firms and artisans displayed great interest and pride in the work, and lower cost quotations often reflected this personal interest in seeing that HemisFair '68 was a success. The maximum use of local materials and talents is a decided asset in constructing a Federal pavilion.

Examples of some of the local work are indicative of this motivated interest. The Department received travertine marble veneer panels for the Confluence Theatre, carefully selected and matched for color and pattern, at no additional cost because of the architect's and general contractor's personal attention to and pride in such details. This particular dividend greatly enhanced the beauty of the theatre.

The giant columns, base, and entablatures, faced with quartz aggregate, each weighing as much as 32 tons, were precast in huge concrete forms by the Redondo Manufacturing Co., Inc., a small firm that had never before handled an undertaking of such magnitude. Everything was completed on schedule.

The lead-covered, hand-carved wooden doors in the theatre and the hand-carved wood screens in the lower lobby were the work of a local artisan, Lynn Ford. The sixty stylized, sculptured birds in the courtyard, an artistic highlight of the fair, were created by Bill Bristow, Chairman of the Fine Arts Department of Trinity University, San Antonio.

Other unanticipated problems had a significant effect on the progress of construction. Weather in the San Antonio area from October 1967 through April 1968 was the most severe in recorded weather history. It caused on-site flooding and construction delays for all participants. The task of lifting the project from the mud during this weather was further complicated by the delays in building hard-surfaced access roads, exits, and streets until a few weeks before opening.

Because of the weather and because the design for the courtyard was not completed until after the Exhibits Building plans were accepted, final construction and installation of the courtyard, fountain, and pools, and landscaping of the site were difficult to achieve.

The Department could not always obtain prompt service because it was competing with other pavilions for the trade skills available. The immense hand-finished pea gravel concrete surface of the courtyard hardened slowly in the cold, wet weather. Landscaping was done right up to opening day.

The U.S. Expositions Staff found that the biggest challenge to completion of the pavilion was the installation of the electro-mechanical system for the flying screens and curtain walls of the theatre.

Failure of the original manufacturer of the fabric curtain walls to fulfill his contract in time to meet the schedule necessitated placing the order with another fabricator. Consequently, delivery of the 4,000 square yards of fabric was delayed so that the fabricator had to work almost around the clock

to measure, cut, and sew the curtains, each of which was large enough to cover an average ranch house.

As each curtain was finished, it was air shipped to San Antonio for immediate installation. Without these curtains separating the three audiences, the impact of the most dramatic feature of the film presentation would have been lost.

Installation of the entire mechanical and electrical system had to be done simultaneously with completion of the construction of the theatre. Additional catwalks were installed in the ceiling so that riggers could work without hindering plasterers, carpenters, electricians, acoustical engineers, and other construction workers.

The high voltage electrical and electronic systems were installed at the same time. On-site recalculations necessitated time-consuming rewiring and readjusting the circuitry. The riggers then hooked the screens and curtains to the cables.

The area above the false ceiling contained a total of 183 moving cables, drive shafts, and ceiling supports. Adjustment of the screens and curtains to move in unison required changes in pulley counterweights, which in turn affected the setting of the limit switches.

The final inspection checked each cable for unencumbered movement, the electrical system for audience and operator safety, and the entire installation for quiet operation.

Delays in the mechanical and electrical work meant that the testing of projection equipment could not begin on schedule. The entire integrated theatre operation was functional two weeks before opening day, although last-minute adjustments were made up to April 6.

Fabrication and installation of exhibits

Some of the exhibits design contenders had proposed a package arrangement in which they would both design and fabricate the exhibits for installation in the Exhibits Building. The Department elected to issue separate contracts to insure that final designs were not inhibited by consideration of individual firms' fabrication capabilities and resources.

Separate design and fabrication contracts also gave the Department better control over the development of the exhibits and over the allocation of funds between the design and fabrication stages.

With completion of the design work for the "Legacy" and "Harvest" areas on August 18, 1967, a "request for proposal" to fabricate, pack, and install the exhibits in these two areas was mailed to 49 firms.

The list of firms had been compiled from Department records, from a bidders list approved by the General Services Administration, and from indications of interest in the project by other firms. The firms received a comprehensive bid package including detailed exhibit drawings and technical specifications.

In addition, the U.S. Expositions Staff held a pre-bid briefing for over 50 members of the exhibit fabrication industry to generate enthusiasm for the HemisFair project and to give the industry a better understanding of the Department's objectives.

It was evident that the need for such elaborate briefings in future projects would be marginal if the Department continues to insist on sufficiently detailed drawings and explicit specifications from design contractors.

The lowest four of the 17 proposals received were analyzed and evaluated in detail and the plants and facilities of the two lowest bidders were inspected. The contract was awarded Oct. 2, 1967, to General Exhibits & Displays of Chicago, Illinois, the low responsive bidder.

By late October, the plans and specifications for exhibits in the "Promise" area had been completed and accepted. Because less than four months remained before the deadline for completion of exhibits installation, the Department decided to limit the negotiations for fabrication and installation of this final exhibit area to the designers, The Displayers, Inc., and the exhibit fabricators, General Exhibits & Displays. Both firms accepted the invitation to submit proposals, and a contract was awarded Nov. 16, 1967, to The Displayers, Inc., the low bidder.

The U.S. Expositions Staff maintained a schedule of almost weekly inspections at the plants of General Exhibits & Displays in Chicago and The Displayers, Inc., in New York City to insure that a satisfactory rate of progress was being maintained and that the quality of the exhibits conformed with the specifications.

Because of their experience, the exhibit fabricators were able to handle competently the problem of building exhibits which could operate satisfactorily 12 hours a day, seven days a week over a six-month period.

For example, each of the 12 handcrafted, animated vignettes in the "Community U.S.A." section had a number of moving parts. The vignettes had to be tested for days and adjusted at the plant and on site to make certain that all moving parts in a single vignette were synchronized and that they could stand up under prolonged operation.

The audio-visual slide exhibits, used at three points in the Exhibits Building, also presented a number of problems. The exhibits used carousel projectors which had to operate for over 2,000 hours without prolonged downtime.

These projectors, synchronized with a sound track, operated from a bank of electronic equipment programmed to run automatically. The slide frames had to withstand constant usage so that they would not wear and jam the projectors.

The delicate equipment had to be protected from abrasive atmospheric dust created by crowds visiting the building during hot, dry summer months.

With the growing complexity of exhibit techniques, it is anticipated that such fabrication problems will be encountered frequently. Only careful selection of the fabrication firms and close supervision of their work can assure trouble-free operation of the exhibits.

By December 1967, the interior of the Exhibits Building was essentially finished, although balconies, awnings, and other outfitting of the building had not been completed.

The Texas subcontractors of the exhibit fabricators were given access to the building in December so that the rough-in wiring and the construction of the basic exhibit platforms and walkways could be completed in time to receive the finished exhibits for quick installation upon their arrival from Chicago and New York.

As required by their contracts, both firms maintained a resident designer and construction supervisors on site as the truckloads of completed exhibits began to arrive. Severe weather, including the wettest January in 97 years, hindered the workmen installing the exhibits.

Water entered the Exhibits Building through an open balcony because of an error in drainage design that had to be corrected. Forced air heaters were installed to dry out the unheated structure and keep workmen warm.

General Exhibits and Displays finished the installation of exhibits in the "Legacy" and "Harvest" areas, and their work was accepted on schedule in mid-March. The Displayers, Inc., the last firm to be given a contract, completed installation of the "Promise" area exhibits a few days later.

All construction, including last-minute changes had been completed by opening day and all mechanical systems had been tested and were fully operational.

Saving money

In constructing, furnishing, and operating the U.S. Pavilion the Department utilized a total of $500,000 of material already owned by the Government and of artwork, exhibits, equipment, and services donated and loaned by individuals and private industry.

Government-owned material that had been used in the U.S. Pavilion at the New York World's Fair included office furniture and equipment, projection equipment, steel lockers, stanchions, turnstiles, electronic equipment, fire extinguishers, drapes, audio systems, and other equipment valued at nearly $60,000.

The support of the Federal effort at HemisFair '68 by private industry consisted of loans or donations of materials and equipment to be used in constructing, furnishing, and servicing the United States Pavilion, including items that could not otherwise have been purchased.

As soon as specifications were obtained from the designers, a program was begun to obtain these items. Companies were contacted on the basis of the mutual interest of both Government and industry in the project.

An event such as this, which would be attended by millions of people, offered considerable public relations and image-making potential to companies. For export-minded firms, the presence of 23 foreign exhibitors and numerous foreign visitors offered a substantial inducement.

In return for their loan or donation of a given product, companies were promised that every effort would be made to publicize their participation.

Part of the success of the program is attributed to the direct personal contacts made by the Department with industry officials.

By telephone, the Staff contacted the chief public relations official, or in small companies, the export manager or executive vice president. The calls were followed by a letter of explanation and an accompanying background publicity packet on the fair.

As a result, sponsors and donors were found for materials used in building construction as well as for furnishings.

Private industry also defrayed the costs of hospitality provided for visitors and special events at the pavilion.

The total investment represented by this generosity was $212,000.

The walls of the Commissioner's office and the Hospitality Lounge were decorated with paintings by famous American artists that had been collected by the HemisFair Art Acquisition Committee and loaned to the U.S. Pavilion.

Twelve contemporary sculptures that had also been borrowed by the Art Acquisition Committee were located under the Exhibits Building and on the pavilion grounds and enhanced the aesthetic appearance of the pavilion. The total value of these works of art was about $250,000.

The Exhibits Building was made more interesting with artifacts and photographs loaned from Government institutions and private industry. In the "Harvest" area showcases, articles of sports equipment loaned by famous sportsmen and women were displayed, as were modern items of communications equipment loaned by industry and historical artifacts from the Smithsonian Institution.

A number of societies, organizations, magazines, and others waived or reduced their customary fees for the release of rights, thus

making a number of fine photographs available without charge.

The souvenir brochure was underwritten by local sponsors and printed and sold without expense to the Government. The United Fund of San Antonio provided volunteer workers to handle the sale of the booklet in exchange for receipts in excess of underwriting costs.

As promised, the Staff made every effort to assist sponsors in realizing the greatest promotional benefits from their participation during the six months of the fair.

Each sponsor was invited to visit Hemis-Fair and the U.S. Pavilion by the Commissioner, and many accepted. Sponsors were given credit on plaques in the hospitality lounge and the Exhibits Building and in the souvenir brochure.

Each sponsor received photographs featuring his product with a letter from the Commissioner. At the close of the fair, each sponsoring firm received a letter of appreciation citing the role its product played in helping to make the pavilion a success.

Throughout the project, excellent relations were maintained between the Department and industry. The Department is grateful for the outstanding cooperation which it received in making the U.S. Pavilion a highlight of the fair.

CHAPTER V—A FESTIVE OCCASION FOR 2.3 MILLION VISITORS

The Department of Commerce operated the U.S. Pavilion from April 6 to Oct. 6, 1968, to serve, inform, and entertain the public for which it was built and to present the United States at its best in the international setting of a world exposition.

Staffing of Pavilion

The U.S. Expositions Staff established its personnel requirements for the pavilion on the premise that a successful presentation during the fair would depend on good management and high morale.

The pressures of maintaining a complex operation twelve hours a day, seven days a week for a six-month period of peak activity, of representing the United States at an international event, and of serving the public could only be achieved through advance planning and organization.

The Commerce Department's U.S. Expositions Staff operated the pavilion, supplemented by locally recruited, temporary personnel numbering 85 at the maximum. This included 66 guides. The pavilion staff was organized under a Presidentially appointed Commissioner, a field coordinator, an operations manager, and a protocol officer.

In addition, security and maintenance services, and specialized consultants were retained on a contract basis.

A major innovation in organizing the U.S. participation in HemisFair '68 was the alteration of the role for the pavilion commissioner. In earlier domestic international expositions, the planning and operation of Federal pavilions had been his direct responsibility. At HemisFair '68, the responsibility for mounting and operating the pavilion was assigned to the U.S. Expositions Staff and the Commissioner was free to carry out public relations and protocol duties as the representative of the President at the site.

President Johnson on April 2, 1968, appointed Edward A. Clark, former U.S. Ambassador to Australia, as Commissioner of the U.S. Pavilion. Because Commissioner Clark took over a completed, fully staffed, and operational pavilion, he was immediately able to assume his primary role of representing the United States.

The field coordinator, who also served as deputy commissioner, acted as liaison officer with the Department on behalf of the Commissioner. This position was filled on a rotational basis by senior members of the U.S. Expositions Staff. During the Commissioner's absence from the pavilion, the deputy commissioner acted for him.

The operations manager was in charge of the day-to-day administration and maintenance of the pavilion. He was assisted by a deputy manager, a protocol officer, and other staff including an administrative-fiscal assistant, maintenance engineers, and a registered nurse.

The deputy operations manager supervised the dismantling and assisted in disposition of the pavilion and its contents after the close of Hemis-Fair '68.

The protocol officer was responsible for programming the visits of dignitaries, coordinating and arranging ceremonies, functions, and special events, and maintaining liaison with the other participants and the fair sponsors.

The Department of State made available two Foreign Service officers, one who assisted the protocol officer and the other who acted as aide to Ambassador Clark and assisted with protocol functions as required. The protocol group also handled all press and information releases on the U.S. Pavilion working through the HemisFair '68 press officer.

The field management staff was augmented as needed by Department of Commerce personnel who were specialists in such functions as protocol, exhibit design, and press and publications. They were assigned to the U.S. Pavilion on a temporary basis. Wherever possible, members of the permanent U.S. Expositions Staff were used on a rotational basis to fill field positions instead of hiring untrained temporary employees.

The Expositions Staff realized the importance of the selection of attractive, well-qualified guides, since, as the pavilion's primary point of contact with the public, they were the catalyst which would bring the United States' presentation to life.

The field staffing pattern called for 66 guides to provide adequate coverage during the 84 hours a week the pavilion was open to the public. These positions were to be filled by persons aged 20 to 27, bilingual, with two years of college education or the equivalent, and an interest in meeting and dealing with the public.

Equal employment standards of the Department were applied. The salary was set at $365 per month in line with corresponding wages at HemisFair '68. Because of the high cost of living in the area, out-of-state applicants were not encouraged and all recruiting was carried on in the immediate region.

The resources of the regional Civil Service office, the National Assn. for the Advancement of Colored People, the Texas Employment Commission, and the San Antonio Youth Organization were used in hiring all local temporary personnel.

The HemisFair '68 personnel office made referrals and the neighboring colleges and military installations were canvassed for prospective employees. Announcements advertising the openings for temporary personnel were made by local radio and television stations free of charge and brought immediate and heavy response.

Of 350 applicants interviewed, 50 women and 16 men were selected. Guide supervisors reported for training 30 days before opening and the remaining guides received one week of orientation and training on the theme and content of the pavilion, crowd control, emergency procedures, and related operational matters.

The resignations of guides during the fair for future jobs, college, military service, or marriage caused a problem in finding replacements for short-term employment. By the end of the fair the guide staff had dwindled to the point where it was necessary to constantly reshuffle schedules and personnel. Fortunately, the greatest loss of guides coincided with the drop in attendance after the peak period of the summer months.

The utilization of operational employees was improved through the use of a field operations handbook which outlined basic duties, set forth administrative guidelines, and defined major responsibilities of the U.S. Pavilion personnel.

The use of Department of Commerce facilities in Washington for such functions as payroll maintenance and salary payments, and service contract negotiation and payment improved manpower utilization in the field and reduced overhead costs.

Maintaining the Pavilion

The Expositions Staff felt that as the pavilion represented the United States, the fairgoer had every right to expect excellence in the upkeep and appearance of the pools, lawns, and gardens as well as the lobbies, theatre, and exhibit areas. So that each visitor would see the entire presentation at its best, the Staff strove to assure that all mechanical equipment, audio-visual slide shows, and films operated properly at all times.

It is to the credit of the operational staff that the pavilion ran smoothly and that almost all problem areas were anticipated and measures taken to prevent accidents, breakdowns, and other mishaps. It was due as much to constant supervision and attention to details as to the use of quality materials that the appearance of the pavilion was as fresh at the close of the fair as it was on opening day.

The standard maintenance problems of any public facility were aggravated at the fair by the constant flow through the buildings and grounds of large crowds of fairgoers. Routine maintenance, including frequent draining, scouring, cleaning, and painting of the courtyard pools, shampooing the vast carpeted areas, and replanting the gardens preserved the fresh appearance of the pavilion and grounds throughout the fair.

Unusual problems that had not been anticipated included damage to the tile of the courtyard steps caused by the large number of baby strollers brought into the pavilion, breakage of the plastic light covers installed in the courtyard grounds by the silver-tipped toes of Texas boots, an invasion of crickets that required a large number of exterminators, and replacement each week of more than 100 of the circular discs in the theatre photomurals that fell off the walls when brushed by visitors or that were carried away by souvenir hunters.

San Antonio Fair, Inc., provided security and landscape services under contract. Cleaning and maintenance services were provided initially by San Antonio Fair, Inc., and later by a professional maintenance firm better qualified for that type of work.

Routine periodic maintenance of the equipment in both the Confluence Theatre and the Exhibits Building enabled the theatre to operate with only one percent of total possible film showings lost due to technical difficulties. In case of any failure in the mechanical system, a special 70mm print of the film had been prepared for projection on the single large screen, with the curtain walls raised, but was needed only twice during the fair. That film was later used for showings to school children.

The use of consultants in the areas where specialized knowledge was required more efficient and less costly than the employment of full-time experts who might be needed only for brief periods. The Department contracted with the Louis Allis Co. of Milwaukee for on-site servicing of the flying screen and curtain wall system in the Confluence Theatre.

Szabo, Inc., was retained to operate the projection room, and clean and maintain the projection equipment. The firm also pro-

vided a supervisor and furnished trained local projectionists.

Welcoming visitors

The U.S. Pavilion guide staff was instructed to give each of the more than two million visitors the same courtesy and consideration extended to renowned dignitaries.

Guides were stationed at the entrance to the courtyard, in each area of the Exhibits Building, and in the theatre to answer questions, explain the pavilion theme and details of the movie and exhibits, and assist in controlling crowds. Their shift schedules were arranged to have maximum staff present during peak periods, usually afternoons and weekends. Training sessions for the guides were held as needed throughout the fair.

Although in general guided tours were not conducted through the Exhibits Building, the guides were instructed to take the initiative in seeking out particularly interested visitors and helping them. In addition, in order to assist visitors, guides were expected to be familiar with all activities at HemisFair and with the schedules at other pavilions.

The interest, enthusiasm, and adaptability which the guides displayed during the course of the fair were among the major reasons for the success of the pavilion. Public reaction to the guide staff was excellent, and many favorable comments were received on their attractive appearance, poise, and helpfulness.

Crowds were regulated so that the exposition storyline made the greatest possible impact on the visiting public and the guides were given instructions on how to handle and direct crowds graciously.

Crowd control presented few problems except on Saturdays and Sundays, when from 20,000 to 25,000 visitors would tour the pavilion. Each of the two buildings was treated as an entity with a separate waiting line. Fairgoers were encouraged to see the exhibits before viewing the film. The majority did so. Unrestricted continuous movement in one direction was permitted through the Exhibits Building and the exhibit layout was such that the flow through the building was unimpeded.

The film was shown at 35-minute intervals, and a schedule of showings was posted in the courtyard. When crowds were heavy, stanchions were placed to control the lines of people waiting to see the film. On days when there was a long waiting line, special efforts were made to provide some form of entertainment. Local and military bands often performed in the courtyard.

Immediately after the theatre was filled for one show, the audience for the next show was brought into the air-conditioned lobby. The capacity of the lobby was equal to that of the theatre so a complete audience could await the next show. Following the film, the crowds exited through the opposite end of the theatre.

Special provisions were made for the safety of visitors. Handicapped persons were accommodated by means of ramps in the Exhibits Building and by special admittance through the exit doors. An emergency first-aid room, with a registered nurse in attendance, was maintained to handle minor injuries on the spot. Since HemisFair also had good medical facilities, a more modest first-aid facility in the pavilion would have been adequate.

The pavilion also provided special facilities for national and international dignitaries. These included leaders in politics, entertainment, education, culture, arts, and business. In addition, sponsors of items loaned and donated to the Government received special courtesies at the pavilion in appreciation for their cooperation.

The office of protocol at the Federal pavilion was responsible for assuring that courtesies and privileges were extended to such visitors. Eight of the guides were assigned to the protocol office to assist in handling these visitors. The protocol officer worked with the office of protocol at HemisFair '68, and on a reciprocal basis with other exhibitors.

Official visitors were welcomed by the Commissioner or deputy commissioner and protocol officer and then taken on a tour of the Migration Courtyard and the Exhibits Building. Guests then viewed the film, after which they went to the hospitality lounge for refreshments, a souvenir of their visit, a press kit, brochure, and Hemis-Fair '68 maps.

Letters of appreciation from visitors who received special courtesies proved that this investment yielded a high return in goodwill at almost no cost to the public. Most of the services and refreshments in the hospitality lounge were provided by private sponsors.

Representing the United States in an international setting

At an international exposition in this country such as HemisFair '68, the U.S. Pavilion plays a role similar to that of an embassy abroad in projecting the image of the United States and in acting as official host for the visits of American and foreign dignitaries and for special ceremonies and events.

This function of the pavilion implements one of the major objectives of Federal participation, namely, the creation and promotion of international goodwill and understanding.

At HemisFair, special visits, ceremonies, and functions were a source of a steady stream of publicity for the pavilion and generated a great deal of public interest.

In this setting, the U.S. Commissioner was asked to host and participate in a number of protocol, entertainment, and ceremonial activities. Ambassador Clark was outstanding in this capacity. As a seasoned diplomat, he generated goodwill and understanding. As a Texan, he extended the well-known Texas hospitality and with ease and dignity went through a time-consuming schedule for six months.

Ambassador and Mrs. Clark paid official calls on all international and industrial pavilions during the first two weeks of the fair and most of the commissoners and pavilion managers reciprocated. Mrs. Clark organized an art exhibition and special film shows on the art and history of the United States. Guests were the wives of the military serving abroad and women belonging to various San Antonio organizations. All of these activities helped to focus attention on the pavilion.

Distinguished visitors to the pavilion included four heads of state: King Olav V of Norway, President Habib Bourguiba of Tunisia, President Tombalbaye of Chad, and Prince Rainier and Princess Grace of Monaco. Foreign ambassadors, cabinet and legislative members, mayors, and international leaders visiting the United States under the State Department's cultural exchange program were also welcomed at the U.S. Pavilion.

Although the fair corporation was official host for visits by heads of state and other ranking foreign officials, the U.S. Pavilion staff took part in planning and executing the events surrounding these visits, including those of President Johnson, Vice President Humphrey, and other officials of the executive, congressional, and judicial branches of the U.S. Government.

Other well-known figures and groups also received at the pavilion included Texas political leaders, the Mexican-American Border Development Commission, National Assn. of Campfire Girls, the Assn. of American Women in Radio & Television, and the National Export Expansion Council. Over a period of time, these visits and those of other prominent figures began to generate regular news and feature story material.

A typical commemorative day started at 10 a.m. in the Migration Courtyard with flag-raising ceremonies, presentation of the color guard, band concerts, and speeches. Following these ceremonies the invited audience toured the Exhibits Building, viewed the film "US," and attended a reception.

Highlights of the fair at the pavilion were the opening day dedication ceremonies and the Fourth of July national day celebration. A crowd of 15,000, including 1,200 dignitaries and special guests, jammed the Migration Courtyard on April 6 at the dedication of the pavilion.

Echoing the theme of the pavilion, Mrs. Lyndon B. Johnson remarked on the "spirit and character and shared heritage that have shaped our country." The First Lady then pressed a button to start the waterfall behind the bird sculpture, thus officially opening the pavilion.

President Johnson attended Fourth of July ceremonies accompanied by representatives of 46 nations, including ambassadors from participating countries and from other Latin American countries, and ambassadors to the Organization of American States.

The facilities of the Department of Commerce and other Government agencies were used to disseminate information about the fair nationally and internationally. As a result of messages about the U.S. Pavilion and HemisFair '68 sent to foreign service posts, a number requested promotional material from HemisFair.

The Commerce Department's U.S. Travel Service distributed HemisFair promotional material overseas to encourage travel to the United States. The Department's 42 field offices were requested to publicize the fair and the pavilion.

A model of the pavilion was shown with an explanatory audio-visual slide presentation in the lobbies of a number of Government buildings and hotels to stimulate interest in the Washington, D.C., area.

Extensive publicity about the fair and the pavilion was generated by the industrial sponsors and some material suppliers. Articles appearing in national publications and in the house organs of these companies highlighted the pavilion and the role of their companies' products in constructing, furnishing, or operating it.

In the prefair period, all news releases relating to Government participation were made through HemisFair's press relations office. As opening day moved nearer, the U.S. Expositions Staff embarked on its own publicity program through the Department's public information facilities.

A press kit was widely distributed to the communications media. A preview for 800 members of the press was held the day prior to opening of the fair. The producers of the film "US" and members of the Expositions Staff were interviewed for radio and television broadcasts. Representatives of all major communications media visited the pavilion, including the wire services, magazine and newspaper editors and reporters, radio and TV personalities, and the staffs of such programs as the Today Show, the Bob Hope Show, and the Andy Williams Show.

This attention from media resulted in feature articles in major newspapers and magazines and in television shows originating from the pavilion.

In keeping with its objective of promoting and improving international economic relations, the Department established a Business Information Center in the Texas International Trade Center. The Trade Center had been set up by a group of Texans, under the leadership of the Texas Industrial Commission and the Texas International Trade Assoc., and located next to a main fair entrance.

The Commerce office offered individual

business counseling, reports and publications containing trade information, and other services to foreign and domestic businessmen and sought to bring together the foreign buyer and U.S. suppliers or vice versa, with an emphasis on export promotion.

United States missions in 55 countries were asked to suggest to businessmen planning to attend HemisFair that they visit the Trade Center. The Department also mailed over 1,000 letters to Chamber of Commerce officials and business firms throughout the United States informing them of the Center's services and extending an invitation to utilize its facilities.

Over 1,100 business inquiries were received during the Center's six months of operation. Examples of assistance requested included the manager of a Venezuelan firm seeking construction and agricultural equipment; a Mexican looking for used macaroni-making machinery; a small Texas manufacturing firm seeking Latin American markets; and a French nurseryman looking for greenhouse equipment.

CHAPTER VI—THE PUBLIC REACTS

Reaction from the general public and press indicated that the pavilion was successful in delivering a message as well as in entertaining those who saw it.

The pavilion was favorably covered nationally by major newspapers and magazines, and the Department of Commerce received many letters commenting on the presentation. Although the attendance in both buildings was about the same, the movie overshadowed the exhibits as the focus of comment.

The philosophical message of the exhibits appeared to have been lost at times under the pressure of the crowds. The average visitor required more time and explanation to understand the exhibits than had been anticipated. Nevertheless, the Exhibits Building served the important function of showing cooperative action to meet the challenges of tomorrow, thus serving as an introduction to the film and heightening its impact.

Although the film, showing America as a land of abundance with promises to keep, engendered considerable controversy, letters received by the Commerce Department praising the film outnumbered critical letters two to one. Favorable press reviews outnumbered the unfavorable by ten to one.

The controversy over the film was in part responsible for making the Federal pavilion one of the most popular attractions of the fair and at the same time it increased publicity for Hemis-Fair '68 itself.

A meaningful summation of reactions to the presentation is found in the spoken and written words of the general public and the press. Their statements fell on different sides of three major issues: whether or not a pavilion at an international exposition should have a serious purpose; what image of the United States a Federal pavilion should portray; and whether or not a story-line such as "Confluence, U.S.A." should have a "happy ending."

On the first point, whether the pavilion should have a serious theme, those who criticized the Federal presentation felt, "it would be all right somewhere else, but not where people expect to have fun," and that "people won't take time to dig for facts; they like to have these given to them."

But for many others, the effect was "thought-provoking," "very educational," and "jolting." One visitor said: "Playing up the problems of current existence had the most influence on me. I became terribly involved." Another said: "It realy gives you something to think about."

In addition, most young people responded positively to the substance of the film. They were moved by what they considered its honesty and its call for action. Busloads of local school children came regularly to view the film when schools were in session.

One hundred and fifteen high school teachers and students wrote: "We the undersigned support without qualification the film 'US' . . . we like its truthfulness, and we think it's time that Americans accept the truth and do something to right the wrongs the film depicts."

One teenager wrote, "I am only 17 years old, and as an average young person, and an American, I accept this film because it is not phony. . . . This, above all, appeals to young people."

From the University of California at Berkeley, the editor of the student newspaper wrote: "The pride, glory, grandeur of the country and its vision were made clear, and they contrasted with our problems to produce a 'get out there and fix it' effect which moved me no small amount."

Secondly, some visitors were opposed to what they considered the unfavorable image of America which was put forth in the Federal presentation. "I fail to understand what can be gained by washing America's dirty linen before the public," wrote one visitor, and another felt, "We should not air our problems to the world." A man from Houston telegraped: ". . . if we couldn't show a pleasant face for the world to see, why show anything? We need friends, not more enemies."

However, many letters, comments, and articles responded favorably to the hard look at all aspects of American life contained in the Federal presentation. Stewart Udal, then Secretary of the Interior, commented: "It did seem to me that a film of this kind, which asks the country very basic questions about what we want to be and how we want to change, is very valuable."

A San Antonian wrote to the Secretary of Commerce: "I wish to tell you how thought-provoking I found the United States film presentation in the Confluence Theatre. I have never seen a better portrayal of our Nation's facets. Furthermore, that such a film could be produced by the Federal Government is, to my mind, a good indication of the exuberant good health of our democracy."

Endicott Peabody, former Governor of Massachusetts, wrote: "May I compliment you and your whole staff for the beautiful exhibits. Like many others, I was particularly impressed by the movie which was displayed. Rather than overselling the United States, in a very delicate and diplomatic manner it raised questions about some of the issues we are facing. This has a tremendous effect on foreigners, who too often have been exposed to overselling by the United States, and it earns their deep respect."

As many critics had misgivings about how foreigners would react to this view of America, it is worth recording accurately how they did express themselves. While only 4.2 percent of the visitors were foreigners, comments came from all over the globe.

Klaus Curtius, the German Consul General, wrote: "I must say that, for my wife and myself, the result of seeing [the film] was that our love for the United States has been deeply confirmed and increased even more."

During his visit to the pavilion, President Bourguiba of Tunisia remarked, "It is very courageous. I admire your honesty."

The Bulgarian Ambassador to the United States was quoted in the *San Antonio Light* as commenting: "I have always maintained that the American nation is very outspoken. It [the film] is indeed very courageous."

In the Wellington, New Zealand, *Evening Post*, reporter J. S. Guiney wrote: "A nation which can so honestly show to all the world what is wrong with it, so clearly, so plainly, and so truthfully, this is the measure of this nation's greatness."

Thirdly, some critics would have had the presentation end on a more positive note: "There should be more of what we can do;" "There was not enough of the potential of the people and the creativeness of the individual." "Certainly we have grave problems here, that must be solved," a visitor from New York wrote, "but . . . there are great things to talk about that our country has achieved."

A Pennsylvanian wrote to the *Philadelphia Bulletin*: "Let the Commerce Department now . . . show the beauties of America which, through our own efforts, are not ruined. Let them show the majority of communities where people do care what happens to their neighbors. And point out very clearly the recent legislation and many constructive programs now in effect to help correct the wrongs we are well aware of."

On the other side, a majority saw the presentation and particularly the film as a statement of confidence in our ability to solve our problems. A New Yorker wrote, "I think this is the sort of courageous self-examination and celebration of our ideals and our failings which make up the reality of us (US). Having experienced four world's fairs, this is by far one of the most memorable experiences created under the enlightened patronage of the United States Government."

An Illinois family wrote: "It [the film] made us proud to be citizens of a country where the Government could trust the people to face reality, and to do something about the problems that beset this country."

Press comment included reviews by movie critics of two nationally distributed magazines. Joseph Morgenstern in *Newsweek* wrote: "'US' does not end on a note of triumph or leave you singing and wanting to skip rope as you leave the theatre. It reminds you of big bills coming due, of promises to be kept, and it was made by men who think they can be kept. . . . When a film like this can be made for a fair and shown to Americans in their Government's name, the element of hope survives."

In his weekly movie review in *Life*, Richard Schickel wrote: "'US' . . . is virtually without precedent in that new, highly specialized branch of cinema devoted to the creation of exposition attractions. Two qualities give it a special distinction.

The first is that unlike the films at Expo '67 and at the New York World's Fair, the content of this work is much more interesting than the technological inventiveness of its presentation—which is considerable. The other is that it is one of the very few films of any sort sponsored by a government—any government—that dares to criticize the nation whose taxpayers underwrote it. . . .

"The best thing about the picture is precisely the feeling of hope it engenders. Its makers have used the latest technologies to indict technology: the disease may carry the cure. They have displayed their faith in this nation by making a movie that assures us we can stand to see the truth about ourselves and will rise to the challenge of reordering our environment. In short, they have given us a testament of faith."

CHAPTER VII—A COURTHOUSE FOR SAN ANTONIO

Residual use of the buildings

Beginning in 1965 with the feasibility study for Federal participation in HemisFair '68, planning for a permanent end-use for the buildings went on simultaneously with development of the story-line and exhibits. Preparation for Federal pavilions at previous international expositions had not included

this type of early, detailed planning for optimum residual use of the facilities.

Proposals submitted by the various Federal agencies through the Interagency Committee included such possible Federal end-uses as an Army headquarters building, a Pan American museum, a post office, and a Federal records center. The study also took into consideration the plan for reuse of the HemisFair site approved by the city of San Antonio and the Urban Renewal Agency under which the area would be used after the fair as a municipal center with permanent convention facilities, city offices, and an educational and park facility.

Permanent buildings to remain on the site included a convention hall, theatre, and arena making up the Civic Center; the Tower of the Americas to be operated as a tourist attraction and restaurant; the Texas Pavilion to be a permanent educational center concerned with the State's history and culture; and an area of concessions, amusements, and restaurants.

The section of the fairgrounds where the U.S. Pavilion was located was designated for use as an educational and cultural center, although no restrictions were placed on use of Federal buildings and land. To assure maximum flexibility in residual use determination by the Federal Government, the city of San Antonio deeded to the United States the 4.595 acres of land on which the Federal pavilion was to be located.

After considering various proposals, the Interagency Committee voted to give highest priority to use of the pavilion as an educational facility or a general purpose office building. However, final decision was reserved until the resolution of other questions.

First, the provisions of the Federal Surplus Property & Administrative Services Act of 1949 require the exhaustion of all Federal requirements before a building can become available for state or local purposes. No Federal agency was then prepared to commit itself to its possible needs in the San Antonio area three years in advance.

The second difficulty was that a good exposition cannot be staged in a building designed for offices or classrooms and not planned to accommodate a heavy traffic flow and provide the necessary extensive, open exhibit space.

As an alternative, the initial design planning concentrated on buildings that could easily be converted to any form of residual use. The Deskey Assoc.'s Confluence Theatre plan envisaged doing the necessary subgrade work, excavation, and utilities work on the theatre to provide a building free from interior supporting columns and with sufficient structural strength in the foundation to permit conversion to a multi-story office building without altering the outside walls. A second one-story permanent structure was planned as an exhibit building which could have end-use as a "School of Tomorrow."

The final report of the House Foreign Affairs Committee which considered the Commerce feasibility study commended the Department and the interagency working group on the "serious attention given to the question of assuring maximum residual benefit from the U.S. Pavilion," and commented that "the new approach represents a solid advance over the traditional policy and should be further developed."

The Congress also added subsection 6(4) to Section 3 of Public Law 89–284 to provide that in the design and construction of the buildings, consideration "shall be given to their utility for governmental purposes, needs or other benefits following the close of the exposition."

Because of a subsequent reduction in funds available, the exhibits building was changed to a semi-permanent structure that needed only minor structural and architectural modifications to conform with local building safety codes and be classified as a permanent structure.

After the fair opened, interest in acquiring the building heightened and in September 1968 the Commerce Department prepared for the President a study evaluating various proposals, including one to locate the Inter-American Development Bank's headquarters in the Federal pavilion, and another for an Economic Development & Trade Promotion Center with special emphasis on export trade possibilities in Central and South America.

Neither proposal was accepted. It was concluded that the top priority for residual use should be for educational purposes.

As a part of the search for an appropriate end-use for the property, the Department of Commerce formed a team with the General Services Administration's Property Management & Disposal Service and the Department of Health, Education, & Welfare to coordinate investigations under the procedures for Government-owned surplus property disposal.

Special measures were taken at the close of the fair to maintain the buildings. After they were cleared and cleaned, the use of all utilities was reduced as much as possible. The projection equipment and flying walls were left intact for possible use by the next tenant, and precautions were taken to protect the equipment. A complete set of drawings and operations manuals was kept in one furnished office.

Early in 1970 the buildings were declared excess by the Department of Commerce to the General Services Administration. Following a poll of potential users, GSA conducted an architectural/engineering study to determine the feasibility of using the site for a new Federal Courthouse being planned for San Antonio.

On the basis of this study GSA concluded that the HemisFair site would be best for construction of the Courthouse and Federal Office Building originally planned for an alternate location. The Confluence Theatre building will be converted for use as a Courthouse and 3.1 acres adjacent to the pavilion will be required for the Federal Office Building. The Government will save about $1.5 million by using this site.

In announcing the selection, the GSA Administrator commented that the site is "a perfect choice considering the economies and is a very favorable location considering the needs of the people of San Antonio." It is estimated that architectural design will be completed by August 1971. Construction could begin in fiscal 1972.

Residual use of the film

An unexpected dividend of the popularity of the film "US" and of the widespread publicity it received was the number of requests from San Antonio and groups throughout the country to continue showing the film after the closing of HemisFair on October 6, 1968.

At the request of the Department of Education & Human Resources of San Antonio, the film, "US," was presented to largely student audiences on Nov. 9 and 10, 1968, at the time of the formal dedication of HemisFair Plaza, the post-fair public recreational and cultural center under municipal control. The Confluence Theatre was reopened for the third time for students on Nov. 15, 1968.

Letters were also received from individuals and educational and charitable groups in many parts of the United States asking to borrow the film for public showings. Since the film in its original form required three 35mm projectors for the opening sequence and three 70mm projectors for the cinerama effect on the large screen, it could not be shown anywhere in the country except the Confluence Theatre.

Consequently, it was converted to a single 70mm film with a special anamorphic projection lens to create a triple-screen image on one large screen. The film now can be shown in any theatre having a 70mm projector and a large Cinemascope or Todd AO screen and sound equipment.

The projection room equipment used at San Antonio, including the 70mm projectors, has been brought to Washington and loaned to the National Archives and the Smithsonian Institution. The cameras used in making the film also were turned over to the Smithsonian Institution on an indefinite loan basis and have been put to immediate use in their motion picture program. Other equipment also was given to the Interior Department to use at Ford's Theatre in Washington.

When "US" became available for public viewing, the Family of Man Foundation requested loan of the film, which it termed "the finest social commentary ever produced by the U.S. Government." As part of the Foundation's program for 1970, "Reconciliation in America," the film was to be the main attraction of an Interfaith Pavilion at state fairs and expositions throughout the United States.

Residual use of exhibits

Although the exhibits were not specifically planned for post-fair use, after the pavilion was closed they were dismantled and crated in reusable containers and packed so as to be easily reassembled. A catalog was prepared with specifications, drawings, photographs, valuations, and complete instructions on how to reassemble each exhibit item. A copy of the catalog was given to the GSA for circulation throughout the Federal Government and another provided to the Institute of Texan Cultures.

The exhibits were included in a "Festival of Folkways" display in Houston in 1969, which Houston students visited in conjunction with their classes in social studies and American history. The exhibits were also loaned to Oakland County, Michigan, for the County's 1970 Sesquicentennial celebration, and also to the Oklahoma State Fair.

Component parts from a number of exhibits that did not have use as exhibits were declared excess and several Government agencies, including an Office of Economic Opportunity training school in San Marcos, Texas, and a Houston branch of the Department of Agriculture, used some of them in their own programs.

CHAPTER VIII—A FINAL WORD

With the growing frequency of international expositions and the recent membership of the United States in the Bureau of International Expositions, the U.S. Government will increasingly become involved in such events. Therefore, it is worthwhile here to evaluate whether Federal participation in domestic, international expositions is in the national interest and whether the investment in a Federal pavilion yields an adequate return.

The Commerce Department, as the executive agency with extensive experience in and responsibility for the planning, development, and operation of United States participation in all recent international expositions held in the United States, has concluded that well-planned and organized expositions result in significant benefits.

They have proven to be opportunities for presentations of educational value, technological and architectural innovation, promotion of international understanding, and long-range economic and social assets to the region and the Nation. HemisFair '68 points up a number of these benefits.

First, as is substantiated by the chapter, "The Public Reacts," the presentation "Confluence, U.S.A." gave visitors an understanding of some of the forces which formed this

Nation, challenged them to become involved in some of the problems of the modern world, and at the same time captured their attention with the latest techniques in the communications art.

Second, the mechanical and cinematic features of the Confluence Theatre were examples of technological inventiveness. The use of retractable walls and screens to dramatize the film's message proved a most effective technique of presentation. Further, "US" took the multi-screen/multi-image film style a step forward by putting content on an equal footing with technique.

Third, the Federal Government was instrumental in the success of HemisFair '68 as a display of international friendship. Federal support for the plan was essential in obtaining the sanction of the Bureau of International Expositions, and Federal participation was significant in attracting foreign exhibitors and visitors.

The chance for every fairgoer to see cultural expressions of other nations contributed to an increase in international respect and understanding. This investment of time, effort, and financial resources in better relations and closer cooperation among the nations of the Western Hemisphere will continue to pay dividends for years to come.

Finally, the HemisFair experience reinforced previous evidence that successful expositions result in temporary and permanent economic and social benefits to the region and the Nation. The success of the Federal pavilion contributed to these lasting benefits.

William R. Sinkin, vice chairman of the HemisFair Board of Directors, called the fair ". . . culturally, economically, and politically the greatest single progressive force ever experienced by the community." Politically, the experience of HemisFair proved to the city that leaders with widely divergent political, economic, and ethnic backgrounds could work together toward a common goal.

A renaissance of cultural activity in San Antonio can be attributed to the impact of the fair and the availability of excellent facilities, including a new theatre for the performing arts on the HemisFair site.

Although the fair closed with a $7.4 million operating deficit, economic benefits to the region included the almost $500 million in new commercial construction, the 4,000 additional man-years in employment during fair construction and operation, the permanent increase in property tax revenues, visitor expenditures of $122 million, the dramatic rise in every business index over the previous year, and $750,000 in increased sales tax revenue to the city.

The economic impact extended to the State and the Nation through such effects as the visitor-induced addition to State gasoline and sales tax revenue and the favorable national balance of payments impact.

From nationwide publicity and advertising received by the fair came a new image of San Antonio as a thriving, vigorous city. Long-range benefits include attracting industry and diversifying the economy from its heavy dependence on Federal spending for local military and other installations. Of particular importance is the revitalization of downtown San Antonio, with HemisFair's heritage, a permanent educational and cultural civic center, replacing the former depressed area.

The permanent U.S. Pavilion will be an integral part of that civic center. The convention and arena facilities on the site, together with the 4,000 new hotel rooms available, are expected to spur the city's convention and tourist industries.

As a result of this experience, San Antonio may well prove to be a prototype for other American cities with the same problem of deteriorating areas in the heart of the city.

As a member of the Bureau of International Expositions, the U.S. Government will be called upon to enlarge its traditional role of exhibitor as at Century 21, the New York World's Fair, and HemisFair '68 and to make assessments of exposition proposals as a basis for determining Federal recognition and participation and for representing exposition sponsors before the Bureau.

The experience gained at HemisFair '68 by the Department's Exposition Staff in planning, constructing, and operating the Federal pavilion and in evaluating the requirements of a successful international exposition will be of great value as the United States Government assumes its expanded role. As was done for the first time at HemisFair '68, comprehensive studies of an exposition project should be prepared on which the Congress can base its decision on participation.

Guided by this model, such a package should include an analysis of the feasibility of Federal participation in an exposition and a proposal for the nature of that participation. This approach not only gives justification for the requested funds, but provides an orderly basis for Federal involvement before, during, and after the exposition.

Due to careful advance financial planning, the Federal pavilion at HemisFair was constructed well within appropriations with no requests for supplemental funds. It is anticipated that there will be a return of unused monies to the U.S. Treasury.

Planning for residual use was also important at HemisFair '68. From the earliest stages of Federal planning, design of the buildings for permanency was given equal emphasis with their use as a fair pavilion. The Department was able to follow through by working with other Government agencies and private groups to determine the final disposition of most benefit to the Government. An orderly working procedure was also adopted to make use of equipment from previous fairs and to inventory and make available equipment and exhibits for future use.

In mounting the Federal pavilion at HemisFair '68, the Department learned lessons it considers will be useful in future expositions. In closing, it is well worth recording a few of these experiences.

Waivers from certain statutory limitations on contracting, purchasing supplies and services, leasing buildings, printing, advertising, etc., were essential to expedite the design, construction, and furnishing of the Federal pavilion at HemisFair in view of the absolute deadline on such a project. Although limitations can be waived by Executive Order for fairs abroad, in the case of domestic international expositions they must be obtained by statutory waiver as they were in Public Law 89-685.

Another lesson was that substantial savings can be realized through the cooperation of industry in loaning or donating items to the pavilion. This kind of cooperation does not materialize on its own. Only with a well thought out approach will industry respond. HemisFair showed that the results of careful planning for sponsorship are well worth the effort.

It was also useful to organize all models, photographs, papers, drawings, and other material pertaining to Federal participation in HemisFair '68 in a chronicle file based on the content of the information rather than on the source or the form in which it was communicated. This proved essential in preparing this report and will make readily accessible a wealth of useful source material for future exposition planners.

In addition, the Department feels that rather than hiring a photographer on a job-to-job basis, one should be retained on a regular basis in order to assure complete coverage of all aspects of the pavilion. This kind of coverage is essential for maximum reuse of exhibits and other materials, for a meaningful report on the event, and for complete archives.

Although the complaint of a lack of sufficient time to complete a project is not new, it must be made again.

In mounting a pavilion at a world's fair, lead time becomes particularly acute. Opening day is an immutable deadline. The Federal pavilion at HemisFair '68 was mounted in only 58 weeks, in comparison to 130 weeks for the same operation at Century 21 in Seattle, 91 weeks at the New York World's Fair, and 104 weeks at Expo '67 in Montreal.

While a pavilion can be completed in such a short time, limited lead time presents serious drawbacks.

First, architects and designers are restricted in the design of buildings, exhibits, and films, for the less time they have, the less able they are to develop innovative and imaginative concepts.

Furthermore, the shorter the time available to meet the deadline, the greater overtime costs become. As opening day approaches, costs in and around the site rise sharply and competition with other participants for a limited labor force becomes acute.

And, as delays such as exceptionally bad weather and unexpected technical problems inevitably arise, the pressure for completion by opening day becomes even greater. While a fixed timetable for mounting a pavilion cannot be established, planners should bear in mind that for an exciting presentation of high quality—time is one of the most priceless commodities that can be appropriated.

IN THE NAME OF "PEACE" A CITY UNDER SEIGE

The SPEAKER. Under previous order of the House, the gentleman from Indiana (Mr. BRAY) is recognized for 15 minutes.

Mr. BRAY. Mr. Speaker, one might say the "bang" and "whimper" of the recent demonstrations in Washington came on Wednesday afternoon, May 5, and Thursday, May 6.

The "bang," the highwater mark of the seething mob action we had undergone, was carrying the Vietcong flag and presenting a nude male mascot to the doors of the U.S. House of Representatives, and demanding entry, with the declared goal of holding Congress hostage until a peoples peace treaty with North Vietnam had been signed—drafted in Hanoi—a $6,500 guaranteed annual income for a family of four was approved, and all political prisoners were released.

The "whimper" came on the following day, with a staggering, whining halt, as those not scooped up by mass arrests, or who had already been released from detention, lined up impatiently at Western Union offices to wire for or wait for money from Mom and Dad.

Almost 4 years ago, after the October 1967 march on the Pentagon, I noted that in effect the $1 million it cost the Government was actually tribute. And I also noted that we had indeed come a long way in this country since "Millions for defense, but not one damned penny for tribute" was hurled by Charles Pinckney in 1796.

Now, after almost 3 weeks of demonstrations in late April—early May, 3 weeks which saw "this community in a near state of seige," in the words of a

local judge, we find we have come even further. This time, by all present estimates—and the total bill can never be accurately totaled—the tribute paid by the citizens of the American Republic will go past the $5 million mark.

The Deputy Mayor of the District of Columbia estimates the cost at $2.5 million, but this is admittedly low. The November 1969 demonstration cost the District of Columbia government $688,714 for 2 days; now police operations alone for the near 3 weeks will run close to $5 million. Add to this damage to city property; $513,000 for the Department of the Interior, for pay to Park Police and damage to Federal property; 10,000 troops flown in plus the District of Columbia National Guard; loss of business to hotels counted at $250,000; a sharp drop in retail business—50 percent on April 24, alone; court and administrative costs handling an estimated 12,000 arrests, plus injuries to both police and protesters.

For whose benefit? Eric Sevareid, on his broadcast of May 5:

Nearly all of them were white and prosperous while a high percentage of the police who imposed order on them were black and relatively poor.

A letter to the editor of the Washington Post, on May 9, 1971, called them: "human trash and nonproductive, amoral element that assembled here in the name of 'peace'."

For the benefit of Rennie Davis, one of the "Chicago 7," he drives a Lincoln Continental and guided a major part of the protest activities while, in the words of Vice Chairman of the District of Columbia Council Sterling Tucker, in the Washington Star May 9:

Protesters overturned cars, punctured tires, turned streets into flaming garbage heaps and forcibly interfered with the rights and liberties of other citizens.

A lot of prominent persons are going to try to wriggle off the hook of responsibility for encouraging and condoning all of this. They are going to say that all they ever supported, in word and deed, was the Vietnam Veterans Against the War, and the April 24 rally; that they never expected anything like this.

The truth of the matter is, it was all tied together, right from the beginning, and there was never any secret about it.

Item: On Thursday, March 25, 1971, a joint press conference was held in Washington. There were representatives of the National Coalition for Peace and Justice, the Southern Christian Leadership Council, the National Welfare Rights Organization, and the Vietnam Veterans Against the War. Held in facilities belonging to a member of Women Strike for Peace, as the Washington Daily News reported on March 31:

Each took his turn explaining his group's April–May actions. Then, each endorsed the activities of the other groups and pledged personnel.

The April 24 rally was sponsored by the National Peace Action Coalition; 10 Senators and 29 Representatives endorsed or in some way supported this meeting. It was cosponsored by the PCPJ, the Rennie Davis group, and a flyer put out by NPAC said:

All who oppose the war are welcome in NPAC regardless of their other views and affiliations.

A sticker, pasted on elevator walls in the House Office Buildings, with the name of Peoples Coalition for Peace and Justice, embraced the dates April 24–May 5, and had the injunction "come to stay."

And at the April 24 rally itself, as reported in the Washington Post on April 25:

Some demonstrators carried large pictures of Russian revolutionary Leon Trotsky and Mao Tse-tung, Chairman of the China Communist Party. Others marched under the red banners of the Workers League, chanting "Down with Muskie and McGovern, build a Labor Party." Markers distributed "anti-facist revolution" handbills of the American Communist Workers Movement. The march followed a highly publicized encampment of about 1000 Vietnam war veterans. But it was just the beginning of two weeks of promised antiwar activities designed ultimately to snarl bureaucratic Washington and disrupt the government. Many of those who marched to the Capitol yesterday carried knapsacks and bedrolls and said they were prepared to stay. As they marched, other demonstrators circulated through the line of march, urging people to remain in Washington for the planned activities.

Much was written about Vietnam Veterans Against the War. But I only saw mentioned twice the following; first, from the Washington Daily News, April 24, a report commenting on the confession and discarding medals ceremonies:

Their confession dissolved into anger when one veteran, former Navy Lt. Melvin Stephens, who operated a riverine boat in Vietnam contended the Vietcong and North Vietnamese had slaughtered the innocents of war, too. He had seen the remains of a loaded school bus blown up by the terrorists. "I think the President sincerely wants to end the war," said Mr. Stephens to a chorus of boos.

And in the Washington Post, April 24:

Al Hubbard, a leader of the Vietnam Veterans encampment on the Mall, told a television reporter today that he had been posing as a former Air Force captain for three years to give more status to the antiwar movement. A reporter for the NBC "Today" show quoted Hubbard as saying under questioning that while in Vietnam he was actually a sergeant and flight engineer. Hubbard then explained: "We came to Washington to tell the truth and I've allowed this lie to continue because I recognize in this country that . . . it's very important that one has an image."

Smith Hempstone, in the Baltimore Sun, April 29, 1971, summed up things to the end of the April 24 rally:

A new breed is with us now and has been these past 10 days. They want an end to the war in Vietnam (who does not?). They want free abortions on demand, clean water, gay liberation, union lettuce, Nixon's political scalp, jam on Thursdays.

They want, they want. They want everything, these babies who were always picked up when they cried, and they offer so little aside from the spectacle of themselves clustered lemming-like in the streets.

Their spearhead was a group of about 1,200 Vietnam Veterans Against the War who put on demonstrations of their version of search-and-destroy missions, ending up by discarding their decorations. To this observer's knowledge, no reporter in this city of reporters made a serious effort to discover how many of the 1,200 actually had served in Vietnam or to validate the decorations they said they held.

Then came last Saturday's emote-in down Pennsylvania Avenue to the Capitol. There were the usual hirsute patriots carrying the flags of North Vietnam and the Vietcong, the placards of Mao Tse-tung and Leon Trotsky, chanting obscenities.

Finally, after five hours of rambling, repetitious speeches and folk music, the crowd of 200,000, largely white and young, trickled off to do its thing. Medical personnel were kept busy dealing with drunkenness and over-indulgence in narcotics. End of Phase Two.

I would also note that the April 24 demonstration was attacked by the official weekly newspaper of Vatican City—which has given the kind eye, as a rule, to past antiwar demonstrations—in these terms, on April 28:

No marches have been held in Peking, or Moscow, or even Hanoi; only in Washington, and this event, perhaps, constitutes the greatest "victory", military or political, achieved far from the war, a victory that no General Giap has managed to achieve in South Vietnam, or Cambodia, or Laos.

So those who chose to lie down with the dogs of April have no choice but to scratch at the fleas of May. Much was made of veterans throwing their medals at the Capitol; if General Giap gives out any medals for this march, would they wear them with pride? I wonder?

Then the city braced for the May Day "tribes." A May Day "tactical manual" being given out to potential demonstrators spelled it out quite clearly:

The aim of the Mayday actions is to raise the social cost of the war to a level unacceptable to America's rulers. To do this, we seek to create the specter of social chaos while maintaining the support or at least toleration of the broad masses of American people.

This was reported in the Washington Post April 22. Something called by its occupants "Peace City" began to grow up in West Potomac Park. Let us look at what "Peace City" was, and at its inhabitants. From the Washington Star, April 27:

In one group, a young woman stripped naked and danced around the blazing fire, wailing to an audience of wide-eyed young men. Goose-pimpled from the bitter wind, she finally gave up the dance and chant after about a half an hour. Others gathered in smaller groups huddled around a campfire, singing Buddhist chants, drinking wine and smoking marijuana. . . . A group of protesters attempted to hold a "town meeting." . . . Rennie Davis . . . told the assemblage that "what we are doing here is like a lightning bolt in Vietnam . . . it's not just this country that's going to be watching what we are doing, but the South Vietnamese as well."

And what was going on outside the city? From the Chicago Sun Times, April 28:

Senator Edward J. Gurney (R.-Fla.) . . . protested the appearance in his office of a group of homosexuals, members of the Gay

Liberation Front, who demanded an end to the Vietnam War and sought to "discuss equal rights for homosexuals." Gurney said, "It's not every day when you have men kissing each other in the Senate hallway . . . Some of the men were dressed like women. Long dresses and opaque panty hose was the most popular mode."

While the drug scene at "Peace City" increased; the Washington Post April 29:

At nearly every campfire, the demonstrators were buying, selling, begging, discussing and singing or arguing about drugs: marijuana, and hashish, LSD, speed and mescaline. In the three-day period before Tuesday midnight, the George Washington University Hospital reported treating 101 emergency room patients from the West Potomac encampment, about 40 of them drug-related cases . . . The campsite looked like this just before 2 a.m. Wednesday: at one end was a light show, with about 75 persons sitting in front of it and smoking pot. . . . And off to one side another group of about 50 had gathered around a group of drummers. At one point, they took up a rhythmic chant: "Heeeyyh, marijuan-ah!"

But to the inhabitants it was not all that bad; from the Washington Daily News, April 30:

"The Desolation Row Times," a mimeographed camp newspaper, cheerfully reports that "grass (marijuana) price seems now to be steadily at about $14 per ounce. Some excellent mish (apparently a form of highly refined marijuana) is available at $18 . . . Two joints got six of us stoned out of our heads this morning. Most dope here seems pretty good. LSD seems stabile (sic) at $1.50-$2 per hit, although some crooks are still going around offering stuff of average quality for $3-$4."

What kind of people were they? One story, in the Washington Star of April 30, mentioned:

Bill . . . who . . . was planning yesterday to hitch rides back to Boston to pick up the $300 allowance the father he never speaks to sends him every month.

An acquaintance of mine did tell me, with considerable amazement, what a shattering thing it was to see a $6,000 convertible filled with protesters shrieking "Power to the people."

A peace march? One of our colleagues, the gentleman from Missouri (Mr. ICHORD), attempted to set things straight, and told in the CONGRESSIONAL RECORD of April 29 what was really going on. He cited the incident of 34 U.S. Park Police officers and several park rangers, trying to protect the flags around the monument, who were driven inside the monument itself by a mob at 5:30 p.m. on April 24 and remained locked in until the morning of April 25. There was the $17,000 restroom trailer set afire on the Washington Monument grounds. There was vandalism of the monument itself: broken lights and heating meters, smashing of the spotlights, splintering the benches for campfires, trees chopped down for firewood, vandalizing of a Department of the Interior truck and overtime work by garbage and trash collection crews to haul away the debris. Property damage around the Washington Monument alone was almost $75,000.

"Peace City"? From the Washington Star, April 1:

As dawn broke, they continued to come in by the hundreds—armies of blue denim and khaki collegiates draped in American flags, high school students with their dates, professional "freaks" with their drugs and well-heeled agitators with pamphlets and newspapers. . . . Outside tents made of plastic or canvas or blankets, the "people" sing, chant, hum, rap, make love, smoke pot or drink wine. . . . In peace city there are sites for homosexuals and lesbians, a women's section, a place for people from Ohio and another for Vietnam veterans, a tent for active duty GIs. . . . Among the most persistent problems has been finding wood for their campfires. The demonstrators have from time to time, used the fragant cherry wood from Japanese cherry trees ringing the tidal basin as firewood. . . . "You know, man, this thing is really coming together now. . . . Earlier in the week, it looked like it was all coming apart, but now we're looking like a real city—like a real Peace City, man."

At dawn on Sunday, May 2, the police moved in on Peace City. This was the scene, as described in the Washington Post, May 3:

At dawn's light yesterday, about 45,000 people were dancing, smiling, nodding their heads to music, making love, drinking wine and smoking pot. . . . The night had brought the bad drug trips, stretchers and ambulances, that were familiar sights for those who had been present earlier in the week. There were also warnings from the stage of the rock concert that there had been rape attempts against some of "your sisters." . . . Everything that was combustible had been used as firewood: construction materials, shrubs and bushes, snow fences, wooden shacks, park benches. Slogans in red and blue paint covered construction equipment, fences and parts of monuments, proclaiming revolution, demanding peace, denouncing the president.

It seems now that the greater bulk of the 45,000 left for home. But those that did stay?

From the Washington Post, May 4:

Demonstrators overturned a tractor-trailer rig at 8:30 a.m. . . . formed human chains across the streets . . . others dragged sign posts, furniture, trash cans and concrete slabs into the streets. Nails were strewn on several streets and air was released from many auto tires. Several occupied cars were overturned throughout the city. At least one was burned. Another tactic used by the demonstrators was to drag or lift parked light-weight cars into the middle of intersections. Demonstrators also stopped a number of motorists and disabled their cars by ripping the distributor caps from their engines.

The reaction of one writer, living in Georgetown; the same day, in the Post:

I have been variously frightened, angered, saddened, shocked, amused (the "gay" contingent up the street would embrace one another after lifting each car into the roadway) reassured and unstrung.

The police? Overworked to the point one could not believe; the Christian Science Monitor reported on May 7 that—

Police have been taxed by the duration and persistence of the past week's demonstrations (preceded by two additional weeks of protests) perhaps more than by any previous anti-war events. One member of the District's civil-disturbance unit, leaning exhausted against a tree near the Department of Justice at 5 p.m. Tuesday May 4, related that he had put in 24 hours duty Sunday, May 2; 17 on Monday, May 3; and had been up at 2:30 a.m. May 4 to go on duty at 4 a.m.

Then the arrests began, by the thousands. Former Supreme Court Justice Arthur Goldberg once said; that

While the Constitution protects against the invasion of individual rights, it is not a suicide pact.

Some of the demonstrators seemed to take a perverse thrill in the mass arrests; from the Washington Star May 9:

The activists, far from bemoaning the terrible toll of their troops, were ecstatic. "Just imagine," breathed a 19-year-old boy with matted hair . . . "seven thousand prisoners. Isn't that fantastic?"

What was their motivation? We know, at least in part; some of them admitted to a U.S. Senator that they had discussed their plans with Mrs. Nguyen Thi Binh, Vietcong representative at the Paris peace talks, and she was familiar with them.

Individual citizens fought back. From the Washington Post, May 4:

At least two places . . . men got out of their vehicles and started moving toward the demonstrators waving links of heavy chain. In both cases they were turned away by police. In Georgetown, one man saw a group of demonstrators rocking his car parked at a corner. He rushed up, yelling for them to leave his car alone. They didn't stop. He called out one more time. Then he threw a right cross to the chin of one of the protesters. The protester fell to the street. The others fled.

The climax came on Wednesday, May 5, with a march on Capitol Hill. The objective? The Washington Star, May 5:

Dissidents say their aim to is to "hold Congress hostage" until both the House and Senate ratify a peace treaty with the North Vietnamese, establish a $6500 guaranteed annual income for a family of four, and free "all political prisoners."

The end result? A shrieking rabble, swept into buses and carted off under arrest, with little more to show for it than one young man stripping stark naked on the House steps. A Member of the U.S. Senate, qualifying as a liberal in every respect, was to say angrily one day later to a luncheon meeting that—

Today the liberal coalition in the Senate is a prisoner of the foolish and useless acts of the Mayday group.

How true. So are they all, the 10 Senators and 29 Members of the House who first gave endorsement to the whole thing.

Curiously enough, I must mention it here, in all the cries about repression and the urging to free political prisoners, I would have thought that one banner would have been raised, one speech given, one slogan chanted, for eight young Vietnamese, now serving prison terms ranging from 4 months to 15 years. According to Hanoi—for they were North Vietnamese—

They slandered our society, saying that there was no freedom and that in our society there was no room for artists to flourish. They seduced our youths with strange, fantastic, remote and abstract dreams of completely reactionary content. And finally they induced youths dreaming of an American or a Saigon life-style to oppose our regime and to avoid the labor task and military obligation.

What had they done to deserve this? Formed themselves into a band to play Western-style rock music; hunted out smuggled records, wrote down words and music of pre-war songs heard over U.S. and Saigon radio stations, and taught them to each other.

This story had to be told in its own words, from those on the scene, who reported it, and from those who took part. Do they deserve your sympathy, from what has been recounted here? Do they want it? Let them answer; a Washington Post reporter spent 10 hours at the Washington Coliseum on Tuesday, May 4, where demonstrators had been held; from his account, in the May 8 Post:

> Not all of the prisoners are convinced that conditions are terrible. I am approached by a couple who met during detention. . . . The girl, a freshman at a college in New York State: "Everyone's giving you the rap about how we're poor, innocent bystanders, poor little white people. What we're saying, man, is that we weren't just wandering around Washington—we came here because there's a war going on. Now we're getting all this sympathy from liberal senators."
>
> The youth, a high school dropout and Vista volunteer in Wisconsin: "Too many times it comes out that we're just innocent kids and don't know what we're doing. It was a conspiracy, with the purpose of stopping the war. If these people didn't know what it was going to be, then why were they here in Washington?"

They do plan to return. Rennie Davis said:

> This demonstration was only the beginning. We are coming back to do this again. If Richard Nixon thought this week was hot, wait until next time.

Next time? Well, for one thing, next time we do not need the spectacle of lawyers from the federally financed Neighborhood Legal Services in Washington offering free legal counsel. NLS gets $1,125,844 this year; as one column asked:

> Should a program intended to help poor people be turned into a legal relief program for political dissenters, mainly middle class, accused of breaking the law?

Another observation, worth noting. On May 11, the U.S. Civil Rights Commission took the administration to task, saying we will degenerate into a "divided nation with all kinds of civil disorder" unless there is a new commitment to civil rights from everyone, including President Nixon.

Whatever else this Commission was doing, it was not reading the papers and paying attention to what was going on in Washington. On the same day, in the Baltimore Sun, Ernest B. Furgurson was to write in his column that:

> Here in the blackest big city in our country, the blacks observed a nearly total boycott of the marching and disrupting . . . most of the black men present were not being arrested but instead were in police uniforms, doing the busting. . . . Black people were voting and winning elections, disdaining the "politics of protest" for the politics of reality.

The American taxpayer—who will pay for this demonstration, as he has paid for the last ones, and will pay for those in the future—should, I felt, have a bit closer look at the type of people he is subsidizing. For, hiding in back of the compassionate-sounding "peace" committees and organizations, in ignoble contrast to their high-sounding slogans, is nothing less than mob philosophy and mob action. And this mob, once its pretensions are stripped away, is rapidly and readily shown to be composed to a great degree of persons who take their democracy from the Gestapo, their love and kindness from Joseph Stalin, their politics from Mao Tse-tung, their literature and speech from outhouse walls, their idea of cleanliness from the gutter, their morals from alley cats, and their money from daddy.

And these people are put forward to the American taxpayer as fine examples of concerned youth. They are catered to, bowed to, flattered, scraped before, idealized, huckstered as saviors of the American Republic, and touted as heralds of the new generation of peace, sweetness, light and idealism.

In reality, they are riding high on a cycle of self-induced and self-imposed hatred. This spectacle, relatively new to our country, is not at all unknown in the past. Over a century ago, in his novel "The Possessed," Russia's great novelist Dostoyevsky has one of his characters say the following, in describing the philosophy of young anarchists:

> We don't want education. We have had enough science . . . The thing we want is obedience . . . The desire for education is an aristocratic desire. The moment a man falls in love or has the desire for private property, we will destroy that desire; we'll resort to unheard of depravity; we shall smother every genius in infancy.

"Unheard-of depravity" is indeed a fitting description for this chamber of horrors in which these people choose to swinishly wallow. What kind of "power," we might ask, should go to what kind of "people," when such "power" is trumpeted by such "people" who freely choose to spend their existence in a tangled swamp of alcohol, dope, theft, filth, vandalism, squalor, nudity—singular and mass—casual couplings, rape and general all-around rejection of and contempt for every social value known to humankind? This cannot remotely be glossed over, nor explained away, nor excused, with the thin veneer of "peace." I can only marvel at the ridiculous posturing and contortions of those who give tacit support and endorsement to such persons. This demands moral prostitution to a degree seldom seen, and impossible to understand. If there was ever any reason for anyone to question the judgment inherent in the American political process, it is here, when persons actively part of this process demean their office and their status by their continuous simpering over these fine examples of humanity.

Now, there were some highly redeeming features of this 3 weeks of which I have written. In sharp contrast to the hideous irresponsibility shown by those who profess a "concern for peace," there was the simple yet all-important matter of the ordinary people of Washington, D.C., who showed a concern for getting their jobs done, and proceeded to do just that, without being intimidated.

This consisted of many things. Patiently sitting sometimes for hours in lines of stalled traffic, on the way to work, while police cleared protesters from freeways and intersections and bridges, at times getting a good whiff of tear gas that floated their way; having to stumble over sit-ins at the entrances to their office buildings—or be literally dragged by guards over the heads of demonstrators blocking doorways; incidentally, the Civil Service Commission later reported that absenteeism and tardiness were actually at an all-time low for those days. In brief, then, the Government of the United States did not stop, and this is an indication it will not be stopped.

For these working people who keep it functioning know that the process of Government is many things. There cannot ever be a selective halt, imposed on any one branch, or agency. The simple-minded naivete of the demonstrators operated on the sole premise that all Government does is make war. Government's overall duty and responsibility is to function to try its best to guarantee all of us, at all times, the right to "life, liberty, and the pursuit of happiness." If there is a slogan ever in the minds of Government workers—or for that matter, any worker—I believe that would be it. And in so holding to this aim, your average worker, who has his or her job, and gets to it, and does it, is showing and living up to civic and social responsibility to the highest degree.

The law enforcement agencies operated to a high degree of courage, resoluteness, determination, and practically tireless efficiency. From what went on, it would seem that breaking up mobs that threaten to disrupt a city has now been honed and whetted down to a fine and precise science. But the best of plans and theories cannot function without the support of the men who must carry them out, be it moving shoulder-to-shoulder across West Potomac Park to clear out the last of the stragglers, or operating alone, having gone without rest for possibly 24 hours, to clear an intersection. No shots were fired; no one was killed. And for the complaints that some presumably innocent bystanders were swept up with the rest, I give you Mr. James J. Kilpatrick's remark:

> In high seas, it is hard to guarantee all passengers dry socks.

Quite true; the first thing to do is bring the ship to port safely. And this is just what was done.

These things I have just mentioned still stand between the existence of our Republic and the theme of the directors of this past demonstration, as well as all other anti-American elements operating with it. The theme, of course, is naked hatred—of family, schools, home, and everything which generations of Americans have been taught our country stands for. The deluding cry of "power to the people" is a naked, living lie. It has been sounded over the ages and by every

tyrant in this century. It is trumpeted as the prelude to peace and justice for all, when in reality it is the forerunner of destruction of democracy, and installation of dictatorship of the elite—a self-appointed, nonworking elite, which would retain its power, once gained, by imposition of slavery sustained by brutal armed force.

To be sure, we do have within our Republic those who would put their hands around the national throat, and throttle the Republic until its breath of life is gone. They were not only in the mobs that swept through Washington. They are also found among petty, self-seeking men, in both private and public life. They never stop to think, in the midst of their frantic shrieks to the mob, that it is they who have missed the mainsteram of our country, and failed to notice the strength and greatness of its people.

It is they who are outside the current of American life. I leave the decision to welcome them back to the individual conscience of each citizen.

LEGISLATION DEALING WITH NATIONWIDE TRANSPORTATION STRIKES

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY) is recognized for 30 minutes.

Mr. HARVEY. Mr. Speaker, the threatened nationwide strike by the railroad signalmen's union for Monday morning next imperils once again the country's vital transportation artery. Once more the eyes of the citizens of this Nation will focus upon the legislative and executive branches as we face the possibility of enacting hurried preventative measures, which at best can be termed temporary remedies.

It is ironic that this Congress has not enacted legislation to deal effectively with crippling transportation strikes. And it is ironic that once more we will, in all probability, be forced—out of sheer necessity—into some type of action to keep the railroads operating, thereby assuring the orderly movement of essential goods so necessary to the economic fiber and well-being of the United States.

Those of us in the 91st Congress recall the hectic days of last December when this great body was, in actuality, forced to take last-minute action to avert a crippling nationwide rail strike.

Yet, here we are again—barely 5 months later. A serious rail strike looms on the horizon and stares us squarely in the face. And, the unfortunate thing is that we are no better prepared, legislatively, to cope with this shutdown of the railroads—and the serious economic consequences that this portends—than we were last year, or the year before that.

It is interesting to note that since 1963, the Congress has been forced to act seven times to prevent strikes in the railroad industry. These 11th-hour legislative actions have been necessary to remove the threat of a crippling nationwide rail shut down. Unfortunately, each of these congressional actions was necessary because no effective permanent mechanism existed to settle national emergency disputes. Two laws—Taft-Hartley and the Railway Labor Act—currently provide the President with authority to forestall labor disputes before they threaten the national economy. Neither provides a mechanism that will guarantee a settlement; whenever the limited mechanisms of these laws are exhausted, a strike is permitted or Congress must act. Clearly, we need legislation that will assure an equitable settlement without, as has been the case in the railroad industry, requiring Congress to intervene for the public welfare in individual disputes.

The distinguished House Interstate and Foreign Commerce Committee now has before it several proposals that would amend current law in ways that would deal more effectively with national labor disputes. The Nixon administration has presented a very thoughtful and complete proposal for the entire transportation industry. The administration bill effectively repeals the Railway Labor Act insofar as major disputes are concerned and places rail and air carriers with the other transportation industries under Taft-Hartley. It then amends the Taft-Hartley emergency strike provisions to provide the President with three courses of action. After an 80-day injunction, the President could either invoke an additional 30-day cooling-off period for collective bargaining, create a three-man panel to administer a period of partial operation, or direct the involved parties to submit final offers for selection by a neutral panel. Once the President chooses one of his three alternatives, he would not be able to alter it in any way, nor would he be able to combine two or more of the individual options.

The proposal that has the strongest support of organized labor would amend the Railway Labor Act to permit selective strikes and prohibit lockouts as a management response to these selective strikes. Many supporters of this approach feel that selective strikes in the railroad industry would restore the economic pressure that is necessary for rapid and favorable settlements of disputes. This proposal must be considered in the context of the recent decision by the U.S. Court of Appeals for the District of Columbia Circuit permitting selective strikes under RLA. Any legislation passed by the House should take this decision into consideration.

Another bill is one introduced by my good friend and colleague, the gentleman from Texas (Mr. PICKLE), which would amend the RLA to permit three Presidential actions. The first would create a special board to select a "final and binding" settlement for a period of 2 years. The second would allow the President to direct the Secretary of Commerce to take possession of and operate the railroads until a settlement was reached or for a period of 2 years. Finally, the President could send recommendations to Congress for legislation. As in the administration's bill, the President must choose one and only one of these three options.

It is obvious that this Congress, with such varied proposals to settle emergency rail disputes now before it, must find an equitable and effective compromise position. We must preserve the right of labor to strike and at the same time accomplish the main purpose of the administration's proposed legislation—to guard the public interest. After several months of careful study, I am now proposing legislation that will effect the compromise so urgently needed by providing the President with the proper mechanisms for dealing with emergency rail disputes. The bill that I am about to introduce will have three major purposes. It will encourage the maximum degree of reliance on the principles of collective bargaining for the settlement of labor-management disputes. It also will protect the public interest by providing equitable procedures for settling those labor-management disputes which threaten the well-being of the Nation. And finally, it will provide mechanisms that will eliminate the need for 11th-hour legislation by the Congress.

First, I propose that the Railway Labor Act be retained as the statutory source for resolving major rail and air disputes. The entire body of administrative practices, mediation services, procedural precedents and judicial rulings which has been built up over 45 years is too valuable to discard lightly. It is my conviction that RLA and Taft-Hartley can be amended separately to provide the most effective measures for their respective industries. If and when national disputes in other segments of the transportation industry require congressional attention, the Taft-Hartley law can be easily amended along the lines of this present bill.

One of the major disadvantages of current law as well as all other proposals is their inflexibility. Under both the administration's amendments and the Pickle bill, the President would have his choice of three options, but he could not alter or combine them in any way. My proposal, however, by providing the President not only with a choice but with the ability as well to combine sequentially any of three courses of action, would provide needed administrative flexibility. Since each dispute is unique, the President would be free to combine the mechanisms in any sequence best suited for the particular situation. By thus effectively increasing the options, my proposal establishes a new and desirable degree of uncertainty of governmental action; the need for this uncertainty is widely accepted as necessary to restore the desire of the disputing parties to settle their differences through real collective bargaining efforts.

One course of action open to the President under my proposal would be to permit selective strikes. Unless the President finds that the national health and safety would be imperiled, the unions would be free to strike selected carriers, subject to certain limitations. To avoid imposing severe economic hardships on a region or regions of the country, the number of carriers or groups of such carriers that may be currently struck is limited in my bill to two in each region. In addition,

the total revenue-ton miles carried by the srtuck carriers in each region cannot exceed 20 percent of the regional total. If, however, only one carrier is struck in any one region, the revenue ton-mile limitation is not applicable in that region. A further limitation is placed on the selective strikes in that, if such a strike is judged to jeopardize the national health or safety because of the curtailment of essential goods and services, the Secretary of Transportation is empowered to order the unions to perform those vital services.

If the selective strike yields a settlement, all other carriers are to be offered the opportunity of signing an identical contract. Should any carrier reject the settlement, the employees affected by the dispute may selectively strike that carrier, subject, of course, to the above mentioned limitations. In this manner, my proposal eliminates the practice of "whipsawing" and assures an equitable settlement for all concerned parties.

A second alternative for the President to follow would be the invoking of final offer selection. Each concerned party would be required to submit one sealed final offer and one sealed alternative to an impartial panel, which would have 30 days to select the most reasonable offer. The panel would not be able to alter the final offers in any way, and the one selected would be final and binding on all parties. The objective here is to induce the parties to present their best offers, and to avoid the tendency to maximize their differences which compulsory arbitration so often encourages. Final offer selection, as proposed by the administration, holds the promise of providing a new and highly effective impetus to real collective bargaining. It also provides the most equitable way yet proposed to protect the public welfare while resolving important national disputes.

The third course of action would allow the President to call for an additional 30-day cooling-off period. During this time, the parties would continue their collective bargaining efforts with mediation. This alternative provides the President with time and flexibility, should last-minute collective bargaining negotiations need a few more hours or days before producing acceptable agreements.

My proposal provides the President with what I consider to be the best of the current and proposed mechanisms to handle emergency rail and air disputes; selective strikes, final offer selection, and a 30-day cooling-off period. If the President did not feel the mechanism he selected was accomplishing the desired results after a reasonable period of time, he would be free to use another of the mechanisms. For example, the President might find that he could permit selective strikes, but could then reverse that action if it became apparent that the public interest was being substantially harmed. Alternatively, he might decide that a 30-day cooling-off period would bring the parties together. If that failed, he would then have the option of requiring final offer selection.

In any case, because the President would always have the option if necessary of invoking final offer selection regardless of what his previous actions had been, Congress would never face the need for emergency legislation. The introduction of my bill offers the House Interstate and Foreign Commerce Committee and this Congress a compromise. I believe that through this compromise will come a solution to 11th-hour emergency rail strike legislation. By combining those mechanisms that I consider to be the most effective and most equitable for settling emergency rail disputes, my proposal will serve the best interests not only of this Congress but also the entire Nation.

The proposed bill follows:

H.R. 8385

A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Railway Labor Act (45 U.S.C. 160) is amended to read as follows:

"EMERGENCY PROCEDURES

"SEC. 10. If a dispute between a carrier and its employees be not adjusted under the foregoing provisions of this Act and should, in the judgment of the Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the Mediation Board shall notify the President, who may thereupon, in his discretion, invoke the procedures provided in title III of this Act by notification to the parties concerned and to the National Mediation Board. Upon such notification by the President, and for sixty days thereafter, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose.".

SEC. 2. The Railway Labor Act is amended by adding at the end thereof the following new title:

"TITLE III

"SEC. 301. Upon notification by the President of the invocation of the procedures of this title as provided in section 10 of this Act, the National Mediation Board shall, within 30 days, recommend to the President specific actions under this title which it deems most appropriate to the settlement of the dispute and the protection of the public interest. Such recommendations shall not be made public, nor shall they be disclosed in whole or in part to the parties concerned in the dispute. During subsequent proceedings under this title, the National Mediation Board shall, at any time it deems desirable or at the request of the President, submit additional procedural recommendations to the President for his consideration. Such additional recommendations shall not be made public nor disclosed in any way to the parties concerned in the dispute. No recommendations made under this section shall be binding on the President.

"SEC. 302. During the sixty-day period provided in section 10 of title I of this Act, the President may, in his discretion, create a board to investigate and report respecting such dispute. The report of the board shall include substantive recommendations for agreements between the parties to the dispute. The President shall transmit such recommendations to the parties, and may make such recommendations public if he so desires. Such board shall be composed of such number of persons as the President may deem desirable. No member of the board shall be pecuniarily or otherwise interested in any organization of employees or any carrier. The compensation of the members of any such board shall be fixed by the President. Such board shall be created separately in each instance and it shall investigate promptly the facts as to the dispute and make a report thereon to the President within the sixty-day period referred to in section 70 of title I of this Act. There is authorized to be appropriated such sums as may be necessary for the expenses of such board, including the compensation and the necessary traveling expenses and expenses actually incurred for subsistence, of the members of the board. All expenditures of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

"SEC. 303. If, at the end of the sixty-day period referred to in section 10 of title I of this Act, no agreement has been reached by the parties to the dispute, and if the President finds that the dispute threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, he shall proceed under the provisions of sections 305, 306 or 307 of this title. Until final agreement to the dispute is reached, the President shall continue to proceed under these sections in such sequence as he may deem appropriate, except that he shall proceed initially under the provisions of section 306 unless he finds that the national health and safety would thereby be immediately imperiled.

"SEC. 304. The provisions of sections 305, 306 and 307 of this title shall apply immediately upon the President's announcement in each instance. However, if the provisions of either section 305 or 307 are selected by the President while any selective strikes are in progress under section 306, those strikes shall be terminated within two days after such selection, and the provisions of section 305 or 307 will apply immediately following such two day period.

"ADDITIONAL COOLING-OFF PERIOD

"SEC. 305. If the President elects to proceed under the provisions of this section, he shall direct the parties to the controversy to refrain for a period of not more than thirty days from making any changes, except by agreement, in the terms and conditions of employment which were in effect at the time of the President's notification invoking the provisions of title III of this Act. During such period the parties shall continue to bargain collectively, and the National Mediation Board shall continue to mediate the dispute.

"SELECTIVE STRIKES

"SEC. 306. (a) If the President elects to proceed under the provisions of this section, the employees affected by the dispute may, after notice of not less than 10 days to the carriers concerned, selectively strike, subject to the limitations and obligations of partial operation imposed by subsection (b) of this section, any of the carriers or carrier systems to whom such proposal was directed without concurrently striking other carriers to whom such proposal was also directed and who may have been jointly or concurrently involved with the struck carrier or carriers in the previous handling of the dispute under this Act. For the purposes of this section a strike shall be a 'selective' strike if not more than two such carriers or groups of such carriers operating in a system in any one of the eastern, the western, or the southeastern regions are concurrently struck and the aggregate revenue ton miles transported by all such carriers in any one region who are concurrently struck did not in the preceding calendar year exceed 20 per centum

of the total revenue ton miles transported by all carriers in such region in such year. If only one carrier is struck in any one region, the revenue ton mile limitation shall not apply in that region. The eastern, the western, and the southeastern regions as used in this subsection mean, respectively, the carriers represented by the Eastern, Western, and the Southeastern Carriers' Conference Committees and any other carriers operating in the territories in which such carriers respectively operate.

"(b) Whenever a selective strike or a strike of any combination of carriers occurs, such carrier or carriers and representative or representatives of the employees on strike shall provide service and transportation for such persons and commodities as may be directed by the Secretary of Transportation pursuant to the provisions of this subsection. Such service and transportation shall be provided pursuant to the rates of pay, rules and working conditions of existing agreements. The Secretary of Transportation, after consultation with the Secretary of Defense and the Secretary of Labor, shall determine the extent to which services and transportation of any struck carrier or carriers are essential to the national health or safety, including but not necessarily limited to, transportation of all defense materials, coal for the generation of electricity, and the continued operation of passenger trains, including commuter service. Such determination shall be made on the basis of facts known to the Department of Transportation, shall be made in writing, shall be based on the findings of facts stated in the determination, and shall be conclusive unless shown to be arbitrary or capricious.

"(c) Whenever the President has proceeded under the provisions of this section, it shall be unlawful for any carrier to lock out any craft or class of its employees, or any segment of any such class or craft, or in any manner to diminish its transportation service in consequence of any dispute subject to this section unless such carrier is caused to diminish such service by a strike of all or some portion of its employees, and then only as permitted by applicable agreements and in accordance with the notice and other provisions of such agreements.

"(d) In any dispute subject to the provisions of this section, any agreements affecting rates of pay, rules, or working conditions between the employees or their representatives and any carriers which have been struck under this section shall be immediately offered jointly, without change, to all carriers who have been jointly or concurrently involved in the previous handling of the dispute under this Act. If all such carriers do not, within ten days after any such offer, jointly accept such agreements without change, the agreements shall be then offered, individually, to each such carrier. If any such carrier does not, within ten days after having received such individual offer, individually accept such agreements without change, the employees affected by the dispute may selectively strike such carrier, subject to the limitations specified in subsection (a) of this section.

"(e) In the event that separate disputes within a single industry are simultaneously subject to this section, the limitations provided in subsection (a) and subsection (b) of this section shall apply jointly to all selective strikes within that industry.

"FINAL OFFER SELECTION

"SEC. 307. (a) If the President elects to proceed under the provisions of this section, he shall direct each party to submit a sealed final offer to the Secretary of Labor within five days. Each party may at the same time submit one alternative sealed final offer. If any party refuses to submit a final offer, the last offer made by such party during previous bargaining shall be deemed that party's final offer, and shall be prepared, sealed and submitted to the Secretary by the National Mediation Board. Any offer submitted by a party pursuant to this section must resolve all the issues involved in the dispute.

"(b) The parties may, within ten days after the President has proceeded under the provisions of this section, select a three-member panel to act as the final offer selector. If the parties are unable to agree on the composition of the panel, the President shall select the panel.

"(c) The provisions of section 302 of title III of this Act shall apply to the panel.

"(d) The panel shall immediately upon its selection, conduct an informal hearing in which it may direct either party or the Government to provide any relevant information regarding the dispute or the factors referred to in subsection (e) of this section.

"(e) Thirty days after the selection of the panel, if no complete agreement has been reached by the parties, the Secretary shall transmit to the panel the sealed final offers, and the panel shall select within five days, the most reasonable, in its judgment, of those final offers. The party which submitted the final offer selected by the panel shall not be identified by the panel, and the remaining final offers shall not be disclosed in any way, and shall be returned to the parties. The panel may take into acocunt the following factors:

"(1) past collective bargaining contracts between the parties including the bargaining that led up to such contracts;

"(2) comparison of wages, hours and conditions of employment of the employees involved, with wages, hours and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

"(3) comparison of wages, hours and conditions of employment as reflected in industries in general, and in the same or similar industry;

"(4) security and tenure of employment with due regard for the effect of technological changes on manning practices or on the utilization of particular occupations; and

"(5) the public interest, and any other factors normally considered in the determination of wages, hours and conditions of employment.

(f) The panel shall not compromise nor alter the final offer that it selects. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining in the particular dispute, including offers of settlement not contained in the final offers.

"(g) During the period commencing when the President has proceeded under the provisions of this section, the parties are directed to undertake collective bargaining in good faith under the auspices of the National Mediation Board. If, before the panel has announced its selection of a final offer, any complete agreement is reached concerning the issues under dispute, notwithstanding the final offers submitted in accordance with this section, then the provisions of this section no longer apply, the final offers will be returned to the parties without being disclosed in any way, and the agreements reached will be considered final and binding.

"(h) From the time the President proceeds under the provisions of this section, until the panel selects the final offer it judges most reasonable or until agreement is reached between the parties under subsection (g), no changes shall be made in the terms and conditions of employment which were in effect at the time of the President's notification invoking the provisions of title III of this Act.

YEAR-AROUND SHIPPING SEASON ON THE GREAT LAKES

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. RUPPE) is recognized for 10 minutes.

Mr. RUPPE. Mr. Speaker, for generations, shippers and economists with an interest in the Midwest have dreamed of shipping year around in the Great Lakes. Now, after years of study and significant advances in technology, the prospect of a 12-month shipping season on the Great Lakes is approaching reality.

A major step in realizing this goal was the demonstration project launched by Government and private industry to extend the Great Lakes navigation season from 8 months to 10 months during the winter of 1970–71. The project, by all indications, was a great success. Now, the budget for the 1971–72 demonstration shipping project is well under discussion.

President Nixon has requested $300,000 for the project. The Michigan Chamber of Commerce has called for a Federal expenditure of $1,500,000. The Michigan chamber request is fully backed by our distinguished colleague, the Honorable JOHN BLATNIK, of Minnesota, chairman of the Committee on Public Works. Representative BLATNIK has, in fact, set the demonstration program capability for succeeding fiscal years 1972–74 at $6,535,000. Once the feasibility study is complete, and if the program is deemed desirable, we will then need to consider relatively large Federal outlays for ice control systems, icebreakers, channel, and harbor improvements, winter navigation aids, lock improvements, and more. I have seen no estimate on what the total cost is expected to be, but we can be sure it will be in the scores of millions.

Thus, before we plunge headlong into a commitment that is irrevocable, the time is here to take a long, practical look at the 1971–72 project. If, in our enthusiasm for year-round navigation, we fail to raise the critical questions this year, we may never again have the opportunity. I want today to raise some of those basic underlying questions that I do not feel have been properly explored to date. I strongly feel that those questions must become a part of the 1971–72 demonstration project. I do not want these remarks in any way to be construed as opposition to the extended shipping concept. They are not.

Just about 1 year ago, Henry Benford, chairman of the department of naval architecture at the University of Michigan, raised the kinds of questions I am talking about in a paper entitled "Winter Navigation in the Baltic—Lesson for the Great Lakes?" Wrote Benford:

Most of us would agree that the problem is not whether we should extend the season, but how. There are political factors, managerial factors, ecological factors, and technological factors that must be integrated if we are to do the job in the most effective way. How much of the cost should be borne by the government and how much by the shipowners? Is 12-month operation truly feasible, or would some shorter period be more beneficial? Can we divert ice jams to

areas clear of shipping channels? Many such problems remain to be studied. Some can be solved through research; others will require full-scale development.

The problems, though formidable, are not insurmountable and the rewards are great. What the approach will be remains to be seen.

While 1 year of practical experience has given us a better grasp of some of the technological problems, most of the questions posed by Professor Benford remain unanswered. I would like to discuss briefly some of those unanswered questions.

First, let us look at the question of the cost to the taxpayer and his return on the investment. As I have already suggested there is no doubt that the cost to the taxpayer of extended shipping will be enormous. The Coast Guard, the Maritime Administration, the Weather Bureau, and other agencies of the Department of Commerce and Transportation presently do not have the capability to support 12 months of shipping on the Great Lakes. A great deal of technology and equipment will have to be made available before year-round shipping is a reality. A complicated system for dissemination of information on ice movement and formation will have to be established—although considerable progress is being made in that direction. Construction of additional Coast Guard icebreaking ships may be necessary. Beyond that, the initial and continuing costs of planning and management, environmental control agency coordina- To my knowledge, no estimates of permanent costs beyond 1976 have been attempted. Only with such an estimate can we begin to realistically compare overall costs to overall benefits.

As the costs will be great, so can the benefits be great—nationally, statewide, and to communities on the Great Lakes. Harry R. Hall, president of the Michigan Chamber of Commerce, has estimated that the region of impact incorporates 12 States, three Canadian provinces, and has a population of 60.5 million. That region, according to Hall, accounts for 34 percent of the United States and Canadian national product, and he states that the economic impact of 12-month shipping would run into the billions.

There is little doubt in my mind that extended shipping could have a dramatic effect in the State of Michigan. Today, the cheapest method of transporting cargo out of Michigan is along the St. Lawrence Seaway. Yet, only 9 percent of Michigan's exports move along the seaway. The reason, of course, is seasonal shipping. Most manufacturers simply are not geared to move their products for 10 months by one method, and then shift to another system for 2 months, and back again to the first system. If the St. Lawrence Seaway were available on a 12-month basis, surely there are many who would turn to this efficient and reasonable method of transportation. Harry Hall estimates the extended shipping would add 30,000 jobs to the Michigan payroll and $345 million to the State's economy.

While benefits to local communities along the seaway and on the Great Lakes are difficult to quantify, I feel certain that year-around shipping will have a positive impact. If 12-month shipping is to become a reality, then each community in the affected area would need to evaluate its potential. By way of example, let us take the community of Sault Ste. Marie, Mich.

As a potential plant location, Sault Ste. Marie has several advantages. Close to sources of raw material, located on a major world waterway, with unspoiled environment and friendly people, the area is attractive to the industrial decisionmaker. That is, until he carefully considers the transportation factors. Large-scale manufacturing cannot contend economically with seasonal shipping changes, expecially in places like Sault Ste. Marie which are distant from major markets. The addition of year-around shipping, and, in the Soo's case a deep water port, could offset those disadvantages and give great impetus to industrial expansion in that community.

Thus, the benefits or potential benefits to the local communities and to the public in general appear to be a great, even in relation to the enormous taxpayer cost involved. However, that taxpayer cost must also be considered in relation to the benefits derived by the private sector.

The taxpayers are being asked to pay for a project whose principal private beneficiary will be the U.S. steel industry. Year-round shipping of iron ore from the mines of Michigan and Minnesota to the mills of Cleveland and Pittsburgh will reap tremendous cost savings. We must ask what part, if any, of the cost of this project the steel industry should bear in relation to those savings. Most of the benefits to the steel industry in turn benefit the public, for more efficient operations can improve the competitive posture of our domestic industry with foreign producers. The resulting expansion is in tune with Government efforts to stimulate the economy of the northern Great Lakes area.

While my tentative conclusion is that there is sufficient national interest to justify a sizable public expenditure for extended shipping, I would like to see a determination made as to whether or not the private sector should make a contribution toward those costs.

For example, should the taxpayers or the steel companies bear the expense for the research and development of vessels that will have proper hull thickness and increased power to withstand tons of ice and nonbuoy navigation? Indeed, should private ships, in fact, be icebreakers in and of themselves, cutting down on the need for assistance from Coast Guard icebreakers? Should companies pay a fee for assistance from icebreakers, as is done in Finland? These are but a few of the serious questions involved.

Mr. Speaker, among all the major questions of costs and benefits, there are some which, though seemingly parochial, must, nevertheless, be fully answered before year-round shipping can be made to work on a permanent basis.

Considerable thought has been given to the environmental factors involved in this project. Nevertheless, it is my intention to see that the problem of shoreline damage as a result of continued icebreaking, especially in the narrower channels of the Great Lakes system, is fully resolved. Shore erosion is difficult to prevent, but shoreline property is more difficult to replace. Hundreds of miles of shoreline could be affected by continued icebreaking. Inadequate controls could result in serious erosion problems and legal battles could further complicate the program.

Perhaps even more parochial, but no less important, is the problem of maintaining safe and adequate transportation to the inhabited islands in the Great Lakes. Five such islands exist in my district. Historically, natural ice bridges have been the means of winter access to mainland schools, markets, and hospitals. Existing ferries do not now have icebreaking capabilities, and year-round, open-land shipping will completely isolate those islands for several months of the year.

It is my belief that, if the public expenditure for year-round shipping is justifiable, then so also is the expenditure to provide safe, adequate, year-round transportation to these inhabited islands.

In conclusion, I want it made crystal clear that I vigorously support extended shipping. I believe it is technically possible, and economically desirable. But there are a lot of hard questions—avoided to date—that must now be confronted. First, the human and environmental questions must be absolutely resolved; and, second, the questions concerning the relationship between the public and private sectors in this endeavor must be carefully and completely explored. With those answers, I believe we can proceed with confidence into a new transportation era for the entire midwestern portion of the United States.

CLEAR PERSPECTIVE ON VIETNAM WAR

The SPEAKER pro tempore (Mr. CABELL). Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 10 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, during the past few weeks our Nation's Capital has been the scene of a traumatic series of events—an emotional outpouring of frustration and opposition toward the Vietnam war. While we are justified in being weary of this conflict which has cast its dark shadow over a decade of American involvement, we should not allow our emotions to destroy our objectivity in viewing the facts as they really are. We should try to pause long enough to regain a clear perspective and realize that the Vietnam war is at long last coming to an end.

There are those who are demanding a definite pullout date—some say by December 31, 1971; a few even want us out by tomorrow. But in terms of sheer logis-

tics, I am advised that an orderly withdrawal would take at least 9 months—and that any date earlier than that would be less than realistic. When President Nixon assumed office he promised to end American involvement in the Vietnam war. He is a practical man. He knows that the American people are going to hold him accountable. He has said repeatedly that he expects to be held accountable. Certainly he is not so naive to think that the American people are going to go to the polls on election day in November and grant him a second term if he has not achieved this one central and crucial goal of his first term. Further, he knows that he cannot wait to make good on his troop withdrawal commitments. He knows that he cannot pull out the troops on Monday and be elected on Tuesday.

The President has been criticized vehemently for refusing to set a publicly announced troop withdrawal deadline. But is such an announcement in our best interests? I believe the President is correct in stating that such a declaration would only serve the purposes of the enemy—and for the reasons he has outlined:

First. We would be throwing away our principal bargaining counter to win the release of our POW's;

Second. We would be removing the enemy's incentive to end the war sooner by negotiation; and

Third. We would be giving the enemy the exact information needed to marshall attacks against our remaining forces at their most vulnerable time.

I share the view that by refusing to accommodate Hanoi—that by keeping them guessing and off balance—we maintain a certain advantage that accrues to the remaining American forces in Vietnam and to the South Vietnamese who must ultimately be responsible for their own defense.

The critics want us out by December 31, 1971. But when you think about it, I suggest that a date not much later than that has been forced on the President by the election laws of several of our States. Commonsense dictates that if the President expects to be reelected in November he will have to end the fighting months before that. So, from a practical point of view, what we are really talking about is a question of perhaps 3 or 4 months—for our involvement must be substantially phased out by the spring or summer of 1972.

Why is this so? Because of the primary elections throughout the country. In fact, the President will make his accounting well before November. In at least 18 different instances the people will pass their judgment in early to mid-1972.

To the people of New Hampshire, President Nixon will be held accountable on March 14.

He must answer to the voters of Illinois on March 21.

His record will be on the line in Wisconsin on April 4.

The citizens of Rhode Island shall pass judgment on April 11.

Across the Nation, again and again, the American people will speak:

April 25 in Massachusetts and Pennsylvania;

May 2 in the District of Columbia, Indiana, Ohio, and North Carolina;

May 9 in Nebraska and West Virginia;

May 16 in Maryland;

May 23 in Oregon; and

June 6 in California, New Jersey, New Mexico, and South Dakota.

So while the President has not stated a definite withdrawal date on national television, at the Paris Conference, or on the front porch of the White House, I am confident that he has fixed that date in his own mind and is proceeding accordingly.

It should be realized then, that at most we are talking about the difference of perhaps 3 or 4 months between the deadline set by critics and what has been dictated by practical factors that cannot be ignored. It should be repeated that, notwithstanding grave pressures and a level of criticism and personal villification experienced by few Presidents, throughout this ordeal President Nixon has kept his word to the American people. The troops are coming home—down already from 540,000 in early 1969 to 267,000 today. Our casualties are down sharply and declining each month; draft calls have been reduced dramatically; and the cost to the Nation in money and resources has been reduced to approximately a third of its level of just 2 years ago.

It should be remembered that President Nixon did not start the Vietnam war. But his record to date shows that he is bringing it to an end. The President has kept and is keeping his promises, and he deserves our support, as well as the flexibility of this limited time, as he strives to end this devastating conflict.

GOVERNMENT PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

SOCIAL SECURITY FOR THE BLIND

Mr. HOGAN. Mr. Speaker, one of the greatest handicaps that occurs to man is to be sightless in a sighted world. The world as we know it is oriented to those who can see. The vast majority of our institutions and our laws assume that man has visual perception. As a result, the sightless are, in many ways, occupational and social outcasts. However, in spite of the fact that the world around them is oriented to the sighted, thousands of blind people go about the daily tasks of living and earning with a courage that we must admire.

The special problems of the blind are something that those of us who have sight can only imagine. We can, though, recognize these problems and do what we can to ameliorate them. In recognition of these special problems a number of us in this House and in the Senate have sponsored over the years legislation to provide social security disability benefits to the blind under special rules. Under the legislation that I have introduced in the 92d Congress, H.R. 1356, blind people would be able to qualify for full social security disability benefits with as little as 1½ years of work under social security. Moreover, these benefits would be payable as long as the blind person lives and would be payable regardless of whether he works or is able to work.

Legislation of this type has had a particularly favorable history in the other body. Last year a provision to do this was included in the Senate-passed social security bill, H.R. 17550, which was passed in that body too late in the session for a conference. And, although the legislation was not enacted last year, it has been reintroduced there again this year and is sponsored by 68 Senators.

This legislation is needed because the blind have difficulty in getting work and in working long enough to qualify for social security under the present rules which call for at least 5 years of work out of the last 10. In addition, even when a blind person is fortunate enough to get work, he has special expenses which a sighted person does not have. He must have someone to read instructions and notices to him. He must have someone drive him to work. In short, he must have someone who can act as his eyes. The blind will tell you that in order to have dependable eyes, in order to have the eyes available when they are needed, they must be purchased. To get around, the blind person must hire someone to see for him. Therefore, it seems appropriate to provide special rules for paying social security disability benefits to blind people in order that they may have a regular source of income that they can count on to help meet the high cost of day-to-day living.

Mr. Speaker, I am proud to have introduced H.R. 1356, to be one of a number of people who recognize that the present social security rules do not make adequate provision for paying disability benefits to the blind. I would hope that we could have early action on this legislation so that the House could send it to the Senate this year rather than wait for the Senate to attach it to some other bill and then send it back to us.

CONQUEST OF CANCER

Mr. Speaker, we are well aware that the most dreaded of all medical diseases is cancer. Most of us have known or witnessed the personal tragedy which can be caused by this disease which directly strikes one in four in our country. This year alone, cancer is expected to claim the lives of over 330,000 Americans. The time has come for this Nation to make the conquest of cancer our No. 1 concern.

Just recently, I received a letter from a constituent, Mrs. Albert J. Wallace of New Carrollton, Md., which I would like to share with Members of the House:

DEAR CONGRESSMAN HOGAN: Several years ago when you were running for Congress, our son Robert walked many a mile in New Carrollton carrying campaign literature and stood hour after hour on election day holding Hogan signs.

In November, 1970, at 9½ years old, he died of cancer, He lived 10 months after we discovered he had cancer—10 months of indescribable agony.

Needless to say we strongly urge you to support cancer legislation because we know the heartbreak of it and that none of us are immune.

Sincerely,

MARY A. WALLACE.

Mr. Speaker, I rise today to indicate my wholehearted support for a commitment to the conquest of cancer. Because of my concern, I have cosponsored House Concurrent Resolution 27, a resolution which would express the sense of Congress regarding our commitment to find a cure for this terrible scourge. Passage of the resolution would not only indicate our desire to authorize a much-needed increase in funding—an increase from the $230,383,000 appropriated in fiscal year 1971 to an annual $650,000,000 for the next 10 years—but it would also call for the establishment of an independent National Cancer Authority to plan and implement a coordinated attack on cancer. Such an agency—when provided with the proper funding—would be able to mobilize the Nation's most talented manpower and to draw upon our vast base of scientific knowledge about cancer to find a cure for the disease which annually brings misery to the homes of 975,000 Americans.

Escalation of our efforts to control and cure cancer cannot wait. We owe it to ourselves and to the people of our Nation to amplify the hope generated by our successful research efforts in the past few years by committing ourselves to the elimination of this disease. Our support of House Concurrent Resolution 27 would indicate our desire to do this within the decade.

COUNTING OVERTIME PAY AND NIGHT DIFFERENTIALS FOR FEDERAL RETIREMENT

Mr. Speaker, a basic principle of Government retirement programs is that they provide a retirement benefit that is a specified part of the worker's preretirement earnings. It has, however, come to my notice that this basic concept is not being followed in all cases with regard to Federal employees. I am referring specifically to the failure to include overtime and night differential payments in the computation of the high-3 average earnings, which is the basis for the monthly annuity that is paid to Government retirees. This failure has a serious effect on the annuities of those people who work regularly at night or who are required to work overtime for extended periods.

It seems to me to be axiomatic that if the idea behind retirement payments is to pay a given worker say, 40 percent, or 50 percent, or whatever percent of his preretirement earnings, then all of his earnings should be counted and not just a part of them.

This omission strikes at the retirement pay of Federal employees in the lower grade levels and in the services and crafts who, because of their generally low salaries, need every possible advantage in computing their retirement income. Unlike their higher paid bosses, who do not get overtime and who generally do not work regularly at night, they have little or no margin in their full salaries to take up a reduction in take-home pay when they retire. In fact, in many cases, these people have taken these jobs only because of the additional pay for night or overtime work which provides a livable salary. While these people are active employees they are compensated for the amount of work they do and for the time at which they do it. Night differentials and overtime are used in addition to regular salary to determine their standards of living and maintenance of the preretirement standard of living is one of the basic purposes of retirement programs. Thus, if we expect retired Federal employees to be able to maintain their standards of living in retirement, we must base their retirement annuities on their full pay rather than on just a part of it.

To correct this inequitable treatment, I have introduced in the 92d Congress a bill, H.R. 1351, which will authorize inclusion of overtime and night differential pay in the total earnings upon which Federal annuity will be based. I urge the Members to give this legislation their attention and support.

AEC HAS NOT PROVED ITS CASE TO KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 10 minutes.

Mr. SKUBITZ. Mr. Speaker, the Joint Committee on Atomic Energy and the House Appropriations Committee will shortly be considering a request from the Atomic Energy Commission for an authorization and appropriation to fund a nuclear-waste depository in my State of Kansas.

The budget proposal is for an initial $3.5 million to buy some abandoned salt mines and an authorization of some $25 million to complete the project. The entire proposal has raised considerable controversy in Kansas. There is great fear of the dangers of burying hot, highly lethal atomic wastes that are to remain deadly for all living things for 50,000 years to a half million years, depending on the kind of waste.

All the scientific evidence thus far adduced and published questions whether the waste can be safely buried now. A number of scientific agencies, including two Federal agencies, the U.S. Department of the Interior and most recently the Environmental Protection Agency, were asked to study the project by the Atomic Energy Commission. Without exception both agreed with the Kansas Geological Survey that further intensive research in a number of fields is essential before atomic waste can be safely interred.

The problem has perhaps been best stated by Dr. William Hambleton, director of the Kansas Geological Survey, in a letter to Chairman JOHN PASTORE of the Joint Committee, when he said the Atomic Energy Commission believes that any and all problems can be engineered or designed out of the project while they go ahead with burial; the Kansas Geological Survey and Governor Docking of Kansas hold that safety should be designed and engineered into the project before it is undertaken. In short, the AEC wants to use the project and Kansas people as guinea pigs. It comes down to this: If the AEC is correct, all that will have been lost is time. But if the Governor and the scientific community is correct, Kansas and its people will have to live with AEC's mistake for a half million years.

Dr. Hambleton explains that—

All scientists and engineers external to the Atomic Energy Commission and Oak Ridge National Laboratory who have reviewed the project concur with this view of the Kansas Geological Survey.

He is speaking now of a conference of some 40 scientists from all over the Nation who convened at the University of Kansas on April 5 and 6 to discuss problems of atomic waste disposal.

Mr. Speaker, the Governor of Kansas, Robert Docking, has formally advised Chairman PASTORE in letters dated March 19 and April 28 of this year that he is opposed to funding the project at this time. I ask unanimous consent that the text of both letters be made a part of this statement. I should like to quote a brief extract from Governor Docking's latest letter. He says:

When the AEC first announced its intention to establish a repository in Kansas, I said unless recognized authorities could prove without question the safety of the project, I would not hesitate to use all powers of the governorship to oppose it. At this time, I am not satisfied that all questions have been answered. I am concerned that if funds are approved by your committee to continue this project, then we will be unable to halt it if problems are encountered.

Again, as Governor, personally and on behalf of all Kansans, I respectfully request that my original recommendation that funding of the project be deferred until the project's safety is assured, be approved by you and the members of your committee.

Governor Docking has, of course, put his finger on the issue that worries all Kansans. It is simply that if the AEC is given the funds to acquire the land, it will be too late to stop; in the vernacular of the West, "Katie, bar the door." And the irony is that it would be a plain waste of Federal money to purchase the land now; the AEC has carried on experimental work under a lease arrangement with the landowners for a number of years at nominal cost. This procedure can be continued while research goes on.

Chairman PASTORE has also received letters from Dr. Hambleton and from Dr. John C. Halepaska, director of Hydrologic Studies, both at the University of Kansas. These letters make abundantly clear the critical scientific answers that are yet to be obtained before dangerous atomic wastes may be buried in proximity to people living nearby, or indeed wherever the wastes will be transported, which means throughout the eastern one-fourth of the United States. I ask that the letters from the two scientists, together with the names and identifications of the 40 scientists who attended the specially called nuclear waste disposal

conference be printed at this point in my remarks:

OFFICE OF THE GOVERNOR,
Topeka, Kans., March 19, 1971.

Hon. JOHN PASTORE,
Chairman, Joint Congressional Committee on Atomic Energy, New Senate Office Building, Washington, D.C.

DEAR SENATOR PASTORE: Concern is mounting among Kansans that the federal government will proceed with a proposed atomic waste repository near Lyons, Kansas, before scientific tests are completed to determine the safety of the proposed repository. It is the conviction of scientists in Kansas, including Dr. William W. Hambleton, director, Kansas Geological Survey—and my deep, personal conviction—that the Atomic Energy Commission has not acted with sufficient concern for determining the safety of the proposed repository project prior to initiating plans for site acquisition and construction of the facilities.

When the AEC first announced its intention to establish the repository in Kansas, I said that unless recognized authorities could prove without question the safety of the project, I would not hesitate to use all powers of the governorship to oppose it. At this time there are numerous questions regarding safety of the project; these questions have not been answered. Furthermore, I am distressed that the AEC has made few attempts to adequately answer our questions. I believe the AEC has allowed the potential economic aspects of the repository facility to outweigh Kansans' concern than the project be safe for our citizens and our children.

For these reasons I urge the Joint Congressional Committee on Atomic Energy to defer funding of the proposed project at Lyons until adequate study and evaluation of these questions and concerns have been completed. Kansans are concerned—and with justification—that if funds are approved by your committee to continue this project, then we will be unable to halt it if problems are encountered.

As Governor, personally and on behalf of all Kansans, I respectfully request that my recommendation that funding of the project be deferred until safety of the project is assured be given serious consideration by you and the members of your committee.

Mother joins me in sending our every good wish to you and Mrs. Pastore.

Yours sincerely,

ROBERT DOCKING,
Governor of Kansas.

OFFICE OF THE GOVERNOR,
Topeka, Kans., April 28,1971.

Hon. JOHN PASTORE,
Chairman, Joint Congressional Committee on Atomic Energy, New Senate Office Building, Washington, D.C.

DEAR SENATOR PASTORE: On March 19, 1971, I wrote to you to express my personal reservations—and the reservations of a great many Kansans—concerning the Atomic Energy Commission's plans to establish an atomic waste repository near Lyons, Kansas. This letter is prompted because I believe the members of the Joint Congressional Committee on Atomic Energy Commission should understand I do not want this repository in Kansas until a majority of Kansas scientists and citizens are satisfied it will be safe. At this time I am not satisfied it will be safe—and neither are a majority of Kansas scientists and citizens.

Although, since I have contacted you about this matter the AEC has been more receptive to at least hearing the views of those of us in Kansas, I resent the high-handedness of some AEC officials in their "steamroller" approach to moving ahead with plans for the repository at Lyons.

When the AEC first announced its intention to establish the repository in Kansas, I said unless recognized authorities could prove without question the safety of the project, I would not hesitate to use all powers of the governorship to oppose it. At this time, I am not satisfied that all questions have been answered. I am concerned that if funds are approved by your committee to continue this project, then we will be unable to halt it if problems are encountered.

Again, as Governor, personally and on behalf of all Kansans, I respectfully request that my original recommendation that funding of the project be deferred until the project's safety is assured be approved by you and the members of your committee.

With every good wish.

Yours sincerely,

ROBERT DOCKING,
Governor of Kansas.

KANSAS GEOLOGICAL SURVEY,
Lawrence, Kans., April 26, 1971.

Senator JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, New Senate Office Building, Washington, D.C.

DEAR SENATOR PASTORE: I take this opportunity to write after reading the complete testimony before the Congressional Joint Committee on Atomic Energy, March 16–17, 1971, on the proposed radioactive-waste disposal site at Lyons, Kansas.

It may be of interest to you and your colleagues that the Kansas Survey convened a meeting of Oak Ridge National Laboratory personnel and other scientists on the 4th and 5th of April. This meeting was called specifically to allow Oak Ridge personnel to present their latest heat-flow and stress-strain models to a scientifically oriented, reasonably prepared audience. In an attempt to obtain an independent assessment, the Kansas Geological Survey, at its own expense, brought in five university and industry scientists, who are engaged in studies of rock mechanics, heat flow and numerical techniques. The following statements summarize briefly their findings:

(1) Oak Ridge National Laboratory personnel demonstrated expertise in three-dimensional, heat-flow calculations.

(2) After *10* years of study Oak Ridge National Laboratory personnel do *not* have real rock data; namely, heat conductivity, specific heat and density as a function of temperature. Consequently true heat flow studies of the Lyons site cannot be made!

(3) Oak Ridge National Laboratory personnel did not demonstrate "state of the art" capability for fully-coupled, heat-flow, stress-strain studies. Questions concerning the integrity of the site *cannot* be realistically answered!

(4) After 10 years Oak Ridge National Laboratory personnel do *not* have stress-strain data as a function of temperature on the shale bodies, or salt containing impurities such as shale and anhydrite. To assume that the entire system of rocks acts plastically is extremely simplistic!

In addition many other questions were posed, such as short- and long-term effects of heating the shale layers, geochemistry of shale layers, and lack of contingency plans.

For the first time staff of the Atomic Energy Commission and Oak Ridge National Laboratories agreed to lay out a program of study concerning this project, along with checkpoints for review and evaluation. Hopefully we can see in full detail what is being studied, priorities, level of effort and funding.

Every possible "state of the art" simulation should be run on this project. Once necessary data are available and "state of the art" simulations performed, then, and only then, can an assessment of safety be made. We have a vessel designed by nature in a geologic framework, and for this reason a purely engineering approach just won't suffice!

Last but not least, enclosed is a list of the attendees at the April 4 and 5 meeting. Should you desire to see a complete transcript of the April 4 and 5 meeting, I shall be glad to provide it.

Respectfully yours,

JOHN C. HALEPASKA,
Research Associate and Director of Hydrologic Studies.

KANSAS GEOLOGICAL SURVEY,
Lawrence, Kans., April 26, 1971.

Senator JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, New Senate Office Building, Washington, D.C.

DEAR SENATOR PASTORE: As you will recall, I appeared before the Joint Committee on Atomic Energy on March 16, 1971, in order to present testimony and deliver a statement from Governor Robert Docking of Kansas. Your courtesy, thoughtfulness, and good humor, as Chairman of the Joint Committee, relieved an otherwise difficult session, and I am most grateful.

The accompanying letter to you from my colleague, Dr. John C. Halepaska, is transmitted with my full concurrence and approval. Dr. Halepaska's letter serves to emphasize a basic philosophical difference between the Atomic Energy Commission and the Kansas Geological Survey. The Atomic Energy Commission judges that it has adequate information for proceeding with the radioactive-waste disposal project at Lyons, Kansas, and that any and all problems can be engineered or designed *out* of this "demonstration" project if and when they appear. The Kansas Geological Survey holds to the view that safety should be designed and engineered *into* the project before it is undertaken. All scientists and engineers external to the Atomic Energy Commission and Oak Ridge National Laboratory, who have reviewed this project concur with the view of the Kansas Geological Survey, as Dr. Halepaska's letter reveals.

Again, I thank you most warmly for your unfailing courtesy during the hearing.

Cordial regards,

WILLIAM W. HAMBLETON,
Director.

WASTE DISPOSAL CONFERENCE APRIL 5 AND 6, 1971

Gerald Allen, Kansas State Department of Health, State Office Building, Topeka, Kansas 66612.

Ernest Angino, Associate Director, Kansas Geological Survey, University of Kansas, Lawrence, Kansas 66044.

Chuck Bayne, Kansas Geological Survey, University of Kansas, Lawrence, Kansas 66044.

Gale Billings, Department of Geosciences, New Mexico School of Mines and Technology, Socorro, New Mexico 87801.

J. O. Blomeke, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee 37830.

Al Boch, Salt Vault Project Director, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee 37830.

George Campbell, Kansas State Department of Health, State Office Building, Topeka, Kansas 66612.

Dick Cheverton, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee 37830.

Stirling Colgate, President, New Mexico School of Mines and Technology, Socorro, New Mexico, 87801.

Bill Diamond, Department of Geology, University of Rochester, Rochester, New York 14627.

Pat Doherty, U.S. Geological Survey, Water Resources Division, Menlo Park, California 94025.

Dan Donohue, Division of Waste and Scrap Management, Mail Station G-117, Atomic Energy Commission, Washington, D.C. 20545.

Gisela Drescheff, c/o Ed Zeller, Department of Physics, University of Kansas, Lawrence, Kansas 66044.

Russell Duff, Applied Nuclear Division, System Science and Software, LaJolla, California 92037.

Bob Friauf, Department of Physics, University of Kansas, Lawrence, Kansas 66044.

Don Ferguson, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee 37830.

Paul F. Gnirk, South Dakota School of Mines and Technology, Rapid City, South Dakota 57701.

Ed Goebel, Kansas State Geological Survey, University of Kansas, Lawrence, Kansas 66044.

Owen Gormley, Division of Reactor Development and Technology, Mail Station F-309, Atomic Energy Commission, Washington, D.C. 20545.

Don Green, Department of Petroleum and Chemical Engineering, University of Kansas, Lawrence, Kansas 66044.

John Halepaska, Kansas State Geological Survey, University of Kansas, Lawrence Kansas 66044.

Bill Hambleton, Director, Kansas State Geological Survey, University of Kansas, Lawrence, Kansas 66044.

Merle Hanson, Department of Geoscience, New Mexico School of Mines and Technology, Socorro, New Mexico 87801.

Bill Hartman, Kansas State Geological Survey, University of Kansas, Lawrence Kansas 66044.

Bill Hess, Kansas State Geological Survey, University of Kansas, Lawrence, Kansas 66044.

Bruce Latta, Kansas State Department of Health, State Office Building, Topeka, Kansas 66612.

Bill McClain, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee 37830.

Don Metzger, Office of Radiohydrology, U.S. Geological Survey, Water Resources Division, Washington, D.C. 20242.

Bill Parison, Montana College of Science and Technology, Butte, Montana 59701.

Floyd Preston, Department of Petroleum and Chemical Engineering, University of Kansas, Lawrence, Kansas 66044.

Ray Richardson, Division of Waste and Scrap Management, Mail Station G-117, Atomic Energy Commission, Washington, D.C. 20545.

Bob Schneider, Chief, Office of Radiohydrology, U.S. Geological Survey, Water Resources Division, Washington, D.C. 20242.

Ed Sonder, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee 37830.

Doyle Turner, Oak Ridge National Laboratory, Box X, Oak Ridge, Tennessee, 37830.

Bob Will, Kansas State Department of Health, State Office Building, Topeka, Kansas 66612.

Paul Willhite, Department of Chemical and Petroleum Engineering, University of Kansas, Lawrence, Kansas 66044.

Harold Yarger, Kansas State Geological Survey, University of Kansas, Lawrence, Kansas 66044.

Ed Zeller, Department of Physics, University of Kansas, Lawrence, Kansas 66044.

RACE PARANOIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, medical science unhesitatingly announces as a matter of fact that traits such as color blindness and mental disorders are hereditary. None of the individuals affected are heard to complain or protest. The liberal community is silent.

Yet, Dr. William B. Shockley, a Stanford University professor and a Nobel Prize-winning physicist, submits to the National Academy of Sciences the question:

Are Negroes—and perhaps certain other races—genetically deprived and therefore less intelligent than whites?

He comes under vicious protest and attack for daring to challenge science to probe the myth and superstition of universal equality.

Intelligence, beauty, and probably even aptitude are traced to genetics. And no problem is ever encountered in discriminating by members of one group among the members of the same group. For example, what reaction except for discomfort or disappointment can an individual express when told by members of his group that he is not so handsome as the majority, or that he is unable to perform a job as well as other members of his group because of lack of physical prowess?

Yet, when a member of one group applies the same standards to members of another group, he is held subject to attack by emotional trigger words and the entire comparison is undermined by impugning the motives of the one seeking the comparison.

Notably, our social justice laws ignore the individual and are designed to treat a group or class. Yet, whenever the group or class comes under the scrutiny of other groups or classes, the excuse offered for subexcellence is always the example of some outstanding individual used to defend the group. For example, everyone knows a highly intelligent or artistic Negro, and any scrutiny of the Negro race as a group raises cries of protest that a serious reflection is being cast on the outstanding individual. Why should any individual be responsible for the group of which he is a member?

All should be thankful that the wheel was discovered before science surrendered to public opinion, fears, and taboos. Truth has become as a stranger in today's upside-down world.

Today's scorn of Professor Shockley may tomorrow prove him out as a courageous pioneer in the age-old struggle to solve society's problems by truth rather than by political expediency and emotional rationalizations.

I insert several clippings and a magazine story:

[From the Washington Evening Star, May 8, 1971]

COLOR BLINDNESS LINKED TO HEREDITY, MENTAL ILLS

(By Judith Randal)

The accidental discovery that color-blindness and manic-depressive illness may run in the same family has convinced a St. Louis psychiatrist the mental disorder is hereditary and that the genes for both traits are located on the same chromosome.

The finding, described by Dr. George Winokur of Washington University in St. Louis, is important to doctors seeking the right drug for the psychosis.

It would also be important for preventive psychiatry since it could make it possible to predict who is most likely to become ill.

Experts estimate that 3 to 6 percent of the population—between 6 and 12 million Americans—suffer recurrently from manic-depressive illness. About a third of these are subject to both extremes of mood.

It is this "bi-polar" psychosis which is apparently linked to the Winokur gene.

THE X-CHROMOSOME

In an interview here yesterday at the 124th annual meeting of the American Psychiatric Association, Winokur said color-blindness is a trait that is transmitted by the X-chromosome, the chromosome that determines sex.

Winokur's theory is that the gene for bipolar manic-depressive psychosis travels on the same chromosome.

Winokur said, however, that not all families subject to color-blindness are also subject to the psychosis and vice-versa.

He said he had been studying the records of two large families in which many members were manic-depressive. He noted in the records that many members of the families were also color blind, which suggested to him that the X-chromosome is the logical location for the manic-depression gene.

Statistical changes of this being invalid are one in 4,000, he said. Unlike most harmful genes, which are recessive, this gene apparently is dominant.

AROUND AGE 40

Winokur said women who inherit the psychotic gene tend to become severely depressed by age 40. Men with the gene, in the same age range, often become alcoholics or sociopaths.

Psychiatrists seeking an accurate diagnosis should pay attention to the patient's age at the time the illness appears and to the behavior of his or her parents and other relatives. Winokur said.

Psychiatrists are excited by the findings because they are discovering that patients whose illnesses fit the Winokur description tend to improve on a drug called lithium carbonate. By contrast, patients whose symptoms are similar but whose life histories are different sometimes do better on other treatment.

[From the Evening Star, May 1, 1971]

INTELLIGENCE AND RACE

It is, generally speaking, prudent for the layman to avoid a scientific argument with a noted scientist. But there are exceptions, and the Shockley thesis of the inherent mental superiority of the white race is one of them.

Dr. Philip Shockley, a Nobel laureate and the inventor of the transistor, has tried for five years to convince the National Academy of Sciences to undertake studies to prove his theory that white Americans are, on the average, gifted with a intellect that is superior to that of black Americans. The academy has now firmly—and wisely—rejected the idea.

The decision is a wise one for two reasons. First, Dr. Shockley's personal conviction of white intellectual superiority is based on dubious evidence. Second, there is no way to determine the truth or falsity of their thesis.

In a paper prepared for the academy's annual meeting—but never delivered—the doctor offered some new data to support his pet theory. Army records, he said, "show that Negroes in Georgia have . . . an IQ of about 80 compared to . . . 90 for California. California Negroes have twice as high a percentage of their genes from white ancestors as do Georgia Negroes." Therefore, Dr. Shockley reasons, white blood means higher intelligence.

It will not do to write Dr. Shockley off as a racist. Indeed, he uses some statistical extrapolation to conclude that with the addition of about 30 to 40 percent Caucasian genes to Negro populations, blacks "might match or even exceed the whites." It is only reasonable, then, to assume that his interest

is purely scientific. It is his reasoning, not his emotion, that is off the track.

Dr. Shockley views the Army statistics and draws one possible conclusion from them. And in so doing, he displays an intellectual tunnel vision produced, one must assume, by his life-long dedication to the physical disciplines. The number of white genes is the most precisely measurable component in the human equation under study. But it is not the only factor. Nor is it, surely, the most important factor.

California blacks may be whiter than their Georgia counterparts. But are they identical in all other respects? Is their economic status the same? Are they similarly motivated, educated, assimilated into the local society?

They are not.

No test yet devised can filter out the impact of cultural and environmental influences to isolate the single component of inherent mental capacity. The history of the misnamed Intelligence Quotient test shows that immigrants from culturally deprived backgrounds have consistently scored poorly, and that test scores rise with assimilation and economic improvement.

What Dr. Shockley asks—a test of his theory of black mental inferiority—is difficult if not impossible. In addition, such an undertaking would be the rough equivalent of striking a match to light one's way through a munitions dump. Any evidence of white superiority, however tainted, would be seized upon by white racists as proof of their twisted convictions and by black militants as confirmation of their paranoid suspicions of this society's latent genocidal leanings.

The most reasonable course is to accept the fact that some human properties defy precise measurement; that among these immeasurables is the mystery of human intelligence, and that, for the foreseeable future, men should proceed on the assumption that the limits of individual capability cannot be presumed on the basis of race or color.

[From the Washington Evening Star, May 5, 1971]

GALILEO GALLED AT DR. SHOCKLEY'S SHOCKER?

(By Smith Hempstone)

Question: When is scientific inquiry into a question of obviously profound significance impossible? Answer: When the fact of such an inquiry may be misconstrued by laymen, and its possible results might be unpalatable to a sizable and volatile minority.

That at least seemed to be the answer given to the question last week by, of all people, an estimated 80 percent of 350 members of the National Academy of Sciences here for the 108th annual meeting of the organization.

What the academy did was to accept the recommendation of its own eight-member ad hoc Committee on Genetic Factors in Human Performance that the study of racial differences is "a proper and socially relevant scientific subject" and then to reject two additional proposals which would have involved taking action on that hypothesis.

To explain: Dr. William B. Shockley, a member of the academy, has long held the view, repugnant to most Americans and to this one, that there is a demonstrable difference between the intelligence quotients (IQs) of whites and blacks, that the basic reason for this is genetic rather than environmental and that, among blacks, those with more white genes score higher than those with fewer.

Now Shockley did not earn his doctorate at Bob Jones (would you believe M.I.T.?) and he is not an instructor at some obscure college (he is a Stanford University physicist). To the best of this observer's knowledge, he has no record of political activity with the squirrely Right: If he had such a record, I'm sure the industrious reporters of the New York Times would have exposed it.

Shockley is a Nobel Prize winner, the inventor of the transistor and the author of such inflammatory political tracts as "Electrons and Holes in Semiconductors."

His work has been concentrated in the fields of energy bands of solids, ferromagnetic domains, plastic properties of metals, the theory of grain boundaries and disorder in alloys; he holds 50 U.S. patents.

After voting down the proposals of the ad hoc committee (of which Shockley was not a member) to work with federal agencies on the "possible educational implications of human behavioral genetics" and to establish "a body of distinguished scientists" to conduct further inquiry into a possible link between genetics and intelligence, one academy member, according to the Baltimore Sun, dismissed Shockley's theories as "a bunch of crap."

And that they may be. Indeed, one earnestly hopes, for everyone's sake, that they are. But that is hardly the way to disprove them. The Declaration of Independence, which holds that "all men are created equal," has a beautiful ring to it; but the moment it becomes a substitute for scientific inquiry, we are back to the monkey trial days.

One obvious objection to an inquiry based on IQ scores is that many people believe that such tests discriminate against minority groups with an inadequate understanding of English and a history of other cultural deprivations. Unquestionably there is much in that. But because an IQ test is an imperfect instrument, does that mean it should be discarded or that a search should not be made for better ways and fairer methods to evaluate that quality which we call intelligence?

Indeed, the whole question may have a certain relevance to the National Academy of Sciences itself. Its president, Dr. Philip Handler, maintains that the 950-member body has "no other criteria" for membership than scientific achievement. Yet only one of its members is black. Is the academy racist, are its measurements of "scientific achievement," like IQ tests, false or has black achievement in this field been slight? It would be interesting to know.

Galileo would have had a wry laugh about the whole affair. He, you may remember, spent nearly a decade under Inquisition house arrest because he insisted on supporting the ridiculous (and, in those days, equally unpalatable) Copernican theory that the earth revolved around the sun, not the sun around the earth.

It is doubtful if Shockley will be treated so harshly. But if last week's performance by the academy was both politically expedient and socially acceptable to almost all Americans, it is less sure that the cause of truth was well served.

IS INTELLIGENCE RACIAL?

For years the controversy had simmered along, often behind the scenes, making headlines only when one set or another of the various protagonists had a new study to report. The reason for the reticence was always that the question is not only a cruel one, but also one to which there is for the moment no answer at all. The question is: are Negroes (and perhaps certain other races) genetically deprived and therefore less intelligent than whites?

Last week in Washington, the debate over (1) whether the question is a valid one and (2) whether to set about trying to find an answer if it is, came to a head of sorts before the prestigious National Academy of Sciences. What pushed the argument back into the headlines again was mainly the work of Dr. William Shockley, Stanford's controversial Nobel Prize-winning physicist, who believes that blacks have been genetically shortchanged in intelligence. The London-born, California-educated Shockley, 61, who has no training as a geneticist himself, has long urged the NAS to study the relative influences of heredity and environment on human intelligence, and has been zealous indeed in pressing his views. Shockley's views happen to parallel in some important respects those of Berkeley's Arthur Jensen (NEWSWEEK, March 31; June 2, 1969), an equally controversial scientist but also a respected educational psychologist. Together the pair have been constant thorns in the academy's decidedly thin skin for a long time.

At the first, the NAS ignored Shockley's exhortations. But then two years ago, it appointed a special committee on genetic factors in human performance. Last week the committee turned in its report. The report termed the study of human racial differences "a proper and socially relevant scientific subject"; it went on to recommend that the academy set up a working group of scientists to study the feasibility of a long-term research program on the interaction of genetic and environmental factors in human performance.

When Shockley first read the committee's report, he was jubilant. In a letter to a Charleston, S.C., newspaperman he described it as "an enormous stride toward the scientific objectivity that I have contended is vitally necessary in diagnosing our nation's human quality problems." But then a few days later, when the committee's report came up for acceptance by the NAS membership, Shockley's victory was effectively snatched from his grasp. What the membership did was accept the proposition that the study of human racial differences is a relevant one, but it rejected the recommendations urging the NAS to get to work on such studies. "What the academy has done," Shockley said, "is to turn around at last to face the problem—but it has not taken the first step down the path toward understanding."

For their part, most NAS members feel that their decision on the special committee's report probably took things far enough, at least for the moment. But outside the formal sessions, the debated waxed vigorously. Newsweek correspondent Henry Simmons, who covered the meeting, filed this report of the forces and opinions at work both during and after the regular sessions:

Perhaps what troubled the special committee most from the outset was the certain knowledge that public interest in their area of inquiry seems inevitably to focus on the racial implications. Many members on and off the committee feel this results first in an emotional stand against scientific study of the question by blacks, who fear that their struggle for equality might be blunted if the views of Shockley and Jensen were to gain some kind of scientific respectability; and second, in equally intense pressures in favor of such research by those who think that important racial differences may exist—and that they are being assumed away in the absence of study.

Throughout their report, the committee members emphasized that any work in so complex and relatively uncharted fields as race, heredity and environment must perforce be slow and tedious. This is partly because of the 28-year human generation span, partly because of the built-in limitations on experimentation that can be conducted with humans, and partly because behavioral traits are obviously conditioned by the interaction of many genes. But for all these difficulties, the committee concluded that, in the absence of information, public policy in education and other areas "may rest on false assumptions that lead to the poor use of human potentialities."

MENTAL

Predictably, Shockley himself wasted no opportunity in or out of the sessions, to

press his case. In a formal paper, he advanced several more lines of argument in support of his major point, based for the most part on the Army's preinduction mental tests, which is that the U.S. black population is less intelligent by 15 IQ points than the white. To many scientists, the validity of these tests has long been the subject of bitter dispute because they were regarded as essentially unscientific themselves. The gravamen of the charge against the IQ tests is that they were designed in the first place for the white middle class, and that they make no allowance for the cultural, nutritional and emotional deprivation that is the lot of so many blacks

What Shockley sought to do in last week's paper, was relate the results of the Army's IQ testing to some work carried out in Black Africa by geneticist T. E. Reed and first reported in the magazine Science two years ago. Reed's studies, Shockley said, indicated that certain genes distinctive to whites are found only in trace amounts of less than 1 per cent in present-day African populations, but show up much more frequently in blood tests of U.S. blacks. Among the Gullah-speaking Negroes of the South, for instance, the occurrence of these white genes stands at approximately 5 per cent; in two rural Georgia counties it is 11 per cent; while for some Oakland, Calif., blacks it is 22 per cent. Essentially, what Shockley was trying to prove with his own and Reed's work is that Negroes are more intelligent in direct proportion to the amount of white genes they carry. "The trend shown by all the recruiting districts for both Negro and non-Negro inductees," Shockley said, "suggests that the average IQ of Negro populations increases by about 1 IQ point for each 1 per cent of added Caucasian genes—and might match or even exceed the whites at 30 or 40 per cent." The average percentage of these genes found in the white population in the course of the studies, Shockley added, is 43 per cent.

DISPARITY

Outside the formal sessions, Shockley pressed what he sees as the long-term social and demographic implications of his studies, a view he expressed at Rice University last autumn and presented again to newsmen last week. Excerpts: "If the difficulty of the black minority is a basic difference in the genetic potential for developing the capacities needed to approach parity in a modern technological society, and if this disparity is indeed becoming worse in each generation . . . then the failure to attempt to diagnose is . . . a profound moral irresponsibility.

"Diagnosis will, I believe, confirm that our nobly intended welfare programs are promoting dysgenics—retrogressive evolution through the disproportionate reproduction of the genetically disadvantaged. This probably occurs for whites as well as blacks, but is so much more severe for blacks that it constitutes a form of genetic enslavement . . . if those Negroes with the fewest Caucasian genes are in fact the most prolific and also the least intelligent, then genetic enslavement will be the destiny of their next generation. The consequences may be extremes of racism and agony for both blacks and whites."

Specifically, Shockley reckons that the U.S. black population has lost 5 IQ points relative to whites since 1918 because of the progressive reduction in its Caucasian gene component. He projects that the fraction of the U.S. black population suffering mental retardation for genetic reasons "may well be doubling in about twenty years." "One way of putting this," he said, "is that by good intentions we may unwittingly be breeding Deltas—in the fashion of Huxley's 'Brave New World.' We may be breeding problem creators in greater percentage than problem solvers."

How does Shockley propose to halt the dysgenic evolution he postulates? One plan he thinks might be fruitfully discussed is the payment of Federal cash bonuses to intellectually substandard blacks and whites who agree not to have children. He also favors the establishment of special educational and social programs geared to substandard individuals of both races.

What motivates Shockley, a specialist in transistors, is a puzzle to many of his colleagues, who find themselves bemused that a Nobel Prize-winning physicist should late in life turn with such extraordinary zeal to the new subject of genetics. One question that arises, therefore, is whether Shockley may be moved by some inner psychic drive, essentially racist in expression. Some of his critics feel this likely; others say simply that Shockley is a sincerely dedicated scientist who has made the mistake, not an uncommon one, of trying to take the stringent disciplines of mathematics and physics and bring them to bear on the relatively amorphous field of heredity and environment as well as the new and largely uncharted study of genetics. And some scientists, notably Berkeley's Jensen, support him.

Shockley deplores any suggestion that his motivations might be racists. Both he and Jensen adamantly insist, for instance, that all ranges of intelligence may be found in both blacks and whites, and that they do not intend any suggestion of exclusivity in intelligence. Shockley, for example, is fond of telling his audience that according to his research, blacks may be generally inferior in intelligence to whites, but that he feels there is also a reasonable possibility that Orientals, notably the Chinese and Japanese, may eventually be proven the intellectual superiors of whites.

Last week, a dozen Howard University students were on hand to hear Shockley read his latest paper—and to pepper him with questions, some freighted with emotion, others calm, deliberate and incisive. The Howard group included two distinguished black scientists, Dr. Harold E. Finley, a professor of zoology, and physics professor Warren E. Henry. Earlier, Finley and Henry, along with four other colleagues, had written a letter to the academy expressing grave concern at the prospect of the kind of racial studies proposed by the special committee and urged that any such undertaking be governed by strictly established scientific criteria.

KNACK

To many of those who heard the Howard contingent question Shockley, the conclusion seemed to be that while he is a brilliant statistical analyst, he is notably weak in a number of important respects. Thus not only did he seem to be somewhat unsure of just what IQ tests really do measure, but there was also a suggestion that he is taking IQ tests as an ironclad indicator of absolute intelligence—which even the tests' most vigorous supporters insist they are not. Then there was the fact that in studying the IQ differentials of black subpopulations, Shockley seemed to display a knack for picking precisely that group which, because of marginal diet, cultural deprivation and linguistic shortcomings, could be expected to score low on IQ tests even if intelligence were entirely environmental in determination, with no hereditary input at all.

Interestingly enough, some of the same scientists who have grave doubts about the validity of Shockley's thesis look much more favorably on Jensen's work. "You have to regard the Jensen position as established," said Caltech biologist Dr. James F. Bonner. "There is a genetic basis for intelligence." "Nobody denies that," Howard University psychologist Dr. James Bayton replied, "but you have to be very careful when you try to extend individual characteristics to all members of a diverse group."

On balance, it seems likely that Shockley is over his head in certain areas. But he seems a conscientious and well-intentioned man, whatever the use less-well-disposed persons may make of his hypotheses. Thus a reasonable judgment would seem to be that even if his arguments tend to make qualified sociologists, psychologists and geneticists wince, they demand more organized attention than the academy currently seems willing to give them. The academy, in short, has simply failed to confront directly a hypothesis, which, however tenuous, will go on ticking away, a potential social hydrogen bomb, until it is finally disposed of.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

Mary McLeod Bethune, a daughter of former Negro slaves, was born in Mayesville, S.C., in 1875. In 1904 she founded Daytona Normal and Industrial Institute which merged in 1923 with Cookman Institute to form Cookman College. She was the recipient of numerous awards.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. FOLEY (at the request of Mr. BOGGS), for Thursday, May 13, Monday, May 17, Tuesday, May 18, and Wednesday, May 19, on account of official business.

Mr. RANDALL, for Monday, Tuesday, Wednesday, Thursday, May 17, 18, 19, and 20, 1971, on account of official business, three commencement addresses and as a member of American Canadian Parliamentary delegation to Ottawa, Canada.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROBINSON of Virginia) to revise and extend their remarks, and to include extraneous matter:)

Mr. RUPPE, on May 13, for 10 minutes.

Mr. CHAMBERLAIN, today, for 10 minutes.

Mr. HOGAN, today, for 30 minutes.

Mr. SKUBITZ, today, for 10 minutes.

Mr. MORSE, today, for 5 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. RARICK (at the request of Mr. BOGGS) today, for 15 minutes, to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RANDALL in two instances.

Mr. MADDEN.

Mr. HOSMER in two instances and to include extraneous matter.

(The following Members (at the request of Mr. ROBINSON of Virginia) and to include extraneous matter:)

Mr. BURKE of Florida.
Mr. MCCLORY.
Mr. SNYDER.
Mr. CEDERBERG in two instances
Mr. WHALEN.
Mr. SCHWENGEL.
Mr. HUNT.
Mr. MILLER of Ohio.
Mr. BAKER.

(The following Members (at the request of Mr. BOGGS), and to include extraneous matter:)

Mr. REES in two instances.
Mr. DOW.
Mr. ROONEY of New York.
Mr. ASPIN.
Mr. SYMINGTON in two instances.
Mr. FASCELL.
Mr. HARRINGTON in two instances.
Mr. BARING.
Mr. GONZALEZ in three instances.
Mr. JOHNSON of California.
Mr. RARICK in three instances.
Mr. EDWARDS of California.
Mr. EVANS of Colorado in three instances.
Mr. HUNGATE in two instances.
Mr. DINGELL in two instances.
Mr. EVINS of Tennessee in two instances.
Mr. RYAN in three instances.
Mr. JACOBS.
Mr. WALDIE.
Mr. FOLEY.
Mrs. ABZUG.

ADJOURNMENT

Mrs. SULLIVAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until Monday, May 17, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

712. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize emergency loan guarantees to major business enterprises; to the Committee on Banking and Currency.

713. A letter from the Commissioner of the District of Columbia, transmitting the annual report of the District of Columbia Unemployment Compensation Board for 1970, pursuant to section 313(c) of title 46 of the District of Columbia Code; to the Committee on the District of Columbia.

714. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota; to the Committee on Interior and Insular Affairs.

715. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the maintenance of a register listing the names of certain persons who have had their motor vehicle operator's licenses denied or withdrawn and to allow more efficient use of that information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

716. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on contracts negotiated by NASA under 10 U.S.C. 2304(a)(11) and (16) during the 6 months ended December 31, 1970, pursuant to 10 U.S.C. 2304(e); to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

717. A letter from the Comptroller General of the United States, transmitting a report that the highway program administered by the Appalachian Regional Commission has shown limited progress toward increasing accessibility to and through Appalachia; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 2587. A bill to establish the National Advisory Committee on the Oceans and Atmosphere (Rept. No. 92–201). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 5060. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; with an amendment (Rept. No. 92–202). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 56. A bill to amend the National Environmental Policy Act of 1969, to provide for a national environmental data system; with an amendment (Rept. No. 92–203). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ASPIN:

H.R. 8370. A bill to amend the Internal Revenue Code of 1954 to impose a retailers excise tax on certain nonreturnable bottles and cans, and to provide that the collections of such tax shall be paid over to the municipalities in which such bottles or cans were sold; to the Committee on Ways and Means.

By Mr. BADILLO:

H.R. 8371. A bill to amend the National Security Act of 1947 to specify certain activities in which the Central Intelligence Agency may not engage; to the Committee on Armed Services.

By Mr. BADILLO (for himself, Mr. PRICE of Illinois, Mr. ECKHARDT, Mr. MAZZOLI, and Mr. SEIBERLING):

H.R. 8372. A bill to amend the Second Liberty Bond Act to authorize the United States to borrow $20 billion to make intergovernmental advances during the next 2 fiscal years to States and local governments, and for other purposes; to the Committee on Ways and Means.

By Mr. BERGLAND (for himself, Mr. ABOUREZK, Mr. DENHOLM, Mr. FRASER, Mr. LINK, Mr. MELCHER, Mr. SISK, and Mr. ZWACH):

H.R. 8373. A bill to permit the Secretary of Agriculture to make payments to producers for crops of oats, and for other purposes; to the Committee on Agriculture.

By Mr. BINGHAM (for himself, Mr. MORSE, Mr. CORMAN, Mr. RANGEL, Mr. HARRINGTON, Mr. COLLINS of Illinois, Mr. ASPIN, Mr. DANIELSON, Mr. FRASER, and Mr. VANDER JAGT):

H.R. 8374. A bill to provide increased unemployment compensation benefits for Vietnam era veterans; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 8375. A bill to provide for the regulation of the practices of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H.R. 8376. A bill to authorize the reduction of the salaries of teachers and school officers in the public schools of the District of Columbia for the purpose of purchasing annuities pursuant to the provisions of section 403(b) of the Internal Revenue Code, and for other purposes; to the Committee on the District of Columbia.

H.R. 8377. A bill to authorize the 101st Airborne Division Association to erect a memorial in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. EDWARDS of Alabama:

H.R. 8378. A bill to assist school districts reduce crime against children, employees, and facilities in the elementary and secondary schools by providing financial assistance for the development and implementation of locally approved school security plans; to the Committee on Education and Labor.

H.R. 8379. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

By Mr. FOLEY:

H.R. 8380. A bill to provide public financing of certain campaign costs incurred in campaigns for election to Federal office, to insure full public disclosure of campaign finances, and to regulate unfair campaign practices; to the Committee on House Administration.

H.R. 8381. A bill to authorize the purchase, sale, and exchange of certain lands on the Kalispell Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 8382. A bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON:

H.R. 8383. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to add an additional title to provide for motor vehicle safety collision standards; to the Committee on Interstate and Foreign Commerce.

H.R. 8384. A bill to improve the extended unemployment compensation program; to the Committee on Ways and Means.

By Mr. HARVEY:

H.R. 8385. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia (for himself, Mr. ANDERSON of California, Mr. ASHLEY, Mr. BURKE of Massachusetts, Mr. CORMAN, Mr. MCCLOSKEY, Mr. PEYSER, Mr. RYAN, Mr. STOKES, and Mr. WHALEN):

H.R. 8386. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other pur-

poses; to the Committee on Interior and Insular Affairs.

By Mr. HORTON (for himself, Mr. ABOUREZK, Mr. ADDABBO, Mr. BOLAND, Mr. CONTE, Mr. EDWARDS of California, Mr. ESCH, Mrs. GRASSO, Mr. GUDE, Mr. HALPERN, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. LEGGETT, Mr. MCCLOSKEY, Mr. MAZZOLI, Mr. MOSHER, Mr. PIKE, Mr. ROBISON of New York, Mr. ROSENTHAL, and Mr. SCHEUER):

H.R. 8387. A bill to provide a procedure for the exercise of congressional and executive powers over the use of any Armed Forces of the United States in military hostilities, and for other purposes; to the Committee on Rules.

By Mr. KOCH (for himself and Mr. CAREY of New York):

H.R. 8388. A bill to provide for the treatment of members of the Armed Forces who are narcotics addicts; to the Committee on Armed Services.

H.R. 8389. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities; to the Committee on the Judiciary.

H.R. 8390. A bill to amend the Social Security Act to provide that Federal welfare payments may be made with respect to an individual who qualifies therefor on the basis of drug-caused disability or incapacity only if such individual is undergoing appropriate treatment; to the Committee on Ways and Means.

By Mr. MCCLOSKEY:

H.R. 8391. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MCMILLAN (for himself and Mr. CABELL) (by request):

H.R. 8392. A bill to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MOORHEAD:

H.R. 8393. A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings; to the Committee on Banking and Currency.

By Mr. MURPHY of New York:

H.R. 8394. A bill to amend the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. PERKINS (for himself, Mr. THOMPSON of New Jersey, Mr. QUIE, Mr. DENT, Mr. PUCINSKI, Mr. DANIELS of New Jersey, Mr. BRADEMAS, Mr. O'HARA, Mr. REID of New York, Mr. WILLIAM D. FORD, Mr. SCHEUER, Mr. MEEDS, Mr. DELLENBACK, Mr. ESCH, Mr. STEIGER of Wisconsin, Mrs. CHISHOLM, Mr. BIAGGI, Mr. HANSEN of Idaho, Mrs. GRASSO, Mr. FORSYTHE, Mrs. HICKS of Massachusetts, Mr. VEYSEY, Mr. MAZZOLI, and Mr. KEMP):

H.R. 8395. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services and for vocational evaluation and work adjustment, to authorize grants for rehabilitation services to those with sensory disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. RYAN:

H.R. 8396. A bill to amend section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to make States and units of local government liable for deprivations of constitutional rights by officers employed by them; to the Committee on the Judiciary.

By Mr. SISK (for himself, Mr. ANDERSON of Illinois, Mr. BERGLAND, Mr. BYRON, Mr. CLARK, Mr. DENNIS, Mr. FINDLEY, Mr. FISH, Mr. FRELINGHUYSEN, Mr. GARMATZ, Mr. GOODLING, Mr. HANSEN of Idaho, Mr. HARSHA, Mr. HATHAWAY, Mr. HOGAN, Mr. KING, Mr. KYL, Mr. LANDGREBE, Mr. LEGGETT, Mr. LUJAN, Mr. MCCORMACK, Mr. MCDADE, Mr. MCFALL, Mr. MCMILLAN, and Mr. MATHIS of Georgia):

H.R. 8397. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. SISK (for himself, Mr. MAYNE, Mr. MICHEL, Mr. MILLER of California, Mr. NIX, Mr. PEPPER, Mr. RAILSBACK, Mr. RARICK, Mr. SANDMAN, Mr. SCHWENGEL, Mr. SEBELIUS, Mr. SHRIVER, Mr. STRATTON, Mr. STUBBLEFIELD, Mr. TEAGUE of California, Mr. THOMSON of Wisconsin, Mr. ULLMAN, Mr. VIGORITO, Mr. WYATT, Mr. YATRON, Mr. ZWACH, Mr. JONES of Tennessee, Mr. KYROS, Mr. STAFFORD, and Mr. PIRNIE):

H.R. 8398. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. SISK (for himself, Mr. DELLENBACK, Mr. ESHLEMAN, Mr. THONE, Mr. WIDNALL, Mr. HUNT, and Mr. WHALLEY):

H.R. 8399. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. SCHNEEBELI:

H. Con. Res. 302. Concurrent resolution to declare a national policy on the stabilization of the purchasing power of the dollar; to the Committee on Banking and Currency.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

171. By Mr. BARING of Nevada: Memorial of the Senate and Assembly of the State of Nevada, jointly; that the legislature of the State of Nevada memorializes the Congress of the United States to complete construction of the Lahontan Federal Fish Hatchery in the State of Nevada, to turn operation and management of the project over to the State of Nevada through its properly designated bureau or department, and to fund such operation and management by the designated bureau or department of the State; to the Committee on Merchant Marine and Fisheries.

172. By the SPEAKER: Memorial of the Legislature of the State of Vermont, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

173. Also, memorial of the Legislature of the State of Nevada, relative to completion of the Lahontan Federal Fish Hatchery; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WAGGONNER introduced a bill (H.R. 8400) for the relief of Lennie LeBlanc, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE MIG–23 FOXBAT FIGHTER, A DISTURBING DEVELOPMENT

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. WHALEN. Mr. Speaker, the authoritative Aviation Week & Space Technology magazine recently published an article—April 19, 1971—dealing with the interceptor version of the Mig–23 Foxbat fighter, now being furnished to Egypt.

I was disturbed to note the very high performance capability of the aircraft, particularly the Mach 3.2 speed plus the ability to operate at altitudes well above 60,000 feet. My concern relates specifically to how the Foxbat compares with the F–14/F–15 fighters we currently are bringing just to prototype stage.

I have been assured by military officials that both of our new fighters will be able to hold their own below 40,000 feet with Foxbat. I take that assurance with some reservation. But the question I believe is more to the point is "What about altitudes above 40,000 feet?" Are we relinquishing that portion of the airspace, in hypothetical combat, for the Foxbat to roam at will?

Are we, in fact, committing ourselves to build new aircraft whose specifications are less than those of Foxbat?

The F–4 will require a replacement in the years ahead. But if that replacement is inferior to what the Soviets already possess, are we justified in building it?