

## EXTENSIONS OF REMARKS

**HARRISON COUNTY EMERGENCY SQUAD PROVIDES VALUABLE SERVICE—50,000 MAN-HOURS OF VOLUNTEER SERVICE PROVIDED—4,997 CALLS ANSWERED IN 1970**

**HON. JENNINGS RANDOLPH**

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. RANDOLPH. Mr. President, Harrison County, W. Va., in 1969 lost ambulance service which was being provided by local funeral homes.

As a consequence, the Harrison County Emergency Squad was formed and is the only all-volunteer ambulance and emergency service in Harrison and surrounding counties. It was formed to provide only emergency service but since there was no ambulance service the group felt morally obligated to furnish this service also. It is provided at a nominal cost to those using the service, not to the taxpayers of Harrison County.

The emergency squad furnishes more than 90 percent of the emergency and ambulance service in the county. The Bridgeport Fire Department answers approximately 50 calls monthly in Bridgeport, but will respond to any section of the county when asked by the emergency squad.

Approximately 15 coal companies in the area are able to comply with the Federal Coal Mine Health and Safety Act because the squad has signed letters of intent to furnish emergency ambulance service.

The squad is unique in that it is perhaps the first of its kind in the United States to operate independently of fire departments and other related organizations—and still remain entirely all volunteer.

The citizens of Harrison County have responded to this excellent service with enthusiasm. I am doubly pleased of this fact because I am a native of Harrison County.

A new headquarters building housing a four-stall garage, equipment area, two bathrooms, kitchen, supply room, classroom, bunkroom, recreation room, office and modern communications network, was erected at a cost of \$50,000 paid entirely by private donations.

Appropriated funds from the city of Clarksburg and the Harrison County court, costing each resident about 45 cents per year, are used only for operational expenses. New equipment including cars, litters, special lights, oxygen tanks, and so forth, are purchased with donations and money earned through ambulance service operations.

Operating four vehicles with a capacity of 10 persons, this dedicated public service group answered 4,997 calls in 1970, with 200 active members providing nearly 50,000 man-hours of volunteer service.

When calls for emergency service are answered and the patient treated and

picked up, the driver calls a Clarksburg hospital to alert them of the patient's name, complaint, nature of illness and the name of the patient's family doctor. Through this vital communication, the hospital stands ready to provide immediate treatment when the patient arrives.

The two hospitals in Clarksburg have merged into one unit, the United Hospital Service and this facility cooperates closely with the emergency squad and has been a big factor in the success of this program.

Many local industries have first aid trained personnel on duty which have been trained by members of the emergency squad. Regular and advanced first aid classes are taught by the squad and are available to the public without cost.

Following is a roster of active members:

**ACTIVE MEMBERS, AUGUST 1, 1971—HARRISON COUNTY EMERGENCY SQUAD**

Alford, Franklin, Armed Forces.  
Aley, Burt, retired.  
Allen, Steve, retired.  
Ames, Donley, glass worker.  
Annla, Frank, glass worker.  
Armistead, Jess, glass worker.  
Armistead, Jim, glass worker.  
Barberio, Nick, broker.  
Bartlett, Boyd, mold maker.  
Bates, Bob, truck driver.  
Bell, Coy, glass worker.  
Belotte, Anthony, retired.  
Bird, George, student.  
Marshall, Robert, salesman.  
Bode, Nolan, glass worker.  
Bond, Steve, student.  
Bowen, Bob, bus driver.  
Brooks, Earl, hospital employee.  
Brown, Mike, student.  
Bryan, Fred, computer programmer.  
Bumgardner, laborer.  
Burkhammer, Hobart, electronic tech.  
Buzzard, Charles, glass worker.  
Byrd, Bob, retired.  
Carr, Bob, V.W. service mgr.  
Casto, Andy, mine inspector.  
Casto, Bert, newspaper.  
Casto, Jack, newspaper.  
Caynor, Larry, student.  
Caynor, Woody, production assembly.  
Cockerell, Steve, newspaper.  
Colling, Buck, mold maker.  
Coltrane, Jim, salesman.  
Cottrill, Delbert, Nat. Carbon Co.  
Craig, Bill, laborer.  
Crawford, Dick, student.  
Cross, Greg, student.  
Crayton, Ray, circ. mgr. newspaper.  
Crislip, Fred.  
Criss, David, glass worker.  
Cunningham, George, salesman.  
Currey, David, student.  
Daniels, Glenn, glass worker.  
Dean, Charles.  
Dean, Denver.  
Devericks, Charles.  
Douglas, Lawrence.  
Drummond, Shafter.  
Ellison, Paul, P & R Department of Highways.  
Estep, Bill, hospital employee.  
Estep, Gerald, glass worker.  
Ferrell, Harry.  
Ferguson, John, student.  
Fincham, Albert.  
Fitzpatrick, Marlin, glass worker.  
Fritto, Carl, glass worker.  
Fontaine, Jack, student.  
Forinash, Burley, glass worker.  
Frazier, Bernard.

Frazier, Francis.  
Fultz, Bob, mechanic.  
Fultz, Walter, office supervisor.  
Furner, Charles, salesman.  
Gawthrop, James.  
George, Bill, salesman.  
Godfrey, Richard, glass worker.  
Godfrey, Ronald.  
Gonsorcik, Bill.  
Gonzalez, Joe, newspaper reporter.  
Greathouse, Ansel.  
Hammond, Bob.  
Hardman, Joseph, glass worker.  
Harman, Rev. O. D., minister.  
Heaton, Bob.  
Held, Marc, self employed.  
Henline, Worder, foreman.  
Henning, Richard.  
Hildreth, Dennis, Nat. Carbon Co.  
Hyatt, James, glass worker.  
Hyre, Bob.  
Jacobs, Jackson.  
Jacobs, Leo.  
Jeffries, James.  
Jenkins, Thomas.  
Jenkins, Luther, carpet installer.  
Johnston, Charles, mold maker.  
Joseph, Bernard.  
Kane, Daniel, student.  
Kelly, John, salesman.  
Kennedy, John, glass worker.  
Kerns, Elzlie.  
Lanham, Fred, county employee.  
Lasko, Casey.  
Lawson, Jack, glass worker.  
Lawson, Jack Jr.  
Lawson, John.  
Latz, Joe.  
LeMasters, Wayne, electrician.  
Lindsay, Russell, carpenter.  
Linn, Carl, glass worker.  
Lones, Wayne, Xerox-salesman.  
Looker, Harry, highway inspector.  
Losh, Jerry, student.  
Losh, Winfred, retired.  
Lough, James.  
Lowther, Jerry, welder.  
McCallum, Gerald.  
McClain, Worthy, quality control.  
McCue, Paul, glass worker.  
McDaniel, Neil.  
McIntyre, Art, glass worker.  
McIntyre, Mike.  
McNemar, Earl.  
Malcomb, Arthur, ins. salesman.  
Marcurella, Ed.  
Marozzi, Gary.  
Martin, Paul, glass worker.  
Matko, Frank, glass worker.  
Maxwell, John, retired.  
Mayes, Melvin, highway inspector.  
Merryman, Jack, salesman.  
Mihallak, Joe.  
Molline, Fred.  
Moore, Sam.  
Moore, Bill, foreman.  
Morris, Charles.  
Morton, John F., production.  
Musgrave, Paul.  
Nuzum, Ronald, insurance adjuster.  
Owens, Rick.  
Palmer, Ray.  
Payne, Jerry.  
Peck, Bernard, bank maintenance.  
Perkins, Howard, retired.  
Poling, Gary, school teacher.  
Posey, Dale, glass worker.  
Post, Charles, serv sta mgr.  
Powell, Richard.  
Pratt, Frank.  
Prunty, John.  
Pulice, Bill, insurance agent.  
Pulice, Ronald, auto service mgr.  
Rector, Bill, glass worker.  
Reed, Austin, insurance agent.  
Reed, Bill, glass worker.  
Reed, Lester, glass worker.

Reid, Mark.  
 Rexroad, Joseph.  
 Reynolds, Paul, glass worker-constable.  
 Riffe, Mike, glass worker.  
 Riffe, Walter, Lockheed corp.  
 Rowh, Mike, student.  
 Rucker, Jim.  
 Scheifer, Martin, retired.  
 Schlicker, Jacob, glass worker.  
 Second, James, project inspector.  
 Shaw, Dave, glass worker.  
 Shellhammer, R. T., glass worker.  
 Shellhammer, Paul, glass worker.  
 Shields, Carney, glass worker.  
 Shingleton, James, self employed.  
 Shingleton, Ted, retired.  
 Smith, Kenneth, stock room.  
 Snyder, Bill, salesman.  
 Snyder, John, salesman.  
 Sprouse, Barry, student.  
 Stout, Scott.  
 Summers, Donald, mold maker.  
 Summers, Leo, coal miner.  
 Summers, Tom, pre med student.  
 Swiger, James.  
 Talarico, Frank.  
 Talkington, Cletus.  
 Talkington, Clifford, Sr., self employed.  
 Talkington, Clifford, Jr.  
 Thomas, Jeff.  
 Toryak, Steve, Clarksburg policeman.  
 Trent, Jimmie, foreman.  
 Trotter, George.  
 Trupo, Louis.  
 Van Court, Bill, foreman glass company.  
 Vasquez, Jess, construction worker.  
 Walls, Bobby, glass worker.  
 Westfall, Victor, mechanic.  
 Williams, LeRoy.  
 Wine, Dave.

"CONSTITUTION DAY" ADDRESS BY  
 DR. WILLIAM J. WASHINGTON,  
 JR.

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, on September 17, 1971, the 184th anniversary of the signing of the U.S. Constitution, Dr. William A. Washington, Jr., was the featured speaker at the traditional celebration sponsored by the Citizenship Day Committee of the District of Columbia, under the chairmanship of A. Leo Anderson, Director of the District's Veterans' Affairs Administration.

Dr. Washington, born in Alabama in 1924, attended Talladega College in Alabama and received his M.D. degree at Howard University School of Medicine in 1948. He served as flight surgeon for the U.S. Air Force for Japan, Korea, and the United States from 1951 to 1953. From 1953 to 1955 he was assistant resident, internal medicine at Freedman's Hospital, after which he served in many capacities in the District of Columbia government culminating with his appointment as associate director, Department of Human Resources for Hospital and Medical Care Programs.

I would like to include here Dr. Washington's speech given on Constitution Day:

ADDRESS ON "CONSTITUTION DAY"

Mr. Anderson, Principal Liggins, Reverend Clergy, Platform guests, Student Council President Mingo, Fellow Students, Ladies and Gentlemen:

I am honored to call myself your "fellow student" since I am still learning. As you learn and grow, I hope to be taught by many of you since we can all learn from each other.

Just ten years ago, our martyred young President, John F. Kennedy, spoke words which are as true and relevant today as they were on that occasion. He said, "Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage. . . ."

Now, as then, and as frequently in the past—rededication to the same ideals of continuing struggle for the success and survival of liberty is crucial. This is a struggle which cannot be finished in the first one hundred or one thousand days, nor perhaps within our lifetime. Nevertheless, the torch was passed, and the charge was sent forth, that all Americans should begin a rededicated struggle toward upholding the principles of freedom and democracy.

This struggle was begun, but not finished in the lifetime of the President who uttered those words that cold day in our city.

And, today, more than ten years later, we can truly begin to realize the grave challenge and the magnitude of those words. The turmoil and the dangers of our times are all about us, threatening to devour our many freedoms and our sacred way of life.

In this moment of turmoil and challenge, it is wise for us to ponder upon that torch and that heritage which has been passed on to us. I commend the Citizenship Committee for the District of Columbia, for its efforts in making this program possible, so that we might rededicate ourselves and our lives to the fulfillment of the American dream as embodied in the Constitution. And, I am grateful for the privilege of taking part in this program.

We should remember that brave Americans—young and old—Black and white—down through the history of our nation, have faced similar challenges. We should think of the great challenge which faced those men on Lexington Green, 195 years ago, as the first blood of American freedom was shed. Contemplate the thoughts of those ragged, emaciated mortals at Valley Forge during the winter of 1777, as death and despair lurked in the darkness and the bitter winds. Think of the tremendous pain, anxiety and doubt in the hearts of thousands of Americans who have faced the same questions which you and I face today. The torch that led them through the long nights of peril was their fervent belief in democracy, and a sincere willingness to die for that freedom.

As the first American colonist fired that first shot for freedom 195 years ago, the shot heard "round the world," he also kindled into life the bright flame of freedom and democracy, which shines brightly wherever men yearn to be free.

The basis for that torch of life is the *faith, hope and commitment* expressed in *The United States Constitution*. Conceived and written 184 years ago—in a time of unrest, alarm, skepticism and criticism by a group of men trying diligently to organize a government in a new land—it has endured the pains of growth, war, destruction and opposition which have plagued it. As many other aspects of our country have changed and expanded almost beyond our comprehension, this stalwart document has remained basically as it was, with but 26 amendments.

The Constitution has never been a magic wand by which to conjure up self-government. It is a human institution, dependent on people to make it work.

The Constitution has never *guaranteed* peace, tranquility, and happiness. It only offers the opportunity for the citizens to

pursue those human goals without recourse to armed revolution.

The U.S. Constitution enshrines many basic principles for the American people. The idea of popular sovereignty, "That Governments derive their just powers from the consent of the governed," is of primary importance. That people should choose their own representatives; that personal rights must be secured; that Government should be limited; and that powers may be divided between state and Federal Governments, are also important principles.

The right to govern comes from the people, and the Constitution is an evidence that they in turn give powers to a Government. The Constitution is the supreme law of the land, and as such its powers and limitations must bind the Government in the people's interests.

As time has passed in America, the distance between the people and their government has increased as fast as our population has grown. And that ever-widening separation has made it more and more difficult for people to get together to solve their problems—to eliminate the gaps between generations and races.

The concepts of citizenship and self-government have little meaning to a man who cannot find a job, receive adequate medical care, or buy a decent home. They have little meaning to a man whose taxes pay a farmer not to grow crops when he cannot get enough food for his family.

The guarantees of the Constitution are questioned by the hundreds of thousands of District of Columbia residents whose relationship to their government is that of tenants to an absentee landlord.

Almost 200 years after the revolutionary war, Washington, D.C. is a colony of absentee rule, the American people lack a direct voice in the election of their President, millions of citizens are disenfranchised, and some Americans are more equal than others.

Our brother, Rev. Martin Luther King, Jr., believed in the goal of equality for all men—believed in freedom. He had a dream—and I share that dream—that all men are indeed created equal—and we must all share in the happiness and greatness that the Constitution promises!

The most important element in the greatness of this nation is in its people. They have made it what it is; they must determine what it will be. We must in this hour and in the future remember that the torch of life has been passed into your hands, the youth and future leaders of this city, the Nation's Capital. The burden of defending it and the principles in which we believe, has now fallen upon us. "We the people," under our democratic government, which means each of you, must continue to strive for the highest goals of mankind; freedom, justice and truth. You must accept the duties and the responsibilities of Americanism. You must daily strengthen your faith in those principles of liberty and equality for which America stands. You must strive to maintain eternal vigilance against those forces which seek to overcome you. In doing so, you will often be confronted with great challenges, for freedom is not easily won, not easily kept. The road ahead may be bitter, dark and weary, but the goal of freedom, is the most priceless and cherished possession of mankind. It is worthy of our dedication.

From Lexington and Valley Forge, down the long path of this great nation, young Americans have had to make the decision whether our freedom was worth their very effort. Today, each of us is confronted with a similar decision and challenge. That supreme decision lies within the hands of each of us, and the fate of our nation and of our people rests upon how we make that decision.

I would like to continue that charge from President Kennedy and from Rev. Martin Luther King, Jr., that each of us try to bring

the Constitution into a fuller and richer reality in this day and in our time.

The torch has been passed into your hands. Can you live up to your challenge? You can, I believe, if you rekindle the spirit of patriotism and the concepts of Americanism throughout your community and throughout our nation.

I thank you for allowing me to share this day with you.

## BICENTENNIAL MEDAL COMPETITION SET

### HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. SCHWEIKER. Mr. President, a bicentennial medal design competition to be conducted throughout the 50 States and run simultaneously has recently been announced by the Franklin Mint, of Pennsylvania. The total prizes for the competition will be \$500,000 and the company has budgeted an additional \$500,000 to publicize the competition and the medals series. I am pleased to note this support for the bicentennial on the part of private enterprise and feel that the competition sponsored by this Pennsylvania firm will be of interest to many groups and individuals throughout the country.

An article describing the competition was recently published in the USA-200 Newsletter of the Bicentennial Service Corporation. I ask unanimous consent that the article be printed in the RECORD.

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

#### BICENTENNIAL MEDAL COMPETITION SET

A competition for the designing of Bicentennial commemorative medals in all 50 states, with prizes totalling \$500,000, was announced August 11th by the Franklin Mint, world's largest private mint. The announcement was made by the president of the company, Joseph M. Segel, at the New York City premiere of the new documentary film, "Of Art and Minting."

Artists in each state will be invited to design a Bicentennial medal commemorating their state's contributions to the heritage of the nation. There will be \$10,000 in prize money for each state competition: first prize—\$5,000, second prize—\$2,500, third prize—\$1,500, fourth prize—\$1,000. The total prize fund of \$500,000 is the largest amount ever offered in an art competition in the United States.

Actually, the investment in the program by the Franklin Mint will be at least one million dollars. In a telephone interview with USA-200, Segel said the company has budgeted an additional \$500,000 for nationwide promotion and advertising in support of the 50 contests.

State Bicentennial Commission have been invited to co-sponsor the competition in each state, and judging of the design entries will be done by state panels in cooperation with a national advisory panel of distinguished artists and art experts. In states which elect to cosponsor the program, the Franklin Mint will defer to the Governor or State Bicentennial Commission in appointing a panel of judges.

Under varying plans of endorsement or co-sponsoring, Segel told USA-200, it will be

possible for the individual state to receive royalties of 10 to 50 per cent generated by the public sale of the medals, for use in supporting other state Bicentennial programs. A conservative estimate of the royalties likely to be generated for distribution among participating State Bicentennial Commissions, Segel said, would be one million dollars, with the potential being considerably higher.

The fifty state competitions, to run concurrently, are scheduled to open in January 1972 and close on March 31, 1972. Segel said he anticipated that first edition proofs of the complete 50-medal set would be available by the end of September 1972. There would be later mint editions and possibly other editions sponsored by various states.

The elements of the program—the million dollar investment, the unique opportunity afforded artists, the commemorative value of the completed medals, and the prospect of substantial royalties for use in other Bicentennial activities—makes it the most significant and far-reaching act of support and commitment to the Bicentennial made by private enterprise to date.

## ADDRESS BY FORMER CONGRESSMAN ALBERT RAINS

### HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. BEVILL. Mr. Speaker, recently I obtained a copy of an address by my good friend, former Congressman Albert Rains, of Gadsden, Ala. Congressman Rains gave this talk on June 27, 1971, at the First Baptist Church of Gadsden. I was so struck by its timeliness, sincerity, and eloquence that I wanted to share it with my colleagues in the House.

In these times when many of us are confused by the actions of many of our young people and at a loss as to how to communicate with them, Congressman Rains has pointed out some old and valuable truths. I believe it would do us all a lot of good to reflect on these truths. The speech follows:

#### ADDRESS BY ALBERT M. RAINS

King David reigned several thousand years before the coming of Christ and was one of the truly great kings of Israel. He, as you know, was the author of a great many of the Psalms. David was a musician in his own right. In fact, he was brought to the attention of King Saul through his talent as a musician. Seventy three of the Psalms were written by David. The 33rd Psalm, verse 12, "Blessed is the Nation Whose God is the Lord" keys what I have to say today. Many long years after David lived, King Solomon came to power in Israel. He was a wise and great king. In the Book of Proverbs 14:34, Solomon said, "Righteous Exalteth a Nation; But Sin is a Reproach to Any People".

During the years that King David reigned, Israel had its ups and downs; its victories, its sufferings, its sorrows, its plagues; but always King David kept in touch with his Master. There is no doubt but that the Bible teaches, and that the Master teaches, we should have obedience to law and to order in our Country.

Today, with the Fourth of July fast approaching, the 195th birthday of our Independence and freedom as a Nation, it seems to be altogether fitting and proper that we should look at our own Nation. We should look at what has happened, where we are, and where we ought to go.

One of the truly phenomenal institutions in our free enterprise system, and it is true in no other Nation except ours, is the service of the filling station operators. Not long ago I drove up to a service station and a bright-eyed, handsome, young teenage fellow came out to wait on my car. He put in the gas, washed off the windshield, rubbed off the front headlights, rubbed the windows, and since I was a bit impatient, when I got my credit card back I started to drive away. He was at the back rubbing the rear window and said, "Wait, Mr. Rains, you might want to see where you've been". Well, this was a passing statement with that young fellow, but right now we're going to look briefly at "where we've been". Just how did this Country come into being? And why? The people, our forefathers, were being persecuted in England. They were being denied the right of religious worship as they saw fit. They were being punished by tyrannical kings, so they came to these shores looking for homes and religious freedom. One of the first documents ever drawn in America was the Mayflower Compact in which they said that our mission in America is to establish a home and to serve God. Actually then, this Country of ours was founded on faith in God.

Not long ago one afternoon at Friendship Airport outside Baltimore, I decided to get a cab and drive out and see Fort McHenry. Fort McHenry is just outside the city of Baltimore and overlooks beautiful Chesapeake Bay. September 13 and 14 in 1814, the British began the bombardment at Fort McHenry. They had already invaded our Nation's Capitol, and had burned the White House. Now they were about to assault Fort McHenry, one of our strongest forts. A young lawyer by the name of Francis Scott Key whose home was in Georgetown, had heard that a young friend of his had been captured by the British and was a prisoner on a British warship in Chesapeake Bay. Young Key went down to intercede with the admiral of the British fleet to see if he could get the release of his friend. He got the release of his friend, but the British, not wanting to give away their intention of a secret attack on Fort McHenry, kept Francis Scott Key and his friend overnight on the admiral's flagship. All during the night, the bombardment went on and it was the next morning that Francis Scott Key wrote the immortal lines of the Star Spangled Banner.

When I stood at that historic place on a hot and lonely July afternoon and looked out across Chesapeake Bay, my mind went back to the magnificent history of our great Country. I could see again the farmers fighting at Bunker Hill; I could see again George Washington as he knelt to pray in the snow at Valley Forge; I remembered Picketts brave and ill-fated charge at Gettysburg; and the time on the Fourth of July of 1933 when my wife and I stood on the burning slopes at Gettysburg when Franklin D. Roosevelt lighted the eternal torch for peace in this Country. I listened with memory's ear to the roar of cannons and the crackle of machine guns as the Marines stood at the Marne and the Rainbow Division at the Battle of the Argonne Forest; and then D-Day—the mighty onslaught on the Normandy Beaches; and then the seemingly endless suffering and sacrifices of our own on the heart-break hills of Korea and in the muddy, steaming jungles and rice paddies of Viet Nam. I point out that "our Nation didn't just happen." That this Nation was founded upon a faith in God. Our freedom and our liberty was bought and paid for in "blood, sweat and tears."

For a period of more than 300 years in the history of Israel in which there was no Ruler, three times in the book of Judges there appears a statement, "In Those Days There Was No King In Israel And The People Did What They Thought Was Right." The re-

sult was the same thing we see today in our Country and in other Countries in the world.

By any measurement we want to use, we are a Nation in trouble,—sick in spirit, aimless and adrift, tortured by a feeling of helplessness, tormented by our own impatience with things as they are. I do not speak as a prophet of doom, but it is frighteningly clear that this Nation of ours is running parallel to those in ancient history which have tumbled. Thus, there can be no doubt but that the statement which King David made, "Blessed is the Nation Whose God is the Lord," was true then,—it's true today.

Last week a poll was held on ten college campuses in this Country. Some of those polls were among Southern colleges, and in those polls 54% of the students in those colleges voted to say that rather than to defend their Country in the event of a war with Russia, no matter what caused it, they would rather we surrender lock, stock and barrel. In the confused atmosphere in which we are living, there are many who contend every man has the right to do as he pleases. A few months ago I saw on television the ugliest picture I ever looked at. I saw about 50 or 60 students coming out of the President's office at Cornell University armed exactly like guerilla fighters, guns and all. The ugliest part of the episode was that the next day the Administration at Cornell capitulated completely to every unreasonable request that these law breakers demanded. It used to be that if you burned a building, it was arson—20 years in the penitentiary. It used to be that if you violated the right of others, (they are entitled to their liberties too) then you were called to task before a court that had what it takes to enforce the law. Are you actually living in a time like that described in the book of Judges when every man can take the law in his own hands and do that which he wants to do? If we are, then we shall expect, and we shall get, the same treatment and the same complete abolition of a government and of the liberty of our people that the children of Israel received when they worshipped not the true and living God but the idols and forgot that "Blessed is the Nation Whose God is the Lord."

There are some people in this country today who seem to think that our freedom just happened. Did you know that 56 of the men who signed the Declaration of Independence pledged their fortunes, their lives and their sacred honor, even unto death? Did you know that 20 of them died in poverty and several of them were brutally mistreated by the British? It was sacrifices that brought us the freedom and liberty that we now enjoy in this Country. Too many of our people don't appreciate liberty. We seem to feel it's just manna from Heaven. There are those benighted and disloyal people who go around waving flags of North Viet Nam. There are those who plead for a type of government in this Country that means the total abolition of the freedom of the individual, means the total abolition of the right to worship God as we see fit, means the burning of all the Bibles. So, I think, my friends, that it is time for us in America to recognize the fact that we are fast approaching the days described in Judges; the sad story of what happened to the children of Israel when they forgot God.

Long centuries after King David said "Blessed is the Nation Whose God is The Lord," a man started out on the road to Damascus. His name was Saul. At that time there was no freedom in the then known world. There was only one government—that was Rome. There was only one king and that was Tiberius Caesar. There was only one order and only one law, complete subjection to Caesar. But somewhere on the road to Damascus, a bright and dazzling light shone. From that day on, mankind got up out of the gutter of slavery and moved toward the greatness of liberty. Liberty to the individual is

the zenith of all of the blessings that God can bestow upon man. Greater even than life itself because without liberty, mankind becomes nothing but an animal—allowed none of the prerogatives that God granted to him when He made him in His image.

So liberty today stands in danger in this Country because we are failing to appreciate and defend it. We are failing in this Country to stand up for the very ideals for which our forefathers died. We are failing in this Country to fight the real battles that we ought to fight because we don't want to get involved.

Then there has grown in this Country another danger. There seems to be, and nobody loves young people more than I, some kind of idea prevalent in our Country today that if you're young, you're smarter than anyone else. I think it ought to be remembered that all of us were young at one time, and that all of us will get old if the good Lord allows us to stay here. It has always been true that experience is the best lamp by which our feet can be guided. I think it should be remembered by the youth of today that the opportunities they have, which are greater than any other generation has ever had in the history of this country, were brought about because of the ingenuity, the hard work, the sacrifices, the dedication, the determination that the youth should have more than we had, by the generation which has gone before. It's true. The young people of today will live 6, 7, 10 years longer than the generation of which we are a part. They are taller, they are better fed, they are more handsome, they have more information, — simply because the generation which succeeded them has provided it for them. There is no such thing as the "now" generation. There is no such thing as solving all the problems of our Country and our world "now". That is an impossible proposition, always has been, always will be. So, my friends, we should be very frank and use the terminology of the youth of today and "Tell it like it is". Let's tell it like it is for a moment. The generation which precedes the youth of today fought a war against the most tyrannical maniac in the history of the world—they won it. In the depression of 1932, they starved. There was not food enough for the people in this Country. But they did not go into revolution, they did not burn down buildings, they did not take the law into their own hands. They believed that it was right to be loyal and patriotic to their Country.

I'd like to say this for the youth today, they are going to face more testing times than we in our generation have ever faced. They are going to come up against more problems in the future than we have ever looked upon. And I have the firm faith to believe that with God in their hearts and the determination that all men are entitled to their rights but no more than their rights, that we will one day see a better day. But one thing we must remember is that in order to have it, we must love and cherish our homes, churches, schools, and our Country.

One of the men I admire in Southern history, was a young man from Georgia. He once published the newspaper in Rome, Georgia. I believe he was the most eloquent of all Southerners—and Southerners are known for eloquence. His name was Henry W. Grady. He did a lot to bind the wounds between the North and the South after the war between the States. Speaking at a fair in Ft. Worth, Texas, he said, "One day I stood on the marble steps of the Capitol in Washington, D.C. and I realized that here all of the orders for peace and war go out across the world, here the laws are made, here wars are declared, here peace treaties are signed and written, here, I must be," he said, "at the very heart of the Nation. Then," he said, "I came away from Washington believing that I had almost felt the pulse beat of the Nation itself as I stood on the steps of the marble Capitol. But," he said, "I came back home to

Georgia and I went down to the southern part of the State. At dusk I drove along a winding, dusty road, up a hill to the humble home of a friend of mine." He described how the dust fell over the valley, how the mountain sides were beautiful, and then he said, "When evening came the old man called his wife and children around the table where he read the Bible and said the evening prayer." Henry Grady said, "I knew then I was not at the heart of the Nation when I stood on the marble steps of the Capitol in Washington, but that the heart of the Nation is in the homes of the American people." It is. And may I be bold enough to say that some of the problems we are having now in this Country of ours are the direct results of the failure to remember in the homes of America that, "Blessed is the nation whose God is the Lord."

I would like to point out also that it's my firm belief, and I think it's yours, that in order for our youth in the future to attain the greatness that they want, they must somehow understand that they are children of God—that they were made by Him, that this is His world, that they don't own it and they can't control it. That it is God's world and that He will determine the destiny of individuals, of nations and of the world itself. What I am saying in simple English is this, no man or no woman today, young or old, can ever attain the true greatness which you hope for your son or daughter unless they adhere to the admonition of the Master when he said, "Render unto Caesar that which is Caesar's." What do I mean? That we must recognize our obligation to our government. We must have in this Country law and order.

A long time ago in an old school journal I saw a poem and I'm sorry I don't know the author, but this is what I believe:

I believe . . .  
In my country and her destiny,  
In the great dream of her founders,  
In her place among the nations,  
In her ideals,

I believe . . .  
That her democracy must be protected,  
Her privileges cherished,  
Her freedom defended.

I believe . . .  
That, humbly before the Almighty,  
But proudly before all mankind,  
We must safeguard her standard.

I believe . . .  
In Loyalty to my country,  
Utter, irrevocable, inviolate.

Thou, in whose sight  
A thousand years are but as yesterday,  
And as a watch in the night,

Help me . . .  
In my frailty to make real  
What I believe.

One day in the Congress of the United States we had a great debate on whether we should include in the pledge of allegiance the words "under God". There were even speeches made against it. But we included it, and it is now part of the pledge of allegiance to the flag. It is repeated in every Scout meeting and every Civic club all over this Country,—a Nation under God". Now that is the hope. But I well knew as I sat there in the Hall of Congress, I'm for this 100%, but I know we can't legislate a Nation under God. I know we can't pass a law simply and say, "Now the Nation is under God". I know that only in the hearts of the people of America can this Nation be "under God". And I know also that unless we come back to the faith of our forefathers and recognize the fact that, "Blessed is the Nation Whose God is The Lord", that unless we do it, no matter how much we yearn, we'll never be able to hold on to the glory and the greatness of the past.

Among my favorite verses in the Bible is in II Chronicles 7:14. The Lord appeared one night and talked with Solomon, I mean plain, straight conversation with King Solomon and I want you to listen to what he said:

II CHRONICLES 7

12. "And the Lord appeared to Solomon by night, and said unto him, I have heard thy prayer, and have chosen this place to myself for an house of sacrifice.

13. "If I shut up heaven that there be no rain, or if I command the locusts to devour the land, or if I send pestilence among my people:

14. "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land."

I don't think there is any more eloquent message that could be given to America today—Hear it again!

"If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land."

THE PRESIDENTIAL ELECTION IN VIETNAM

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. FULBRIGHT. Mr. President, the Businessmen's Educational Fund, under the vigorous leadership of its chairman, Harold Willens, has been one of the most effective organizations in this country in informing our people about the tragic war in Vietnam.

Mr. Willens, the chairman of the fund, has urged our Government to take positive steps toward ending the war and recently had an exchange of letters with Ambassador Bunker, which I believe will be of interest to the Members of this body.

I ask unanimous consent that this exchange of letters, and an article from the St. Louis Post Dispatch, and a letter to the editor of the New York Times be printed in the Extension of Remarks.

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

[From the St. Louis Post-Dispatch, Aug. 12, 1971]

VIETNAMESE THINK U.S. BACKS THIEU: ELECTION WILL BE A CHARADE UNLESS WASHINGTON SIGNALS NEUTRALITY

(By Harold Willens, National Chairman, Businessmen's Educational Fund)

Self-determination for the South Vietnamese people; peace with honor for the United States government; surely most Americans would consider these a satisfactory basis for prompt extrication from a war in search of a reason. Can we still hope to achieve such objectives?

I believe we can if we grasp the golden moment offered by the October 3 South Vietnamese presidential election. To do this requires a clear signal of United States neutrality in that election. Without such a signal we who are proud of our freedom will block freedom of choice for South Vietnam. The election will be a Washington-produced, embassy-directed charade acted by a Vietnamese cast. And the purposeless killing will continue.

During a recent visit to South Vietnam I interviewed American and Vietnamese officials, including Ambassador Ellsworth Bunker, Prime Minister Tran Thien Khiem, Vice President Nguyen Cao Ky and General Duong Van Minh. Citizen to citizen, I talked at length with people in all walks of life, discussing politics with representatives of divergent opinions, interests and organizations. In almost every instance I was told Minh would probably win the election if the people could vote without the specter of United States power and money standing behind Thieu.

This was said by people who oppose Communism as much as they oppose Thieu and the war. Most of them would prefer other peace candidates to General Minh: nationalist leaders who are in prison or in exile. But they all feel Minh can Vietnamize the peace while Thieu represents more death and devastation. Thieu also represents cruel reprisal for all who oppose him. The 1967 presidential runner-up, Truong Dinh Dzu, is serving a five-year sentence: one among tens of thousands imprisoned for the crime of calling for peace. On the other hand, Minh is remembered for releasing all political prisoners immediately after overthrowing the despised Diem regime in 1963. This is one reason explaining widespread belief that South Vietnam stands a better chance of remaining non-communist under Minh than under the continued rule of Thieu. In any case, the people I met are convinced that war-weary South Vietnamese would elect Minh October 3 if they could vote without fear of losing their jobs—or lives—as punishment for opposing the "Nixon/Bunker candidate."

The view from our embassy is exactly opposite. There the Vietnamese are seen favoring Thieu because he has brought "stability and progress" (two words which invariably evoked laughter when I used them in the presence of men and women not beholden to the Thieu government). They see their country as a volcano temporarily still on the surface but coming ever closer to violent eruption against a cruel despot whose government is regarded as representing "foreign control." This is one among many points of divergence between the perspectives of American officials and Vietnamese people. An Embassy officer gave me a figure of "several hundred" when I asked how many political prisoners there were in the country. Informed South Vietnamese, including two ARVN officers with whom I met separately, estimated between 90,000 and 100,000.

I am willing to concede that despite the long record of consistent misjudgment our current officials may be right. Perhaps the majority of South Vietnamese, free of all restraints, would express their preference for President Thieu. Since that is what our officials believe, they ought to welcome an election reflecting United States neutrality. Why load the dice when you are sure of winning?

Repeating the candidly expressed views of citizens representing many aspects of Vietnamese life, I challenge our policy makers to unload the dice. And I charge that, as presently constituted, the October 3 election is rigged in favor of Thieu. The question of intent is irrelevant. Ambassador Bunker may be sincere when he asserts impartiality. The Vietnamese people see his as not only favoring but also strongly supporting the election of Thieu.

The establishment of United States neutrality in the South Vietnamese presidential election requires three actions:

1. The public announcement, prior to October 3, of an American withdrawal deadline—whatever that date may be. The realities of the long war, the American presence and Thieu's harsh treatment of political "heretics" stand in the way of free expression. Holding off a withdrawal announcement until after the election perpetuates the assumption of ongoing United States support for

the Thieu government. That effectively inhibits freedom of choice.

2. The immediate resignation of Ambassador Bunker to indicate actual (as opposed to rhetorical) neutrality.

3. The creation of a congressional commission along the lines proposed by Illinois Senator Adlai Stevenson. Prime Minister Khiem told me that observers would be welcome. If a commission were well staffed and remained in South Vietnam for a month prior to October 3, it could serve a useful purpose. It would be even better if representatives of other countries were included.

But no observers, no congressional commission could convert a deceptive charade into a reasonably honest election unless fear, uncertainty and skepticism are first removed through the actions listed above.

[From the New York Times, Aug. 27, 1971]

ELECTIONS IN SOUTH VIETNAM

TO THE EDITOR: It wasn't Big Minh but Little Henry Kissinger who splattered Vietnamese election egg over the face of America.

Following a lengthy private meeting with General Minh several months ago I tried very hard to tell Mr. Kissinger what he should have known anyway: that Minh would not accept his assigned role in a Kissinger-produced Bunker-directed charade billed as the 1971 South Vietnamese Presidential election. Minh happens to be an honest man as inwardly torn as his country is outwardly torn by an endless American-manufactured war.

Mr. Kissinger and Ambassador Bunker have not only befouled their President and our country: they have also destroyed the best chance for peace since the war began. Just as Asian heroin is hooking our sons, Mr. Kissinger and Mr. Bunker are hooking us to an Asian tyrant detested by his people and to an ongoing war without which the dictator cannot survive.

The American-rigged South Vietnamese election could be another chapter of the Pentagon papers being written before our eyes: another example of government deceit, lying by U.S. officials to the people they are supposed to be serving. As this chapter in the annals of falsehood is being written our great need is for one moral man, another Daniel Ellsberg to step forward from Washington or Saigon to say: the highest form of treason is treason against the people: therefore at the risk of personal punishment I am revealing the disgusting machinations by which we conspired to prevent South Vietnamese freedom of choice, by which we kept their election from becoming an opportunity for Vietnamese self-determination and peace with honor for us.

The Pentagon papers tell us that "the explanation of how the U.S. mission became detached from political realities in Saigon in August 1963 is among the most ironic and tragic of our entire Vietnam involvement." Unfortunately, it is no different in August of 1971.

HAROLD WILLENS,

Chairman, Businessmen's Educational Fund  
Washington, Aug. 23, 1971.

(NOTE.—The writer, who has organized business opposition to the war, was in Vietnam recently and met privately with Ambassador Bunker, Vice President Ky and General Minh.)

BUSINESSMEN'S EDUCATION, L FUND,

Los Angeles, Calif., June 29, 1971.

HON. ELLSWORTH BUNKER,  
American Ambassador,  
Saigon, Vietnam

DEAR MR. AMBASSADOR: When we were in Saigon recently, you were graciously generous with your time and assistance. My deep gratitude makes it extraordinarily difficult to write this letter.

For as one American to another, I am writing to plead with you to tender your

resignation immediately as an act of personal sacrifice which would perform a high public service for the people of two countries. This urgent plea stems from two basic considerations:

1. Even if it is unjustified, it is undeniable that most South Vietnamese see you as favoring—and even acting to assure—the reelection of President Thieu October 3rd.

2. This widespread assumption makes an honest election impossible. Yet an honest election October 3 presents an unparalleled opportunity to end the war quickly through *South Vietnamese self-determination* while providing peace with honor for the United States.

I invited Dick Thompson of your staff to join us during my discussion with General Minh. Dick heard the General say that the chief obstacle to a fair election "is that most Vietnamese people believe that Ambassador Bunker strongly supports Thieu. Everyone has this impression." The same conviction was independently communicated by scores of Vietnamese with whom I discussed the election: representatives of divergent opinions, interests and organizations.

Almost without exception, the people I met believe that Minh would defeat Thieu if their countrymen could vote without feeling that they might lose their jobs—or their lives—by voting "wrong." And in total contrast to the view from the Embassy, Mr. Ambassador, all felt *South Vietnam would be more likely to remain non-Communist if Thieu were defeated.*

If that strikes you as bizarre, please give thought to these chilling words of the Pentagon Study: "the explanation of how the U.S. mission became detached from the realities of the political situation in Saigon in August, 1963 is among the most ironic and tragic of our entire involvement in Vietnam."

I respectfully submit, Mr. Ambassador, that if your presence insures President Thieu's reelection, and if the people I met are right about their own country, this October 3rd could witness an even more "ironic and tragic" misjudgment than that of August, 1963. For even though the choice is limited to two generals, one does stand for peace and reconciliation, the other for war and repression. If the people freely chose the former, there would be Vietnamization not of the war but the peace. The people of South Vietnam would be taking back their country from us and assuming the responsibility for guiding its destiny.

Let me hasten to assure you that the thoughts expressed in this letter have nothing to do with "instant expertise." Rather, I am sharing impressions with you as one who is free from the inevitable inhibitions of a subordinate. I am reporting to you facts and opinions candidly revealed to me by Vietnamese people your staff would probably never even meet.

As an example: one of your assistants estimated "several hundred" political prisoners in all of South Vietnam. Two ARVN officers on active duty with whom I met secretly and separately each estimated about 100,000! Their figure was corroborated by others in a position to venture an intelligent guess. They included former political prisoners among whom were women who had been in various prisons including Con Son. There they had watched South Vietnamese guards (paid with American tax money) torture other women to death by forcing bottles and eels into their sex organs. Mentioning Con Son reminds me, incidentally, how it shocked me as a businessman to learn that an American construction firm had accepted a \$400,000 contract (again our tax money) to build additional "isolation wards" in that notorious prison.

The massive number and barbaric treatment of South Vietnamese political prisoners

whose only crime is dissatisfaction with the Thieu regime caused General Minh to say: "If I were a Communist, I would infiltrate and make propaganda about this." Like all Vietnamese I met, with the single exception of the Prime Minister, General Minh believes the Thieu regime is driving anti-Communists into the hands of the Communists: that in terms of keeping South Vietnam non-Communist, the Thieu policies are counterproductive; that without ongoing massive American support, the Thieu government will quickly collapse.

General Minh would probably agree with your recent statement that "with two billion dollars a year in American assistance, South Vietnam has a reasonable chance to avoid a Communist takeover after the U.S. pulls out." But, like all his countrymen with whom I spoke, he feels such assistance should be economic rather than military, and that our assistance cannot prevent a Communist takeover once the feared and hated Thieu government is forced to stand alone.

It is important to stress that your presence unfortunately vitiates the possibility of an honest election and that your resignation would simply indicate American neutrality. It is also important to emphasize, Mr. Ambassador, that I hold no particular brief for General Minh. But the inescapable fact is that there can be only one issue of any consequence for the desperately war-weary Vietnamese on October 3rd. That issue is peace versus war.

And where are the peace candidates? The 1968 presidential runner-up Truong Dinh Dzu is in Chi Hoa prison serving a five-year sentence. Other anti-Communist nationalists are also locked up or locked out by an incredibly restrictive election law which your own staff people told me would never be passed after the Senate rejected it.

So there remains only one hope for a people sick to their bones of a war they don't want and disgusted with a government forced upon them by American policy and power. That hope is General Minh, a man who would probably prefer to avoid the awesome responsibility of reconciling and repairing his broken land at a time like this: almost any sensible man not driven by overpowering ambition would prefer that.

But this particular man is obviously as inwardly torn as his land and his people are outwardly torn. He spoke repeatedly of October 3rd being "our last chance to keep my country out of the hands of the Communists and to save something of our Vietnamese traditions and culture." Better than I, you know that General Minh is a dedicated non-Communist. And you know that he is not a crafty political creature who lusts for power with its attendant burdens. Yet this self-effacing, almost diffident man has been cast by fate as the only "peace candidate." He feels he can end the war quickly and prevent a Communist takeover.

Isn't that what you want, Mr. Ambassador? If it is not, then my words will be meaningless. If it is what you want, however, perhaps these words will strike a responsive chord. And then perhaps you will save human lives—American and Vietnamese—by a sacrificial act which will win you the plaudits of history, the love of many persons around the world, and, above all, self-respect.

For you, too, are cast in a fateful role. You are one of the few people whose personal reassessment of basic assumptions might cause similar reappraisal by the Administration. It is possible, Mr. Ambassador, that the Vietnamese people may know more than Americans in Saigon and Washington about how to end their war and keep their country non-Communist. If your heart and mind could accept that possibility and cause you to act in accordance with it, your colleagues in

Washington might do the same. That would be the first time in many years that a U.S. Administration did what businessmen must do constantly in order to survive: reassess basic assumptions.

Now comes the most difficult part of the most difficult letter I have ever written: trying to explain why I must release a copy of this letter to the press, who may, of course, choose to ignore it completely.

When I returned from Vietnam, I tried for weeks to meet with Dr. Kissinger. I wanted no one to know of our meeting other than Mr. Richard Smyser who was trying to arrange it. I wanted only to serve as honest broker, conveying the thoughts expressed here in the hope they might prompt the Administration to announce a withdrawal date. That, of course, would be the best way of all to free the South Vietnamese presidential election of the hovering American presence which will otherwise dominate that election and guarantee its "dishonesty." By now, most Vietnamese simply do not believe the Americans will ever leave. They *cannot* vote "freely" when they take for granted that American power and money will be available for whatever punishment "our candidate" may want to mete out afterward.

All this I wanted to tell Dr. Kissinger. Mr. Smyser expressed understanding of my reasons for refusing to communicate through an intermediary. But he was unable to obtain an appointment for me. He was not alone in trying and failing.

From this, I conclude that should you agree that your resignation would achieve American neutrality in the election; should you be willing to make the personal sacrifice involved, others in the Administration would strive to dissuade you. Perhaps that will be more difficult for them to do if the question should become a public question.

It is my sincere hope, Mr. Ambassador, that you will read this letter in the spirit with which I write it. The ordeal of Vietnam has lasted long enough for all who are a part of it. October 3rd offers unparalleled opportunity to end it quickly and honorably. Your decision may largely determine whether or not that fateful opportunity eludes us.

Sincerely,

HAROLD WILLENS.

SAIGON, VIETNAM,  
July 11, 1971.

Mr. HAROLD WILLENS,  
Chairman, Businessmen's Educational Fund,  
Los Angeles, Calif.

DEAR MR. WILLENS: I have received your letter of June 29, and perhaps you will permit me a few observations on the matters you have raised.

First, you will find enclosed a copy of the statement which I have issued here stressing the importance we attach to a free and honest election and informing all U.S. personnel—civil and military—that the United States Government is strictly neutral and impartial in respect of the coming elections, and that no one, by word or deed, may take any other position. I can assure you that that policy is being, and will be, strictly enforced and it applies to everyone.

Second, I am enclosing a copy of the Vietnamese law governing the arrangements and procedures for the presidential elections. Please note the detailed care which has been taken in the drafting of this law to assure a fair and free election. The Supreme Court is the final arbiter on all complaints, as it has been in the provincial and Senatorial elections. The Court is highly respected for its impartiality and integrity, has rendered speedy and judicious findings in the complaints which were lodged in the past, and I have no doubt will act with the same speed and integrity in dealing with any complaints in the coming elections.

Third, you make various statements as to what the Vietnamese people want and which candidate is most likely to satisfy those aspirations. That is a matter which the Vietnamese people must decide for themselves, and they will have this opportunity in the coming Lower House and presidential elections.

Fourth, I have personally seen General Minh and Vice President Ky in recent weeks on two well-publicized occasions in order to emphasize our strict impartiality, and so that the Vietnamese people can draw the proper inference that the United States is impartial and that we will work with whomever they choose to elect.

Finally, I want to assure you that our Embassy makes a special effort to keep in continuous touch with all parties, leaders, religious and other groups, including students, labor, business, the press etc. in order to keep informed on all significant views and trends of opinion in South Viet-Nam. We make a regular practice of seeing a great many opposition and critical elements, and they have every opportunity to acquaint us with their views, which we take into account in our search for facts and in our assessment of the overall scene. As I recall, your contacts here were largely opponents of the present government, and analysis and conclusions in your letter are strongly influenced by those you talked to during your brief stay here. We strive for a balanced view, based on a much wider spectrum of fact and opinion.

Sincerely,

ELLSWORTH BUNKER,  
Ambassador.

BUSINESSMEN'S EDUCATIONAL FUND,  
Los Angeles, Calif., September 13, 1971.  
HON. ELLSWORTH BUNKER,  
American Ambassador,  
Saigon, Vietnam.

DEAR MR. AMBASSADOR: My first letter was an appeal for honorable self-sacrifice on your part. This one is a protest against dishonorable deceit.

When you stressed "the detailed care which has been taken in the drafting of this (Vietnamese election) law to assure a fair and free election" were you lying to yourself or to me, Mr. Ambassador? Was it unintended self-deceit or intention to deceive me which prompted your emphasis upon the crucial role of the Supreme Court and your statement that "The Court is highly respected for its impartiality and integrity"?

These questions must be asked because shortly after you wrote those words the law was twisted to block Vice President Ky's candidacy, and following General Minh's withdrawal the Court sat like a group of trained dogs waiting to be told which tricks to do next.

No American knows—or should know—that law and that Court better than you, Mr. Ambassador. Yet events shortly following your letter revealed an enormous gap between reality and your expressed perceptions. What else could account for this gap other than misjudgment or untruthfulness?

If in all this there is something I have overlooked or fail to comprehend please be blunt in telling me that. This is a time for plain talk: human lives are at stake and I happen to believe that you can still act to prevent some of them from being lost. Except for that I would not be writing this letter.

To repeat: it is a time for plain talk. In the mid-1950's American officials prevented a Vietnamese election from taking place because the probable outcome was not to their liking. Seventeen years later you and other American officials have prevented another Vietnamese election from taking place. By doing what you have:

1. Thwarted an opportunity to finally Vietnamize the Vietnamese government through genuine self-determination.

2. Destroyed the best chance for peace since the war began.

3. Made of October 3, 1971, a day which will be recorded by history as an American Day of Disgrace.

For all this, Mr. Ambassador, you bear personal responsibility even if you did no more than carry out decisions made in Washington. After less than two hours of discussion with General Minh I knew what you should have known far better: that he would never play his assigned role in the fifty-five per cent Thieu—forty-five per cent Minh dream scenario for October 3 which was being openly discussed by informed Americans and Vietnamese in Saigon when I was there. It was your responsibility, Mr. Ambassador, to know and inform your colleagues in Washington that General Minh could not be coaxed or bribed into being part of a fraudulent hoax. And despite the pious phrases in your letter to me you must surely know the election was in fact being set up as a fraudulent hoax: that only if certain actions were taken by your colleagues and yourself could it be "unrigged" at least partially—at least enough for a true Vietnamese patriot like General Minh to run for office with a slight chance to help his people end a war they resent as deeply as they resent you and all Americans responsible for continued death and destruction in their country.

Because I know all this to be true; because the statements in your letter and subsequent events bear no relationship to each other, I can only conclude that when you accused General Minh of unreasonable demands in return for remaining a candidate—that you were guilty of outrageous mendacity. Moreover I sincerely believe you were striking below the belt at a man genuinely devoted to the welfare of his people: a man fully entitled to a clear signal of U.S. neutrality in an election through which he would otherwise damage his country by validating a fraud.

Perhaps I am naive but it is my conviction that deep inside your heart and mind resides awareness that all this is so, and that truth was a victim of your efforts to blame others for what became a Kissinger-produced Bunker-directed fiasco. Sadly enough that is nothing new, since truth has been a consistent casualty throughout the seventeen years that our diplomatic officials have tried to remake South Vietnam to their liking.

All this is behind us. But now there lies before you an opportunity to help end more quickly a totally pointless war. Your resignation before October 3—with an accompanying explanation reflecting fundamental reassessment on your part prompted by the October 3 non-election—would undoubtedly penetrate the seemingly closed minds of your colleagues in Washington. That might in turn result in basic re-evaluation on their part and the shortening of a war which can no longer be justified under any pretense.

In sum, Mr. Ambassador, despite my candor in communicating these views without equivocation, the essential purpose of this letter is *not* personal recrimination, rather the purpose is to focus attention on the fallacy of past policy and the folly of continuing it. There are moments in history when a seemingly irreversible mindless momentum can be halted by one man's willingness to transcend personal considerations through an act of noble selflessness. Because of who and where you are today it seems apparent that such an opportunity confronts you at this moment in history.

It is my fervent hope that you will not allow the opportunity to pass you by; that by seizing it you will make the noble effort to transform into something positive what will otherwise remain a Day of Disgrace.

Sincerely,

HAROLD WILLENS.

## FULBRIGHT AMENDMENT AND U.S. POLICY ON SOUTHERN RHODESIA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. DIGGS. Mr. Speaker, as chairman of the Subcommittee on Africa and as a member of the U.S. Delegation to the present session of the U.N. General Assembly, I am deeply concerned over the adverse implications to the foreign policy interests of the United States of the Byrd amendment to the military procurement bill, H.R. 8687.

I strongly urge support of the Fulbright amendment which would give to the President the authority to determine what "the national interest or a treaty obligation of the United States otherwise require," and to so inform the Congress.

I am inserting the text of the letter which I have today sent to the Secretary of State, the text of the telegram which the congressional black caucus today sent to the President, the text of the letter of today's date to each Senator, with the text of the earlier communication referred to therein.

The letter follows:

COMMITTEE ON FOREIGN AFFAIRS,  
September 29, 1971.

HON. WILLIAM F. ROGERS,  
Secretary of State,  
Washington, D.C.

DEAR MR. SECRETARY: I refer to the conversation at the lunch which you hosted yesterday for President Ould Dadda of the OAU and to the concern expressed by him over the Byrd Amendment to the Military Procurement Bill, and to your statement that the Administration opposed this Amendment, which would, by amending Section 5 of the United Nations Participation Act to permit the importation of Rhodesian chrome contrary to U.N. sanctions against Southern Rhodesia, place the United States in violation of its treaty obligations under the U.N. Charter and seriously erode our foreign policy position vis-a-vis Africa.

As I stated during this conversation, it is of paramount importance that the Department and White House actively oppose the Byrd Amendment and publicly emphasize this position.

United States relaxation of sanctions at this time, while the British are continuing their negotiations with the Smith regime, would be particularly unfortunate.

I strongly urge that you call a press conference today to declare the Administration's opposition to the Byrd Amendment and support for the Fulbright Amendment, Amendment No. 438. Expedient action is required as this Amendment may come to the Senate floor tomorrow.

Sincerely,

CHARLES C. DIGGS, JR.,  
Chairman, Subcommittee on Africa.

TELEGRAM TO THE PRESIDENT FROM THE  
BLACK CAUCUS

Strongly urge your active opposition to the Byrd Amendment to the Military Procurement Act, which would amend Section 5 of the U.N. Participation Act to permit the importation of Rhodesian chrome contrary to U.N. sanctions against Rhodesia, thus placing the U.N. in violation of its international legal obligations. Understand that Byrd Amendment, with far-reaching, adverse implications of U.S. breaking of U.N. sanctions,

was a main concern of President Ould Dadda of the OAU, as expressed today to Secretary Rogers, and we are sure to you. In fact, under the Byrd Amendment the U.S. would have no choice but to break with its current policy of adhering to U.N. sanctions against trade with the illegal Ian Smith regime. Caucus trusts that you will issue press statement making clear that no shortage of chrome ore exists and that in fact there is an excess of chrome in the national stockpile, that the U.S. honors its treaty obligations to observe the sanctions, and finally that you support the Fulbright Amendment.

COMMITTEE ON FOREIGN AFFAIRS,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., September 29, 1971.

DEAR SENATOR: H.R. 8687, the Military Procurement Bill, is pending business before the Senate and Amendment No. 438, the Fulbright Amendment, will be considered following the vote on the Mansfield Amendment, which I hope you will support.

At this luncheon yesterday for the President of the OAU, Secretary Rogers reiterated his opposition to the Byrd Amendment and pledged his support of the Fulbright Amendment.

At his subsequent meeting that afternoon with President Ould Dadda of the OAU, I understand that President Nixon made the same pledge.

United States relaxation of sanctions at this time, while the British are continuing their negotiations with the Smith regime, would be particularly unfortunate.

I call your attention to the earlier letter I sent to you which discusses at length the merits of the question.

I strongly urge your support of the Fulbright Amendment.

Sincerely,

CHARLES C. DIGGS, JR.,  
Chairman, Subcommittee on Africa.

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

DEAR SENATOR: The Military Procurement Bill, H.R. 8687, is pending business before the Senate and consideration on it will be resumed immediately after the conference report on the military draft. I call your attention especially to Section 503 of the bill, which will end the embargo against importation of chrome from Southern Rhodesia.

Several crucial points of Section 503 warrant your attention. If adopted, this section:

Would place us in violation of our international legal obligations under the Charter of the United Nations, and of Security Council Resolutions which the United States supported in 1966, 1968, and 1970.

Would be disastrous to our foreign policy interests in Black Africa.

Would create the United States stockpile of chrome to 2,250,000 short dry tons in excess of its revised chrome ore objective.

For your information, I attach a copy of my testimony of July 8, 1971, before the African Affairs Subcommittee of the Senate Committee on Foreign Relations, on S. 1404, a bill identical with Sec. 503 of H.R. 8687. Following the extensive hearings held at that time, the Subcommittee Chairman, Gale McGee, announced that he would recommend against adoption of S. 1404. The sponsor of the measure promptly pursued this present maneuver to circumvent the will of the Senate Foreign Relations Committee.

In conclusion, I urge your vote against Sec. 503, on the basis that U.S. interests dictate unequivocally that the United States continue to adhere to its international obligations and its enforcement of UN sanctions against Rhodesia, and that for broad policy reasons we must reject any inroads on our support of the United Nations in its effort to secure for the people of Rhodesia basic

human rights, self-determination, and fundamental freedoms for all without regard to race.

Sincerely,

CHARLES C. DIGGS, JR.,  
House Foreign Affairs Subcommittee on Africa.

STATEMENT OF REPRESENTATIVE CHARLES C. DIGGS, JR. (D-MICH), CHAIRMAN, HOUSE SUBCOMMITTEE ON AFRICA, BEFORE THE SENATE SUBCOMMITTEE ON AFRICA, ON AMENDING SECTION 5 OF THE U.N. PARTICIPATION ACT, JULY 8, 1971

Mr. Chairman: I appreciate the opportunity to appear before your Subcommittee.

Mr. Chairman, the bill we are considering today S. 1404 is cast only in general terms—to prevent the imposition of import sanctions under section 5 of the UN Participation Act on any material designated as a strategic or critical under the Stock Piling Act, unless its importation from communist countries is also prohibited. The bill's sponsor, however, Senator Byrd, candidly acknowledges that the sole effect of the bill would be to end the embargo against importation of chrome from Southern Rhodesia.

I am appearing here today, Mr. Chairman, to emphasize that this bill would not only place us in violation of our international legal obligations under the Charter of the United Nations, but it would be disastrous to our foreign policy interests in Black Africa. What is at stake here is, to be certain, our dedication to the principles of human rights, of self-determination, and to the principle of fundamental freedoms for all without regard to race and color. But, more importantly, and I stress, more urgently, what is at stake here is the possibility of our reneging on the one fairly solid instance where our pronouncements of such dedication have been accompanied by some concrete measures towards the demonstration of these principles. And I wish to underscore that the puzzle of this proposed bill is the unsubstantiated assertion, which is evidently its foundation, that the U.S. is facing a serious shortage of a strategic material. This assumption certainly appears to be negated by the very fact that the United States Government has, upon revision of chrome ore objectives, an excess in our present stockpile of chrome ore of some two million two hundred fifty thousand (2,250,000) short dry tons.

Before examining these points in greater detail, I would like to review the situation in Southern Rhodesia; for an understanding of this is essential to a full comprehension of the principles of humanity and justice involved here.

The ratio of whites to Africans in Rhodesia is a striking phenomenon, it is 21 to 1, that is 95 out of every 100 persons in Rhodesia is African. Further, half of the tiny white population, totalling 234,000 as compared to 4,930,000 Africans, is new to the area and has only come since World War II. May I emphasize that the stark disparity of these population facts, where a bare handful of one group is entrenching their repressive control against an overwhelming majority, is unique to Rhodesia.

It is against that background that we should review the five principles which the British have established as the basis for any settlement. These are:

Maintaining the principle of unimpeded progress towards majority rule.

Guarantees against retrogressive amendment of the constitution.

Immediate improvement in the political status of the African population.

Progress toward ending racial discrimination.

That the proposed basis for independence be acceptable to the people of Rhodesia as a whole.

(And the sixth principle, added later), the need to ensure that, regardless of race, there be no oppression of the majority by the minority or the minority by the majority.

These principles appear elementary and basic to any concept of a just and ordered society.

But the constitution which the Smith regime purported to implement in March of last year was a categorical rejection of these principles. It is no wonder that no nation has conferred recognition upon Rhodesia as a state or as a government. Under the provisions of the constitution majority rule will never be possible. Further, it is only theoretically possible, in the foreseeable future, for the Africans to obtain even parity of representation, because, under the constitution, Africans who pay less than 1% of the income tax now, must pay an income tax equal to that of the whites in order to obtain an equal number of seats in the House of Assembly.

The constitution further provided for the entrenchment of the Land Tenure Act which divides the land in Rhodesia equally between the whites and the Africans, so that the almost 5 million Africans have the same amount of land as the 234,000 whites, with the whites being allocated the cities and the developed farm and mineral land. The act provides that generally Africans "shall not own, lease or occupy land in the European area". Africans are only permitted to live in urban areas if they are employed there. This Act also makes special provisions for the Tribal Trust Lands. In the development of these areas, there are wholesale removals by administrative fiat of African communities from European designated areas, and without their livestock. This Act has a direct adverse effect upon the property of the churches in Rhodesia and their ability to function as it prohibits the multi-racial use of land and thus might force the closure of mission schools and hospitals in tribal areas.

There is presently pending the Property Owners Residential Protection Bill. This infamous measure is aimed at preventing racial friction and would permit the President upon application of 15 anonymous whites, on grounds of endangering of racial harmony or loss of property values, to declare a whole area to be an exclusive white area.

The Smith regime spends almost 10 times as much on the education of the white child as on the African child, or \$196 per white child as compared to \$20 per African child. A recent report on secondary school statistics in 44 black African countries showed that 31 of these had a higher percentage of secondary school students and only 8 had a lower percentage than Rhodesia.

With regard to what we consider basic liberties and fundamental rights, the constitution itself provides for a Declaration of Rights. But it adds that the Declaration itself is to authorize preventive detention. The Declaration of Rights, such as it is however, is mere pious pronouncements, for it is non-justiciable and no court can inquire into the validity of any law on the ground that it is inconsistent with the Declaration of Rights.

I might mention that notwithstanding the repressive laws, the situation in Rhodesia is not completely quiescent. Although the law bans demonstrations and permits indefinite detention without charges or trial, there are wire service reports of a demonstration last week, July 1, by 250 Salisbury University students, mostly black. The demonstrating students were arrested. The students had declared July 1 "an annual day of mourning until Africans are given an equal place in Rhodesian society."

It is not necessary for me to review the UN international legal obligations under the Charter with respect to Chapter VII, decisions of the Security Council. These were



discussed by the Department of State witnesses yesterday. But I would like to underscore the congressional authorization to the President in section 5 of the UN Participation Act, empowering him to apply economic sanctions in accordance with such Security Council decisions under Article 41 of the Charter. It was Mr. Acheson, as Under Secretary of State, who presented to the House Foreign Affairs Committee the explanation of the various sections of the UN Participation Act. He stated that, by virtue of section 5 "the President has the authority to do what we have by international treaty agreed to do." (Hearing, House Committee on Foreign Affairs, Dec. 7, 1945, 79th Congress, 1st session, p. 21).

The Senate report notes that "the basic decision in this regard was made when the Charter was ratified . . ." (S. Report No. 717, 79th Congress, 1st session.) Any declaration here that the President in issuing the Executive Orders to carry out the mandatory decisions of the Security Council was acting unilaterally is unfounded.

It should be emphasized that our obligation not to permit the importation of any chrome for whatever reasons, is absolute. Security Council Res. 232 of December 16, 1966, which the US supported specifically prohibited the importation of chrome. S.C. Res. 253 of May 29, 1968, which we supported, calls upon all states to prevent the importation into the territories of all commodities and products originating in Southern Rhodesia. In S.C. Res. 277 of March 17, 1970, we supported the call upon Member States to take more stringent measures to prevent any circumvention of these resolutions. Any importation of chrome is in fact a violation of our legal obligations and I stress that the Administration's decision to permit Union Carbide to import chrome allegedly bought and paid for before the effective date of the Executive Order, couched though it was in hardship policy niceties, obviously represented a relaxation in our adherence to the express language of the resolution, under which such importation is prohibited. But the present bill would be a clear, calculated denial of our legal obligations and of our duty as a UN Member State to carry out the decisions of the Security Council.

I do not believe it necessary to elaborate beyond what was said yesterday on U.S. interests in a vital United Nations, in supporting its mandatory decisions and actions with respect to Rhodesia, and in our interest vis-a-vis Black Africa. Mr. Chairman, in my visits to 38 of the 41 African countries, I have had the opportunity for personal, frank and open talks with their leaders and their people. And, in connection with the United States, nothing gives greater concern than our position of mere mouth service against the evils of apartheid and minority rule. Our position with regard to Rhodesia, however, short of the goal which the African states would seek, has nevertheless been concretely demonstrated by our support of and adherence to sanctions. We must not abandon our resolve and our charter obligations to adhere to sanctions.

I would now like to comment on our situation with regard to chrome. Obviously, I am no expert at all on our needs in this area. But the Office of Emergency Preparedness with the concurrence of the interested departments and agencies, including the Department of Defense, is strongly recommending the passage of S. 773 which would authorize the disposal of 1,313,600 short dry tons of excess metallurgical grade chrome from the national and supplemental stockpiles. OEP reported that, in establishing new and reduced stockpile objectives for this ore, "ample allowance was made for any contingency that might arise in an emergency." I reiterate that without any specialized

knowledge or information at all in this area, I would think that this disposes of the argument that there is a shortage of chrome critical to the defense needs of the country. Further, I understand that only 10% of the domestic consumption of chrome is used for defense purposes. Thus, it would appear that U.S. needs in the event of a national emergency are presently provided for.

With respect to any inference that the present high price of Russian chrome is the sole result of sanctions, I have several comments. First, information requested on Major Raw Materials Market Prices of Mr. Bliss during the hearings of the House Subcommittee on Africa on "Rhodesia and U.S. Foreign Policy" showed that from 1958 onwards the prices of these ores generally were rising. Of the 22 commodities only manganese, cobalt and vanadium did not go up in price. 19 rose in price. And if we look more specifically at the pre-sanctions and sanctions, prices of several ferrous alloys, we find that the price of such ores was generally going up both before and during sanctions. The following price comparisons were made in deflated dollars, that is the prices have been deflated so that they are truly comparable. The price of antimony increased 45% in the pre-sanctions period and 209% from 1967-70. Nickel increased 3% pre-sanctions and 13% from 1967-70. Vanadium, on the other hand, dropped 20% pre-sanctions, but increased 73% from 69-70. Similarly, Turkish metallurgical chrome prices fell by 17% in the 1960-66 period, but rose by 45% 67-70. (This 45% is in inflated dollars). Thus, although sanctions are no doubt a factor in the price situation, the picture of rising prices for these ores is obviously due to many different factors and cannot be attributed in the case of chrome to sanctions alone.

Several minor points should also be mentioned on the price of Russian chrome. Although we do not doubt these figures, the prices we have been given, a \$25 to \$72 rise, should be supported by invoices or transaction sheets, or by giving the base year for the \$25 quotation, since I understand prior to 1965 there were no published prices for chrome. Secondly, taking the 25 to 72 increase, we have a 188% increase, not a 288% as suggested yesterday. Finally, a valid comparison would require use of deflated dollars.

Obviously, with respect to the impact of sanctions, sanctions have not had the result foreseen. On the other hand, frank acknowledgment of this should not obscure our realization of the very real impact which sanctions have had and are increasingly effecting on the economy of Rhodesia. Mr. Newsom has detailed some of them, the shortage of rolling stock, of modern machinery, of spare parts and of imported equipment. In addition to a significant slowdown in the growth rate, Rhodesia is in the throes of a serious foreign exchange shortage. Obviously, we cannot say how acute the shortage is and we cannot predict its possibilities for influencing the bargaining situation. Frankly, Mr. Chairman, I am not at all optimistic about a satisfactory settlement being reached. But I do acknowledge that, although unknown variables, the critical exchange supply, the economic situation, and the concern of the business community with respect to sanctions and Smith's programs are all factors which may have a bearing on the prospects for settlement.

In conclusion, Mr. Chairman, I urge that US interests dictate unequivocally that the United States continue to adhere to its international obligations and its enforcement of UN sanctions against Rhodesia and that for broad policy reasons we must reject any inroads on our support of the United Nations in its effort to secure for the people of Rhodesia basic human rights, self-determination and fundamental freedoms for all without regard to race.

HISTORIC WEST VIRGINIA POST OFFICE MOVED TO SMITHSONIAN INSTITUTION—POST OFFICE OPENED DURING 125TH BIRTHDAY CELEBRATION

## HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. RANDOLPH. Mr. President, West Virginians are proud of their postal heritage. We are particularly proud that the first rural free delivery routes were inaugurated from the Charles Town, Uvilla, and Halltown, W. Va., Post Offices on October 1, 1896. William Lyne Wilson, a native of Charles Town, Jefferson County, was Postmaster General of the United States at the time.

I have attempted to have this important event recognized through the issuance of a special commemorative stamp on the 75th anniversary of the service.

Mr. President, on Monday another phase of our postal heritage gained recognition as an historic artifact of West Virginia's earlier postal history was on display at the Smithsonian Institution's Museum of History and Technology. I am speaking of the Headsville, W. Va., Post Office and general store which served the area from the early 1860's until 1914.

This building was carefully reconstructed as a unique reminder of the part the postal service played in the growth and development of our Nation. Postmaster General Winton M. Blount commented, at the event attended by more than 500 persons.

I know that as my wife, Mary, with my son, Frank, participated in the official dedication ceremonies with Postmaster General Blount, she reflected on her happy childhood and youthful years in Mineral County, the county from which the reconstructed Headsville Post Office came. Mary, as a girl, often visited the store and post office which was a popular meeting place for the people of that community.

The September 10, 1971, edition of the Keyser, W. Va., Mineral Daily News Tribune contains an excellent article on the former Headsville Post Office and I ask unanimous consent to have the material printed in the RECORD at this point.

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

[From Mineral Daily News (Keyser, W. Va.) Tribune, Sept. 10, 1971]

### DEDICATION CEREMONY SCHEDULED

An original general store-post office, more than a century old, will be dedicated at 2 p.m. Monday, Sept. 27, in The National museum of History and Technology, Washington, and will be put into operation for providing card and letter mail service to visitors.

Postmaster General Winton M. Blount will officially establish the letter mail service at opening ceremonies by hand cancelling a letter for Smithsonian Institution Secretary S. Dillon Ripley. The dedication ceremony will be one of the major events commemorating the 125th anniversary of the Smithsonian Institution.

The building that housed the Headsville post office from the early 1860's until 1914 is being reconstructed inside the Constitution Avenue entrance to the Museum. It will be staffed by Postal Service personnel in period costumes who will offer letter and card mail, and philatelic services for collectors. A distinctive postmark reading: "The National Museum of History and Technology, Smithsonian Station," will be used.

"The United States Postal Service is honored to have the Headsville Post Office reconstructed in the Smithsonian's National Museum of History and Technology," said Postmaster General Winton M. Blount. "This post office will serve as a unique reminder of the part the Postal Service played in the growth and development of our nation."

Carl Scheele, chairman of the Museum's Department of Applied Arts and Curator of postal history, spent a year searching for an appropriate surviving building. During the search, Scheele examined some 600 old offices in 13 states. He traveled more than 10,000 miles, mainly on country roads, and photographed over 500 buildings.

The Headsville building was among the oldest examined. "We considered it the best possibility for an exhibit because it had remained unaltered in structure, both inside and out, from its earliest days," Scheele explains. "The original counters, shelving, floor, windows, shutters, walls and ceiling were intact. There are even inscriptions written on the shutters by Civil War soldiers who were stationed in the area or who passed that way."

"An iron pot-bellied stove had been added before the close of the 19th century, and the building was wired for electric lights about World War I, but these changes seem to be the only alterations to the original structure, with the exception of a front porch we believe was added somewhat prior to 1900."

The post office apparently was constructed during the early 1860's by Henry Head. It housed postal activities until John E. Staggs became postmaster and moved the business to his own premises. The building continued to serve as a general store for several years.

Head was appointed postmaster of what was then known as Sheet's Mills, Hampshire County, Virginia, in 1858. The post office was run as a Union establishment throughout the Civil War and in 1868 became known as Headsville, Mineral County, West Virginia.

The building was acquired from Edgar H. McDonald, a grandson of the last storekeeper. It had been closed up with its nonperishable stock intact, so the Smithsonian exhibition will include shelves of such items as high button shoes, tins of spices, patent medicines, slate pencils, and poultry lice medicine.

Once the building was selected by the Smithsonian, the demanding process of transferring it to Washington had to be undertaken. Charles H. Rowell, a Smithsonian restoration specialist, and his assistant, Reverdy Marcey, took the board and batten store apart piece by piece. Each board was coded so the one-story 18 by 30 foot structure could be reassembled inside the museum.

"The Headsville Post Office is a natural addition to a museum depicting the cultural and technological history of America," notes Scheele. "The Postal Service is the single institution that has been common to virtually every American's experience throughout 200 years, and the most representative type of post office in American history—the most numerous and widespread—has been the country store-post office."

Collectors desiring this special Smithsonian cancellation may submit stamped self-addressed envelopes to: "Smithsonian Station Cancellation, Postmaster, Washington, D.C. 20013."

MRS. ELLEN S. WOODWARD

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. COLMER. Mr. Speaker, on Thursday last a very distinguished and outstanding woman, Mrs. Ellen S. Woodward, departed this life. Mrs. Woodward was a native of my beloved State of Mississippi, but for the past three and one-half decades she resided here in the city of Washington, where she enjoyed the love and affection of many friends whom she had made during her long stay here in the District.

Mrs. Woodward was a national figure. She played an important role in Government, beginning in the late 1930's and extending over a long period. She was appointed by President Roosevelt as assistant to Harry Hopkins, the Director of the Works Progress Administration. Later she served as a member of the old Social Security Board, among other important positions.

Prior to coming to Washington, Mrs. Woodward served with distinction in the Mississippi State Legislature where she wielded substantial influence.

She was an unusually capable and talented woman and was highly regarded in both her official and personal conduct.

Mr. Speaker, the Washington Post carried an account of the death of Mrs. Woodward, which I am submitting here for printing in the RECORD:

ELLEN S. WOODWARD, 84, NEW DEAL RELIEF OFFICIAL

Ellen S. Woodward, 84, a high ranking welfare, relief and Social Security administrator in the 1930s and 1940s, died yesterday at her home at the Westchester Apartments, 4000 Cathedral Ave. NW.

At one point, Mrs. Woodward was known as the second highest ranking woman appointee in the Roosevelt administration.

Named in 1933 as assistant to Harry Hopkins, then administrator of federal emergency relief, Mrs. Woodward was appointed administrator of the Works Progress Administration when it was set up in 1935.

She was named in 1938 as one of the three members of the Social Security Board and was reappointed in 1943, serving until the board became part of the Federal Security Agency.

She was also a member (1943-45) of the U.S. delegation to the United Nations Relief and Rehabilitation Administration.

In 1954, she retired as director of international relations for the Department of Health, Education and Welfare. It marked the end of a 28-year career in federal service.

Daughter of Mississippi Sen. William V. Sullivan, Mrs. Woodward began her career in public life as a member of the Mississippi legislature in 1925.

As a member of the executive committee of her state's board of public welfare, she helped in the early days of the depression to plan Mississippi's first relief program before coming here in 1933.

In 1966 she was elected Mississippi woman of the year.

She was married to the late Judge Albert Y. Woodward. She is survived by a son, Albert Y. Woodward, of Arlington, and a sister, Elizabeth Sullivan Dutcher, of Miami.

RETENTION OF REPUBLIC OF CHINA IN THE U.N.

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. THURMOND. Mr. President, today I wish to bring to the attention of the Senate a petition to all of the Ambassadors of free nations in the United Nations. The petition concerns the retention of the Republic of China in the U.N.

Several important points are brought into focus by the petition. We cannot ignore the fact that the Republic of China is a charter member of the U.N. That country has fulfilled all its obligations as a member and represents more people than over half of the U.N. members.

Mr. President, to allow this legal and recognized nation to be deprived of its seat in the U.N. would be more than a diplomatic slight; it would be a terrible injustice. I am pleased to join the 150 distinguished Americans who have signed this petition on behalf of the Republic of China, and I urge Senators to give this matter careful consideration.

Mr. President, I ask unanimous consent that the petition to all Ambassadors of free nations in the U.N. be printed in the Extensions of Remarks.

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

TO THEIR EXCELLENCIES—ALL AMBASSADORS OF THE FREE NATIONS IN THE UNITED NATIONS

DEAR MR. AMBASSADOR: This message is addressed to the Ambassadors of all Free Nations in the United Nations from approximately 150 prominent Americans, urging you to retain the Free Republic of China in the United Nations.

We believe our views represent over 90 percent of the American people and of most of the free people everywhere. We are not seeking or opposing admission of any nation or raising any question regarding the membership of the Security Council. We earnestly believe that the Free Republic of China, a legal, Constitutional and a charter member of the U.N. which has fulfilled all of its obligations, should be retained no matter what decisions may be made regarding other issues.

At the present time, the Irish Republic and North Ireland under the United Kingdom, are members of the United Nations and the Ukraine and Byelorussia, each have a vote. The Free Republic of China governs more people than half the United Nations States. To show our sincerity and consistency, we are willing to support the admission of two Germanys, two Koreas, and two Vietnams. We have no quarrel with the Chinese or Russian people. We wish the United Nations success in its program of freedom, peace and goodwill in the world. But as surely as the sun will shine again, the ousting of Free China and its replacement by Communist China will create a credibility gap in and about the United Nations.

The vast majority of the American people who have been nurtured on the blessings of liberty (freedom) ordained in the Constitution of the United States and in our Declaration of Independence, whose 200th

anniversary will be celebrated on a vast scale in five years, believe the ousting of Free China would be a serious and deplorable blow to the preservation of freedom throughout the world. It would be in their opinion a disservice to the United Nations and create disunity and bitterness within it, and suspicion and distrust not only among the American people, but among all the free people of the world.

Director, J. Edgar Hoover of the F.B.I. has openly criticized some of the propaganda and activities emanating from the U.N. sources against our free institutions, our system of free enterprise and our form of government.

Abraham Lincoln once said, "To sin by silence when you should protest makes cowards of men". The main reason for the existence of all governments is to protect its people and the security of its government. There is already a definite feeling that the U.N. should not be located in any large and powerful nation. If the U.N. is used as a sanctuary of immunity for the distribution of propaganda, unfriendly to the United States, the American people regardless of partisanship will inevitably demand the removal of the U.N. to Geneva or to some small nation.

The undersigned urge your favorable approval of the retention of Free China in the interest of freedom, justice, democracy and peace and for the best interest of the success of the United Nations. The preservation of freedom and peace are the most important issues in the world. There are no substitute for either.

With highest esteem and best wishes.

Sincerely yours,

#### LIST OF SIGNATORIES

Col. Robert L. Alberts; Dr. Ruth W. Alexander; Dr. Fernando E. Alvarez, Int'l Bureau, Anti-Communist Legion; Dr. Clairette P. Armstrong; Dr. Daisy Atterbury, Sec'y, Shanghai-Tiffin Club; Mayor George Auslander; Robert W. Baird, M.D.; Mr. George F. Baker; Prof. Joseph W. Ballantine; Lesley Frost Ballantine.

Mr. Laszlo Berchtoldt; Col. Harrison D. Blair; Mr. Frank Cullen Brophy; Major Edgar Bundy, Sec'y, Church League of America; Colonel Laurence Elliot Bunker; Admiral Arleigh Burke; Mr. Harold H. Burns; Dr. John Carja, Romanian National Council; Mr. Robert Carroll; Mr. John Chamberlain.

B/Gen. William E. Chambers; Mrs. Anna Chennault; Mrs. Olga Clark, Widow of Adm. Joseph J. (Jocko) Clark; Mr. Charles Kenneth Clinton; Hon. C. Fred Close; Hon. William M. Colmer, Chairman, House Rules Committee; Mary Hope Condon; Mrs. Kenneth C. Crain; Hon. James H. R. Cromwell; Rev. Edward Lodge Curran.

Mr. Thaddeus S. Dabrowski; Mr. Ralph Dodson Davis; Cdr. Lee DeBoer, Cdr., N.Y. County Veterans of Foreign Wars; Mr. Raymond J. DeJaeger; Hon. Edward J. Derwinski, Congressman from Illinois; Rev. Stephen Dibble; Dr. Lev E. Dobriansky, Chairman, Nat'l Captive Nations Comm.; Dr. Ivan Docheff, Pres. Bulgarian Nat'l Front, AFABN; Cathryn Kelly Dorney; Dr. William F. Dowling.

Francis A. Dugan; Mr. Thomas Dunleavy; Mr. Allen Finger; Hon. Hamilton Fish; Daniel Flint, Esq.; Mr. Henry Forster; Mr. William Lapham Fort; Mr. Stockton Gaines; Col. Edgar W. Garbisch; Mr. Devin Adair Garrity.

Capt. Raymond Gimmler; Mr. Thomas W. Gleason, Pres. Int'l Longshoremans Assn. AFL-CIO; Cdr. Robert G. Goff, Cdr. Queens Co. Catholic War Veterans; Dr. Horace Greeley; Col. Charles Carroll Greene; Mr. Conrad Grieb; Hon. Rosemary Gunning; Mrs. Merwin K. Hart; Mr. Thomas O. Haskins; Hon. Ernest Hatfield; Msgr. Paul Haverty.

Milton W. Henson, M.D.; Mr. Hamilton Hoge; Mr. Roman Huhlewych; Mr. Edward

Hunter, Publisher of "Tactics"; Cynthia Huyler, Chairman, Friends of Tibet; Mr. George Hyam; Mrs. Elizabeth E. Iglehart; Mr. H. Harding Isaacson; R/Adm. A. Vernon Janotta; Mr. James Jemall.

Mr. Daniel V. Jennings; Mr. Theodore P. Jennings, Chairman, Victory in Vietnam Committee; Gen. Leon W. Johnson; Kathryn Kannett, Sec'y., Order of Burke, Metternich and Bismarck, Inc.; Mrs. Jeanne E. Kerbs; Francis Kettanah; Mr. W. J. Klimkiewicz; Mr. Peter Koltypin, Chairman, Freedom For Russia; Mr. Jean U. Koree; Mr. John Kosciak, Byelorussian Congress Comm. of America.

Mr. & Mrs. Hubert Kregeloh; M/Gen. Melvin L. Krulowitch; Helen V. Kulber, Lithuanian-American Organizations; Mr. Bernard J. Lally, Editor of "Counterattack"; M/Gen. Thomas A. Lane; Mr. Reginald B. Lanier; Mr. Nelson T. Levings; Mr. Marx Lewis, Chairman, Council Against Communist Aggression (Labor); Mr. Howard Lim, Jr., Chairman, Action Committee for a Free China; Lt. Col. John B. Lininger.

Mr. William E. Loeb, Editor, Manchester (N.H.) Union Leader; Rev. Daniel Lyons; Mr. Eugene Lyons; Beatrice Mabry; Giovanna McCracken, Sec'y, Victory in Vietnam Committee; Jo-Anne Miller; Mr. Timothy A. Mitchell; Mr. Eugene C. Moffat; Admiral Ben Moreell; Mr. Vladimir Morosov.

Dr. Ralph Mortensen, Shanghai-Tiffin Club; Hon. George Murphy, Senator from California; Lt. Col. Nicholas Nazarenko, Nat'l. Cdr. Cossackian War Veterans; Aristide Nicolale, Princess Alexandria C. Obolensky; Mr. Hugh B. O'Neill, American Friends of Vietnam; Prof. Henry Paolucci; Mr. C. H. Pearson; Judge Mario A. Proccacino; Dr. Ralph Waldo Pruden.

Mrs. Robert Pyzel; Admiral Arthur W. Radford; Mr. Walter L. Reynolds; Mr. George T. Reilly; Mr. Frederick L. Reuss, Jr.; Prof. Charles E. Rice, Notre Dame Law School; Mr. Donald R. Rice; Mr. John Rice; Col. William Lathrop Rich.

Dr. David N. Rowe, Yale University; Mr. William A. Rusher, National Review; Rt. Rev. Msgr. John S. Sabo; Mr. Ralph Santos; Mr. Harry S. Schanck; Dr. Sigmund J. Sluska, Polish-American Congress; Hon. Earl E. T. Smith, Former Ambassador to Cuba; Prof. William V. Sotirovich, N.Y.U. Political Forum; Mrs. W. Howard Steiner, Cdr. William S. Stubr.

Mrs. William H. Sullivan, Jr.; Mr. Harold L. Suttle; Mr. Donald B. Tansill; Col. Alexis Tchenkell, Pres., United Caucasus Org., Inc.; Hon. Strom Thurmond, Senator from South Carolina; Mrs. George H. Townsend; Hon. Matthew Troy, Sr., Chairman, Captive Nations Comm.; Mr. Gene Tunney; Mr. Eugene Tzyzkiewicz; Gen. James A. Van Fleet; Mr. Viktors Viksnins, Chairman, Latvian Society of Chicago; Gen. A. C. Wedemeyer; Prof. Karl A. Wittfogel; Lefley Frost; Col. & Mrs. James W. Gerard.

#### STATEMENT OF THE COMMITTEE FOR EFFECTIVE CRIME CONTROL ON THE LEGITIMACY OF HANDGUN OWNERSHIP

#### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. QUIE. Mr. Speaker, the Committee for Effective Crime Control, a Minneapolis-based organization representing about 300,000 Minnesota firearms owners, has sent me a copy of its statement on the legitimacy of handgun ownership. So that Members may have the committee's views in opposition to any legislation leading to outlawing legitimate

ownership of handguns, I submit the committee's statement at this point in the RECORD:

#### STATEMENT OF THE COMMITTEE FOR EFFECTIVE CRIME CONTROL ON THE LEGITIMACY OF HANDGUN OWNERSHIP

Handguns are legitimately used in the shooting sports, in gun collecting, and in personal defense, by more than twenty-five million Americans.

About forty-five thousand Americans are active each year in competitive pistol shooting. About two million citizens actively hunt each year with handguns. As of this year, some forty-eight states, including Minnesota, allow handguns to be used in taking predators and unprotected game. Forty-one states allow the use of handguns in taking small game. Twenty-three states allow the use of handguns in taking big game. Improvements in loads and accuracy have made handguns, in competent hands, suitable for hunting the largest North American game. Handguns offer a safety factor in settled regions because their maximum danger range is about half that of long range big game rifles. In recognition of their sporting use, the ten per cent federal excise tax on handguns is apportioned entirely for hunter safety training programs, shooting range construction, and wildlife restoration.

Included among the ranks of handgun owners are many thousands of gun collectors and millions of citizens who keep handguns for personal protection and occasional outdoor use, such as plinking tin cans. Because of its size and ease in handling, the handgun is excellent for self defense and is, in fact, the only functional firearm in many situations.

According to the F.B.I.'s *Uniform Crime Reports* and statistics gathered by the National Commission on the Causes and Prevention of Violence, in any recent year only five of every thousand handguns are used in major crime. The number of handguns involved in accidental deaths is much smaller.

Despite this outstanding record of legitimate and safe use, some concerned citizens in our society are waging a war against handguns, seeking to isolate handgun owners from other firearms owners through a divide-and-conquer strategy, preparatory to eliminating handgun ownership. *The handgun has become a symbol of violence to such oppressors and legitimate handgun ownership is endangered by a symbolic purge which would make scapegoats of legitimate owners.* Such persons are hung up on the idea that a handgun has only one purpose and that is to kill. They do not realize that a handgun is an inanimate object. Whether a purpose is good or bad depends not upon the handgun but upon the user, and, statistically speaking, owners' purposes and uses are virtually always legitimate.

#### MAN'S INHUMANITY TO MAN—HOW LONG?

#### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

## VETERAN'S DAY

## HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. BOGGS. Mr. President, Dr. Harry O. Eisenberg, a noted educator and poet from the State of Delaware, has penned some lines for Veteran's Day.

I know that Veteran's Day is some time off, but I thought Dr. Eisenberg's poem was so good and so apropos that I wish to share it with my colleagues.

Dr. Eisenberg is a long time and valued friend of mine, and he is the poet laureate of the State of Delaware, having been appointed to that distinguished position by the Honorable Russell W. Peterson, Governor of Delaware.

I ask unanimous consent that Dr. Eisenberg's poem be printed at this point in the RECORD.

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

## VETERAN'S DAY

Will you watch two parades with me?  
The flying flags and beating drums  
The sounding horns and the tramp of feet  
All tell that a parade is passing by.  
The men have grown in girth and lost a  
little hair

There is a stiffness in the uneven step  
That marks a vain attempt to catch again  
The thrill of confidence that comes of being  
with your fellowmen

In a cause in which you believe.  
The parade is short; the numbers few of  
those who march today to honor those  
who can no longer march.

The memory is grand; the thoughts intense  
of other days when freedom stood on  
dangerous ground.

Tramp, tramp, tramp, tramp  
Eight abreast, thirty files a minute  
Tramp, tramp, tramp, tramp  
Eight abreast, thirty files a minute  
And soon the flags have passed  
And the last beat of the drum  
Has faded and died.  
But do not go.

Another parade will soon pass by  
In the distance can you not hear  
The tramp of marching feet  
Don't tell me that your ears have grown so  
dull,

You cannot hear the sound of ghostly feet.  
These are the dead who march;  
These are the men who died  
That freedom might forever live within the  
hearts of men.

These are the men who died  
That wars might cease  
And men might live as brothers.  
Tramp, tramp, tramp, tramp  
The ghostly line files by.  
Tramp, tramp, tramp, tramp  
The line of those who came again home with  
mind and body

Far less sound than when they left  
Stretches beyond the far perimeter of time  
Tramp, tramp, tramp, tramp  
Eight abreast, thirty files a minute  
See the host pass by.

But do not falter now. The parade is long  
The hours pass and then a day  
And still no end,

But be not weary with the ghostly throng  
For it must pass along the avenues of time  
With a tramp, tramp, tramp  
Eight abreast, thirty files a minute  
Tramp, tramp, tramp, tramp  
The maimed and bloody crew.  
You still must stand and watch this parade  
pass by.

You still must stand and hold your faith  
That all those men made brave by war  
And by a faith that freedom must forever  
live

And war be banished from the ways of men  
still live.

You still must stand and hold your faith  
And dedicate your life to bring to pass  
That high ideal for which this host was  
maimed and died

Tramp, tramp, tramp, tramp  
Eight abreast, thirty files a minute

Tramp, tramp, tramp, tramp  
The ghostly parade goes by  
Its banners furled from every breeze  
Its muffled drums with soundless beat  
Its faith eternal in the God

Who rules the world with purpose calm and  
just.

Just watch this parade as it goes by  
And live a thousand days in one.

## OIL IMPORT HEARINGS

## HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. CONTE. Mr. Speaker, earlier this month the Senate Subcommittee on Small Business began hearings on the current fuel oil situation in the Northeastern States. The first day was devoted to testimony from dealers, jobbers and terminal operators who sell fuel oil in the Northeast and who are, of course, very familiar with conditions and problems in those markets.

I am pleased that their testimony supported the recommendations made by the New England congressional delegation to the President and to the Oil Policy Committee in recent months. Those recommendations call for prompt action to:

Raise the level of No. 2 fuel oil imports into District I—the east coast—to 100,000 barrels per day, so that there can be a significant impact on prices, supply and competition.

Remove the Western Hemisphere purchase limitation, so that importers can buy at the most competitive prices.

Place the program on a permanent basis, so that effective long-range planning and investment in facilities can take place.

Our recommendations have been pending since last May, and we are becoming increasingly concerned at the continuing delays. We hope that action will be taken soon, so that the No. 2 fuel oil program initiated by President Nixon last year can be made more effective and the objectives announced by the President can be achieved.

Mr. President, I call the attention of my colleagues to three excellent statements presented at the Senate hearings—by Senator EDWARD BROOKE, and by spokesmen for the New England Fuel Institute and the Independent Fuel Terminal Operators Association—and I insert them at this point in the RECORD:

STATEMENT OF SENATOR EDWARD W. BROOKE

Mr. Chairman, for the second successive year this subcommittee is meeting in the early fall to consider the grave situation facing the consumers of residential and Indus-

trial fuel oil in the Northeast. Although those who have been fighting this long and sometimes discouraging battle to obtain ensured oil supplies at reasonable prices have seen some progress through marginally increased imports of heating oil, we have also learned that all too often the lower cost benefits that would and should have been passed on to the consumer have been skimmed off by the major oil companies in the form of higher prices. Even after the Administration recognized the gravity of our problem by granting independent cargo terminal operators on the East Coast allocations to import a total of 40,000 barrels daily of No. 2 oil, prices continued to go up. It was initially intended that the substantially lower cost of imported No. 2 oil would have an effect on stabilizing U.S. domestic fuel oil prices. In actuality, however, the steps taken by the Administration in its attempts to aid the oil consumer have been completely turned to the benefit of a few large oil companies before they even had a chance to take effect.

For practical purposes, the geographical limitation on the origin of the crude oil from which the imported fuel oil must be derived has had to come from Caribbean refinery sources, primarily Venezuela and the Netherlands West Indies, the principal western hemisphere export centers for refined products. Thus importers, operating under the 40,000 barrels per day allocation, found themselves forced to deal on a short term basis in a narrow market controlled by only a few large oil companies.

In addition, price increases were further aggravated by the imposition of high tax reference values by the Venezuelan government on all oil exports. The increase of 1.8¢ per gallon in the tax reference value for No. 2 oil plus the increase in the effective tax rate from 50% to 58%, accompanied by a simultaneous increase in royalty payments last December, added greatly to the price of foreign home heating oil landed in the Northeast. In fact, by May of this year, the price of Caribbean No. 2 was higher than that paid for No. 2 on the Gulf Coast.

Finally, the use of No. 2 fuel oil as a blending agent to reduce the sulphur content in residual oil has caused the Caribbean market for No. 2 as a separate product to all but cease to exist.

One must wonder what consumer benefits can be expected by limiting our sources of foreign heating oil purchases to markets that are even tighter from both the standpoint of prices and supplies than those in the United States.

In view of these developments, I wish to reiterate my support for the tripartite program for expansion of our fuel oil import program to a level that will offer meaningful relief for the New England consumer without major home heating oil producers increasing their domination of the Northeast market.

First, the allocation which is presently set at 40,000 barrels per day should be increased to 100,000 barrels per day as soon as possible. It has been estimated that an increase to approximately 100,000 barrels per day could result in a retail price reduction of approximately 1¢ per gallon to the homeowner.

Second, to avoid the controlled market situation in the Caribbean, the requirement that No. 2 imports under this allocation must come from only western hemisphere sources should be eliminated forthwith. With the opening of the Syrian tapline and the reduction in tanker transportation costs, there are definite economies to be achieved by importing oil from sources outside the Caribbean.

Third, no matter what level the allocation is set at, it is the only segment of the oil import program which is referred to as "temporary". There is every reason to believe that there is much pressure on the Administration to abolish the allocation to

independent terminal operators and put that oil back in the crude pool which would then be distributed to major refiners. Therefore, this allocation must be made a permanent part of the program.

Even though home heating oil supplies have commanded most of the attention of this subcommittee, recent deterioration in the industrial fuel oil market, has perhaps been the most alarming of all. During the year, several towns and cities in New England have faced dangerously short supplies of this basic fuel. New supplies, when available, are sometimes two and three times more expensive than the previous year's supply. Perhaps nothing cries out for price controls under the Administration's new economic program more than do residual fuel oil prices. Unlike our problems with home heating oil, controls under the Mandatory Oil Import Program are not the problem, because residual oil imports are exempt from controls. When placed side by side with those controlling No. 2, residual fuel import regulations highlight the paradoxes and inequities of the Mandatory Oil Import Program. This program leaves one product without controls while enforcing tight limitations on other and, in some cases, direct substitute products.

Finally, Mr. Chairman, I hope that the deliberations of this subcommittee will examine not only the present price, supply, and demand situation in each of these important petroleum products but also the dubious prospects for attempts to reinstitute some form of controls on residual fuel oil. Although progress in increasing supplies of No. 2 has been slow, it has been most measurable and significant in the last two years of this Administration. New controls on residual oil would surely negate what little progress has already been made to eliminate New England's fuel and energy problems.

#### STATEMENT BY NEW ENGLAND FUEL INSTITUTE

Mr. Chairman, I am Robert DeBlois, Chairman of the Board of New England Fuel Institute. I am accompanied this morning by Donald Craft, President and Mr. Charles H. Burkhardt, Executive Vice President of the Institute. The New England Fuel Institute is an association covering the six state region, with a membership of 1,143 retail and wholesale home heating oil dealers and distributors. Members of our organization sell nearly 75% of the #2 home heating oil in New England. In addition, a number of our members retail substantial quantities of heavy fuel (#6) oil and also operate deepwater terminals.

Before proceeding I want to thank you Mr. Chairman, for the vigorous and effective work you have done over the past several years on behalf of the small heating oil retailers of New England and the thousands of consumers who depend on fuel oil in our area. This Committee has held a number of hearings on New England's unique fuel problems. I am sure you realize, Mr. Chairman, that your efforts and those of the other members of the New England Senatorial and Congressional delegation have distinctly helped spotlight the inequities of the existing import system as it affects New England consumers. Your efforts also have achieved some measure of relief from the cycle of supply shortages and high prices that have characterized our region during recent years. We are sure that this very constructive hearing will further assist us and New England Consumers in winning the greater relief that is so urgently needed.

Mr. Chairman, we think it would be helpful right at the outset to describe once again the reasons that lie behind the disproportionate prices New Englanders must pay for the heating oil they buy to heat their homes. We are talking about a commodity that is not a luxury item, rather it is a product which is of vital necessity to the health and well-

being of seven out of ten New Englanders who heat their homes with oil.

The problem of oil prices, shortages and threats of shortages of home heating oil in New England stem from the fact that every drop of oil used in New England must come into the area by ship. New England has no oil production or refineries of its own. Nor does it produce any coal or natural gas. There are limited amounts of hydro-power available in New England but by and large, our region runs on oil, and every barrel of oil must come by ship.

Fortunately, New England is blessed with a number of fine harbors and under normal circumstances could expect to bring oil into our region priced competitively with any other area in the country. Unfortunately, normal market price transactions—normal flow of oil—cannot take place. Why? Because as of 1959 New England, like the rest of a 43 state area, has been subject to mandatory oil import controls. These controls negate New England's natural advantage of deep water harbor facilities because they prevent New England distributors from importing foreign oil (apart from heavy fuel oil, which as is known, is allowed entry).

Last year East Coast deep water terminal operators were for the first time, granted on a trial basis, a daily import quota of 40,000 barrels of #2 home heating oil. The quota stipulated that this product had to be imported from Western Hemisphere sources daily from the Caribbean area. We wish to address ourselves to that program at some length, further on in our testimony. Apart from that limited exception New England deep water terminal operators, including major company terminal operators must rely on domestic U.S. Supply Sources for all of their product requirement. Since we have no refineries in New England, we must, in effect, import refined products from other parts of the country.

Unfortunately, there have been no refineries built on the East Coast of the U. S., since the mandatory oil import program was initiated 12 years ago. Moreover, East Coast demand for product is well over double the volume produced in East Coast refineries. Thus we must look to the U.S. Gulf Coast areas for a substantial part of our supplies. The point we are trying to make Senator, is that the heart of the refining industry is located in the Gulf Coast area and New England, by a quirk of geography, happens to be at the farthest end of the supply line. These geographical facts coupled with the inability, because of the oil import program, to buy home heating oil in world markets at competitive market prices have placed New England in the position of paying higher prices for home heating oil than any other region of the country. The inequities of this situation are obvious.

What we have here, is a major oil import quota system justified on the basis of national security, which causes prices in one particular region of the country to be disproportionately higher than in others. If one accepts the thesis, which we do not, that there is a valid national security justification for the oil import program, we are in effect, paying more than our pro rata share of what should be a national burden. It is particularly unfortunate that the region that has to pay the highest prices for home heating oil is the very region that needs and uses more heating oil per capita than any other in the country.

There is another inequity Mr. Chairman, imposed on small businessmen by the Oil Import Program. We refer, of course, to the competitive inequity caused by the size and economic strength of the major integrated oil companies as well as the dependent position the quota program has forced on independent deep water terminal operators. These independent terminal operators have

the hardware—that is the physical facilities to bring oil into the New England market from anywhere in the world, and indeed, when they were allowed to do so before the oil program was initiated, they were able to compete effectively with the major companies and bring to New England jobbers and small retail distributors an alternative source to major company supplies.

The oil import program, of course, changed all that by forcing independent terminal operators to acquire their supplies from a small number of major companies with refining capacity located inside the U.S. market. In short, the independent terminal operators are forced into the incongruous position of having to compete for jobber business with the very same companies upon whom they are dependent for an adequate supply at a reasonable price.

As this committee knows, we in New England have experienced difficulties as a result of the quota system in obtaining necessary fuel oil supplies ever since the winter of 1966-67. Each winter since, the supply situation has grown more severe and only emergency allocations from the Oil Import Appeals Board prevented home owners from running out of oil.

Last year for the first time, there was a ray of hope. An Oil Import Quota of 40,000 barrels was allocated to independent terminal operators starting in June of last year and continuing through 1971. This positive step was viewed at the time as a breakthrough which would lead to price relief for New England consumers as well as adequate supplies during last winter's season.

Unfortunately, the terminal operators were required to purchase the 40,000 barrels per day solely from Western Hemisphere sources. This restriction was a harmful and inequitable one. Within a few months from the time that the quota allocations were granted, prices for home heating oil in the Caribbean area rose from 6.5¢ per gallon to 9.5¢ per gallon, an increase of almost 50%. New England consumers were denied price relief by the companies who controlled the vast majority of Caribbean home heating oil companies.

Still, the program did have a positive impact. The added supplies gave New England its first winter in five years completely free of fear and threat of shortages. While the major impact on price that had been hoped for did not materialize, independent deep water terminal operators were able to competitively defend their business vigorously and in some cases seek new business. For those of us in the business as jobbers and retailers there was more competition by alternate suppliers bidding for our business. During the last half of the home heating oil season discounts to jobbers and distributors became general for the first time in more than five years.

However, more and more substantial relief is needed if the taste of competitive pricing, which we jobbers and distributors enjoyed last year, is to become meaningful this winter and for the future. The 40,000 barrels per day import quota should be sharply expanded to at least 100,000 barrels per day through 1972 and by January 1st, 1973 there should be complete decontrol of the #2 home heating oil imports into the East Coast. Of even more importance is the Western Hemisphere purchase restriction. This should be lifted so that terminal operators are allowed to buy supplies from all free world markets at lower prices than are currently available in the Caribbean.

This committee may be interested in how we view the prospect for supply and prices for this winter and the future. The price picture is, of course, still clouded somewhat by the Presidential freeze now in effect. Prior to the price freeze, one large refiner had announced a schedule of price increases on the wholesale level in steps starting with 3/10 of a cent in May and adding a total of another 1¢ per gallon in stages through No-

ember, December and January. Thus, we in New England face the bleak prospect of yet another increase in the cost of heating our homes unless the price freeze prevents it.

On the supply side, we believe that if a favorable decision is made to go forward with home heating oil quotas to deep water terminal operators on an expanded and unrestricted basis, there will be no shortages this winter. Large refining oil companies, of course, have argued that continuation of the quota is unnecessary; that inventories are at high levels and that we need have no fear of shortages this winter. Mr. Chairman we have heard that before.

In reality, we don't think that the major companies or any party here, at this stage of the game, can be overly sanguine about the supply situation for this winter and the future.

In fact there are a number of trends underway today which could dramatically alter the demand for home heating oil this year and for the future. We refer, Mr. Chairman, to a number of substitutions that are being made which could cause an unusual increase in demand for home heating oil. We will cite a few examples to illustrate this point:

(1) Pollution controls governing the sulphur content in heavy fuel oil have been adopted by a number of states. Your own state of New Hampshire now requires sulphur levels not to exceed 2.2% by weight of heavy fuel oil (#6). Next year that level will be reduced to 1.5%. In my state of Rhode Island and in neighboring states as of October 1 this year, no heavy fuel oil can be brought into the state with sulphur levels exceeding 1% by weight. In Boston and a number of contiguous communities in Massachusetts, sulphur levels are to be reduced by October 1st, to 1/2 of 1%; while in New York City and New Jersey the permitted sulphur levels will drop to three tenths of 1%.

By January 1972 every state must file an implementation plan with the federal government showing what requirements they propose, to meet the primary ambient air standards as required by 1975 as provided for by last year's Federal Clean-Air Legislation. All of these controls will require a vast increase in the volume of low sulphur heavy fuel oil sold on the East Coast of the U.S.

One way in which companies are meeting these strict sulphur standards is by blending low sulphur home heating oil (#2) with high sulphur heavy fuel oil to meet requirements. Here then, is a whole new use for home heating oil which is already substantial and which will grow even more as additional states adopt stricter sulphur levels. It is this situation, as all admit, that has caused the tight supply situation in the Caribbean area.

(2). Another kind of pollution control already in effect in the metropolitan Boston area is a requirement that all buildings burning heavy fuel oil (#5 & #6), at a rate of 20 gallons per hour or less must be converted to #2 home heating oil or gas. We estimate that there are some 14,000 buildings in the metropolitan Boston Air Shed and its 20 surrounding cities and towns that have had to make this conversion. We think it is reasonable to estimate that these buildings on the average will consume #2 home heating oil at a rate of between 30,000 to 38,000 gallons per year. This all adds up to a minimum of 10 million barrels of new demand for home heating oil as a result of air pollution regulations. Obviously, to the extent that such regulations are adopted in other states the demand for home heating oil could further skyrocket.

(3). Electric utilities in New England and New York have purchased jet-type turbine power plants to drive generators to produce electricity. These jet engine turbines burn #2 oil and the rapidity and extent of conversion to this type of equipment could by itself, significantly increase demand for home heating oil.

(4). Finally, the demand for #2 oil is likely to be affected by the developing natural gas shortage in the U. S. This is one subject on which the industry, majors and independent producers, all seem to agree—there is going to be an increasing shortage of natural gas. Until now, gas companies visited with a squeeze on supplies have usually preferred to cutback on their sales to industrial users while maintaining their deliveries to home consumers. In recent weeks this practice has been challenged by, among others, the governor of Pennsylvania, who urged that gas deliveries to industries be continued because home owners had alternate energy sources.

He was referring, of course, to home heating oil. If the natural gas shortage is to be partially solved by the conversion of these homes to heating equipment that will burn oil instead of gas, then a further demand for home heating oil will occur.

Mr. Chairman, we suggest that all these trends point in one direction. None of us can be too confident of the adequacy of supplies at reasonable prices of the product that we are discussing here this morning. It is clear to us that larger volumes of home heating oil must be allowed entry and that the Western Hemispheric restriction on such imports must be eliminated. We would hope this committee will make recommendations to this effect in the strongest possible terms.

In support of this we are submitting as an attachment to this testimony, NEFI's statement of position on this issue, dated May 10th. Our recommendations at this time would be identical to those in this May 10th position paper, namely:

1. Suspension as soon as possible of the Western Hemisphere purchase limitation in the No. 2 fuel oil program for District 1. This will enable independent deepwater terminal operators to purchase more reasonably priced supplies available at European refineries.

2. An immediate increase in the import level under the No. 2 fuel program from 40,000 barrels per day to 100,000 barrels per day.

3. An immediate confirmation that the No. 2 fuel program will be extended through 1972.

4. On January 1, 1973, complete decontrol of No. 2 fuel oil imports into District I (the East Coast).

Finally, Mr. Chairman, we would like to comment briefly on the recent proposal by the Oil Import Administration that existing regulations covering the importation of No. 6 fuel oil be amended. We strongly oppose the suggested changes or indeed any change, that could lead to a reimposition of import restrictions on No. 6 fuel. We are deeply concerned with the intent of the proposed rule change and believe that they could involve a fundamental shift of oil import policy.

The East Coast currently imports some 90% of its requirements of this product because U. S. refineries have systematically reduced the volume of No. 6 fuel oil produced over the last 20 years. At present, domestic plans simply do not come anywhere close to producing enough No. 6 oil to meet demands.

The liberalization of No. 6 oil import quotas in 1965 was a direct result of strong and persistent efforts by New England and other East Coast Congressional Delegations. All of the benefit from that extensive and protracted effort is now being jeopardized. When a system works well and imports are freely allowed, it seems to us there has to be a reason for suddenly changing the regulations. The new allocation system would certainly be more cumbersome than the present one. What the Oil Import Administration appears to be doing is arbitrarily attempting to reimpose restrictions on imports of No. 6 fuel oil.

We hope this committee will take a searching look at these proposed regulations and investigate the real reasons for the proposed

reimposition of import restrictions on No. 6 oil. We believe the proposed amendments involve a major grant of administrative authority. We strongly oppose such a measure.

Mr. Chairman, let us again express our gratitude and appreciation for being allowed the opportunity to present this testimony this morning. If you have any questions on any part of this testimony, Mr. Burkhardt, Mr. Craft and I will be happy to answer them.

#### STATEMENT OF POSITION

The New England Fuel Institute is an association covering the six state area with a membership of 1,100 independent retail home heating oil dealer-distributors. Its members sell nearly 80% of the No. 2 (home heating) fuel oil in New England and are retailers of substantial quantities of No. 6 (residual) fuel oil.

The Institute commends the members of the Senate and House from New England for their untiring and effective fight to assure adequate supplies of fuel oil, at reasonable prices, for the consumers of our area.

The Institute is grateful for the efforts which culminated in establishment of the special program allowing for importation of 40,000 barrels per day of No. 2 fuel into the Northeastern states; this program assured adequate supplies for New England in the Winter of 1970-71.

Viewing the future, the New England Fuel Institute is deeply concerned about three aspects relating to No. 2 fuel oil.

1. *Demand.* The Oil and Gas Journal projects a 10-15% increase in demand during the latter half of 1971. NEFI agrees with this projection, but warns that it could prove low for the New England area due to the following factors: record demand for No. 2 fuel by utilities; increased consumption by small apartment and factory buildings, converting from No. 6 burners to meet anti-pollution standards; increased use of No. 2 fuel in blending with high sulfur No. 6 oil, to meet more stringent anti-pollution rules going into effect during 1971-72.

2. *Supply.* Because of high nationwide demand for distillate fuels, domestic refineries may not produce adequate amounts for the coming winter. The supply picture in the Caribbean is bleak; major refiners in the area will have little product available for importation into New England and only at very high prices.

3. *Price.* Prospects for the Winter of 1971-72 are not good. The wholesale (cargo) price of No. 2 fuel oil will be increased along the East Coast by 1.3 cents per gallon by the end of 1971. These price moves will mean added costs to consumers of New England of \$60 million per year.

#### Recommendations

The New England Fuel Institute urges that Federal Oil Import policies be changed to meet the problems outlined above. Specifically we recommend:

1. Suspension on or before June 1, of the Western Hemisphere purchase limitation in the No. 2 fuel oil program for District I. This will enable independent deepwater terminal operators to purchase more reasonably priced supplies available at European refineries.

2. An immediate increase in the import level under the No. 2 fuel program from 40,000 barrels per day to 100,000 barrels per day.

3. An immediate confirmation that the No. 2 fuel program will be extended through 1972.

4. On January 1, 1973, complete decontrol of No. 2 fuel oil imports into District I (the East Coast).

STATEMENT OF ARTHUR T. SOULE, PRESIDENT, INDEPENDENT FUEL TERMINAL OPERATORS ASSOCIATION

Mr. Chairman, thank you very much for the privilege of appearing before you today. My name is Arthur T. Soule. I am President of the Independent Fuel Terminal Operators

Association; I am also Vice President of the Patchogue Oil Terminal Corporation of Brooklyn, New York, an independent deepwater terminal serving the New York area.

Before beginning my formal statement, Mr. Chairman, I should like to commend you, the members of this Committee, and the Senators, Congressmen and Governors from New England and the Northeast for your persistent fight on behalf of independent marketers and consumers of No. 2 fuel oil. It has been, as you know, a long, hard effort, but we have made progress. We are deeply grateful for your leadership, for the series of fact-finding hearings and inquiries into the problem conducted by this Committee, and for the continuing support of the public officials of the Northeastern states.

I am appearing today on behalf of the Independent Fuel Terminal Operators Association, whose 16 members operate oil terminals along the East Coast from Maine to Florida. A list of members is included with my statement (Attachment A). Our members own or control terminals capable of receiving ocean-going tankers, and none is affiliated with a major oil company. All are qualified participants under the No. 2 fuel oil program established last year by Presidential Proclamations 3990 and 4018 and Section 30 of the Oil Import Regulation, under which 40,000 b/d of home heating oil is being imported into District I (the East Coast).

I should like to discuss four major topics: first, deep-water terminal operations and the history of our part of the oil business; second, the No. 2 fuel oil import program initiated last year; third, the current situation in the fuel oil markets of the Northeast; and fourth, our specific recommendations for changes in current oil import policies.

#### 1. THE DEEPWATER TERMINAL BUSINESS

A deepwater terminal is a facility composed of a dock which can, as I have indicated, receive an ocean-going tanker; hoses and pipes for withdrawing oil from the ship; storage tanks; and a "rack" or loading system through which oil is pumped from the storage tanks to barges for further shipment over water, or is pumped into trucks which carry the fuel oil to homes. A deepwater terminal is the initial point in the distribution system for No. 2 fuel oil in the Northeastern states, particularly in New England. No. 2 fuel oil coming into the area can be either shipped from a U.S. refinery or imported from a foreign source. Parts of the East Coast are also served by pipelines which transport No. 2 fuel from Texas and Louisiana, but as one moves farther north, the dependence on ship-borne supplies becomes greater; and all the fuel oil coming into New England arrives by water.

Deepwater terminals can, of course, be owned by major oil companies or by independent businessmen like ourselves. We compete with the major oil companies at the terminal level; in other businesses this would be considered the wholesale level. Where there is vigorous competition, the independent retailer or jobber who sells oil to homeowners benefits by the existence of alternative sources of supply—that is, the majors and ourselves. The experience in our business has been that where the independent deepwater terminal operator is strong, the independent segment of the market down-the-line is also strong; and where the major oil companies dominate they generally dominate or own the distribution system all the way down the line.

Our basic problem has been that we—the deepwater terminal operators—are forced to compete at the terminal level with the same people who sell us products—the major oil companies. This is a classic competitive problem, with which, I am sure, the Committee is familiar. The particular difficulty in this case is that the Federal Government—through the Oil Import Program—has intervened in the market place and distorted the com-

petitive mechanism in favor of the major oil companies. These companies have access to imports of major quantities of crude oil. For example, in 1971, one major oil company alone will import more oil than is received by all the independent deepwater terminal operators along the East Coast.

We have always been vigorous competitors and believe in freedom of competition. However, since 1959, when the Mandatory Oil Import Program was placed into effect, the Federal Government has made decision after decision on import policy questions in favor of the large integrated oil companies. One exception, as this Committee knows, was Proclamation 3990 issued by President Nixon on June 17, 1970 which, for the first time, recognized the special competitive, price and supply problems of No. 2 fuel oil in the Northeastern states. We were understandably very pleased at the President's action.

Unfortunately, the major oil companies moved swiftly to assure that the import allocations which we received did not provide the expected benefits.

I will discuss these problems in a moment, but thought it might be useful to the Committee to have a brief history of the independent segment of the heating oil market. Soon after World War II, the major oil companies found themselves with a surplus of heating oil, and in order to assure full consumption of this oil, encouraged us and other independent marketers of fuel oil to develop facilities—particularly deepwater terminals—through which this oil could be marketed. This we did and many of us built strong, successful businesses. And the major oil companies provided us with ample supplies, on long term and/or annual contract at reasonable prices from their domestic refineries.

However, conditions began to change after 1959 under the impact of the Oil Import Program. The effect of import controls was to raise the cost of crude oil to refineries; the higher prices, in turn, forced a re-examination of refinery economics. As a result, the refiners sought the maximum monetary yield from each barrel of crude oil and thus made every effort to maximize the production of gasoline—the product yielding the highest profit. Throughout the decade of the 1960's, more and more refiners installed sophisticated hydro-cracking equipment which upped gasoline output and steadily reduced the refinery yield of No. 6 and No. 2 fuel oils.

Assured supplies of No. 2 fuel oil were gradually withdrawn from the independent segment of the market; much of the remaining No. 2 fuel oil product was fed through the major oil companies outlets. Beginning in the Winter of 1966-67, many of our members were forced increasingly to rely on the spot market for supplies, as contracts were terminated by the majors. Many terminal operators experienced absolute shortages of product, and many deepwater terminal tanks were empty for weeks during the several recent winters.

An equally critical trend of recent years—for both terminal operators and consumers—has been steady upward climb in the price of No. 2 fuel oil. In August 1964, the cargo price charged by the major oil companies was 8.3 cents per gallon; in May 1971 it was 11.1 cents per gallon and by January 1, 1972, is scheduled to reach 12.1 cents. Thus, in the period of 8 years, the cargo price for this vital product has increased more than 40%.

Further evidence of our competitive problems was the continuing disappearance of independent deepwater terminal operators through acquisition by the major oil companies, as the majors expanded their outlets and control of the heating oil markets along the East Coast. Attached to my statement is a list of independent deepwater terminal operators who have been acquired by the majors since 1959 (Attachment B).

With many of our members disappearing, supplies growing tight, prices escalating, and

our competitive situation worsening, we re-evaluated our situation and decided in 1968 to form the Independent Fuel Terminal Operators Association. Our efforts have met with some success. But as I will outline below, we still face many problems.

#### 2. NO. 2 FUEL OIL PROGRAM

As I indicated, a major recognition of our problems was provided by President Nixon last year with the promulgation of Presidential Proclamation 3990. That Proclamation provided that 40,000 b/d of No. 2 fuel oil could be imported during the last six months of 1970 from Western Hemisphere refineries, by independent deepwater terminal operators and certain other marketers who did business in District I (the East Coast from Maine to Florida). The Program was extended—at the 40,000 b/d level—through 1971.

Unfortunately, however, the Program has not had the expected impact on prices or competition. Soon after the Presidential announcement, the major oil companies—that is the two which dominate the Caribbean market—raised the No. 2 fuel oil prices sharply. A chart of those price moves is included as Attachment C. In fact, the prices which we paid for this product during the past Winter were so high that the delivered cost of the oil from Caribbean refineries to New York and Boston was about the same as the delivered cost of oil from Texas and Louisiana refineries. Because there was no significant price differential, the program did little to strengthen our competitive position vis-a-vis the major oil companies or to provide price relief for consumers.

The new program did, however, have a major impact on supply; this past Winter—for the first time in 5 years—there were no shortages or threats of shortages in the Northeast at any time. For this we, and all of the Northeast, were grateful.

The reason the program has not been fully effective is very clear. As I mentioned above, the No. 2 fuel oil which we import must be "manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere". This effectively limits us to the Caribbean, and to a market where two major oil companies control nearly two-thirds of the refining capacity. If the program is to be fully effective, if the goals which the President established are to be achieved, we must be freed from this restriction; we must be able to purchase oil from any free world source on the same basis as purchasers of crude oil.

On February 3, 1971 we formally requested General George A. Lincoln, Chairman of the Oil Policy Committee, to suspend the Western Hemisphere purchase limitation; on April 14 we provided additional information and asked that a decision be made in the near future.

In response, the Oil Policy Committee and the Office of Emergency Preparedness initiated a study of the No. 2 fuel oil situation and commendably sent to independent deepwater terminal operators and to the major oil companies questionnaires designed to gather factual information about the true state of the market. Unfortunately, the Oil Policy Committee has not yet been able to reach a decision; one of the reasons, we understand, is the major work-load placed upon the Office of Emergency Preparedness as a result of the President's New Economic Policy announced on August 15.

We hope that a decision will be forthcoming in the very near future. We need access to European refineries\* and we need additional imports if this program is to be successful and effective. We understand the reasons for delay, but the Winter will be upon us soon and we must have enough time to

\*Attachment D compares delivered prices of No. 2 fuel oil from the Caribbean and Europe.

plan effectively for the importation of sufficient quantities of reasonably priced oil.

In summary, the frame-work has been established for an effective import program for No. 2 fuel oil into the East Coast. What we seek, as I shall indicate, is improvement and expansion of that program.

### 3. THE CURRENT SITUATION

I should like to take a moment to describe the current situation in the No. 2 fuel oil market as we see it.

First, as to prices. There is no clear indication as to what will happen upon the expiration of the price freeze in mid-November, but as this Committee knows, the Humble Oil Company last Spring announced that it would place into effect a series of cargo price increases by the end of this year that would add 1 cent per gallon to the wholesale price. This, if carried out, would obviously have a major inflationary impact.

In addition, last Spring the Humble Oil Company and other major marketers removed the differential between the barge and the cargo (i.e. terminal) price for No. 2 fuel oil. This may not seem like much, nor is it readily understandable to the public, but what it means to us is that the major oil companies are using their market power and market control to eliminate the profit margin from a segment of business formerly enjoyed by the independent deepwater terminal operator. We have customarily sold a portion of No. 2 fuel oil through a distribution chain which runs from our deepwater terminal facilities to a barge operator for further shipment by water up smaller rivers. Needless to say, at each stage along the system, a price differential must exist if the seller is to make any profit. Independent terminal operators must make profit at each particular reseller level. In this case, by removing the differential between one reseller stage and another—that is, the cargo level and the barge level—the majors have placed us at a competitive disadvantage, which has had a severe impact on our ability to stay in business.

We would have no problem with this development if it occurred in a free market and if we did not have to depend on our direct competitors, the majors, for our supplies and if we had free access to overseas supplies. But, as I have described, this is not the case. And this recent development underscores once again the need for a more effective import program for No. 2 fuel oil.

As for supplies of No. 2 fuel oil in the coming Winter, a precise answer is not possible. There are many hidden factors and unknown trends. But we do know that there will be a significant increase in demand.

The *Oil and Gas Journal* projects an increase during the October-December period of 10% over 1970. We believe this conservative, due to a number of factors: First, the increased use of No. 2 for blending to make low sulfur residual fuel oil to meet the anti-pollution standards now going into effect in the Northeastern states. Second, the installation of No. 2 fuel oil burning equipment—in place of No. 6 equipment—by apartment houses, industrial plants and utilities. Our members have noted a sharp increase in demand for No. 2 fuel from many new users this year; most are consumers who had formerly purchased No. 6 oil in large quantities. Third, a shift to No. 2 and No. 6 oil by major users, such as utilities, who had formerly relied on gas.\* The growing shortage of natural gas is expected to place added pressure on No. 2 and low-sulfur No. 6 fuel supplies, as more and more users turn to fuel oil as the source of power.

As is obvious from the factors entered above, the major cause of the escalation in No. 2 fuel oil demand is the anti-pollution regulations going into effect. Fuel oil in New York and New Jersey must have a sulfur con-

tent of no more than .3 of 1%; in Connecticut, Rhode Island and parts of Massachusetts, the maximum is 1%; in other parts of Massachusetts, it is ½ of 1%.

No. 2 fuel oil is by its nature a low-sulfur product, with a sulfur level of below .3 of 1%; thus it will be in increasing demand for direct burning and for blending with high sulfur No. 6 oil.

In summary, it is clear to us that No. 2 fuel oil demand will rise sharply this Winter, and a crisis could develop, particularly if the weather is extremely cold. Our basic view is that no chances should be taken in view of past supply problems that have plagued the Northeastern states. That is why we believe the Federal Government should move and move quickly to assure a significantly higher level of imports, to assure that regardless of the swings of demand there will be enough oil—at reasonable prices—for every homeowner in the coming Winter.

Before turning to our specific recommendations, Mr. Chairman, I should like to add a word about No. 6 fuel oil. Last month the Oil Import Administration issued proposed regulations which we believe would mark a major shift in U.S. import policies regarding this vital product. The proposed regulations would establish a new system of allocation which would set ceiling on imports and provide the OIA with the means, if it should so decide, for placing sharp restrictions on import allocations of No. 6 oil into East Coast. This is an issue of great importance to New England and the other states of the Northeast which depend heavily on imported supplies of No. 6 oil. It is a matter which should not be decided by the Oil Import Administration through Federal Register procedures, but rather through a thorough and searching examination by the Oil Policy Committee, the Office of Emergency Preparedness and other agencies and consideration by the appropriate members of Congress. That is why we are filing comments with the Oil Import Administration opposing any change in the current allocation system. We hope that the Committee will support this position and alert the public to the implications of the proposed residual fuel oil allocation system.

### 4. RECOMMENDATIONS

The Independent Fuel Terminal Operators Association has made its recommendations formally to the Oil Policy Committee and as I have indicated, we hope that they will be acted upon in the near future. For the convenience of the Committee, I should like to include in the Record a series of submissions which we have made to the Office of Emergency Preparedness and the Oil Policy Committee which contain those requests. In order to save the time of the Committee this morning, I should like to summarize them briefly:

First, the No. 2 fuel oil import program should be made a permanent part of the Oil Import Program. The No. 2 program is presently viewed as "experimental" and "temporary", subject to extension or cancellation at any time. For example, the imports of No. 2 fuel could be cut off on January 1, 1972. We are obviously unable to plan effectively or to make intelligent long-range decisions. In short, it's not a good way to do business.

If the program is established on a permanent basis with a significant level of imports assured, we would be prepared to make major investments in terminal storage facilities. This increased storage capacity would be consistent with the national security objectives of the Oil Import Program and would guarantee that ample supplies of heating fuels were always available in the Northeastern states. In addition, these new investments would mean substantial employment for construction personnel in the New York and New England areas.

Second, the Western Hemisphere purchase limitation should be removed, so that No. 2

fuel oil can be imported at the most competitive prices. No. 2 fuel oil is in short supply in the Caribbean, and what's available is expensive. Access to a wider range of supplies in other parts of the Free World will assure that the import program achieves the goals established by the President—"to alleviate... the price, the supply and the competitive situation in connection with No. 2 fuel oil... on the East Coast, particularly New England and the Middle Atlantic states."

Third, the import levels of No. 2 fuel into District I should be raised to a level of 80,000 to 100,000 b/d. At this level, there could be a significant impact on prices and competition—and we would be prepared to embark upon the storage expansion program outlined above.

Fourth, we urge that these decisions be made promptly, so that we may plan effectively for the coming Winter; so that we may purchase the reasonably priced oil now available at European refineries and so that we may begin to restore our independent businesses as strong competitive factors in the fuel oil markets of the Northeast.

Mr. Chairman, in conclusion, I should like to thank you and the members of the Committee for your continuing efforts on behalf of the marketers and consumers of heating oil. We are grateful for the opportunity of appearing before you today and will be pleased to respond to any questions that you may have.

### ATTACHMENT A—MEMBERS, INDEPENDENT FUEL TERMINAL OPERATORS ASSOCIATION

Belcher Oil Company, Miami, Florida; Northeast Petroleum Corp., Chelsea, Massachusetts.

Burns Brothers Preferred, Inc., Brooklyn, New York; Northville Industries, Corp., Melville, New York.

Cirillo Brothers Terminal, Inc., Bronx, New York; Patchogue Oil Terminal Corp., Brooklyn, New York.

Colonial Oil Industries, Inc., Savannah, Georgia; Ross Terminal Corp., Bayonne, New Jersey.

Deepwater Oil Terminal, Quincy, Massachusetts; Seaboard Enterprises, Inc., South Boston, Massachusetts.

Eastern Seaboard Petroleum Co., Inc.; Jacksonville, Florida; Union Oil Company of Boston, Revere, Massachusetts.

Gibbs Oil Company, Revere, Massachusetts; Webber Tanks, Inc., Bucksport, Maine. Meenan Oil Company, New York, New York; Wyatt, Inc., New Haven, Connecticut.

### ATTACHMENT B—INDEPENDENT DEEPWATER TERMINAL OPERATORS ACQUIRED BY MAJOR OIL COMPANIES AND REFINERIES IN NEW ENGLAND, NEW YORK-NEW JERSEY, AND GEORGIA-FLORIDA AREAS SINCE 1959

#### New England

Atlantic Sales Terminal Corp., Portsmouth, N.H., Shell (Sprague).

Ballard Oil Co., New Haven, Conn., Amerada Hess.

Buckley Bros., Bridgeport, Conn., Shell.

C. H. Sprague & Sons, Boston, Mass., Shell.

Ford Oil Co., New Haven, Conn., Texaco.

Hartol Petroleum Corp., from Massachusetts to North Carolina (18 terminals), Tenneco.

Hoffman Fuel Co., New Haven, Conn., Standard of Cal.

Jenny Manufacturing Co., Boston, Mass., Cities Service.

Paragon Oil, from Rhode Island to New Jersey, Texaco.

State Fuel, Boston, Mass., Amerada Hess.

T.A.D. Jones, New Haven, Conn., Gulf.

White Fuel Corp., Boston, Mass., Texaco.

#### New York-New Jersey

(In addition to Hartol and Paragon, listed above)

Blue Ridge Fuel, New York, N.Y., Texaco.

Coastal Petroleum, Newark, N.J., Continental.

\*See Attachment E.



Deepwater Oil Co. (Whale Oil), Brooklyn, N.Y., Amoco.

Mid Hudson Oil Co., Poughkeepsie, N.Y., Amerada Hess.

Tappan Tanker Terminal, Inc., Hastings-on-Hudson, Mobil.

#### Georgia-Florida

Delhi Taylor Oil Co., Jacksonville, Fla., Amerada Hess.

Southern State Oil Co., Jacksonville, Fla., Triangle Refineries.

Southland Oil Corp., Savannah, Ga., Signal Oil Co.

#### ATTACHMENT C.—NO. 2 FUEL OIL, POSTED CARGO PRICE, CARIBBEAN PORTS

(In cents per gallon)

	Esso Aruba, Netherlands, W.I.	Shell Cardon, Venezuela
June 30, 1970	6.5	6.5
July 30, 1970	7.5	7.5
Aug. 17, 1970	8.5	8.5
Nov. 25, 1970	9.0	9.5
Jan. 4, 1971	9.5	9.5
June 16, 1971	10.0	9.0
June 18, 1971	10.0	10.2
Aug. 4, 1971	9.5	10.2
Aug. 16, 1971	9.5	9.7

Source: Platt's Oilgram Price Service.

#### ATTACHMENT D

#### COMPARATIVE PRICES, NO. 2 FUEL OIL—EUROPE AND THE CARIBBEAN

(In cents per gallon)

	Europe (Italy)	Caribbean (Aruba)
<b>I. Posted prices:</b>		
F.o.b.	7.3	9.5
Freight	1.2	.9
Delivered to Boston (excluding duty)	8.5	10.4
<b>II. Spot prices:</b>		
F.o.b.	7.3-7.5	8.8-9.0
Freight	1.2	.9
Delivered to Boston (excluding duty)	8.5-8.7	9.7-9.9

<sup>1</sup> Esso posting; Shell is higher.

<sup>2</sup> Back-haul rate.

<sup>3</sup> Delivered prices from Rotterdam and England are the same; the f.o.b. price is slightly higher, the freight rate from Northern Europe to Boston is slightly lower.

Source: Platt's Oilgram Price Service, August 4, 1971.

#### ATTACHMENT E, NEW YORK TIMES, SEPTEMBER 1972

#### Gas shortage is pinching Con Edison (By Peter Kihss)

The major supplier of natural gas for the metropolitan area has told Consolidated Edison and other utilities that it cannot meet all its commitments at present and may have to fall short by 10 per cent on the supply due here this winter.

The difficulties of the supplier, the Transcontinental Gas Pipe Line Company, were disclosed yesterday in a report to Governor Rockefeller from Joseph C. Swidler, chairman of the State Public Service Commission.

From June 1 to July 4, the report noted, Transco reduced its scheduled deliveries by 7 per cent. Con Edison, in turn, has cut its daily use of natural gas by a third since Aug. 13, Mr. Swidler noted.

The P.S.C. chairman reported that Transco had said that its gas sources "depleted unexpectedly fast" and that new sources were falling short.

#### Purchase approval sought

"We are intensively investigating this threat to gas consumers in New York City and elsewhere along the East Coast," Mr. Swidler added.

In Houston, John S. Burton, Transco senior vice president, said the pipeline company had filed a petition with the Federal Power Commission on Monday asking it to lift a present limit on the company's purchase of higher-cost Texas gas.

The Public Service Commission, in Albany, said the Federal Power Commission had called a conference for Sept. 17 in Washington for pipeline companies serving the Northeast, as well as for utility regulating bodies, to explore the Transco situation and other problems.

For the last year or more, the gas industry has reported a squeeze, with demand increasing while new-well drilling has fallen off, assertedly in part because of Federal pricing policies.

The P.S.C. has been investigating whether it should set up a priority system for new customers or even curtail present uses of gas. Its next hearing is due in Albany on Sept. 22.

#### Deliveries cut 7 pct.

Transco supplies more than 70 per cent of Con Edison's gas. William Wall, the utility's senior vice president for gas operations, said the pipeline concern had first told utilities here it could meet only 93 per cent of its commitments.

The resulting 7 per cent curtailment in deliveries during June was followed by a June 30 order by the Federal Power Commission allowing Transco to buy its estimated emergency need for the 1971-2 season—43.4 billion cubic feet—from the Nueces Industrial Gas Company in Texas.

The Texas company is an intrastate supplier, normally free of Federal regulation and reportedly insistent on staying that way. The resulting price was said here to be about a third higher than Transco's Louisiana supply costs.

The higher costs of gas purchases are passed along automatically to consumers in bills here. One utility source estimated that 20 per cent of the cost to a customer here is the cost in the field, the rest representing delivery across 1,800 miles and locally.

On about Aug. 11, Mr. Wall said, Transco reported that its supply gap was recurring and asked utilities here to curtail their use of the gas.

Con Edison, according to Mr. Wall, cut back its summer daily use of 360 million cubic feet by 65 million, but it has notified Transco that it will have to reduce this cutback to 35 million cubic feet today.

Con Edison's cutback has been mainly in the use of gas for its own power plants; it is substituting oil instead.

The Brooklyn Union Gas Company said that by halting interruptible service to customers, it had refrained from taking 24 million cubic feet of gas a day, to allow Transco to build up needed prewinter storage.

The Long Island Lighting Company said it had relinquished two billion cubic feet scheduled for delivery by Transco in August, September and October.

In New Jersey, the Public Service Electric and Gas Company said that any shortage it faced might be met by invoking customers' interruptible service contracts.

#### GYPSY MOTH SEX LURE TO BE TESTED BY PENN STATE

#### HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. SCHWEIKER. Mr. President, I was delighted to learn that a synthetic sex lure of the gypsy moth will be tested under a \$392,000 cooperative agreement

between the U.S. Department of Agriculture and the Pennsylvania Agricultural Experiment Station at State College.

I have been concerned for several years about the serious environmental damage caused by the gypsy moth, which is a major threat to forests and ornamental trees in the Northeast part of the country. I have been working with the National Gypsy Moth Advisory Council in attempting to find solutions to this critical problem and to provide sufficient Federal funds to carry out the necessary research.

The damage caused by these insects is done during the caterpillar stage. Areas of Pennsylvania, Connecticut, New Jersey, and New York were particularly hard hit this summer. In fact, Henry M. Nixon, director of the bureau of plant industry in the Pennsylvania Department of Agriculture, has described the gypsy moth as the No. 1 insect problem in Pennsylvania. As an example as how the damage caused by the pest has increased, in Pennsylvania there were 800 acres of heavy defoliation in 1969; in 1970, 10,000 acres; and this year, 190,500 acres.

While there has been some protective aerial spraying with an insecticide, there has been some objection to the continued use of this means of controlling the insect, because of environmental considerations. Thus, the development of a synthetic lure called disparlure looks very promising as a method to safely control the caterpillars.

The study authorized by USDA at Penn State will take about 2½ years, and I am very hopeful that the gypsy moth can be controlled before more severe damage is done to our valuable forested areas, as well as to trees in residential sections.

#### SEVEN YEARS AND 187 DAYS

#### HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. POFF. Mr. Speaker, as of this date it has been 7 years and 187 days since the first American was taken prisoner in Vietnam. For 7 years and 187 days the families and friends of over 1,600 American servicemen have suffered the terrible mental anguish of not knowing whether their loved ones are being held prisoner, or are dead. Only bits and pieces of information have been released from Hanoi on the prisoners, and this has been only when it suited their own propaganda purposes.

The most tragic aspect of this situation is that it is unnecessary. The Geneva Convention, to which North Vietnam is a party, calls for the release of the names of prisoners, the physical release of the sick and wounded, the regular flow of mail, the proper treatment of prisoners, and the international inspection of prisoner-of-war facilities. All nations are to abide by this Convention. Even Nazi Germany generally lived up to these provisions. But North

Vietnam has not complied with a single article of the Convention, and shows no sign of being willing to do so.

I sincerely hope that the negotiations at Paris will produce some accord on the release of prisoners. Failing this, I can only pray that the continued concern of the American people, and even a minimal regard for international opinion and human decency, will persuade the North Vietnamese to at least live up to their obligations under the Geneva Convention. If the leaders in Hanoi mean what they say about a desire for peace, they have an excellent opportunity to demonstrate good faith by beginning to release prisoners in proportion to the number of American troops withdrawn. The prisoners and their families have suffered enough. It is pointless and inhumane for the North Vietnamese to continue to use them as pawns.

### GENERAL STILWELL'S WAR WITH THE MEDICS

#### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. SCHMITZ. Mr. Speaker, the following article which appeared in the September 1971 edition of *Medical Opinion* magazine throws some light on the career of Gen. Joseph Stilwell. This article is particularly timely since the question of China is once again a center of attention:

#### GENERAL STILWELL'S WAR WITH THE MEDICS (By William H. Crosby, M.D.)

(NOTE.—William H. Crosby, M.D. (U. of Pennsylvania), served 25 years in the U.S. Army Medical Corps, retiring in 1965 with the rank of Colonel. Presently he is Chief of Hematology at the New England Medical Center (Boston) and Professor of Medicine at Tufts University School of Medicine.)

In the past year, two books have been published describing the U.S. Army's participation in the Burma Campaign during World War II. One author reports that General Joseph ("Vinegar Joe") Stilwell, in the words of one admirer, "thought more of his men than any commanding general I have ever known." The other author demonstrates that Stilwell was fiercely hated, that he neglected his troops, ordered sick men off their stretchers and back into combat, made impossible demands upon his men, and cursed them when they collapsed.

The first of these books, *Stilwell and the American Experience in China* by Barbara Tuchman, is a fulsome exculpation of the General's career; were it not for its scholarly gloss, it would qualify as a "family" biography. The other book, *Crisis Fleeting*, is a compilation of original reports written during the campaign depicting the problems of medical support, and the ways these problems were compounded by the commanding general. Edited and annotated by James H. Stone, a medical historian assigned to the U.S. Army in Burma during the war, it was published by the Office of the Surgeon General.

"G is just shot," Stilwell jotted into his pocket diary on 30 May 1944. This cryptic note meant that Galahad, code name for Merrill's Marauders—the only American troops Stilwell commanded in battle—had been completely destroyed.

Two weeks earlier, after a desperate march through mountainous jungle, the regiment had set the capstone to Stilwell's career by capturing without a fight the airstrip at the town of Myitkyina. Surprised by the easy victory, he was unable to exploit it and capture the town itself. The Japanese reacted swiftly, pouring in troops to reinforce the small garrison and counterattacking before Stilwell recovered from the shock of his good fortune. A potentially rapid end to the spring campaign now stretched into a long, filthy struggle through the monsoon season. Stilwell strove to place the blame on others for this default. General Slim, the British commander of the 14th Army, who claimed the distinction of actually liking Stilwell, was sent by Mountbatten to calm the old man's fury. Slim later wrote:

"The long drawn-out siege of Myitkyina was a great disappointment to Stilwell. He was extremely caustic about his unfortunate American commanders, accusing them of not fighting and of killing the same Japanese over and over again in their reports. He was equally bitter about the Chindits (British troops), complaining that they did not obey his orders. . . ."

It was at this time that a scandalous situation developed between Stilwell and his medical support. The basic problem actually began long before. From the start, the Marauders were the victims of incredibly indifferent and shoddy planning, incredible deficiencies in sanitation and engineering, and incredible training programs. And, ultimately, they became the victims of insatiable military demands.

Galahad was destroyed by disease, and by official indifference and ineptitude.

Stilwell was commander of all U.S. Army forces in the China-Burma-India theater (CBI). He was Lord Mountbatten's deputy commander in the BI theater, and as Chiang Kai-shek's chief of staff commander several Chinese divisions. For some time he had protested to Washington that he had no American combat troops in his command. At last, late in 1943 a small force was put at his disposal.

It was a volunteer outfit, veterans of combat in the Southwest Pacific and garrison duty in Trinidad, who had signed on with the understanding that their tour of duty in Burma would involve one quick dirty campaign, whereupon they would be sent home. There were many good soldiers, but many were sick, unstable, and undisciplined. One of the battalion surgeons wrote:

"There were literally dozens of marked *pes planus* cases, and many with bone deformities ranging from ankylosis of elbow and shoulder joints to herniated intervertebral discs, and incapacitating limitation of movement due to residual deformities from automobile and other accidents. Several were found to be totally blind in one eye, and of low visual acuity in the other. Some had perforated ear drums, others were partially or totally deaf due to neural pathology. At least a dozen draining pilonidal cysts were found, and many severe hemorrhoid cases."

These men landed in Bombay on 29 October 1943. Although Stilwell knew they were coming, no preparations had been made for their reception. They were shunted from filthy staging camp to equally filthy training camp, without latrines or adequate mess facilities.

"Food and sanitation (in the camp) were deplorable," another battalion surgeon commented. "The food in most instances actually was nauseating in preparation and appearance. Hair as well as maggots was in the meat, the vegetables were rotten. The native Indians who prepared the food were filthy in person and habits."

#### SLOW STARVATION

He observed ironically, "Nothing could be gained by training to go without food and

thus face our Burma campaign poorly fed and ultimately malnourished."

The men were to go through the campaign poorly fed and ultimately malnourished. The field (K) rations might have been adequate in a temperate climate, but under jungle conditions the men slowly starved. "Pleas for at least a cupful of rice per man in the food drops were summarily rejected."

Sickness and lack of discipline took a heavy toll as soon as they entered the Burma jungle. Neglecting to chlorinate their water and take their atabrine, in alarming numbers they fell victim to dysentery and malaria. The malarial rate soon exceeded 4,000 cases per 1,000 men per year.

#### THEY LOOKED TOUGH

Stilwell was not alarmed. Seeing his men for the first time as they completed a 10-day march from Ledo, he confided to his diary: "A tough-looking lot of babies." He did not speak to them before committing them to combat—a slight that was duly noted. But he did brace the officers for evacuating men who were not seriously sick.

"He directed the regimental surgeon to straighten out some of the younger, inexperienced medics on how to handle minor sickness without sending every man with a case of diarrhea or a headache to the hospital," the Regimental War Diary notes.

After this three-star chewing-out, the regimental surgeon tightened the evacuation policy. One of the younger medical officers declared: "I know of three line officers who were seriously ill for one or two weeks before he finally agreed to evacuate them, as well as many enlisted men with similar complaints. Two of the officers had epidemic hepatitis, and one had severe bloody diarrhea. They only suffered and dragged along with the column."

The stage was being set for the debacle to come.

On 24 February the Marauders started their first sweep southward. During the next two weeks they fought 13 actions with the Japanese, and on schedule captured Shaduzup. On 13 March Stilwell wrote in his diary: "Looks like Shaduzup for the rainy season anchorage."

But the Marauders went on to take Inkan-gatwan, after escaping from a disastrous siege at Nhpunga—an action that brought them to the edge of ruin from infection, malnutrition, and fatigue.

At this point the Marauders were spent. They expected—indeed, they had been told—that they would go into monsoon quarters to recuperate for the season. But Stilwell, without inspecting his troops, had changed his mind. He would go on to Myitkyina. From this point he was improvising; he had not planned so extended a campaign. Indeed, he did not even inform Mountbatten's headquarters of his intentions. Thus it was that Mountbatten, even if he wanted to, could not provide reinforcements.

Somehow the Marauders summoned the stamina to march 90 miles more through the jungle, and on 16 May they took the Myitkyina airstrip. Four hours later the first Allied transport planes landed. Instead of badly-needed reinforcements and food, the planes carried anti-aircraft. They also brought the jubilant Stilwell, and 12 reporters.

#### LOST OPPORTUNITY

Asked about taking the village of Myitkyina, garrisoned by only 700 Japanese, Stilwell only grunted. And while he hesitated, the opportunity disappeared. The Japanese reinforced the garrison, and then attacked.

"The opportunity to take Myitkyina at low cost and achieve a brilliant success, which Hunter (the Marauders' commander) believed could, with adequate planning and support, have been done in the first two days, had been lost," a Marauder officer wrote. "To those on the spot it was obvious, from the

fumbling orders and incompetent direction, that adequate plans had not been prepared . . . that the command had been thrown off balance by the ease with which the strip was taken, and had no strategy with which to follow up that initial success."

The Marauders dug in and held. Their condition, according to Capt. Henry Stelling, a battalion surgeon, was pitiful. In a period of four months they had completed a march of over 700 miles with full and often overloaded packs, on an inadequate diet, over one of the highest ranges of mountains and through some of the most treacherous enemy-invaded jungles in the world. Never before had the syndrome of severe exhaustion been so manifest on so large a scale, Stelling declared.

"By the third month of combat, evidence of marked adrenal insufficiency began to be noticed in the men. Blacking out and dizziness were common, in spite of adequate salt and vitamin intake. . . . Lack of muscle tone accentuated diarrheas already present in over 90 percent of the men. Anorexia and gastritis, accompanied by nausea and vomiting, were common. Mental and physical lassitude increased. Weight loss averaged 20 lbs. per man, in many cases reached as much as 50 lbs. . . .

"They were so exhausted that they were literally on their last legs. All alertness and will to fight, or even to move, left them. When ordered to dig in, many fell from exhaustion and went to sleep by partially dug foxholes. Others fell without attempting to dig. One man was killed and seven wounded by enemy fire; the wounded who could still move looked dazed, made little effort to take cover. The medical men were too exhausted to care for the wounded, and considerable time passed before the wounded could be finally evacuated."

Stilwell decreed that, ill as they were, the men must stand and fight. Orders were sent to medical installations to stretch every point to return patients to duty. The rule of thumb was that a soldier had to run a fever in excess of 102 degrees for three successive days before he could go before a committee of medical officers who would decide whether he should be hospitalized.

#### HOSPITAL DEADLINE

"This policy meant that men with malaria and a variety of other diseases would be held for at least 72 hours in the hope that treatment would beat down their symptoms," as historian Stone wrote. "In practice, the battalion surgeons doubtless tried to hasten the evacuation of men who obviously would not respond to medication in the prescribed time. To hold men with scrub typhus, for example, reduced their chances of survival."

Despite these stringent restrictions the sick continued to be evacuated at the rate of 75-100 per day. Adding insult to injury, they were accused of malingering and the doctors were accused of coddling them. Line officers invaded the aid stations, tore evacuation tags off sick men, and ordered them back to their units. The following incident, involving one of Stilwell's officers, was told to me by a medical officer:

"He came to my aid station. A private with scrub typhus and a fever of 104 degrees was lying on a litter. He kicked him off the litter and yelled, 'Get that goldbrick out of here!' This was too much for me. I hit him in the face and knocked him unconscious. I poured a bucket of water on him and he got up, shaking himself like a wet cat. 'T'll court-martial you for this,' he yelled. I said to him, 'General, I'll take that court-martial in front of the U.S. Congress.'

"He turned to some soldiers standing there and ordered: 'Arrest that man!' Do you know what those soldiers did? They put their rifles on him and threw him out of the aid station."

Stone, in *Crisis Fleeting*, comments: "The testimony of medical officers cannot be re-

futed with regard to the intervention of line officers in the evacuation process."

Even those sick Marauders who managed to get to the rear area hospitals and convalescent camps were rounded up and sent back to the front. Col. I. S. Ravdin, who commanded the 20th general hospital at Ledo, refused to release sick patients and was ordered to Myitkyina. He went, expecting to be tried for disobeying a direct order. Instead, Stilwell blamed the order on someone else, declared the hospital off limits to his raiders, and gave Ravdin air conditioners for his wards. Ravdin had faced him down.

It was still open season in the aid stations, however. Eventually the intervention of line officers and their interference with the medics reached the proportions of a scandal. After a personal investigation the theater surgeon, Col. George E. Armstrong, asked for an appointment to discuss the matter. Stilwell declined to see him. And shortly afterward, the theater surgeon was barred from the Myitkyina area.

Riddled with malaria, scrub typhus, dysentery, and malnutrition, demoralized by fatigue and by Stilwell's blindness to their plight, the regiment fell apart.

"The attitude of the average enlisted man is that many promises have been made, and few have been kept," Capt. James E. Hopkins, a battalion surgeon, wrote. "They feel that their country has let them down. They have been in the Army long enough to know that psychologically and medically they have gotten what they call a raw deal. About 75 percent of these men should have been evacuated from Burma before the Myitkyina campaign. Many were mentally and physically ill after two and three campaigns and two years of field duty in the tropics and subtropics. Their morale is low, they have lost all confidence in the CBI theater leaders. It is not helped by seeing their buddies, sent out as patients, quickly returned to the same area, many of them still affected by the disease with which they were evacuated."

Stilwell's line officers and medical officers knew what was expected of them; frequently they reported men fit when, in truth, they were deathly sick. They accused officers and men who collapsed of malingering, ordered them back into combat. The abominations against medical care of American soldiers were ordered by Stilwell, or were known to him and carried out in his name.

#### DOCTORS' DILEMMA

A handful of officers spoke up against these abuses. Drs. Hopkins, Stelling, and Kolodney wrote extensive reports about the deficiencies in sanitation and medical support. Sent through military channels, these reports were not released by Stilwell's headquarters; instead, the names of these medical officers were submitted for reassignment.

Col. Charles N. Hunter, who took command of the Marauders when Gen. Merrill suffered a heart attack, wrote a detailed account of the abuses his men had suffered and personally handed it to Stilwell. The day after the capture of Myitkyina village, Hunter was abruptly relieved of his command, over Merrill's protest and shipped back to the U.S. by slow boat.

By that time the terms "sick" and "well" had become meaningless, so far as the Marauders were concerned. There were about 2,400 of them when they set out for Myitkyina, in the fourth month of the campaign. Some 1,300 reached the airstrip, and they were in action 12 days. Though suffering only 93 battle deaths, by the end of May they had ceased to exist as a fighting force. According to the official casualty record, there were 1,970 disease casualties from malaria and other fevers, from amebic dysentery, scrub typhus, and psychoneurosis.

Through the campaign, Stilwell seemed

curiously indifferent to the suffering of troops under his command, Charlton Ogburn, Jr., author of *The Marauders*, who fought in this campaign, considered the General "bloodless and utterly cold-hearted, without a drop of human kindness." He repeatedly demonstrated lack of compassion by failing to see that his men were starving, refusing to authorize recommended decorations for heroism and promotions for outstanding leadership, ordering the sick back to duty and refusing to permit evacuation of those too ill to walk, and finally by reviling the very men who at such sacrifice had presented him with an undeserved victory at Myitkyina.

#### MISSED OPPORTUNITY

If Stilwell did not regard his troops as human, they heartily returned the compliment. On one of his visits to Myitkyina, he stepped away from his coterie of officers and newsmen to urinate. An enlisted man later said regretfully: "I had him in my rifle sights, I coulda squeezed one off and no one woulda known it wasn't a Jap got the SOB!"

Mrs. Tuchman's 600-page biography is a strangely unbalanced book. We learn the names of the books that Cadet Stilwell signed out of the West Point library, the contents of scraps of paper he scribbled on and squirreled away. But only a dozen lines are given to the scandal of the Marauders. All but ignoring the soldiers' agony, the author is filled with sadness for Stilwell, that such a tragedy should befall him. And finally, in rebuttal of charges that he lacked concern for his troops, she offers this accolade:

"In *Yank*, the soldier's newspaper, he appeared within four months of GALAHAD's agony as 'The GI's Favorite' who canceled the rule against pets for GIs in his theater, banned the 'officers only' sign from restaurants and cafes, forbade officers to date enlisted WACs. In order to give the GIs a chance, his record is too plain to make him out a Patton."

A physician veteran of the Burma campaign *not* interviewed by Mrs. Tuchman provides a contrary opinion. "Stilwell," he told me, "didn't give two s--- for the men under him."

Perhaps this professor of medicine, now a specialist in kidney diseases, was speaking outside his area of competence. I wonder about Mrs. Tuchman.

#### SMALLER MANUFACTURERS COUNCIL

#### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. GAYDOS. Mr. Speaker, early this week in Pittsburgh, Pa., a unique business group celebrated the completion of one of its more successful years and launched into another year of activities for the benefit of small business and free enterprise.

The group is the Smaller Manufacturers Council, a 26-year-old association of western Pennsylvania, eastern Ohio, and West Virginia entrepreneurs now numbering about 525 member companies, including several from my 20th Congressional District. It is the only group in the United States made up exclusively of smaller manufacturers.

To join, a company must do at least 60 percent of its volume in manufacturing, processing, or fabrication and employ less than 500 persons. Though individually

small, today collectively the council members employ some 50,000 persons, pay some \$300 million a year in wages and salaries, spend some \$400 million for materials and services, not including capital equipment, and have sales totaling more than \$75 million.

These impressive statistics are the result of a wide range of manufacturing activities. Many members are suppliers to the steel industry, others take steel industry products and further process them for the ultimate consumer. There are machine shops, wholesale bakeries, foundries, plastic fabricators, paper product processors, industrial model makers, educational materials producers, and companies in the electrical, printing, cement, tire, chemical, pollution control, lumber, and automobile fields, to scratch the surface of this varied group.

For the past year, Samuel Michaels, executive vice president of Pittsburgh Annealing Box Co., a steel industry supplier, has presided over the council's 12-member board of directors. Monday evening, September 27, Mr. Michaels relinquished his command to Phil F. Sauereisen, president of Sauereisen Cement Co., a maker of speciality cements.

These men preside over an organization which does things for its members. The council has an insurance program which gives member companies and their employees advantages of group insurance which would not be available to some because of their individual size or the cost would be prohibitive. Through a purchase referral program, member companies can make purchases of needed supplies, from light bulbs to auto leases, at prices comparable to those offered volume buyers.

The presidents group, comprised of the chief executive of each member company, tackles problems of individual companies offering in give-and-take sessions the expertise of others in similar-sized firms.

Another active committee of the council deals with governmental relations and the committee, in the past year, especially, has become increasingly active in presenting the views of smaller manufacturers to its representatives here and in Harrisburg, Pa.

Seminars, trade missions, research and development, and trade relations with larger firms are other active areas of the council's program to serve its members.

Each month the SMC publishes a magazine under the motto: "In Unity There is Strength." This creed explains the Council is "an association of businessmen involved in manufacturing who have combined their experience, knowledge, and energy to improve the climate in which they operate, increase their individual and collective productivity and profitability, and to make their joint voice effective as a force for progress through private enterprise."

Mr. Speaker, the Smaller Manufacturers Council is to be commended for the service it renders its members and the contribution it makes to the economic health of the area and the Nation. It is with pride and pleasure that I salute the members of SMC as it begins its 27th year.

## AN ODD INTERPRETATION OF THE POSTAL REORGANIZATION ACT

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. NIX. Mr. Speaker, one of the issues that I had thought had been settled in the Postal Reorganization Act has cropped up again and threatens the existence of an independent union, the National Alliance of Postal and Federal Employees.

The Congress of the United States divided labor relations in the postal services into two periods of time.

The act would require that postal labor relations be conducted permanently in the future under the jurisdiction of the National Labor Relations Board so that industrial democracy would finally come to the Postal Service. Elections would be held and supervised by the National Labor Relations Board so that employees could choose their own leadership in the Postal Service. The Board would determine, according to settled principles of law established by the National Labor Relations Board, the size of appropriate units for election purposes and the geographical area of negotiations.

However, in order to preserve the status quo, Congress provided for interim bargaining until the point in time arrived when the National Labor Relations Board could hold elections.

The Postal Service has now signed an agreement which will make the holding of elections by the National Labor Relations Board a useless act. There will be only one real contestant in such elections.

How did they do this?

They used the interim authority to negotiate, to agree to a contract which would bar any representation in grievance proceedings for any union which did not sign the interim agreement.

This is wrong, because the reading of the plain words of the statute shows that while Congress permitted bargaining on the issue of grievance proceedings when National Labor Relations Board elections had been held, it did not authorize grievance issues under the interim authority to negotiate a temporary contract. Why did not Congress authorize the negotiation of such an issue? Because the purpose of Congress was to preserve the status quo, which in the Postal Service meant that an employee could choose any representative he wished during grievance proceedings. The National Alliance of Postal and Federal Employees today represents its members in such grievance proceedings.

Why did the Postal Service agree to such a term in its temporary contract? Because they want to insure that the one possible rival candidate union for representation rights will have no function between now and the time the National Labor Relations Board holds elections.

Mr. Speaker, I submit for the RECORD correspondence I have had with the Postal Service on this subject which discusses the issue involved:

U.S. HOUSE OF REPRESENTATIVES,  
Washington, D.C., August 3, 1971.

HON. WINTON M. BLOUNT,  
The Postmaster General,  
U.S. Postal Service,  
Washington, D.C.

DEAR GENERAL: I have been informed that some persons interpret Article VI of the transitional agreement, entitled Grievance Procedure and Discipline, as limiting the right of employee representation in grievance proceedings to those unions who are signatories of the agreement.

This interpretation would deprive the National Alliance of Postal and Federal Employees of their essential function during the transition period of this contract, that is, the representation of their employee members during grievance proceedings. This would in effect, during the vital transition period prior to the determination of appropriate units by the National Labor Relations Board and the holding of secret ballot elections by the Board, place the "National Alliance" in an unequal position in appealing to postal workers for the right to represent them.

This certainly was not the intent of Congress in enacting the Postal Reorganization Act.

There is no authority in the transitional bargaining section of the Act, Section 10, for negotiation of the grievance issue or the question of representation in grievance proceedings. It is clear from examination of references to grievances proceedings in the permanent bargaining portion of the Act in Chapter 12, that the lack of reference to such issue in Section 10 was deliberate and that Congress intended that no such bargaining on this issue take place. Also, Chapter 12 preserves former agreements until altered by law, thus preserving the representation rights of those unions who are requested to do so by grievants.

Transitional bargaining is governed by Section 10 of the Act. This section gives no authority for bargaining on the matter of grievance proceedings or representation of parties to such grievance proceedings. It limits the Postal Service and those unions holding national exclusive recognition rights derived from Executive Orders 11491 and 10988 to bargaining over the issues of "wages", "hours", and "working conditions". The pertinent portion of the Section is quoted below:

Sec. 10(a) As soon as practicable after the enactment of this Act, the Postmaster General and the labor organizations which as of the effective date of this section hold national exclusive recognition rights granted by the Post Office Department, shall negotiate an agreement or agreements covering wages, hours, and working conditions of the employees represented by such organizations".

This omission in referring to grievance proceedings and the possible arbitration of grievance proceedings is significant in that the Congress specifically set out procedures for the resolving of a breakdown in negotiations in Section 10(d). It is therefore clear that the omission was a deliberate act by Congress. It becomes even clearer when Section 1206(b) of Chapter 12 is examined, under the permanent Collective Bargaining arrangements under the legislation.

Section 1206(b) is quoted below;

"(b) Collective bargaining agreements between the Postal Service and bargaining representatives recognized under Section 1203 may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in third party arbitration, or the parties may adopt any such procedures by mutual agreement in the event of a dispute".

The Congress obviously thought it was necessary to set out a legislative basis for grievance proceedings in the permanent Collective Bargaining section of the bill. It did not do so in the transitional bargaining portion of the bill because it did not intend that bargaining take place during the transition of this issue, which is distinct from "wages", "hours", and "working conditions".

Therefore, it appears to me that Article IX E. (1) of the March 9, 1968 agreement would still apply, that is:

"E. An individual's right to be represented".

1. An employee has the right to select whomever he desires to represent him at each level of the grievance procedure. In the event that the person selected at various levels is someone other than a representative of the exclusive organization, the exclusive organization at that level has a right to be present".

I believe this to be true because not only was negotiation of the issue of grievance procedures unauthorized in Section 10 of the Postal Reorganization Act, but in addition, Section 1203(b) protects the life of the previous agreement in so far as it can not be changed by negotiations under the transitional authority.

Section 1203(b) reads as follows:

"(b) Agreements and supplements in effect on the date of enactment of this section covering employees in the former Post Office Department shall continue to be recognized by the Postal Service until altered or amended pursuant to law".

Section 1203(b) then preserves the representation rights in grievance proceedings held by the "National Alliance".

The intent of Congress is making it possible for the National Labor Relations Board to permit local or area bargaining rather than national craft bargaining as provided for in bills first presented to the Committee on Post Office and Civil Service and the protection of the "Deduction of dues" right in Section 1205 for unions holding such right points directly to the intention of Congress to protect smaller organizations and at least give them an equal chance to appeal for membership representation rights before the National Labor Relations Board. Nothing in the bill suggests the opposite. There is no authority to freeze out the "National Alliance" from grievance proceedings representation.

I would like to know what interpretation, in the light of the above citations to applicable sections of the Postal Reorganization Act, the Postal Service has adopted in reference to Article VI of the transitional agreement.

Sincerely,

ROBERT N. C. NIX,  
Chairman.

THE POSTMASTER GENERAL,  
Washington, D.C., September 21, 1971.

HON. ROBERT N. C. NIX,  
Chairman, Subcommittee on Postal Facilities and Mail, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of August 3, 1971, asking about our interpretation of Article VI (entitled "Grievance Procedure and Discipline") of the collective bargaining agreement that was entered into on July 20 by the Postal Service and the postal employee organizations holding national exclusive recognition rights.

It is our understanding that an employee who invokes the grievance procedure established under Article VI has a statutory right to fair representation by whatever bargaining agent has been recognized as the representative of the employees in his particular bargaining unit. When the unions holding national exclusive recognition rights signed the

labor agreement on July 20, they did so on behalf of all the employees in their respective bargaining units. We do not read Article VI as providing that employee organizations other than those that are parties to the agreement are entitled to represent employees in grievance proceedings conducted under the agreement.

Your letter suggests that a contrary interpretation would depend not on the language of the agreement, but on a construction of the Postal Reorganization Act that would bar the Postal Service from establishing a contractual grievance procedure prior to a determination by the National Labor Relations Board of the appropriate bargaining units in the Postal Service. While we have the utmost respect for the sincerity with which this construction of the Act is advanced, we cannot agree that the Act imposes such a limitation on the powers of the Postal Service.

As you know, section 10 of the Act directed the Postmaster General to negotiate an agreement or agreements covering "wages, hours and working conditions." The term "working conditions"—a widely used synonym for the "conditions of employment" referred to in the National Labor Relations Act—has long been understood to embrace grievance procedures of the kind established by Article VI. It would be an unfair labor practice, indeed, for a private employer to refuse to bargain over such procedures. As you have noted, moreover, chapter 12 of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act, declares that agreements between the Postal Service and bargaining representatives to which the Postal Service has accorded exclusive recognition "may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in binding third party arbitration. . . ." 39 U.S.C. 1206 (b). While section 10 of the Act does not repeat the language of chapter 12 word for word, section 10 expressly provides that "Any agreement made pursuant to this section shall continue in force after the commencement of operations of the United States Postal Service in the same manner and to the same extent as if entered into between the Postal Service and recognized collective-bargaining representatives under chapter 12 of title 39, United States Code." The wording of this provision does not seem to us to support the view that the "working conditions" that were to be negotiated under section 10 could not include grievance machinery of a kind negotiable under chapter 12.

Neither does it seem to us that this view finds any support in the fact that section 10(d) establishes a statutory procedure for resolving impasses in the negotiations conducted under section 10. Had no such statutory procedure been established, there could have been no assurance that the section 10 negotiations would ever be concluded; and the presence of section 10(d) meant that all parties knew from the outset that if they failed to agree on a grievance and discipline clause, they ran the risk of having an undesirable clause forced on them by an arbitration board.

While we believe that the negotiation of Article VI was authorized under section 10, and that Article VI will therefore supplant Article IX of the Post Office Department's 1968 labor agreement, we are keenly aware of the interest that the National Alliance of Postal and Federal Employees has in monitoring the disposition of grievances presented by its members. If the Alliance can reach agreement with the unions holding exclusive representation rights on procedures designed to give the Alliance a role in this connection, I can assure you that the Postal Service would cooperate to the best of its ability.

Sincerely,

WINTON M. BLOUNT.

STATEMENT OF SUPPORT OF  
H.R. 10453

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. HOGAN. Mr. Speaker, Subcommittee No. 4 of the Judiciary Committee is currently conducting hearings on the treatment and control of narcotic addicts.

As a member of the Judiciary Committee and as a member of the House Republican Task Force on Drug Abuse which has jointly sponsored H.R. 10453, the Omnibus Narcotic Addict Control, Research, and Rehabilitation Act of 1971, I submitted a statement in support of this legislation for the hearing record of subcommittee No. 4.

I include this statement in the RECORD at this point:

STATEMENT OF THE HONORABLE LAWRENCE J. HOGAN (R-Md.), SUBMITTED TO SUBCOMMITTEE NO. 4 OF THE HOUSE JUDICIARY COMMITTEE IN SUPPORT OF H.R. 10453

Mr. Chairman, I appreciate the opportunity to indicate my support for H.R. 10453, the Omnibus Narcotic Addict Control, Research, and Rehabilitation Act of 1971, which I have co-sponsored with my colleagues on the House Republican Task Force on Drug Abuse.

None of us in this Congress need to be reminded, Mr. Chairman, that drug addiction is reaching epidemic proportions in this country. As such, it should be treated as the health plague which it literally is. It is a disease which has enslaved between 250,000 and 500,000 people in this country.

In addition to the loss of lives and the huge economic costs due to addiction, there are mammoth social costs. The entire criminal justice system (police, courts, and correction institutions) has an enormous burden placed on it. Families are destroyed, young lives are ruined and large segments of our society live in the fear of becoming the victims of addiction-related crime.

I believe, Mr. Chairman, that enactment of H.R. 10453 would prove to be a major contribution to the nation's battle against drug addiction. This legislation would provide for \$120 million to train doctors and other health personnel in the treatment and rehabilitation of drug users. Also, under the provisions of this bill over \$370 million would be used in a five-year research program designed to find a non-addictive drug which could be substituted for heroin and a vaccine to prevent drug addiction.

More importantly, however, this bill would allow involuntary commitment and forced treatment for any individual whom a court hearing determines is an addict. The Narcotic Addict Rehabilitation Act would be amended to allow a relative, law enforcement officer or health official who believes a person is an addict to report such a belief to the U.S. Attorney in a sworn affidavit. It would then be the responsibility of the Attorney, if he felt there was reasonable cause, to petition the court and ask that the alleged addict undergo 72 hours of physical and psychiatric testing. If the examination results indicated that the person was an addict, he could then be committed to a medical institution for treatment and rehabilitation.

Programs of involuntary treatment have had noteworthy success in California and New York. This concept offers great hope for a nationwide drive against the illegal drug epidemic.

The only way to protect ourselves, our homes and our children is to get drug addicts off the streets and provide them with treatment that will help them conquer the curse of drug addiction and prevent them from infecting others with addiction.

Involuntary commitment and forced treatment are, in effect, a quarantine of people who are sick and who infect others with this sickness wherever they go. The government has the right and the obligation to quarantine a person with tuberculosis or to take someone who is insane out of society.

That is what we are proposing to do with this legislation—take heroin addicts, who are sick people, out of society and help them get well for their sake and for society's sake.

The Supreme Court has already ruled that involuntary treatment for drug addiction is constitutional because it is designed to protect the public health and welfare. Constitutional safeguards have been written into this proposal to insure that there would be no abridgement of personal rights. Among them are a guarantee of all the procedural rights to due process, including the right to a trial by jury, right to counsel and a right to a speedy hearing.

Mr. Chairman, as a member of the Judiciary Committee myself, I sincerely hope that my colleagues will be able to join me in supporting this legislation and that it will receive speedy and favorable action.

**STATE TROOPER JACK NOLEN  
AWARDED NATIONAL RED CROSS  
CERTIFICATE OF MERIT FOR  
HEROISM**

**HON. KENNETH J. GRAY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. GRAY. Mr. Speaker, the real heroes of the country generally go unnoticed. When we think of heroism, we think of the old saying, "still water runs deep."

Mr. Speaker, a close friend and constituent of mine, Illinois State Trooper, Jack Nolen, of Harrisburg, Ill., has been named to receive the National Red Cross Certificate of Merit for heroism. I am pleased to say that this is the highest award given by the National Red Cross to a person who saves or attempts to save a life by using skills learned in a Red Cross first aid course:

On July 13, 1971, Trooper Nolen who has been trained in Red Cross Advanced First Aid, went to the aid of a witness who was waiting to testify before the Saline County Illinois Grand Jury. The man had collapsed in the courtroom from a heart attack and had stopped breathing. Trooper Nolen immediately began mouth-to-mouth resuscitation and continued to breathe for the victim until he was transported by ambulance to the hospital. Medical examination revealed an extensive myocardial infarction had taken place. The attending physician stated that if it had not been for Trooper Nolen's presence of mind, quick thinking, and appropriate actions, the victim would not have survived. He has since been discharged from the hospital and is doing well.

Mr. Speaker, this meritorious action by Trooper Nolen is another example of the concern of one human being for another who is in distress. I wanted to call this act of heroism to the attention of the Members of Congress and others,

and to congratulate the American Red Cross for outstanding work in the field of training and the recognition of these unsung heroes.

**ABOLISH STRIP MINING**

**HON. CLARENCE D. LONG**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. LONG of Maryland. Mr. Speaker, the Baltimore Sun recently carried an article by the eminent columnist, Ernest B. Furgurson, commending my distinguished colleague from West Virginia, Representative KEN HECHLER, and his bill to abolish strip mining. As one of the 80 cosponsors of his legislation, I applaud his efforts to ensure that a strong law is passed rather than one that is designed to appease the public without bringing an end to strip mining.

At this point, I should like to insert in the RECORD the Baltimore Sun article:

[From the Baltimore Sun, Sept. 28, 1971]

CONGRESS STILL HAS A CHANCE

(By Ernest B. Furgurson)

WASHINGTON.—If the gentleman from West Virginia were a less stubborn sort, he might have been discouraged by the chairman's compliment.

Ken Hechler, who represents 10 counties in that part of the world where the strip miner is king, had just finished testifying on behalf of his bill to abolish that hopelessly destructive kind of mining.

He made the point that up to 1965, an area of the United States equal to the entire state of Delaware had been ravaged by stripping for coal. Since then, enough additional square miles to cover all of Rhode Island have been stripped. And by the time all the strippable coal under the surface of our country is torn out to feed our much-trumpeted "energy crisis," the devastated area will equal Pennsylvania and West Virginia put together.

The congressman went on for 26 legal-size pages explaining why his bill is urgently needed and that proposed by the administration for control of stripping would be laughably ineffective, if anyone had the nerve to laugh about it.

When he was through, the chairman of the mining subcommittee of the Interior Committee, Representative Ed Edmondson of Oklahoma, thanked him and praised him for his "sincerity and dedication to his cause."

Not "our cause," although many acres of Oklahoma, too, have been destroyed by stripping. Not even "the cause." But "his cause." You don't have to speak congressionalese to get the nuance in that.

But Hechler has started out in the minority and persisted and ended up in the majority before. For example, on the mine safety bill that finally passed, with teeth in it, in late 1969.

This time, his bill (H.R. 4556) has 80 cosponsors in the House, and the beginnings of some influential support at the other end of the Capitol. But there is none at the other end of Pennsylvania Avenue. The White House, in line with the strip mine operators, favors a measure designed to appease growing public concern about stripping without imposing any serious handicap on the operators—or providing any serious protection for the land.

Among its many other shortcomings, the administration bill would put enforcement under the Interior Department, which is

committed formally to encouraging development of mineral output, rather than under the Environmental Protection Agency, whose function is just what its title says.

Even the operators are reluctantly willing to live with this weak version. They are pushing a campaign to change their image, blaming all the destruction already wrought by stripping on earlier "irresponsible" operators, and contending that they now are much more public-spirited and careful—although in fact their giant machines, which can tear out as much as 220 cubic yards of earth at a bite, cause far greater disruption of the earth than the picks, shovels and old-fashioned bulldozers of the past.

They make a great pitch about "reclamation," which in practice means backfilling the stripped land and planting fast-growing ground cover, which sometimes grows and sometimes does not. But reclamation is a misnomer; a Corps of Engineers forester and a West Virginia University specialist both estimate it would take 400 years or longer to restore the ravaged land and trees.

Nevertheless, the operators are spending many thousands to sell the public on the idea that reclamation works. The main thrust of the administration stripping bill is to require reclamation. But it is a mere threat of a mere slap on the wrist.

Among the proposed measures between the administration's token and Hechler's abolition is one from Representative Wayne Hays, which would be forceful in controlling stripping while still permitting it to continue. Hays's home county in Ohio has 341,000 total acres. Of them, 200,000 are already leased, bought or optioned for strip mining. His motivation is clear.

But stripping is no longer an ugly reality only to the Americans who live in the abused hills of Appalachia and along the Ohio Valley. To cash in on the "energy crisis," the draglines are marching into wider and wider virgin territory. Substantial amounts of coal are now being stripped out of not only West Virginia, Ohio, Pennsylvania, Kentucky, Illinois, Indiana, Virginia, Alabama and Tennessee, but also from Iowa, Montana, Oklahoma, Wyoming and Arizona—with still other fields being surveyed.

That is why Ken Hechler sustains his hope that a serious bill will become law despite the expensive campaign against it. Voters everywhere with eyes to see are realizing that stripping is more than a local or regional problem. It is a national disgrace, and Congress will be brought to account for failing to control it.

**THE POLISH WOMEN'S ALLIANCE OF  
AMERICA**

**HON. WILLIAM R. COTTER**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. COTTER. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the 26th Annual Convention of the Polish Women's Alliance of America.

This outstanding group of 90,000 Polish-American women has been noted for its numerous humane activities. For example, 3 years ago the alliance was instrumental in the opening of an artificial limb factory in Katowice, Poland. The people of Poland, I have been informed, had difficulty in securing artificial limbs since the end of World War II because of the lack of production facilities. This new plant helped remedy this situation.

Even earlier, at the close of World War II this dedicated group of Polish-American women worked actively to finance the reconstruction of a number of convents that had been destroyed during the war, and the alliance still contributes to the support of these convents. They have also supported the Orchard Lake Seminary in Michigan.

These and other similar activities of the alliance deserve the highest praise. The Polish Women's Alliance of America represents the finest humanitarian instincts. It is a measure of the alliance's dedication that they are unwilling to rest from their labors.

Their future activities include strengthening their scholarship program for deserving students and the continuing support of various religious orders. I wish them every success in their current and future efforts.

We in Hartford are honored that the Polish Women's Alliance of America will hold its annual meeting in Hartford, Conn., this year. This meeting, which extends from September 25 until September 30, marks the first time that the alliance has held its convention in New England. The State president, Mrs. Julia K. Leniart, will preside and Mrs. Barbara A. Mikulski of the Community College of Baltimore will be guest speaker. The program will include a pontifical mass at the Saints Cyril and Methodist Church.

Mr. Speaker, I know the other Members of the House will join with me in wishing success to this great humanitarian organization.

**BEREA KIWANIS CLUB: HALF  
CENTURY OF SERVICE**

**HON. WILLIAM E. MINSHALL**  
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. MINSHALL. Mr. Speaker, the Berea Kiwanis Club is observing its 50th anniversary this year, a half century of devoted service to Berea, Ohio, which culminated recently in the presentation of a check for \$5,000 to the Southwest General Hospital, another golden anniversary observant this year.

The good works of Berea Kiwanians are well known throughout the Greater Cleveland area. They give selflessly of their time, energy, and imagination in community services. As great an endowment as their material contributions, is their inspiring good citizenship which encourages others to emulate them.

I wish to add my congratulations and best wishes for another successful 50 years to all the membership of Berea Kiwanis. At this point in the RECORD I include the fine News Sun articles paying tribute to this splendid organization:

**BEREA KIWANIS MARKS 50TH YEAR WITH  
ENDURING MEMENTO**

(By Muriel Hardy)

When Berea Kiwanis Club takes on a project, every one of the 117 members of this go-go organization works.

You can see them in the kitchen, mixing batter or turning sausages at their yearly

Pancake Festival—or taking tickets, often in bone-chilling temperatures, at local athletic events.

They've moved everything short of a mountain at their Swap and Shop sales, and every member takes his turn as a "wheel chair jockey" at the veterans' hospital on a Sunday visit that is a special Kiwanis project.

For 50 years, the community has benefited from the good works of Kiwanis members, who have given so unstintingly of their time and treasure.

And so it wasn't really surprising (although the gift itself was a surprise), that the Berea club should mark its golden anniversary year by looking ahead to the future, and providing a lasting memento for residents of the Southwest area for years to come.

A check for \$5000, representing proceeds from projects involving countless hours of service was presented by Berea Kiwanis to Southwest General Hospital at the 50th Anniversary Dinner held at the Baldwin-Wallace College Union.

It was presented by Bert Moore, Kiwanis president, to A. Boyd Anderson, hospital administrator, (who is also a Kiwanis Club member.)

The funds are to be used for furnishing a chapel in the new hospital building planned for the site on E. Bagley Rd. Berea Kiwanis chose this gift "as a lasting reminder of the club's appreciation for the kindness and support they have received from the community through the years.

On hand to celebrate the anniversary event were 280 Kiwanians, their wives and guests, including many visitors from Kiwanis organizations throughout the state.

Charles E. Sondergelt of Xenia, Kiwanis Governor of Ohio, and Governor-Designate, Harold W. Graafmeyer of Euclid, and Stanley E. Schneider, International Trustee from Crestline were among Kiwanis officials present to mark the occasion.

The club gave special recognition to members who have given much time and devotion to its activities.

Ed Manning, a charter member of the club, and Howard Gelger were presented Legion of Honor certificates for 50 years of service to their community through Kiwanis.

Other Legion awards were given to Lloyd Hoffman, John Koeppe, and Otto Mahler for 35 years; John Allison and Clarence Clarke for 30 years; Milt Beyer, Howard Gaub, Ray Kanaga, Earl Mellenbrook, Wallace Ogilvy, Frank Rallsback, Don Williams and Starr Woodruff for 25 years.

Berea Mayor John Munkacsy presented a proclamation to the club declaring the week of Sept. 12 as Kiwanis Week.

Also presenting awards were Arthur Gohlke, president of Berea City Council; John W. Jones, president of the Chamber of Commerce; W. Boyd Anderson, administrator of Southwest General Hospital, and Charles Moldenhauer from the 24th Division of Kiwanis of which the Berea Club is a member.

Other special guests included representatives of the Elyria club, who sponsored the Berea organization, and members of the Olmsted Falls, Middleburg Heights, Strongsville, Brook Park and Brunswick Clubs, which were sponsored at their time of organization by the Berea club.

Following the dinner, a huge birthday cake was presented, for Kiwanians and their guests to enjoy at a social hour.

Members of the anniversary committee included Don Williams, chairman; John Tudhope, Jerry Bowman, Bernie Cutting, John Allison and Dick Dettmer.

**FIFTY YEARS OF SERVICE**

One of Berea's oldest clubs, Kiwanis, celebrated a 50th anniversary recently by presenting a generous gift of \$5000 to Southwest

General Hospital for chapel furnishings in the future new building.

You might think Kiwanis Club members would rest on their laurels after climaxing 50 years of community good words.

But not so.

Kiwanis Club members do not hold back. If you doubt this, consider.

The organization has been a strong supporter of youth and youth work in the past, giving unstintingly of their time to promote and support Little League for hundreds of Berea youth each summer.

It yearly provides scholarships to both Berea High School and Baldwin-Wallace College students. It annually sponsors the Berea High School athletic banquet.

Kiwanis Club sponsors Berea relays, sent Berea High School divers to the AAU meet last year.

It was among the first to bring American Field Service Students to the area when the program began. Many Kiwanis Club members and their families have been host to foreign students, inviting them into their homes and treating them as members of the family for weeks and months at a time.

Its thrust in the interest of youth is nearly unlimited.

Kiwanis Club co-sponsored Safety Town to provide lessons in safety for small children, along with Berea Junior Women's League.

It co-sponsored a drug awareness program in conjunction with Berea Police Department.

Do not feel, however, that Kiwanis Club limits its interest to youth. Its influence and help is widely extended in the community. The gift to Southwest General Hospital is only one example.

Kiwanians also sponsor, each year, the new teachers' luncheon before the beginning of school. It provides support for Berea Senior Center.

Kiwanis' latest gift to the hospital will be a lasting one, which the whole community will enjoy.

May Kiwanis Club members realize many more years of community effort and satisfaction.

It's almost a sure bet members will not taper off in their enthusiasm and consideration for their community, or rest on their laurels.

**THE GOVERNMENT'S FOURTH  
BRANCH**

**HON. ROBERT F. DRINAN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith an important and valuable article pointing out that the National Security Council, to which Henry A. Kissinger is Chief Adviser, has expended itself during the recent past to be the "Fourth Branch" of Government.

Members of Congress should realize that under President Johnson's security chief, Walt Rostow, there were only 12 staff members associated with the National Security Council. Now there are 54 "substantive officers" and a total of 140 employees. Mr. Kissinger serves as chairman of six interagency committees dealing with the entire range of foreign policy and national security issues.

This striking article is authored by Donald R. Larrabee, bureau chief of the Griffin-Larrabee news bureau in Washington, D.C. This article entitled "The Government's Fourth Branch" appeared

in a number of newspapers across the country including the Worcester, Mass., Telegram of September 15, 1971.

The article follows:

THE GOVERNMENT'S FOURTH BRANCH

(By Donald R. Larrabee)

WASHINGTON.—The Pentagon Papers have provided some clues to what certain key officials were thinking during the Johnson years but they reveal virtually nothing about the important decision-making process which goes on in the National Security Council and the super-bureau of advisers around the President.

There is, in many respects, a fourth branch of government that has grown steadily in numbers, in power and in protection from public view—largely in the last decade. Because this relatively small unit within the executive office of the President is functioning in a so-called advisory role, it is immune to congressional probing or interference.

Its members, from National Security Adviser Henry A. Kissinger on down, refuse to appear before congressional committees to explain the influences that have been brought to bear on the President in the vital arena of war and peace.

And they have the full support of the President in their immunity from accountability to Congress.

WOULDN'T PROTEST

If it were a matter of a handful of obstinate advisers declining to reveal their private discussions with the chief executive, Congress could not—and would not—protest too much. But Kissinger and his staff provide the principal forum for presidential consideration of foreign policy issues.

"Almost all major issues now are treated within the framework of the NSC system," Kissinger told a Senate subcommittee last year.

Sen. J. William Fulbright of the Foreign Relations Committee, who has fought previous presidents over secrecy in foreign policy deliberations, is ready to challenge the power of the White House to invoke "executive privilege" and thus hide the administration's long-range plans for foreign military aid.

Nixon says Fulbright cannot have the data since it amounts to nothing more than a tentative planning document for internal use of the executive branch. Fulbright argues that his panel cannot legislate intelligently without knowing the aid projections for the years ahead.

AFTER KISSINGER

But the Arkansas senator is really after Kissinger and the Security Council apparatus which he regards as dangerous to the spirit of the Constitution and democratic principle.

Fulbright was never able to get President Johnson's security chief, Walt Rostow, to discuss Vietnam developments before his Committee. Now he is able to get Kissinger to come to his home and talk frankly but can't get him to say the same things to the Committee and Congress and the American people.

Kissinger has expanded the old Rostow operation of 12 staff members to 54 "substantive officers" and a total staff of 140 employees. And, as chief, he serves as chairman of six interagency committees dealing with the entire range of foreign policy and national security issues and is also in charge of "working groups" which prepare the staff studies on which high-level policy discussion are based.

But congressional committees must be content with testimony from Secretary of State William P. Rogers who has not had as intimate a role in the policy-making process. As one wag put it: "Nixon plays golf with Secretary Rogers but he plays Chinese

checkers with Henry Kissinger. The President sends Kissinger to Peking but sends Secretary Rogers to Capitol Hill to play ping pong with the Foreign Relations Committee.

MISSED THE BOAT

Congress has never been briefed by Kissinger, even after the fact, on his trip to China or its implications. This is the sort of thing that really gnaws at Fulbright and other members of Congress who feel that the legislative branch missed the boat on Vietnam, largely by its own failure to insist upon an accountability from the executive.

Fulbright's group is not only denied access to the President, who does not appear for questioning before Congress, but to the man who is his chief foreign policy adviser, the most powerful person in the administration next to the President, in the opinion of most observers.

The fact is that Congress acquiesced for much too long to a powerful executive and now is paying the price. Democratic congresses "went along" with their presidents on the theory that "the king could do no wrong."

Now Congress is talking about ways to exercise control over a "fourth branch" of government which is largely shielded from public view, which virtually eliminates public debate and which makes it almost impossible to trace the process by which a decision is made.

STATEMENT ON EAST PAKISTAN

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. ASHLEY. Mr. Speaker, on August 3, the House passed legislation to suspend all military and economic aid to Pakistan until the situation in East Pakistan returns to "reasonable stability." Since then, however, slow Senate action on the bill has delayed any possible beneficial effects of this measure. Unfortunately, it has not delayed the devastation of East Pakistan and its Bengali people.

Six months after the military crackdown in East Pakistan, more than 7,500,000 Bengali refugees have flooded across the border to India and refugees are still fleeing to India by the thousands every day. The East Pakistan economy remains in a shambles and the shortage of food has created the possibility of a staggering famine in East Pakistan. In sum, the suffering, disease, and death of the Bengali people is an ongoing human tragedy of immense proportions.

Let me briefly recapitulate the facts. Founded in 1947, Pakistan consists of East and West provinces separated by more than 1,000 miles of Indian territory. Sharing neither borders nor culture with West Pakistan, East Pakistan has long chafed under the subjection of the West. Despite its larger population—before March 25, 1971, there were 75 million people in the East compared to 50 million in the West—East Pakistan has been drastically underrepresented in every way. East Pakistanis constitute less than 10 percent of the army and only 15 percent of the civil services. In addition, the East receives less than 20 percent of foreign economic assistance.

Finally in December 1970, Pakistan held its first free elections after 12 years

of military rule. Led to the polls by its charismatic leader, Sheikh Mujibur "Mujib" Rahman, the Bengalis voted in such numbers that Mujib and his Awami League won an absolute majority of seats in the country's new National Assembly.

But Mujib's platform of economic and diplomatic autonomy for the East apparently was too great a threat to be endured by the West's leaders. President Yahya Khan abruptly postponed the opening of the Assembly indefinitely and, after a facade of negotiations, on March 25, the Pakistani Army poured into the East with howitzers, tanks, and rockets in a campaign of fury against the Bengali people.

People were taken from their homes and machinegunned in the streets; men, women, and children were bayoneted to death; and women were raped. When the smoke had cleared, over 200,000 East Pakistanis were dead and 7,500,000 had fled across the border into India, placing a huge burden on India's already marginal economy to supply the needed food, water, clothing, shelter, medicine, and health care. Furthermore, the democratically elected Awami League had been outlawed and its leader, Mujib Rahman, rather than being Prime Minister of his country, is now being tried secretly for his life.

In the wake of this tragedy, the World Bank sent a mission to investigate the situation in East Pakistan. The group's subsequent report spoke bluntly of widespread fear of the Pakistani Army and devastation on a scale reminiscent of World War II. It recommended that further aid be withheld pending a "political accommodation."

Unfortunately, the Nixon administration's response has not been so clear and unequivocal. Despite the announcement that military supplies to Pakistan had been cut off, military supplies have continued to flow to Yaha Khan's government. The administration also supported Yaha's government by taking an indulgent attitude toward Pakistan's debt rescheduling and by expanding aid under the "humanitarian" label. Moreover, the administration has fought against any flat cutoff of aid to Pakistan and instead asked the Congress for \$118 million in economic assistance for Pakistan which it said, would be held in abeyance.

Throughout the conflict, the Nixon administration has justified its position by talking about the need to keep Pakistan from developing closer ties with China and about maintaining leverage with the Pakistan Government to influence it to moderate its policies.

This policy has proved to be bad politics as well as bad morals. Pakistan has used our \$2 million—not for the specified purpose of chartering relief ships—but to transport troops and ammunition to the East; Mujib Rahman, the elected leader of East Pakistan is being secretly tried for treason by a military court; and, in general, the devastation goes on.

Mr. Speaker, it is high time that we stopped using the specter of communism as an excuse for supporting repressive rightwing governments. Our Government has been sitting idly by while a



democratically elected government and millions of its supporters have been systematically wiped out by the Pakistani Army. Have we not learned yet that the support of governments which repress the popular will of the people, ultimately—and understandably—will drive the people into the arms of the Communists—the very objective we claim we are trying to prevent.

It was thus for both political and moral reasons that I strongly supported the positive step the House took in unequivocally suspending all military and economic aid to Pakistan until the President reports to the Congress that Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and refugees from East Pakistan are permitted to the extent feasible to return to their homes and to reclaim their lands and property. At this point, I think it is important to mention that the House-passed measure also calls for \$100 million to provide assistance for the relief of refugees from the east and for humanitarian relief in the east itself. This is important not only from a humanitarian standpoint, but because it will help relieve the enormous burden that India has assumed of feeding, clothing, and housing 7,500,000 refugees, a burden that AID estimates will cost India \$400 million for 6 months alone.

Mr. Speaker, we cannot bring back to life the 200,000 dead East Pakistanis, but if we speak out and deny our moral and material support to Pakistan, perhaps its military government may yet be forced to seek a political settlement acceptable to Bengal's people. It is in this spirit that I urge my colleagues in the Senate to avoid further delay on the Foreign Assistance Act of 1971 and move expeditiously to affirm the cutoff of aid to Pakistan.

#### THE NORTHERN IRELAND SITUATION—A REPORT, NO. 7

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. BIAGGI. Mr. Speaker, yesterday I included in the RECORD the first of three parts of a report prepared by my daughter Jackie, following her visit to Northern Ireland.

Today's segment is a commentary on what occurs to the traveler moving through the streets of Belfast, a city in the free world. Bear in mind that this is not Saigon or Jerusalem despite the similarity to conditions in those war-torn cities.

The report follows:

#### REPORT OF JACKIE BIAGGI—PART II

As a matter of fact the only major affront to our person occurred on the following day when we were riding through Flax street. Picture this if you will—a relatively long street with barricades made of wood and barbed wire placed in such a fashion that a car cannot drive directly down the street but must proceed in a zigzag fashion—on either

side of the street were about six to eight armed soldiers—rifles facing the street, near the entrance of a building were two metal sentry boxes surrounded by sand bags—each housing a helmeted fully armed soldier enclosed in a sentry box. What was so unique about Flax Street?—nothing, that is, that made it so different from several of the other streets in Belfast—with soldiers driving around in trucks and jeeps, peering over building rooftops, running black faced through the streets at night on one of their many patrols through the city. Anyway, on one of our trips through this street we were subjected, as all cars were, to being searched. Our driver was frisked, the trunk and engine of the car was checked, the back seat pulled out to check for ammunition or whatever. Finally, "cleared", we were allowed to pass. What I remember most at that point was sheer indignation anger. How I wondered can a people survive with this basic affront to their human rights and dignity? But in Belfast, this kind of thing has become a way of life. That is the real tragedy—that people have become doomed to resign themselves to this. Later on, driving back to the school, we passed through much of the city and it got to the point that at a glance, I was becoming expert to distinguishing the Catholic from the Protestant areas—it seemed that the degree of destruction was proportioned to the amount of Catholics in the area—the Protestant areas for the most part seemed untouched. In Catholic areas Streets had been gutted out—pock marked by British trucks, landrovers driving through—long stretches of lampposts had been knocked down. This too, we were told had been done by the British. Debris all over the place—remnants of barricades used by a terrorized crowd to protect themselves from troops storming in the area.

#### CHILD-CARE ARRANGEMENTS IN OTHER COUNTRIES: FRANCE

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. FRASER. Mr. Speaker, because of the child-care legislation which will soon be before this House I am submitting for the record a number of studies of child-care and day-care arrangements in other countries. Day care for preschool children is becoming a necessity because of the number of American mothers who are employed with full-time jobs. We can no longer ignore the fact that there are over 6 million women with children under 6 who are employed and fewer than 10 percent of their children are able to be placed in approved day-care centers or family day homes. I think that many thoughtful legislators are beginning to realize that the problem of child and infant care in the United States is far more profound than setting up custodial day care so that welfare mothers can go to work.

As the following study on France points out, economic circumstances for many years required that both parents of Parisian families in the lower economic groups be employed. In 1963 there were over 180 day-care facilities for children from 2 months to 3 years of age supervised by the Paris Administration of Public Assistance. The following article describes the nature and operation of day-care programs in Paris:

#### EARLY CHILD CARE: THE NEW PERSPECTIVES (By Caroline A. Chandler, Reginald S. Lourie, and Anne DeHuff Peters)

FRANCE\*

The economic circumstances of Paris have for many years required the full-time employment of both parents for the majority of families in the lower socioeconomic groups. In response to the obvious need for child-care facilities, day-care programs—*creches*—for babies from two months to three years of age have been in existence for over fifty years. In 1963, there were over 180 such *creches* established or supervised by the Paris Administration of Public Assistance (Centre International, 1960).

There are *creches* in most urban neighborhoods, each with a long waiting list. Some have over 300 babies waiting. Most new suburban-housing developers build a *creche*, the management of which is usually turned over to the Administration of Public Assistance. In older neighborhoods, a variety of physical structures have been converted to *creches* of varying degrees of adequacy. In some of the poorest neighborhoods, the buildings used often provide inadequate indoor space and little opportunity for any outdoor activities. Yet there are many conversions which afford almost ideal circumstances, for example, sun balconies for the smaller babies from eight weeks of age and large yards with sandboxes and flower gardens for toddlers and children up to three years. The Public Assistance officials welcome the opportunity for advanced architectural planning of the new *creches* in suburbs where space limitations are less critical.

The public *creches* are open only to babies of mothers who work, except when specific social problems provide an urgent indication. The mothers pay according to their means but all pay something for their babies' care. The French government gives an allotment to working mothers (2.3 percent of salary) to help offset the expense (Davidson, 1962) when necessary.

The *creches* are open from 7 a.m. to 7 p.m. six days a week. The average *creche* accommodates forty to sixty babies. The quality of care varies considerably from one *creche* to another, depending partially on physical limitations but more so on the attitudes of the staff. In one poor neighborhood, where both crowded conditions and adverse attitudes were in evidence, babies were kept all day, except for feedings, in the bassinets-like cribs, side by side, with crib covers occluding observation of anything but ceilings and few hanging toys. The nurses could not be induced by the doctors to put the babies on their abdomens at any time because of the fear they might suffocate. Moreover, the nurses were afraid to handle the babies because they might accidentally become bruised and the parents would complain. They were afraid to let the babies play on the floor for the same reason, although the limited floor space was inadequate for babies to learn to crawl.

The majority of the *creches* are in stark contrast to this distressing picture. More typically, they are roomy, bright, and cheerful and provide space indoors and outdoors for uncrowded activities of the entire group. The newer nurses are more familiar with the psychological implications of the care they provide. The Administration of Public Assistance is optimistic that there will continue to be improvement in all the *creches*.

\*The authors are indebted to Dr. F. Davidson, Chief Medical Inspector of Health of the Paris Medical Social Service for National and Infant Protection, and her staff (especially Mme. Hermant, Chief of Social Service, and Dr. Clair Vesin, *Creche* Pediatrician) for opening the doors of their *creches* so wide.

## THE DIRECTOR

More and more of the creches are directed by graduate nurses who have completed post-graduate training at L'Ecole de Puericulture in Paris. Yet their one-year course is oriented more to the care of sick than well children. All students rotate through the department for premature babies, the outpatient clinic for sick children, all the pediatric specialty clinics, as well as studying bacteriology and other laboratory subjects. They are also taught about and participate in welfare programs. In addition, those nurses who are preparing to work in a creche instead of a hospital have a one-month course in the administration of a creche. The level of training at L'Ecole de Puericulture is relatively high, the same courses being used for preparing medical doctors to specialize in pediatric practice.

The director of the creche is crucial. She has an apartment in the creche for herself and her family. If she has small children, they will attend the creche. She selects equipment from the assortment made available by the Administration of Public Assistance. She is in charge of the finances of the creche, including the selection and purchase of food from the neighborhood stores for the meals served the babies. The only restrictions are that she must buy the best food available.

The director has many other administrative responsibilities, yet she rarely has secretarial help to relieve the burden. She must decide if a child is too sick to remain in a creche for the day. There are isolation units available for mild diseases. She must be certain that her children have been taken by their parents to the well-baby clinics and have received their immunizations. She must check certifications of good health for every baby brought back to the creche after any illness. She must be in contact with welfare agencies and specialty clinics to which she may refer some of her charges. She must receive each mother weekly to collect the fee for care which they have agreed upon. This visit, of course, affords the director the opportunity to answer questions about the child's care, to deal with problems of the family related to the child, to share with the mother the staff's experience with her baby, and by all this to strengthen the cooperative relationship between family and creche. The director must also select and supervise kitchen and cleaning help and the nursing assistants.

Nursing assistants, the child caretakers, are women who have achieved an academic certificate at age fourteen (equivalent to completion of junior high school) and have then received two years of additional vocational training (at the high school level) for the position of assistant child nurse (*auxiliary puericulturist*). The behavior of the caretakers usually reflects the attitudes of their director, but they are usually allowed to function fairly autonomously. In general, they appear warm and gentle with the babies and obviously skilled in techniques of feeding, bathing, and initiating games and songs with the older children. They appreciate babies' individual differences to a certain degree and try to modify their care patterns accordingly. In general, one is impressed that the creche staffs seem to prefer the active, aggressive, and more independent child.

The ratio of actual caretakers to children ranges from one caretaker for every six or ten children. With so many children, the nursing assistants and certainly the director find little time for relaxed kinds of involvement, education, or play with the individual babies. They make the attempt to individualize but most often have to deal with the child as a member of a group.

The babies themselves "adjust" and accommodate amazingly well to the systems they encounter. For example, when the mother brings her baby in the morning, undresses him, hands him to the nursing assistant, and leaves, there is rarely any sign of

separation concern in the baby unless the mother "hangs around" until the reaction comes to "reassure him." The babies are hugged and then placed on a potty by the nursing assistant when they are received from the mother. A few years ago, despite strict regulations prohibiting such premature attempts, the caretakers in some creches started a baby on the potty as early as three months of age, tying his shirt to a pole to support him in a semisitting position. Babies under a year may sit complacently on the potty for ten to twenty minutes having been given a cookie or toy to hold their attention until their turn to be bathed or dressed in clothing provided by the creche. They are then given permission to play in another room.

## Current research

Toys are well designed and well utilized by the staff with the toddler and older groups in the better creches. But even in the best creches there seems to be relatively little attempt to provide infants with stimulation in the form of suitable toys and visually attractive objects, such as mobiles. Experimental programs of stimulation are being evaluated by research psychologists (Lezine, 1962), but no broadly applicable program has yet been developed.

Studies of nurse-infant interactions have been sensitively carried out by psychiatrists and psychologists (David and Appell, 1963) in an attempt to understand better this unique relationship. Child psychiatrists and psychoanalysts (David and Soule, 1963) have been teaching at L'Ecole de Puericulture in an attempt to enhance further the psychological awareness of the future directors. Seminars on creches have been conducted at the Paris International Center for Children (Centre International, 1960) in which internationally renowned experts have participated.

The Administration of Public Assistance is not satisfied with the present state of care in the creches, although they do recognize the tremendous gains in the past five years. They are hampered by staff shortages, possibly a reflection of the demanding nature of the roles as well as the low salary scale. The need for training that is more specifically directed to the care of well babies in creches, rather than sick children in hospitals and clinics, is also appreciated. The administration's low budget allows for less variety and quantity of toys than they would like to have available. The rate of construction of adequate facilities cannot keep pace with the growing need for more creches, much less replace those which are so limiting to the potential functioning of the staff and the babies.

## Conclusions

Any appraisal of the value and significance of programs in other countries faces a particular handicap, since philosophical and ideological issues may prejudice the viewer. Nevertheless, our review of child-care practices abroad permits several conclusions relevant to American research and program development.

Extended experience, over several decades in some of the countries, has led each toward an elected integration of skills and professions. Pediatrics, education, and psychology have proved of particular importance for the programming of group care for the well baby. Moreover, increasing social (and governmental) awareness and willingness to finance programs and research in child care have been matched by varying degrees of scientific curiosity addressed to the problem of more adequately meeting urgent contemporary social problems. Broad social and cultural changes have had a common impact in mobilizing and sometimes fragmenting traditional family bases of child care. Changing social and economic circumstances require new, if not better, solutions to age-old problems.

## AMERICA'S HEARTLAND

## HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. SYMINGTON. Mr. Speaker, in a mere 6 years we celebrate our second centennial birthday party. We cannot be in the position of showing our guests, and more importantly ourselves, blighted ghettos, unopened schools, trash-littered streets, and the other familiar indicia of a community that is largely for rent or for sale.

We simply must put our house in order for that event. Otherwise it will indeed be easier to display pride in the past than hope for the future. The concepts of independence and freedom must be reflected in our celebration, but with a new focus. Today's American rightly asks, "independence from what, freedom for what?" He would like to be independent, for example, from unnecessary hazards to health, from ignorance and bias, and free to develop his full potential as a human being.

Dedication to such a redefined "Spirit of '76" would have a very practical effect both in the long and short run. From coast to coast we should hasten to achieve rebuilt inner cities, schools of uniform excellence, and neighborhoods of equal pride.

Where do we begin this task? I suggest that there is no better place than along the Mississippi, principal artery of the Nation, pulsing with the throbbing life of her heritage and her future. This river is the living legend of a continental people, mysterious, magnificent. She is the Nation's timeless backbone, the bridge that links East, West, North, and South, in legend and in fact. Her great disciple, Mark Twain, once said:

The basin of the Mississippi is the body of the Nation. All other parts are but members, important in themselves, yet more important in their relation to this. As a dwelling place for civilized man it is by far the first upon our globe.

Bringing the total environment of this river and her river cities into balance with the technologies of agriculture, traffic, trade, and waste disposal would be the most fitting commemorative stamp on American history we could fashion by 1976. For mirrored in this the greatest of river systems is a panorama of the American past reflecting the changes from a gentle agrarian cultivation to an industrial complex. The river helped shape that change and charter that destiny. She served as the communications link between the great cities she spawned. The technology of transportation developed from the simple birch bark canoe, to paddle boat, and diesel tow, from grassy borders to cement levees, locks, and dams. Along her banks America grew to manhood—noble, bluff, self-confident, occasionally thoughtless.

For nations, like men, can forget first principles. So the mighty Mississippi also reflects the erosion of American care. Where once people swam and enjoyed the river, we now dump raw sewage, and industrial waste. The father of the waters

no longer flows unvexed to the sea. She is "vexed" at every turn by mindless exploitation.

The responsibility for this deterioration belongs to all. We have a great responsibility, and a magnificent opportunity to free the river, the land and the air from needless poisons in 6 years time. We owe it not only to our ancestors, in honor of the independence they won, but to ourselves, to prove we are worthy of that legacy.

In 1976, the millions upon millions of Americans who will see their country for the first time, will be joined by millions of foreign visitors. These fresh innocents from abroad will be, should be, and must be drawn by the vast mystique of the Mississippi, to the cities and towns it touches.

In the State Department I noted the tendency of foreign visitors and dignitaries to limit their tours to our neon-lit east and west coasts. Our task is to bring the world's people to meet America's people "where they're at." Disneyland and Radio City Music Hall may be dazzling competition, but not substitutes for the beat of America's heartland.

Nor should our expectations exceed their fulfillment. We must develop a blueprint for this midwestern meeting with the world. It should stretch the length of the river and the breadth of its alluvial plains. Competition between the great river cities will be evident, but should mature into cooperation. I, therefore, propose the establishment of a Mississippi River Bicentennial Commission, made up of the mayors and development planners of the major cities of Minneapolis, St. Paul, St. Louis, Natchez, Memphis, and New Orleans to list only a few, not forgetting Hannibal, birthplace of the man whose stories are largely responsible for the fame that is already ours, Mark Twain.

This Commission could turn fable into fact and one which would long outlive 1 year's foreign curiosity. Such a commission might examine the possibility of a small fleet of riverboats, including the *Delta Queen*, providing passage to interested tourists along the river, with life aboard an approximation of bygone riverboat days. Jazz welcomes and transit services would be available at every port to take alighting passengers to every sector of town for sightseeing and purchases.

We might be able to model Europe's example of youth hostels, for traveling students, and other low-income visitors.

Think of the changes half a decade can bring, and have brought in the past. With guided and unstinting effort we can surely bring the spirit of the Mississippi into focus with the "Spirit of '76."

#### DISTRICT OF COLUMBIA EDUCATION ACT

### HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. FAUNTROY. Mr. Speaker, I introduce a bill to amend the laws govern-

ing education in the District of Columbia. This legislation would make changes long overdue as well as establish innovative reforms.

The bill would repeal or amend all laws in the District of Columbia Code which classify school programs and educational facilities by race. Also, this measure would provide for student and faculty representation on the District of Columbia Board of Higher Education.

I have set forth below a brief summary of the bill, and a letter of transmittal from the District of Columbia government to the Speaker:

#### SUMMARY

##### TITLE 1

Accreditation powers of the Board of Education over degree-conferring institutions in the District of Columbia would be repealed. Any junior college accredited by the Board and still valid, would remain so for five years from the date of enactment or until the junior college is otherwise accredited.

##### TITLE 2

The Board of Higher Education shall now have the responsibility of charging tuition to students at the District of Columbia Teachers College.

##### TITLE 3

All laws which classify school programs and educational facilities by race would be amended or repealed.

##### TITLE 4

Participation in the high school military science programs, which include the cadet corps, would be voluntary. The course would be open to all physically qualified students.

##### TITLE 5

The Board of Higher Education would increase in size from nine to nineteen members. No more than two members would be students appointed by the Commissioner from the student bodies of universities and colleges controlled by the Board. Their term would be for one year. No more than two faculty representatives would also be chosen and would serve for a two year term.

THE DISTRICT OF COLUMBIA,  
Washington, D.C. April 6, 1971.

The Honorable the SPEAKER,  
U.S. House of Representatives,  
Washington, D.C.

DEAR MR. SPEAKER: The Commissioner of the District of Columbia has the honor to submit for the consideration of the 92nd Congress a draft bill "Relating to education in the District of Columbia." The proposed legislation, which may be cited as the "District of Columbia Education Act", repeals legislation providing for the accrediting of junior colleges by the Board of Education of the District of Columbia and amends legislation affecting the Board of Higher Education and the Board of Vocational Education. The bill also transfers to the Board of Higher Education the function of requiring the payment of tuition by students of the District of Columbia Teachers College, provides for the repeal or amendment of existing statutes to delete references contained therein to race, and authorizes an elective high school cadet corps.

Title I of the bill repeals the Act of July 2, 1940 (D. C. Code, sec. 31-120) which authorizes and empowers the Board of Education to accredit junior colleges operating within the District of Columbia. The accreditation of institutions of higher learning, including junior colleges, as distinguished from licensing, is now carried out by private accrediting organizations, and since it is on the basis of accreditation by such organizations that an institution secures the standing which it needs for acceptance of

its students by other institutions, there no longer appears any need for the Board of Education also to accredit junior colleges in the District. Consequently, both the Board of Education and the Board of Higher Education recommend the repeal of the Act approved July 2, 1940, subject to the qualification that any accreditation of a junior college heretofore conferred by the Board of Education and still in force be continued for a period of five years unless the institution is otherwise accredited prior to the expiration of such five-year period. The licensing of junior colleges in the District would continue to be performed by the Board of Higher Education pursuant to the Act of March 2, 1929 (D.C. Code, sec 29-415 et seq.).

Title II amends section 7 of the District of Columbia Nonresident Tuition Act (D.C. Code, sec. 31-311) so as to transfer from the Board of Education to the Board of Higher Education the function of requiring the payment of tuition by students, both resident and nonresident, attending the District of Columbia Teachers College. Control of the Teachers College has now been assumed by the Board of Higher Education pursuant to an agreement between such Board and the Board of Education and approved by the Commissioner, as authorized by section 103 (a) (12) of the District of Columbia Public Education Act (D.C. Code, sec. 31-1603(a) (12)). Accordingly, the Board of Higher Education should be vested with the responsibility of establishing tuition rates for persons enrolled in the Teachers College.

Title III repeals or amends a number of laws which specifically designate or classify school programs and facilities according to race, so as to eliminate all references to racial characterizations in the educational laws of the District. The affected provisions are archaic and outmoded, are no longer observed by the Board of Education in its conduct of the public school system, and are in conflict with decisions of the Supreme Court holding unconstitutional the educational separation of the races in State supported school facilities.

Existing law requires the participation of every male high school student in the cadet corps of the senior high schools of the District of Columbia unless excused by reason of physical disqualification or on the written request of his parent or guardian. Title IV of the bill would make participation in the cadet corps permissive rather than mandatory by authorizing the Board of Education to establish in the curricula of the senior high schools, as an elective course, a program of military science which shall include such a corps. The course would be made available to any physically qualified student and credit toward graduation would be given for the course in the same manner as for other elective high school courses. The Board of Education is of the view that the mandatory requirements of the present law are unnecessarily restrictive, administratively time-consuming, and inconsistent with requirements and procedures affecting other educational courses and programs in the public schools.

Title V of the bill, cited as the "District of Columbia Public Education Act Amendments", makes several technical amendments of the legislation establishing the District of Columbia Federal City College and the Washington Technical Institute, approved November 7, 1967 (Public Law 89-791; D. C. Code, secs. 31-1601 et seq.). The amendments clarify the status of these institutions as agencies of the District of Columbia government, provide for their non-educational employees to be employed in the manner that noneducational employees of the District Board of Education are employed, delete unnecessary and inappropriate provisions dealing with the employment of the officers and educational employees of the institutions, and make other technical amendments of title 5, United States Code, in

accordance with the provisions of the Act. These technical amendments have been prepared in cooperation with representatives of the Civil Service Commission and are endorsed by the Commission.

Section 502 of title V amends section 102 (a) of the District of Columbia Public Education Act (D. C. Code, sec. 31-1602(a)), to make possible the appointment of faculty and student representatives to membership on the Board of Higher Education. The proposed amendments will increase the size of the Board from nine to nineteen members and authorize, but not require, the Commissioner of the District of Columbia to appoint as full-fledged, voting members of such Board two faculty and two student representatives from the colleges over which the Board of Higher Education exercises jurisdiction. The term of office of a student member of the Board is limited to one year, that of faculty members to two years, while other members will continue to serve for terms of three years. It is anticipated that the contributions of student and faculty representatives from the affected academic institutions and of an expanded public membership will result in a more viable and responsive Board of Higher Education.

For the foregoing reasons, the Commissioner of the District of Columbia believes that the enactment of each of the titles of the proposed legislation will contribute to the advancement of education in the District and he accordingly urges favorable consideration of this draft bill by the Congress.

Sincerely yours,

GRAHAM W. WATT,  
Assistant to the Commissioner.

#### PCB'S AND FOOD CONTAMINATION: TESTIMONY OF PETER SCHUCK

HON. WILLIAM F. RYAN  
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. RYAN. Mr. Speaker, there is no issue of greater concern to the consumer than that of the quality of his food. Yet recent events have demonstrated all too well that our food supply is being plagued by a host of chemical contaminants, and that those Federal agencies responsible for insuring that the American public receives wholesome food are not living up to that responsibility.

Perhaps there is no better example of this than repeated incidents of contamination from a highly toxic, industrial chemical known as PCB's—polychlorinated biphenyls. This extremely hazardous chemical has been discovered in a multitude of food products, ranging from chickens, turkeys, and meat products, to shell eggs, packaged food, and catfish feed. And tragically many of these contaminated food products have reached the kitchens of consumers.

The significance of this PCB contamination and the failure of the Food and Drug Administration and the U.S. Department of Agriculture to protect adequately the consumer has been well documented in recent testimony before the House Interstate and Foreign Commerce Committee by Peter Schuck. Mr. Schuck, an associate of consumer advocate Ralph Nader and an attorney with the center for the study of responsive law, has been in the forefront of the effort to protect the integrity of our food supply.

I commend his testimony of August 4 and September 14 to the attention of my colleagues:

STATEMENT BY PETER H. SCHUCK, ESQ., CENTER FOR STUDY OF RESPONSIVE LAW, WASHINGTON, D.C., BEFORE THE SUBCOMMITTEE ON PUBLIC HEALTH AND ENVIRONMENT OF THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE, AUGUST 4, 1971

Gentlemen: There is no more visceral consumer issue than contaminated meat. The head of federal meat and poultry inspection, the nation's chief guardian of meat purity, sits in one of the hottest and least secure seats in government. The corresponding state officials are equally vulnerable to expressions of public outrage. Threats to the wholesomeness of meat, whether real or fancied, can arouse a politically potent outpouring of grass roots protest: in 1970 when word leaked out that the Department of Agriculture might permit the sale of chickens with cancerous tumors, the White House was deluged with angry letters which, for pure vitriol, surpassed comments received on any other consumer issue (Messages from the White House to USDA were only slightly more polite).

The American consumer is emotional about meat in part because he consumes so much of it (nearly 116 pounds of beef and veal and 50 pounds of poultry per capita each year), and because he is peculiarly defenseless against its adulteration and contamination.

The ingenuity of food chemistry and processing technology have rendered inoperable the natural detection devices—seeing, smelling, tasting—which used to protect the consumer from bad meat. Now seasoning agents, preservatives, and coloring agents serve as cosmetics to effectively mask the true condition of meat products.<sup>1</sup> The use of cheap fillers and additives such as water, cereal, and fat, unless carefully controlled, give the consumer less and less meat for his dollar.

The total effect of unwholesome meat on human sickness can only be estimated. National Health Surveys estimate that five million to ten million cases of acute intestinal illness occur annually in the United States, many of them meat related, but most go unreported in official records.<sup>2</sup> Meat animals do harbor a number of diseases potentially harmful to man. Trichinosis and hog cholera in pork, and brucellosis in beef may be directly harmful, while animal cancer—103,000 cattle carcasses were held back by federal inspectors in 1969 for removal of carcinomas and cancer eye—poses potential long term risks. Poultry is an even more fertile breeding ground for disease organisms affecting man. Twenty-six diseases are known to occur in both man and fowl—the most serious of which are salmonellosis, psittacosis, and Newcastle Disease.<sup>3</sup> Meat inspection is necessary to protect the consumer from these hidden contaminants. It is also necessary to prevent ethical meat processors from being undercut by the less scrupulous ones. Meat inspection is a classic regulatory function, protecting the citizen where he cannot protect himself.

The consumer movement was founded and later resurrected on complaints about rotting and diseased meat. In 1906, Upton Sinclair wrote:

"There would be meat that had tumbled out on the floor, in the dirt and sawdust, where the workers had tramped and spit uncounted billions of consumption germs. There would be meat stored in great piles, in rooms, and the water from leaky roofs would drop over it and thousands of rats would race about on it . . . this is no fairy tale and no joke: the meat would be shoveled into carts, and the man who did the shoveling would not trouble to lift out a rat, even

when he saw one—there were things that went into the sausage in comparison with which a poison rat was a tidbit."

One year later, President Theodore Roosevelt signed the Federal Meat Inspection Act of 1907.

The failures of the original meat act were due in part to weak enforcement and to inspectors who conspired with large meat packers to evade its standards. More important, there was a major loophole in the law. The early legislation applied only to meat sold in interstate commerce. Meat packers and processors who sold their meat within the confines of a single state were exempt from federal inspection. As late as 1967, nearly fifteen percent of the meat slaughtered in the United States and twenty-five percent of the processed meat was not inspected according to federal standards. In many cases it was not inspected at all.

The states were loath to assume responsibility for these commodities. In 1967, twenty-two states did not require mandatory inspection of livestock before and after slaughter; and eight states had no meat inspection at all.<sup>4</sup> The danger to the consumer was especially great in fourteen states, where non-federally inspected meat accounted for over forty percent of all meat slaughtered. A 1963 USDA survey of state plants kept secret until 1967, revealed deplorable conditions which would have shocked even Upton Sinclair. In Delaware, the survey records:

In addition to the very grave and urgent problem posed by the distribution of food derived from diseased animals, the attached report details extremely bad and revolting dirty food handling methods without any regard for rudimentary sanitation. Rodents and insects, in fact any vermin, had free access to stored meats and meat products ingredients. Hand washing lavatories were absent or inadequate. Dirty meats contaminated by animal hair, the contents of the animals digestive tract, sawdust, flies, rodents, and filthy hands, tools and clothing of food handlers were finely ground and mixed with seasonings and preservatives. These mixtures are distributed as ground meat products, frankfurters, sausages and bologna. Due to the communiting process and seasoning of these products, most of the adulteration could not be detected by the consumer.<sup>5</sup>

These conditions, described by veteran USDA inspectors, were repeated with revolting consistency in many of the intrastate plants surveyed by USDA. The surveys clearly showed that Upton Sinclair's work remained unfinished. In 1967, a tiny coalition of lawyers, journalists, labor groups, and Congressmen dedicated themselves to cleaning up the state inspected plants. In doing so, they revitalized the consumer movement begun by Sinclair.

On December 15, 1967, the day the Wholesome Meat Act was passed, the expectations of consumers were high. Two years from that date, 15,000 plants previously selling intrastate meat with weak or no standards would have inspection "at least equal to" federal requirements. Their state inspection systems would be officially "certified" as equivalent to the federal. States which could not meet these standards were to be taken over (or "designated") by the federal government, with one exception: in special cases, if the Secretary of Agriculture had reason to believe that a state was well on its way to meeting federal standards, it could have an extension until December 15, 1970.

#### THE MALADMINISTRATION OF THE ACT

The sordid story of the distortion and evasion of the Act by the Department of Agriculture is set forth in grim detail in Chapter II of our Task Force Report. Entitled *Sowing the Wind*, and written by Harrison Wellford, it has just been released to the public. I shall simply summarize its findings. First, only three states were able to meet the federal standards by the deadline: California,

Footnotes at end of article.

Maryland, and Florida. Even the certification of these states as "equal to" federal standards was, as a high official in the Meat Inspection Division said, "a big joke among all C&MS personnel. There are no supporting documents such as sufficient plant reviews to back this up."

Only one state, North Dakota, had its inspection system taken over by the federal government. Forty-six states were granted a one-year period of grace—a postponement officially designed for extraordinary cases where states were on the brink of compliance and needed only a little more time.

Yet, even the final deadline for compliance passed in December, 1970, with two-thirds of the states still in limbo, neither certified as being "equal to" federal standards nor designated for federal takeover of the inspection system. Secretary of Agriculture Hardin, having waited so long to prod the states to implement the Act, now was faced with a clear cut legal mandate to declare these states "equal to" or seize them. He delayed again. In February, Hardin announced that he "intended" to take over inspection in fourteen states at some future date, but that more surveys were required. The remaining states were certified as "at least equal to" federal standards. The vagueness of this governing phrase allowed USDA much discretion in deciding the fate of individual states. There is much reason to doubt whether meat processed in state plants is in fact up to federal standards. Even if states did in fact have standards "equal to" federal standards, USDA officials would have to rely on rigorous surveillance of state enforcement to prevent slippage from the goals of the Wholesome Meat Act at certification. This raises the question: What sanctions can USDA bring to bear on certified states which subsequently fail to measure up to "equal to" standards? Here is the Achilles Heel of the Wholesome Meat Act. If the state fails to act against a plant found by federal inspectors to be below federal standards, the only sanction available to the federal government is to threaten federal takeover, not simply of the plant, but of the entire state inspection system.<sup>6</sup> This puts USDA in the role of the muscle-bound nuclear giants of the 1950's who tried to discourage guerrilla war by brandishing atom bombs. It is not likely to be believed. This is particularly true since the Department of Agriculture has consistently failed to request sufficient funds for an adequate number of inspectors.

This is particularly shocking when one recalls that it was the failure of state inspection which prompted passage of the Wholesome Meat Act in the first place. In 1967, USDA inspectors surveyed hundreds of state plants and found in virtually every jurisdiction instances of unsanitary meat, unwholesome meat, unsanitary packing conditions, adulteration with water and fillers, and misleading labelling. Moreover, in January 1968, federal inspectors found that twenty percent of all chicken not federally inspected was unfit to eat by federal standards. Many states have upgraded their systems since these surveys. But while more inspectors and tougher inspection regulations will help, they will not compensate for the fact that meat inspection by the states becomes part of political systems notoriously reluctant to aggressively regulate business.

It is for this reason that the current effort by the Nixon administration, key USDA officials, and many states to defederalize meat inspection must be resisted. This effort takes a rather insidious form, draped in the mantle of "the new Federalism." USDA certification of state inspection systems as "equal to" federal standards is now being touted as justification for allowing state-inspected meat to cross state lines. The objective of this

strategy is the eventual defederalization of the entire meat inspection program.

In resisting this effort, the consumer does have two strong and unusual allies. The American Meat Institute, the trade association of national meat packers, which opposed the Wholesome Meat Act is now mobilizing to defend its goals of uniform inspection with federal standards. For the large packers, fifty different state inspection systems would be a nightmare.

The lack of uniformity in the enforcement of federal regulations is the packer's chief complaint against federal meat inspectors. If decentralization goes through, the large packers will have to contend with not only the vagaries of individual inspectors interpreting the same handbook of regulations, but with different inspectors interpreting different regulations in fifty different states.

The federal meat inspectors are also disturbed by the prospect of defederalization. The inspector corps takes pride in the sixty-five year history of federal inspection. Despite their occasional failures, they have attained a professionalism and independence from politics unmatched in any state inspection system.<sup>7</sup>

If the federal inspection system becomes an offering on the altar of the New Federalism, the Wholesome Meat Act would in effect be turned on its head. An act, which originally promised to extend uniform federal standards to the twenty-five percent of meat not processed under federal control in 1967 may result in all meat being processed in fifty separate state-controlled systems. It would be ironic indeed if consumer legislation made necessary by the failures of state government provided a pretext for turning the whole inspection system over to state government.

It should be remembered, however, that while the failures of federal inspection pale in comparison to the real and potential breakdowns in most state inspected plants, the federal failures are still very serious and highlight the need for stronger federal inspection systems.

At this point, Mr. Robert Vaughn will discuss the barely visible but relentless stresses on the meat inspectors themselves which tend to subvert the meat inspection system.

#### BUREAUCRATIC SECRECY

A concern for the nutritional value and wholesomeness of meat cannot simply concern itself with inspection procedures and fair treatment of the inspectors themselves. Equally important is the access of the consumer to the information upon which significant decisions with respect to food quality are made. As Chapter IV of the Task Force Report makes clear, USDA has made such access exceedingly difficult for the handful of consumer advocates in Washington. As a result of this secrecy, industry efforts to repeal the long-standing restrictions of the use of chickens afflicted with avian leukosis (or cancerous tumors) was turned back only by the fortunate conjunction of several coincidences.

The chicken cancer decision was a consumer victory because inquiries from consumer advocates helped persuade USDA officials to have the advisory panel's recommendation reviewed by public health scientists outside the department and because disclosure in the press made Secretary Hardin's acceptance of the Surgeon General's advice a political necessity. The most remarkable feature of the chicken cancer case is what it reveals about USDA's internal procedures for making decisions of vital interest to consumers. First, the recommendation was made in secret with no minutes or any other means available to inform the public or outside scientists of the evidence considered. Second, the panel which made this decision affecting the scope of federal regulation of the poultry industry was staffed, in part, by industry con-

sultants. Remarkably, even though the panel was making a judgment about potential risks to the consumer's health, no consumer representatives, public health specialists, or cancer experts were present. If Mr. Lyng had not submitted a recommendation to the Surgeon General for review, the panel's decision would probably not have been subjected to the rigor of discussion and debate in the wider scientific community. Third, if the decision had been approved, it could have gone into effect secretly without any requirement that the public be informed of the change.

The point of this case is clear: But for the accidents of these outside interventions and the presence of an alert administrator (Richard Lyng), the recommendation to ease the cancer ban might well have been adopted without comment from the public or scientists outside the agribusiness establishment.

Similarly, fundamental decisions concerning the meat and fat content of the hot dog, as well as labelling requirements, were about to be made with virtually no input from consumer groups until a very small band of consumer advocates managed to bring the issue to public attention. These were, as the Task Force Report makes clear, "little victories"; they do little to insure that in the vast majority of small, invisible decisions which taken altogether make an enormous difference in consumer welfare, that welfare will be taken into account by federal decision makers in the area of food.

Accordingly, the Task Force makes several key recommendations calculated to increase the flow of information to the consumer. First, it recommends a relaxation of the barriers to the free flow of information from the agency staff to the public. Second, it recommends that all proposed changes in meat and poultry regulations, standards of identity, or labeling must include a "statement of consumer significance" published in the Federal Register and by press release. This statement would be similar to the statements required under the National Environment Policy Act of 1969 and would include an identification of all aspects of the proposed change of interest to consumers.

#### HIDDEN CONTAMINANTS

Perhaps the most salient aspect of meat nutrition and wholesomeness concerns not those defects which the consumer can see, touch, or smell, important as they are, but the far more dangerous hidden contaminants: bacteria like salmonella and residues from the use of pesticides, nitrites, hormones, antibiotics, and other chemicals routinely used in agribusinesses.

Here the inspection failures are more often errors of omission than commission. For example, there is no regular monitoring of salmonella or other microbiological contaminants in meat and poultry plants in the United States. Yet, at least thirty diseases, including brucellosis, hepatitis, trichinosis, and salmonellosis, are considered to be transmissible to man through meat, milk, poultry, eggs and other foods of animal origin.

This oversight is becoming increasingly serious. Changes in the technology of food processing have increased the risk of microbiological poisoning, as more fully processed foods are offered to the consumer and as the time span between processing and consumption continues to increase. The increased density of animal populations for both feeding and processing and the contamination of the environment have also increased the hazards. In the absence of microbial standards, strict adherence to the sanitation rules set out in the USDA Inspectors Handbook, when enforced, reduce the spread of bacteria within the processing plant. But the inspectors who apply these rules on the production line are sometimes not backed up in the USDA when the plant managers complain.

With the possible exception of a few stores specializing in organically grown beef, it is

Footnotes at end of article.

virtually impossible to buy meat which is not contaminated to some degree with synthetic chemical residues. Between eighty and ninety percent of all beef and poultry produced in this country is grown on a diet of antibiotics and other drugs from birth to slaughter. Three-fourths of all cattle in the U.S. are fed growth stimulating hormones. Pesticides enter the human food chain when animals eat contaminated feed and water or are directly sprayed to control parasites and insects.

Both the FDA and the USDA keep watch on the levels of chemicals in food but the technology of residue monitoring, as well as budget allocations for this task, have been inadequate. The sampling network, for example, failed to detect the presence of mercury or other highly poisonous chemicals which may be present in meat at levels too small to be discovered by present screening devices but too large to be safely consumed. The carcinogenic hormone stilbestrol and the tetra-dioxin contaminant of the herbicide 2,4,5-T, a potent agent of birth defects in test animals, are two suspects.

The threat of chemical residues from antibiotics and hormones in meat and poultry is another side-effect of the rapid application of chemical technology to agriculture. As with the use of pesticides on crops, short-term effects on yields (hormones and antibiotics increase the body weight of the animal) are sometimes allowed to outweigh potential long-term hazards at the other end of the food chain. The use of antibiotics and hormones have helped cause basic changes in cattle and poultry feeding practices. The practice of cramming immense populations of livestock into small areas is closely tied to the use of antibiotics in food. Cattle are now confined by the thousands in feedlots where they must stand shank to shank in a mire of manure. Tens of thousands of chickens are raised under one roof in cages in which three or four birds are stuffed together in a 1' x 18" space.<sup>8</sup> Veterinarians find that the incident of respiratory diseases and other illnesses increase when animals are raised under such stressful conditions. Crowding also creates conditions favorable to the rapid spread of disease. This feeding system does increase the efficiency of production, but at the cost of feeding the animals a substantial diet of antibiotics, tranquilizers and other prophylactic drugs to suppress disease and relieve distress.

Because so much is at stake, tremendous pressures bear down on the federal regulators and scientists who must make retrospective evaluations of the safety of agricultural chemicals after they are widely used. For this reason, questions of safety in the use of animal drugs cannot be left to the experts on the assumption that objective science will prevail.

Unlike some European countries, in this country no effort is made at any stage from slaughter to retail sale to monitor and control microbiological contaminants in fresh meat and poultry. In the absence of these controls, meat and poultry may become more contaminated, not less, as they move through the stages of processing. Under the circumstances, it may not be surprising that in the summer of 1970, twenty-five residents of a Baltimore nursing home died within forty-eight hours from salmonella infection caused by contaminated food. The National Communicable Disease Center estimates that two million Americans are afflicted with the disease at a probable cost of \$300 million.

Dr. Gilbert Wise, a meat specialist for the Consumer and Marketing Service warns that the public health danger from this source of contamination is increasing: "The food chain is getting longer. We're introducing new handling procedures, new processing procedures and every time the product is

manipulated, there is another chance for contamination. Heat and serve convenience foods, which do not require thorough cooking prior to consumption, as well as mass production and distribution, rapid processing cycles and new packaging in containers, have added to the urgency of development of microbial standards."<sup>9</sup>

A major source of hidden contamination arises from the widespread use of antibiotics in feed. Nearly eighty percent of the meat, milk, and eggs consumed in the United States comes from animals fed medicated feed during all or part of their lives.<sup>10</sup>

Farmers apply antibiotics as frequently as doctors. Over half of the nation's annual antibiotic production goes to livestock and poultry—more than is used by hospitals. *Feedstuffs*, the leading weekly newspaper for agribusiness, has nearly as many drug ads as the *AMA Journal*. There is a difference in style, however. Where the *AMA Journal* has a reclining bikini beauty hawking Ampicillin, *Feedstuffs* has a healthy hog with the caption "Protect 'em, push 'em all the way to market with Pfizer's Terramycin."

While the FDA must approve each antibiotic for safety and efficacy, farm use of these drugs is hardly controlled at all. Farmers buy antibiotics without prescription and rely on the advice and direction of the feed and chemical salesman more than on their vet.

Animals antibiotics arouse concern for the following reasons: (1) If antibiotic residues occur in food, highly allergic people may become seriously ill or even die after ingestion, particularly with penicillin. Antibiotics may also upset the bacterial ecology of the stomach, intestines and bowel and lead to digestive disturbances. (2) Of greater concern for public health is the threat that the use of antibiotics on farm animals will cause harmful bacteria to become drug resistant. This may lead to serious medical crises for man. At Children's Hospital in Boston, Dr. David H. Smith reports that twenty-four of twenty-six deaths in one year due to bacterial disease were caused by drug resistant bacteria.

Laboratory tests have established that it is theoretically possible for the drug resistance of animal bacteria to be transferred to human germs. The Swann Report, prepared by a British committee of distinguished scientists and health experts studying the uses of animal antibiotics, recommended sweeping restrictions on animal drugs to Parliament. The Report concluded that no antibiotic which has therapeutic value for man—such as penicillin or the tetracyclines—should be added to feed. Other antibiotics not used to treat human disease can be used in their place as growth promoters in feed. The Report also advised that other therapeutic antibiotics be sold only by prescription from a trained veterinarian. The Report noted that farm workers who handle drug-fed livestock are becoming resistant to antibiotics at a faster rate than the rest of the population. Because of these hazards, it finds "particularly indefensible" the practice of giving antibiotics at sub-therapeutic doses to simply relieve stress in animals.

The *New England Journal of Medicine*, in an editorial on the phenomenon of resistant microbes, gives an apt warning: "Man has succeeded in polluting his environment with an astonishing variety of noxious agents. The development of antibiotic-resistant microbial milieu might be a logical extension of this self-directed biologic warfare. . . ."<sup>11</sup> These hazards are avoidable and should not be tolerated.

The danger to the consumer from hidden contaminants of meat does not end with the excessive use of antibiotics. Nearly thirty million of the forty million cattle slaughtered in the U.S. have been fed an artificial hormone banned as a threat to public health in

Sweden, Poland, Argentina, the Netherlands, and seventeen other nations. In the fall of 1970, Sweden and West Germany banned the import of American beef because of the possibility of residues from this hormone. Known as DES or diethylstilbestrol, it is mixed with feed to increase the efficiency and rate at which cattle convert feed into pounds of beef, although there is some evidence that this weight gain is purchased at the cost of meat quality.<sup>12</sup> It is the only chemical widely used as an animal drug for which there is strong clinical evidence that it is carcinogenic in both test animals and man. The Task Force Report reviews this evidence in some detail, including the very recent evidence linking DES with a type of vaginal cancer.

It is possible that DES is present at levels potentially hazardous to man but too small to be detected by USDA. Dr. James Stewart, who runs the USDA sampling program, states that his sampling techniques cannot detect DES at levels below two parts per billion (or about .9 micrograms per pound of meat). DES at a level of .07 micrograms produced cancer in fifty percent of mice tested.<sup>13</sup> Therefore, even though a pound of meat is found to contain no DES, residues up to fourteen times the amount found carcinogenic in some strains of mice could be present without being detected.

In practice, USDA cannot detect DES at even twice these levels. The biological assay method,<sup>14</sup> which is sensitive at the 2 ppb level, is not practicable for analyzing hundreds of carcasses in regulatory control. USDA uses instead a chemical analysis which is fifty percent less effective. Charles Edwards, Commissioner of FDA, conceded before the House Intergovernmental Operations Subcommittee on March 16, 1971 that federal regulators still lack an effective method for detecting DES residues in meat.

Unsatisfactory analytical methods which allow small quantities of DES to escape detection threaten the meat consumer. It is widely accepted among scientists concerned with public health that no level of exposure to a carcinogenic substance, however low, can be established as a "safe" level for man. In addition, there is the problem of what happens to the hormone after it is excreted from the animals in the feed lot. There is a danger of DES getting into water supplies from run-offs from feed lots, but at this point little is known about the eventual destination of DES after it leaves the steer, although it is known that DES is persistent.

In addition to the dangers to the consumer in the use of antibiotics and hormones in animal feed, there is mounting evidence that nitrates and nitrites, two of the most common additives to hot dogs and other meat products, may increase cancer risks for consumers. These chemicals are used as preservatives and as coloring agents.

Nitrites may be hazardous chemicals, both as direct poisons and as potential cancer causing agents. Nitrates, while relatively harmless in themselves, create concern because they may be converted to nitrites through bacteriological action in foods and the human stomach. The stomachs of small children, being much less acidic than the stomachs of adults, have abundant bacteria which can reduce nitrate to nitrite and cause severe poisoning.<sup>15</sup> In 1965 several infants in West Germany died after eating spinach with a high nitrate content which was then converted to nitrite.<sup>16</sup> No children are known to have been poisoned by the conversion of nitrates in meat but several have died from eating hotdogs with up to 5000 ppm of nitrite, far above the permissible amount.<sup>17</sup> Nitrates may also be converted to nitrites by bacteria in the air or in food once a food can or package is opened.

If only the cosmetic uses of nitrite as a color fixative were banned, its presence in

Footnotes at end of article.

meat products could be reduced by ninety to ninety-five percent. Clearly, cosmetic tinkering should not justify even a small risk to our health. Moreover, labeling requirements with respect to nitrates are inadequate and poorly enforced.

The widespread existence of pesticide residues in meat and poultry is an additional cause for alarm. USDA's surveillance of pesticides in meat and poultry falls short in a number of areas. First, the number of animals sampled for pesticides is too small to give valid statistical estimates of the extent of contamination or to identify local pesticide hot spots. Second, the secrecy with which USDA shrouds incidents of seizure gives the public a false sense of security about pesticide residues in meat. The turkey scare at Thanksgiving, 1969, is an example. Third, some of the most dangerous pesticides are overlooked when USDA examines its meat samples because USDA's residue samplers are crisis-oriented and rarely take the initiative in looking for new contaminants in meat. Fourth, USDA permits the uses of some pesticides which may contaminate meat even though it lacks analytical technology to detect the chemicals in the food supply. USDA permits the use of the herbicide 2,4,5-T on pastures and rangeland although it contains up to 1 ppm tetra-dioxin, a highly stable compound which causes birth defects in test animals and is highly poisonous to man. USDA's pesticide monitors report, however, that they lack instruments sensitive enough to regularly measure dioxin in meat.

Another trap for the meat consumer is the use of hidden excess water in meat products, particularly poultry. New technology has greatly reduced the amount of water necessary to adequately clean and chill birds, yet the General Accounting Office has found that large amounts of poultry with excessive moisture are being shipped to the consumer. In 1967, for example, 44 federally-inspected poultry plants—accounting for over thirteen percent of all interstate poultry shipped during that year—were allowed to ship poultry despite exceeding moisture requirements at least twenty percent of the time. The GAO concluded that the Department's failure to act left the public defenseless before adulterated poultry products and encouraged managers of other plants to think that violations would go unpunished. Unfortunately, these practices are virtually undetectable by the consumer and even difficult for the inspector to detect.

A final hazard to the meat consumer are the hidden contaminants resulting from the widespread use of industrial chemicals in our environment. The present situation with respect to contamination of food by polychlorinated biphenyls (PCBs) is a grim reminder of the failure of government to adequately protect the defenseless consumer.

PCBs are a group of industrial chemicals that have toxicological, chemical, and environmental similarities to DDT. They are manufactured by Monsanto under the name Aroclor, and 10-20 million pounds are produced each year. As their dangerous qualities have become better known, Monsanto has felt obliged to withdraw them from the market except for use in so-called "closed systems," such as heat transfer units, electric transformers, etc.

PCBs are even more stable than DDT and, like DDT, are fat soluble and insoluble in water. They contain more chlorine by weight than DDT, and belong to the chemical family of polychlorinated phenolic compounds to which the highly toxic 2,4,5-T belongs. Perhaps most alarming, their manufacture raises grave risks of contamination with the extremely dangerous compounds known as dioxins.<sup>15</sup>

It was only this year, after several outbreaks of PCB contamination, that PCB's were finally placed on USDA's checklist of possible contaminants. Public ignorance of the risks of PCB use are a consequence of several factors. First, Monsanto has consistently refused to provide information necessary for an evaluation of the presence of PCB's in the environment. Second, as we shall see, USDA and FDA have been less than fully candid in apprising the public of its PCB detection activities.

The scientific research on PCB's is very incomplete. Nevertheless, such evidence as does exist suggests that PCB's constitute a significant public health hazard. High doses of PCB's, traced to cooking oil extracted from rice hulls, caused stillbirths, miscarriages, skin disease, and liver damage to nearly 10,000 people in western Japan in 1968.<sup>16</sup> Scientists at the University of Wisconsin recently found that levels of PCB's as low as 25 parts per million in feed (no lower levels were tested) made ducks more susceptible to death from infectious agents such as duck hepatitis.<sup>17</sup>

A preliminary report of research presently being conducted for Monsanto indicates that chicks fed certain PCB's at ten parts per million suffered significant loss of appetite, loss of body weight, decreased shell thickness and poor hatchability.

A public health report as far back as 1942 documents that all 100 men in continual work contact with PCB's in one plant developed symptoms of chloracne, a skin disease.<sup>18</sup> Cases of yellow liver atrophy in humans attributable to PCB's have also been identified.<sup>19</sup>

The pervasiveness of PCB's in the environment has been amply documented. Last October, PCB levels in fish near England were found as high as 900 parts per million—"the highest concentration of poisonous industrial chemicals ever found in wildlife." In addition, very high concentrations have been found in dead Peregrine falcons and eagles.

In 1970 and 1971, PCB's have been found in high levels in poultry in three states. As a result of one of these incidents, FDA set an "administrative action level" of 5 ppm; below which PCB residues in the food supply were deemed safe. Yet this level appears to have been established quite arbitrarily with little or no solid scientific evidence to support it. Congressman Ryan requested in April, 1970 that FDA immediately undertake major toxicity studies on PCB. If FDA has made such a study, it has not been made public.

The presence of so toxic a contaminant in the food supply at any significant level is an extremely serious matter, particularly for one as fat soluble, pervasive and persistent as PCB's. According to an April, 1971 report to the President on toxic substances by the Council on Environmental Quality, only 1 ppm of PCB's has been found to be fatal to juvenile pink shrimp after a 48-hour exposure. Exposure to this same level stopped oyster shell growth in 96 hours. Concentrations of up to 250 ppm of PCB's have been found in human tissues.

The theory behind tolerating PCB levels of 5 ppm in the food supply may have been that Monsanto only markets PCB's for "closed system" uses. There are, however, several glaring defects in this theory. First, Monsanto does not and cannot control the uses to which PCB's are put; it can suggest certain uses and restrictions but its control ends at the point of sale. Thus, PCB's have been applied for use as agricultural pesticides despite Monsanto's admonition against such use. Second, history teaches us that there is no such thing as a "closed system" in modern life. Take two such "closed system" uses for example. According to the CEQ report cited above, PCB's were detected in oysters in Ascambia Bay, Florida in April, 1969. The source of this contamination were PCB's used

as a heat exchange fluid in a plant six miles upstream. Another such "closed system" use of PCB's precipitated the very recent massive contamination of fishmeal fed to poultry and swine throughout the Southeast. Other recent contaminations of the food supply have resulted from use of PCB's in plastic wrapping for chicken feed packages (New York) and in silo linings for cattle feed storage (Ohio).

Given the toxic, persistent and ubiquitous nature of PCB's in our environment, it must come as a profound shock to consumers to realize that neither USDA nor FDA routinely monitors the food supply for PCB residues. (Indeed, as I noted above, PCB's were only this year included on USDA's checklist of possible contaminants.) In light of this fact, the very recent PCB contamination of fishmeal in North Carolina becomes as understandable as it is alarming. The handling of this incident by USDA and FDA suggests significant gaps in the protection of food consumers from the onslaught of chemical contaminants.

The incident may be briefly summarized: PCB's used as a "closed system" as heat transfer fluid leaked into fishmeal produced at a North Carolina plant, East Coast Terminal, Inc., between April 30 and mid-July.

This fish meal was sold to 65 companies in 12 states for use, among other things, as an ingredient in feed for chickens, turkeys and hogs. Holly Farms, the nation's largest producer of broiler chickens, upon discovering that the hatchability of its eggs was impaired, performed commercial tests on sample chickens from flocks representing over 8,000,000 birds. PCB residues of up to 40 ppm were found. Holly Farms then announced the destruction and burial of 77,000 chickens after being asked by the Associated Press to confirm a report from a government source that PCB had been found in its broilers. Holly Farms notified the fish meal supplier which notified Monsanto which alerted FDA on the afternoon of July 16. On July 19, Holly Farms—not FDA—informed the USDA of the massive contamination. It was on July 22 that FDA supplied USDA with a list of the 65 purchasers of the contaminated fish meal.

Neither agency, however, hastened to inform the public of the danger. It was only on July 23—at least seven days after FDA learned of it and four days after USDA learned of it, and after newspaper reporters had begun raising questions—that USDA conceded on July 23 that a search was on for contaminated poultry. To USDA, evidently, silence is golden; but when it finally speaks to the consumer, it speaks with optimism: "All the evidence indicates that consumers have been buying a wholesome product, and can continue to buy and enjoy chicken with confidence." (Press release of July 29)

Let us briefly review this evidence. So far as one can tell, this glowing statement was made: (1) less than three days after concentrated testing began; (2) on the basis of somewhat over 100 samples of chickens, out of an intended sample of only 400 birds; (3) on the basis of tests on chickens slaughtered since July 23; (4) in the absence of systematic testing of processed chicken products such as frozen foods, TV dinners, chicken soup, etc.; and (5) in the face of Holly Farms' earlier destruction of 77,000 of its own chickens due to high PCB residues; (6) despite the fact that chickens on the market and in consumers freezers had reached the market before USDA began its testing.

Two other pieces of evidence ignored by USDA and FDA belie the reassurances of the press release. First, one day after the release, USDA mentioned that Holly Farms had destroyed 88,000 birds. Reporter questioning brought out that that figure included 11,000 birds killed in a new round of mass slaughtering last week.

The second new piece of evidence is more alarming. According to a confidential but

Footnotes at end of article.

highly reliable source, the heat transfer unit which leaked PCB's into the fish meal at the East Coast Terminal plant was repaired several times between April 30 and July 15 by means of patches, each of which was only able to contain the fluid for a time. If this is true, then the PCB's would have leaked into the meal not throughout that entire period but in a discontinuous fashion; for the periods during which the patches held, there would have been no PCB contamination at all, while during other periods, PCB contamination would have proceeded. If this information is correct, then what otherwise appears to be a glaring disparity—Holly Farms' finding of massive contamination of poultry and USDA's finding of virtually no contamination of birds slaughtered after July 23—becomes instead a pattern of discontinuous contamination consistent with a continued danger of toxic levels of PCB's in our food supply. We have conveyed this information to USDA and they have expressed their intention to follow this up.

Another mystery concerns eggs and egg products. Fish meal is used not only to feed breeding hens and broilers but often to feed laying hens as well. There is no question but that PCB's present in the laying hen may easily be transmitted to the egg. Yet USDA is only now beginning to test broken egg products such as egg mix, mayonnaise, etc. for PCB's resulting from East Coast Terminal fish meal. A grand total of 40 samples will be taken.

Even more deplorable is FDA's apparent abdication of its important responsibility to ensure that shell eggs are free of PCB contamination. In an effort to learn what FDA had done in this critical area since the disclosure of the risk of PCB's in poultry, we called an employee at the Office of Compliance of FDA's Bureau of Foods and Pesticides, only to be told that he had been instructed not to answer any questions asked by people at the Center for Study of Responsive Law. After checking with his superior, Mr. Thompson, he stated that any questions would have to be directed to Mr. Brown. When Mr. Brown finally returned our call, we asked him whether representatives of agribusiness received the same treatment and he assured us that FDA had a policy of full public disclosure at all. Getting down to cases, he informed me that he was "not particularly concerned" about PCB contamination because FDA had carried on an egg inspection program during fiscal 1971 and had found no excessive PCB residues. A grand, nationwide annual total of 100 samples were taken under this program. Not only does this sampling constitute an infinitesimal proportion of the approximately 70 billion eggs produced in the U.S. each year, but it has very little to do with assessing the special risks arising from the PCB contamination unleashed at East Coast Terminals. Nevertheless, Mr. Brown's unconcern continues; the 100 egg samplings for PCB's arising from the East Coast Terminals debacle will get rolling sometime next week—almost one month after FDA first learned of the contamination.

Unfortunately, the failures of FDA and USDA to adequately protect the consumer against PCB's and other contaminants continue. It is essential that Congress provide these agencies with the resources and relentless prodding which alone can assure the consumer of wholesome meat and poultry.

#### FOOTNOTES

<sup>1</sup> Statement of Ralph Nader before a Subcommittee of the Committee on Agriculture and Forestry, U.S. Senate, 90th Congress, 1st Session, November 1, 1967, p. 142.

<sup>2</sup> *Government Rejected Consumer Items*, Hearings before a Subcommittee of the Committee on Government Operations, House of Representatives, 90th Congress, 2nd Session, April 2, 3, 1968, p. 88.

<sup>3</sup> Dr. W. L. Ingalls paper presented to the 87th annual meeting of American Veterinary Medical Association, August 21-24, 1950, Hearings before Subcommittee on Livestock and Grains of the Committee on Agriculture, House of Rep., 90th Congress, 2nd Session, February, 1968.

<sup>4</sup> House of Representatives Report No. 653 on Federal Meat Inspection Act, p. 4 (1967).

<sup>5</sup> Statement of Leslie Orear, Director of Publications, United Packinghouse Food and Allied Workers, AFL-CIO, who helped expose unsanitary meat conditions in Chicago.

<sup>6</sup> The only exception is for plants which clearly endanger public health.

<sup>7</sup> State inspectors already inspect meat in interstate plants in several states, under auspices of the Talmadge-Aiken Act. This Act encourages states to cooperate in the inspection or grading of various agricultural commodities. Under the Act, some state inspectors are assigned to federally-inspected plants. States are reimbursed on a fifty-fifty basis. Talmadge-Aiken is, in effect, a loophole which, if widely used, might allow USDA to defederalize gradually without going back to Congress for new legislation. A Government Accounting Office survey released in June, 1970 found significantly more inspection failures in Talmadge-Aiken plants than in federal plants.

<sup>8</sup> Dr. William B. Buck, *The Use of Drugs in Animal Feeds*, Publication 1679, National Academy of Sciences, 1969, p. 215.

<sup>9</sup> See *National Provisioner*, January 10, 1970.

<sup>10</sup> *Albuquerque Journal*, June 5, 1970, p. A-9.

<sup>11</sup> *New England Journal of Medicine*, Vol. 281, No. 12, September 18, 1969, p. 677.

<sup>12</sup> See Dorothy Cottrell, "The Price of Beef", *Environment*, Vol. 13, No. 6, July/August, 1971, p. 44.

<sup>13</sup> Statement of Charles C. Edwards, M.D., Commissioner of the Food and Drug Administration before the Subcommittee on Intergovernmental Relations House Committee on Government Operations, March 16, 1971.

<sup>14</sup> With this method, DES-suspect meat is fed to mice which are checked after ten days for uterine tumors.

<sup>15</sup> Fassett, D. W., publication 1354, National Academy of Science-National Research Council, p. 251.

<sup>16</sup> Barry Commoner, the well-known biologist at Washington University (St. Louis) has warned against excessive use of nitrogen fertilizers which may cause spinach to have nitrate levels of potential danger to small children.

<sup>17</sup> Statement of Dr. William Lijinsky, Eppley Institute, University of Nebraska, Medical Center, Omaha, Nebraska, before the Intergovernmental Relations Subcommittee of the Committee on Governmental Operations, March 16, 1971.

<sup>18</sup> See Statement of Dr. Jacqueline Verrett, Food and Drug Administration, in Hearings before Subcommittee on Energy, Natural Resources, and the Environment of the Senate Committee on Commerce, April 15, 1970, pp. 190ff.

<sup>19</sup> See Remarks of Hon. John Dellenback, Congressional Record, June 26, 1970, p. E6031.

<sup>20</sup> *Science*, Vol. 170, December 18, 1970, p. 1314.

<sup>21</sup> *Public Health Reports*, Vol. 57, no. 47, p. 1747 (November 20, 1942).

<sup>22</sup> Louis Schwartz, "Acute Yellow Atrophy of the Liver," *Journal of Public Health*, Vol. 26, p. 586 (June, 1936).

STATEMENT OF PETER H. SCHUCK, ESQ., CENTER FOR STUDY OF RESPONSIVE LAW, BEFORE THE SUBCOMMITTEE ON PUBLIC HEALTH AND ENVIRONMENT OF THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE, SEPTEMBER 14, 1971

Gentlemen: Thank you for your invitation to testify today. When I last testified before this subcommittee on August 4, I stated

that "the present situation with respect to contamination of food by polychlorinated biphenyls (PCBs) is a grim reminder of the failure of government to adequately protect the defenseless consumer." Unfortunately, those remarks were all too prophetic. In the period since then, we have witnessed an escalation of public exposure to contaminated food products which bodes very ill for consumers in the future.

Before discussing some of the more significant lessons to be learned from recent events, it is essential to underscore several salient facts which must inform any legislation or oversight in this vitally important area of public policy:

1. The plague of chemical contaminants of our environment and our food supply which is now upon us is clearly only in its earliest stages. According to the President's Council on Environmental Quality, about 2 million chemical compounds are known, and several thousand new ones are discovered each year, of which several hundred are annually introduced into commercial use. Yet the effects on man of most of these substances are exceedingly poorly understood; testing has largely been confined to their acute effects, while knowledge of the chronic, long-term effects is very inadequate. The Council further finds that the existing legal machinery for protecting the public from the premature introduction of these substances is also inadequate. As I shall discuss below, it is evident that the existing food inspection programs are, as presently constituted and funded, incapable of assuring that these materials, once introduced into the environment, will not contaminate the food supply.

The point is that while our knowledge of the effects of particular substances is, to say the least, imperfect, we can no longer plead ignorance about the fact that we are taking significant risks in the increasing chemicalization of our technology, that these risks are bound to increase geometrically as more substances are introduced, that we are not masters of this technology (indeed, the reverse is probably more nearly the case), that the true social costs of these substances are not necessarily reflected in their prices, and that our governmental institutions are not now capable of ensuring that benefits and costs are in some reasonable balance. In short, our technological reach has exceeded our institutional grasp and that tragic gap is widening all the time. This problem will not go away; it is just beginning.

2. It is certainly true that absolute safety is, practically speaking, an impossibility, that the cost of ensuring a safe food supply is significant (though rather trivial compared to the cost of other federal programs—the food inspection programs of USDA and FDA total about \$165 million per year, or 3-4% of the cost to consumers of the import subsidy to the needy oil industry), and that the food inspection agencies cannot do more than their resources permit them to do. Any responsible critic must recognize these facts, and we certainly do. Nevertheless, it is for Congress, not the food inspection agencies, to determine priorities and the relative importance of food inspection to the public. And indeed, Congress has spoken in enacting the meat and poultry legislation and the Food, Drug and Cosmetic Act, and in generally giving the food inspection agencies the appropriations they say they need to implement those laws. For fiscal 1972, for example, Congress appropriated over \$6,000,000 more for meat and poultry inspection than USDA requested. Certainly, the Congress cannot be certain what level of food safety the public wants and is willing to pay for unless the public and Congress are fully apprised of the risks, the costs, and the benefits of particular food inspection policies. The events of the last few months suggest that this full disclosure has



not been the rule. Rather, the food inspection agencies seem wedded to the "all is well" and "the public is adequately protected" principles of public relations. The philosophy underlying this posture was well-summarized in testimony by FDA Commissioner Edwards before the Senate Appropriations Committee on May 13 of this year:

It's important to keep in mind that we cannot broadcast warnings about specific products without reliable scientific evidence to back up our action—not because we are "afraid of hurting industry" but because the products under our jurisdiction are so vital to everyday living. We can't deluge the public with scare items based on our suspicions. We can't caution the public that there might be something wrong with a product in rare instances or that use of a product should be restricted, because public reaction is always an over-reaction: The pendulum swings too far in most cases, and consumers tend to boycott a product if any doubts have been raised about it, even though we might feel that continued use within certain limits is entirely justified.

Apart from the straw men created and destroyed by this statement—no one wants to deluge the public with scare items; no one wants warnings issued without reliable scientific evidence—its premise that consumers cannot be trusted with the entire truth because they will over-react is vulnerable on several grounds. First, it contradicts Dr. Edwards' earlier characterization of the "far more sophisticated consumer today, a consumer who is far more knowledgeable about scientific theory and techniques", who "wants more information about the product he buys" and whose "questions cannot be ignored". Second and more important, it is simply not so. Take, for example, the recent discovery of botulism in a small number of cans of Campbell's chicken vegetable soup, and the publicized recall of the soup. Surely, in view of the recent and widely-publicized death and paralysis of a man and wife from Bon Vivant soup, this is an excellent case with which to test Dr. Edwards' thesis that "public reaction is always an over-reaction". According to the *New York Times* of August 25, however, the public reacted with great circumspection. A spot check in over 15 cities revealed that consumers were taking the crisis calmly, that the public disclosure of the recall had little effect on soup sales. Some shoppers made inquiries of their grocers and "a few wary" ones returned cans of Campbell's chicken vegetable soup, but calm was the prevailing response.

There is simply no justification for a food inspection agency failing to make full and timely disclosure about the quality of the food supply on the ground that an informed public will always over-react. Our system presupposes that, within very broad limits, it is for the consumer to decide for himself on the basis of full information what he will and will not eat, and what risks he will and will not take.

Nor is there justification for failing to fully inform the consumer on the ground that the danger to the public is not yet conclusively proved. When dealing with the integrity of the food supply, consumer protection agencies cannot act on mere rumor, to be sure, but neither in many cases can they afford to wait until all the evidence is in. Of necessity, they must often act on the basis of incomplete information and disclose that fact to the consumer. The burden of any uncertainty must not fall on the consumer. The food inspection laws did not intend that he be made a guinea pig simply because we live in an uncertain world.

It is only when the condition of full and timely disclosure to the consuming public is met that one may justifiably speak of what

level of safety the consumer wants and what he is willing to pay for it.

To get more into specifics, it seems to me that the recent incidents concerning PCB contamination of the food supply have a number of lessons for us if we will only heed them. The first is that there is no such thing as a closed systems use of a toxic substance that can ensure immunity of the food supply from contamination. My earlier testimony before this subcommittee cites some evidence for this proposition. As if this evidence—based on contamination of broilers—were not enough, PCBs have since been discovered at excessive levels in shell eggs, broken egg products, turkeys (at up to 86 ppm in fat tissue), fish (at up to 360 ppm), swine, fish feed, rendered meat meal used in animal feed, laying hens, and most recently, packaging products used to package foods. And the end may not be in sight. All of these contaminations have resulted from so-called "closed systems uses" of PCBs. We can no longer plead ignorance of the inescapable fact that the environment, like the law, is a seamless web; we must not make policy on the mythical premise that the web has seams.

A second lesson is that the food inspection agencies cannot be relied upon to make these matters public in timely fashion, or to abandon their Panglossian public information posture when they do finally speak. My prior testimony cited one example of USDA public information policy. An even more egregious example occurred in mid-August when we independently discovered that over 60,000 shell eggs with excessive levels of PCBs had definitely reached consumers in the Washington, D.C. area on August 7 or so. FDA had sampled the eggs in North Carolina on August 4, and learned on August 9 that the eggs contained up to 2.18 ppm of PCBs, well above the FDA guidelines of 0.5 ppm. When FDA officials arrived at the warehouse of the Washington distributor on August 9 and learned that the eggs had been sold to retailers on August 6 or so, FDA failed to track down the retail locations of these eggs. What is even more appalling, FDA made no effort to alert consumers to the danger so that they could destroy those contaminated eggs not yet ingested. They did not make the matter public and I am certain that the public would never have known had we not informed the press of our discovery on August 17. What was FDA's response when the matter finally became public? Did it tell the public that its guideline of 0.5 ppm had been established because PCBs, while not presenting a danger of acute toxicity, were extremely pervasive, persistent poisons which accumulate in body tissues and, at threshold concentrations at present unknown, constitute a grave health danger? Did it tell the public that, almost by definition, any ingestion of these poisons contributes to that accumulation, that the guidelines were established for just that reason, and that therefore any consumers with such eggs should destroy them? No, evidently FDA felt that a public so informed would either "over-react" or would blame FDA for the incident. Instead, FDA spokesmen told the inquiring press on August 18: "That much PCB is like a drop in a tank car. The only reason .5 is the guideline is because technology won't let us detect much less than that"; and "The short-term exposure that might be expected to occur does not indicate to us there is a real health problem here. I'd hate everybody to start worrying about the eggs they eat." On September 8, replying to Congressman William F. Ryan's request for a full report on this incident and FDA's efforts to warn consumers after finding that the contaminated eggs had already been marketed, FDA stated simply:

On the basis of the best available scientific data, the FDA judged the problem of PCB-contaminated eggs to be one of undesirable

food adulteration and not one associated with any identifiable imminent health hazard. For this reason, a public health alert was not declared after the FDA found that the three lots of shell eggs in question were not available for seizure.

The issue, of course, is not only why FDA did not declare a public health alert, but why FDA did not inform the public at all and why, when it was obliged to do so, it utterly failed to tell the public what it most needed to know.

Unfortunately, this is not an isolated example. On August 12, we discovered that 20 of the first 56 shell egg samples tested by FDA had contained excessive levels of PCBs and that this had been known by FDA for at least a week. Again, FDA failed to make this public, despite FDA's knowledge that 60,000 tainted eggs had already reached consumers, and despite the distinct possibility that other tainted eggs were likewise reaching consumers. It was only after we informed the press of the situation and news stories appeared that FDA made its findings public.

USDA discovered in turkeys the highest PCB levels yet found in meat or poultry products en route to the consumer market: 11.83 ppm in total edible tissues. Though USDA discovered this contamination on August 12 and detained 250,000 pounds of turkeys as a result, it failed to make this matter public until it was obliged to respond by letter to Senator McGovern's inquiries. On August 26, the day of its letter to McGovern, it finally issued a news release.

On August 13, Ralph Nader wrote to Secretary Hardin of USDA concerning, among other things, the voluntary recall in late July of Genoa salami products infected with staphylococcus bacteria:

We are informed by reliable sources that USDA has wholly failed to inform at least some state departments of health as to what actions they should take in implementing the recall, and that in at least one instance, USDA has wholly failed to even respond to urgent requests for assistance by a state department of health. Evidently, USDA's aloofness from the problems which its inspection failures have imposed on the public and on state authorities has produced drastic results; according to the New Jersey Department of Health, the 'recalled' products were still on the shelves of 17 retail establishments in 12 municipalities on August 12. That this is what is to be expected from a voluntary recall program is painfully obvious to everyone but, apparently, USDA.

On August 4, Senator Spong told a Senate subcommittee of information indicating that FDA had known for about a year of the existence of PCB concentrations of up to 360 ppm in fish taken from Alabama streams, and that FDA had apparently failed to make the matter public.

These incidents of non-disclosure to the public are all too common. Not only are they—when they are ultimately brought to light—eroding public confidence in food inspection agencies, but by inhibiting the public and Congress from learning of the magnitude of the threat of chemical contamination of the environment, these agencies are definitely affecting the inclination of the public to press for changes in public policy concerning food inspection and toxic substances. Accordingly a preliminary answer to the question of how much protection the consumer really wants is that what the consumer really wants depends to a great extent on what he is told by his government. Thus, there are at least three good reasons why food inspection agencies must make full and timely disclosure to the public—to enable the public to protect itself in specific instances of contamination, to make public confidence in these agencies possible, and to create an informed public which can decide those policy issues concerning food purity which

the agencies have all too frequently arrogated to themselves.

A third lesson to be learned is that the food inspection agencies tend to engage in crisis-coping instead of crisis-prevention with respect to threats to public health which are real though not palpable. The warnings about PCBs are not new, nor have they been confined to the precincts of science. On April 9, 1970, Congressman Ryan called for the establishment of food tolerance levels for PCBs by FDA and the establishment of an inter-departmental task force on PCBs. He has reiterated the need for these actions on numerous subsequent occasions. As of today, FDA has still not established a formal tolerance for PCBs in food, but has only established a temporary "action level", promulgated only after a PCB incident earlier this year, an action level about which PCB expert Dr. Robert Risebrough recently stated in *Science Magazine*: "Five parts per million is just a number. I'm sure FDA pulled it out of the air." As for the inter-departmental task force, it was finally established last week only after the latest contamination of food packaging was discovered (though not made public), and after the crest of public pressure had been reached. Similarly, the USDA emergency sampling program for PCBs in egg products only got under way after much pressure and the finding of PCB contamination in eggs by FDA. And it was only on August 17 or so, a month after USDA learned of the massive contamination of poultry feed, and after USDA discovered very high levels in a lot of 250,000 pounds of turkey, that USDA instituted a program for sampling all lots of hens and turkeys in the 10-state area before slaughter.

A final lesson to be derived from recent events is that existing institutional arrangements and procedures are simply inadequate to cope with the ever-increasing risks from chemical contamination of the environment and the food supply. In the weeks and months ahead, the Congress will undoubtedly want to review these arrangements and procedures in an effort to meet this new challenge, and we stand ready to assist this effort. At this point, however, it may be helpful to identify a few of the many institutional and legal defects which contributed to the failures which we have recently witnessed.

First, effective regulation requires detailed information about the characteristics and location of chemical contamination of the food supply. This information is at present not available to the food agencies or even to Congress. For example, Monsanto, the sole domestic manufacturer of PCBs, has continually and steadfastly refused to furnish Congressman Ryan with its production and sales data concerning PCBs. It regards such data as "extremely confidential" even though it has no domestic competitors for this product. Monsanto states that it is willing to furnish the information to "responsible government agencies" but reserves the right to determine which are and are not "responsible". Legal authority to compel the disclosure to government agencies of all information necessary to the protection of the public should be enacted.

Second, the obligation of food producers, manufacturers, processors, and distributors to immediately notify government agencies of suspicious circumstances suggesting some danger to the integrity of the food supply must be extended and clarified by law. Holly Farms appears to have delayed a considerable time. According to Assistant Secretary of Agriculture Lyng, Holly Farms knew at least as early as June 7 that some of its broiler flocks showed mortality about seven times the normal rate, and it discontinued using fishmeal from the Wilmington plant on July 12. Yet it was not until July 19 that Holly Farms notified USDA of the problem. In such cases, each day of delay magnifies the danger to the

public and reduces the ability of government agencies to control the scope of contamination.

Third, Federal food agencies should be empowered to guarantee and embargo suspect products intrastate and to seize such products without first having to get the Department of Justice to go to court. Under present procedures, informal arrangements must be resorted to, creating the possibility of delay, buck-passing, and lack of cooperation.

Fourth, the law should require that when samples are taken for testing from a suspect lot in transit, the consignee must be formally notified of the fact that he is about to receive a suspect lot and required to hold that lot until given a release authorization from the appropriate food agency. Had such requirements been in effect, Washington consumers would not have been exposed to excessive levels of PCBs in over 60,000 eggs.

Fifth, in emergency situations, food agencies should be empowered to contract analytical laboratory work out to private laboratories under appropriate safeguards as to quality, and to hire civilian technicians on an emergency basis to work in government laboratories for the duration of the crisis. At present, Government laboratories are not equipped to handle widespread emergencies requiring extra manpower and facilities. When, as in the present case, several emergencies occur simultaneously, these laboratories are simply not able to respond quickly and adequately.

Sixth, the division of food inspection responsibilities between a number of agencies is increasingly unsatisfactory and productive only of mischief. To cite but one example, FDA, as of a week ago, had failed to furnish USDA with a list of the subcontractors of the 64 firms which purchased the contaminated meal from East Coast Terminal. FDA, with jurisdiction over inspection of meal, stood between USDA and the information that it needed and still needs to ensure that all possible sources of contamination of meat and poultry have been closed off. The division of inspection authority over shell eggs (FDA) and egg products (USDA) is particularly irrational and dangerous. For example, on August 13, the head of the Consumer and Marketing Service of USDA said that he knew nothing about any PCB contamination of eggs despite the fact that FDA had known about such contamination for some time and also knew that contamination in eggs raised the distinct possibility of contamination in egg products, a matter within USDA's jurisdiction.

Seventh, food inspection responsibility should be allocated to an agency that is wholly and unequivocally devoted to the protection of the consumer, and that is not confronted at every turn with agonizing conflicts of constituencies. My remarks at the earlier hearing elaborated on the need for such a change, so I shall not dwell on it here.

Eighth, the penalties provided by the food inspection laws must be enforced against firms which violate those provisions. Recall is not an adequate deterrent—indeed, when coupled with the public information policies of the food agencies, it is no deterrent at all. In an industry that is increasingly characterized by oligopolistic tendencies, competitive pressures are also inadequate deterrents. When firms can trample on the pure food laws with near impunity, the public is deprived of perhaps its greatest protection. To cite but one of many possible examples, I set forth a letter that I wrote on August 16 to Dr. Kenneth M. McEnroe, Director of USDA's Meat and Poultry Inspection Program:

DEAR DR. McENROE: According to a recent report in the *New York Times*, the Feldman Veal Corporation, 410 West 13th Street, New York, New York, and/or the Feldman cousins (persons "responsibly connected with" the

Feldman Veal Corporation), have now been convicted of a sixth violation of laws "based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food" (21 U.S.C. § 671).

In the same article, an assistant United States Attorney was quoted after only the fifth conviction as describing the company as "the worst violator of Department of Agriculture regulations in the East."

Under 21 U.S.C. § 671, the Secretary is authorized to determine that such a company is "unfit to engage in any business requiring inspection" where the company has been convicted of one such felony or more than one such misdemeanor, and upon such determination, to withdraw inspection service under the Wholesome Meat Act. Yet unaccountably, USDA has not commenced proceedings looking toward such a determination even though this company has constituted a demonstrated brazen and flagrant threat to public health for over 20 years.

I am told by Mr. Goodman of your staff that USDA will not even consider commencing preliminary action in this matter until the company pays the fine levied against it for this sixth violation, as if that event had any relation whatsoever to your clear and unambiguous statutory responsibilities in such a clear case.

There can be no conceivable justification for even one more day of delay in this matter. If ever a company was "unfit to engage in any business requiring inspection", it is Feldman Veal Corporation. Proceedings for withdrawal of inspection under 21 U.S.C. § 671 must be commenced immediately if USDA regulation of wholesome meat is to have (1) any punitive effect on dangerous and persistent criminal activity in the food industry, (2) any deterrent effect on future violators, (3) any equitable effect on the competitive position of companies that seek to comply with the law upon which companies like Feldman Veal Corporation trample with such impunity, and (4) any protective benefit and credibility to the defenseless public.

In addition to asking that you keep me informed on the status of the above situation, I request that you provide me with a current list of all companies still in operation which have since 1960 been "convicted, . . . in any Federal or State court, of (1) any felony, or (2) more than one violation of any law, other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food," and the actions, if any, taken by USDA under 21 U.S.C. § 671 in the case of each such company.

I thank you for your assistance and look forward to an early reply.

Very truly yours,

A little deterrence could go a long way, if only the agencies were prepared to apply the law vigorously and courageously. Congress can give them the incentive to do so.

In conclusion, let me state what this testimony has not been. It has not been an exercise in Monday morning quarterbacking, for there were those in Congress and elsewhere who raised these issues tirelessly both before, and during all stages of, this incident. Nor has this been an effort to blame this unfortunate incident on the food inspection agencies; the original leakage was obviously not their fault and they do not have the resources to deal adequately with one, much less several, such crises simultaneously. Rather, it has been an effort to try to learn from past failures in order to avoid future ones. If the agencies either conceal or do not identify those failures, then others must fill the void. Only then will the Congress and the public be in a position to make wise policy in this vital area.

PATRICK CARDINAL O'BOYLE ON  
THE NEED FOR RELIGIOUS EDU-  
CATION IN AMERICA

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. CARNEY. Mr. Speaker, a short time ago I provided the 218th and final signature required to discharge from the Judiciary Committee a proposed constitutional amendment to permit non-denominational prayer in public schools. My action was based on the belief that this issue is of such vital concern to many Americans that it should be considered by the entire House.

On November 26, 1969, Cardinal Patrick O'Boyle addressed the annual joint meeting of the Rotary Club of Washington and the Downtown Kiwanis Club concerning this subject. In his remarks, Cardinal O'Boyle traced the influence of religion on this Nation's development and discussed the possible effects of Supreme Court rulings in this area.

Mr. Speaker, I insert Cardinal O'Boyle's statement to the Kiwanis and Rotary clubs in the CONGRESSIONAL RECORD at this time for the information and consideration of my colleagues in the House and Senate:

ADDRESS OF PATRICK CARDINAL O'BOYLE

Tomorrow, our nation will be celebrating a feast, Thanksgiving Day, the philosophy of which goes back to biblical times. In fact, so generally accepted has this wholesome practice become that it is hard to remember that it was not always so. In 1621, the Pilgrims set aside a day of Thanksgiving for the successful harvest of that year. It was not until 1630, however, that the Massachusetts Bay Colony followed suit. During the War for Independence the Continental Congress set aside one or two days each year to thank God for His blessings.

George Washington and James Madison issued similar proclamations during their terms of office, and recommended that the several States do likewise. Finally, in 1864, President Abraham Lincoln officially proclaimed the fourth Thursday of November as a day of Thanksgiving, and so recommended it to the States. And so it has been ever since.

I thought it might be helpful on this occasion to mention one of the issues confronting American Society today. If you are concerned about teenage crime (and who is not?), the rise in juvenile delinquency, the growth of a spirit of revolt among the young, drug addiction among children, the upswing in venereal disease rates among youth, and the breakdown in patriotism and morality among younger people, may I respectfully make these comments, which are applicable throughout our nation:

First, while all of these matters directly involve only a minority of our young people, they indirectly affect great numbers of our young people. These people are the coming body politic of the nation, and when a part of any body is ailing, the whole person is affected. I am not here to criticize the younger generation. Instead, I speak out of compassion for these, our children. Many people have pointed out that our younger people act as they do, because of the terrible state which older generations have left the world in. But the state of the world has always been bad. It was not any better a century ago when the nation had gutted itself with Civil War and was virtually sinking under financial and political crises. It was not any

better when I was a young man and World War I was devouring millions of young lives in the most terrible slaughter of all times. It was not any better thirty years ago when Hitler began his campaigns of aggression. No—the problem of the young is not the state of the world, but the state of themselves as they face the world. For many, that is a state which I must describe as "rootless."

By this I mean that, in contrast with young people of former generations, great numbers of our present crop of teenagers and people in their twenties today no longer seem to have a grip on basic virtues which, to a greater or lesser extent, it was the fortune of past generations to have had. Our young people talk about "rights," but many are not able to say what they think the ultimate source of "rights" to be. Since the vast majority of American children attend the public schools, it is important to realize that, over the long generations and up to relatively recent times, the public schools were able to give at least some kind of picture of the true source of "rights." In our public schools of an older day, it was possible to teach that God exists, and that God is the source of all rights. In the public schools of an older day, there used to be affirmative teaching based upon the great statement of our Founding Fathers in the Declaration of Independence:

"We hold these truths to be self evident: that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness."

That was standard doctrine taught in the public schools for decades. It taught the child that he has a Creator, that people have rights, but that God (the Creator) is the source of all human rights. It taught that some rights are what the Founders called "unalienable"—rights that no man, no government, no dictator, no majority can take away. This teaching gave the child some "root" certainty. If he believed that teaching, he could never support any kind of wanton violence, any communist or fascist dictatorship movement and—if he really thought about it—any kind of discrimination against any human being on account of race or religion. This view of "rights" is very different from the mentality being produced in many of the schools today, in which belief in any ultimate value has been discouraged. Naturally, therefore, many young people today, having no fixed idea as to the source of human rights are easily moved by highly motivated adults who seek to win them to violent movements destructive of all human rights.

Far more basic, however, to the "rootlessness" of many of our young people is the fact that personal belief in God, traditional concepts of morality based upon the Ten Commandments, and the habit of prayer have been washed out of their lives. This has come about because decisions of our Supreme Court appear to have effectually barred the teaching of the reality of God, inculcation of the Ten Commandments, and outward prayer in the public schools. It is not my desire, in this address, to attempt any analysis or any criticism of these decisions. I desire merely to point out that they have caused the obliteration of what now increasingly appears to have been a very important and basic element in our society. I believe that we are going to find out—find out very painfully—the tremendous difference between the man who—even though he may not be a regular churchgoer—believes in God, the truths of the Ten Commandments, and has occasional recourse to prayer, and the man who is familiar with none of these things. We have all too easily assumed that the parents of great masses of our people would be able to impart these religious values to their children, even though we must have realized that children are with their school-

teachers for a greater part of the average day than they are with their parents. We have all too easily assumed that a general spirit of "good will," or "faith in democracy," or other such vague moral concepts would carry us along very nicely—without our having to get down to the brass tacks of teaching the young the reality of God, of teaching the young the Ten Commandments, of teaching the young to pray.

If we presently reap a world not unlike the world of Rome in the period of its decay—a luxurious, disorderly, cruel and disintegrating society—we should not be surprised. In spite of all of the indignities which were heaped upon the Catholic immigrants who came to this country by the older Americans who feared them, may I say that it is a tragedy today that the Christian morality and outlook which characterized our traditionally Protestant-oriented public school is no longer with us. The old Protestant insistence which we found in the public schools of earlier times—teaching the reality of God, the importance of the Commandments and the importance of prayer—has given place to a vague secular humanism proving incapable of meeting the demands of a sound social order and—indeed—meeting the deep inner need of so many of our young people for basic roots.

What is to be done? You will pardon me if I say that I believe—more than ever today—that the parochial school is one answer. Believers, of many faiths, are more and more coming to appreciate the fact that it is possible for a child to get a good secular education at the same time he receives teaching of a religious nature, and that schools which provide both have been very successful and have in no way caused divisiveness in our pluralistic society. It is to be hoped that more people will come to see the value of such education, which can, in no sense weaken the general effort to support public education.

Now, let me say with all sincerity that parochial school education, with its emphasis on religious courses, does not guarantee that some of the pupils will not be numbered among those who are juvenile delinquents. However, they have less cause and less reason to become delinquents because they have been taught that there is a God and that they are responsible to Him for the violation of His laws and the laws of the land.

As to public education, which undoubtedly a large number of Americans will still desire as the schooling for their children, a good many people undoubtedly feel that an impasse has been reached. These people feel that it is not possible to give a full education in which all manner of knowledge is taught as being true but in which the teacher may not affirm that a man has a soul, may not teach that God exists, may not exhort children to follow the great truths of the Ten Commandments, and may not provide real opportunity for prayer. You can scarcely blame a child for thinking that all of these matters are unimportant—or for not thinking about them at all—where the central teacher in his life—namely, the school—regards them either as unimportant or forbidden. I understand that up in New Jersey the effort is being made to create the opportunity for silent prayer. But this, as you know, is already being fought by the pressure groups which have been largely responsible for getting religious observances thrown out of the public schools already. It seems to me that the Supreme Court of the United States, one of these days, is going to have to take another look at its decision on this subject.

As our national social crisis deepens (and it appears indeed to be deepening), I predict that more of our people are going to be turning to God for guidance. As they do so, they are not going to permit their religious aspirations to be dammed up. Not only will

they revive the practice of religion in their homes, but they will demand that the schools give at least minimal recognition to religion. It is very possible, then, that our Supreme Court will see fit to reverse its original ruling in the *McCullum* case which held that it was unconstitutional to have teachers of various religious faiths coming to public school premises to offer instruction to children of that faith, while excusing all other children. It is very possible that our Supreme Court will take a hard look at *secularist* teaching being carried on in public schools and rule that, if the schools cannot teach theistic religion, neither may they teach non-theistic religion to children. It is possible that our Court, looking at strongly revived religious aspirations of the people, will *liberalize* its views respecting religious worship and practices in the public schools, finding ways in which, without embarrassing children of a particular faith or who are non-believers, other children are given the opportunity to enjoy the rights of their religious heritage. It seems to me that, in any sensible and peaceable society, we should be able to work out compromises which give scope to the liberty of all parents and children—and by that I mean the children of believers as well as children of non-believers.

"God helps those who help themselves," said Ben Franklin almost two centuries ago. If we truly desire a future of peace and plenty and justice for our people, we who believe will work very hard to bring religion back to our education—and then we will find that God will not withhold His Grace from us in our effort to do His Will.

In conclusion, may I wish you all a blessed and a happy Thanksgiving as we thank God for this beloved country of ours and for all the blessings. He has given to each one of us.

#### FULTON BACKS MANSFIELD AMENDMENT; CALLS FOR PRISONER RETURN

### HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. FULTON of Tennessee. Mr. Speaker, for more than a decade, America has been involved in an undeclared military advising function, turned "policing action," turned large-scale war in Indochina. For as long as 7 years, American soldiers, sailors, and airmen have been biding their time in North Vietnamese prisons, awaiting positive action by this Government for their repatriation.

These men, more than 300 in number, have proven they represent the "Home of the Brave." It is now up to us, representatives of their Government, to prove they fought for the "Land of the Free." It is up to us to obtain and insure their freedom, to take every step necessary to end hostilities and bring our fighting men—all our fighting men—home.

This week, the Senate majority leader, Mr. MANSFIELD, reintroduced a proposal by way of amendment to H.R. 8687—the military procurement authorization bill—which would disengage this Nation from its Indochina military commitment. It would pave the way for return of our captured American servicemen. It would seek an immediate cease-fire by all hostile parties. It would, in the language of the amendment—

Provide for a series of phased and rapid withdrawals of United States military forces from Indochina, in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States.

Further, it would seek completion of withdrawals and prisoner repatriation within the 6-month period immediately following adoption of the amendment.

For our men in the field, in North Vietnamese prisons, their families, and this Nation as a whole, 6 months additional hardship is a heavy cross to bear. Bearing that cross, however, would prove easier with a lifting of its heavy burden fixed in sight.

Therefore, if we must look ahead 6 months to see a better day, we nevertheless can start working for that better day today. For American prisoners, already confined too long, we must now provide real hopes for their better day tomorrow

#### PEDAL POWER GAINS MOMENTUM

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. KOCH. Mr. Speaker, in cities all over the country, pedal power is gaining momentum. More and more people are taking up bicycling for both daily commuting and recreational purposes.

To encourage bicycling and to make this form of transportation safer, I have introduced H.R. 9369, the Bicycle Transportation Act of 1971. My bill would allow States and communities to use highway trust fund moneys for the development of bicycle lanes and paths. It also provides that such funds can be used for the construction of bicycle shelters and parking facilities and for bicycle traffic control devices.

H.R. 9369 is now cosponsored by 29 Members of the House and 11 Senators. The distinguished Senators from California, Mr. CRANSTON and Mr. TUNNEY, were the original Senate sponsors.

I believe that bicycling offers us an important transportation resource that must be more fully utilized, particularly in our metropolitan areas. We have in the bicycle a vehicle that emits no pollution, makes no noise, takes up little space, and requires little maintenance. When provided with their own bicycle lanes, bicycles have a very low accident rate; alternatively, however, bicycling can be very dangerous when bikes must compete in heavy traffic for space on the road. In New York City several cyclists have been recently killed in city traffic.

Safety requires that cyclists be given their own lane on the road or a special bike path. In New York City a lot of green signs have been put on streets to indicate recommended places for bicycling—but nothing has been done to separate the cyclists from the cars. My own view is that this is dangerous tokenism. To encourage bike riding without providing the necessary safety precautions is foolhardy.

Many people are afraid to bike today because of the very real danger from cars and buses, but would do so if given their own lane on city streets. Cyclists must be encouraged in their fight for bike lanes, and the municipalities of our country must be urged to take the steps necessary to make bicycling more attractive and safe. I hope that this Congress will also do its part in providing funds to help the cities through the passage of H.R. 9369.

#### DEVELOPMENT AND TRANSPORTATION IN THE REGION OF STOCKHOLM, SWEDEN

### HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

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

LECTURE BY MR. BROR HILLBOM, OUTSTANDING TRANSPORT AUTHORITY OF SWEDEN, DELIVERED TO THE FIFTH INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION IN PITTSBURGH PA., SEPTEMBER 9, 1971

DEVELOPMENT AND TRANSPORTATION IN THE REGION OF STOCKHOLM, SWEDEN

At the Third International Conference on Urban Transportation here in Pittsburgh, almost exactly three and a half years ago, I had the pleasure to speak about public transportation in Stockholm. Some basic conditions and considerations for the transportation planning and administration were mentioned and particularly the subway system was described in some detail. The need of close coordination of development and transportation planning was stressed, not least when transportation implies heavy and long range investments.

At that time, in the year 1968, an agreement between the City of Stockholm and the County had led to the formation of a local federation for matters concerning the region. This federation was primarily responsible for the planning, construction and operation of public transportation. State grants covering 95% of the basic structure for subways had been announced, which means that about 40% of the total costs, including installations and rolling stock, are based on state grants.

This federation was not, however, the final object for the administrative efforts to organize such matters which could be considered as true regional matters, that is to say where a local municipality or township does not have the general survey or the economic powers to realize the matters. Since the first of January this year the Greater Stockholm County Council has taken over the former responsibilities of the earlier federation, that is to say public transportation, but has also added other important activities such as regional planning, real estate matters, hospitals and medical attendance and some other kinds of social welfare and education.

From the point of view of development and transportation it is significant that regional planning and transportation are now both responsibilities of the County Council. The general pattern of housing, other development and transportation is presented by the regional planning office and thereafter sent to all concerned municipalities and other agencies for examination. The idea is of course that all local general planning should conform to the regional plan. The regional plan recently achieved consists of a short range plan, for implementation within

the next 15 years, and alternative long range plans for the year 2000, the alternatives showing a dispersed or a dense development. The implementation in the regional context comprises rail and road investments and housing in all sectors of the area. The County Council has however no economic powers other than for public transportation. Roads are either a matter of the state or of the local municipalities. Road development and subway construction are connected through the state grants, which are available for both means of transportation. The County, the municipalities and the state agencies are trying to find joint principles for making priorities, as the resources, as always, are limited. Later in this paper the implementation of so called satellite cities will be discussed but in order to make it clear how this matter fits into the general transportation planning and operation some words must be said about the present situation as concerns public transportation.

The area covered by the County Councils' public transportation network is approximately 85 miles from north to south and 50 miles from west to east, the most eastern part consisting of an archipelago with innumerable islands, quite a few sparsely populated. The population of the entire area is around 1.6 millions (about 2 millions 1985), mostly concentrated in an around the city of Stockholm, and the region is divided in 29 communes. A rail commuter system, reaching to points 25 miles from the city centre and a subway network are the backbones of the system. A variety of bus services, feeder lines, local networks and some express services, serves areas not directly accessible by railroad or subway. A passenger boat network serves the archipelago. The total system is operated under the supervision of the transport board and a common fare system is—or will shortly be—introduced. From the first of October this year a flat fare monthly season card will be introduced. For a fare of 50 Swedish crowns (10 dollars) an unlimited number of trips per month between any origin and destination can be made.

As the amalgamation of earlier private or state owned services has only recently taken place and, at the same time, principles for serving the area has to be worked out in connection with the present regional planning attempts are being made to formulate objectives and standard criteria to be used in the planning process. A special transportation standard committee has recently presented a report on this item.

There is not sufficient time now to go into any detail into the considerations concerning standard criteria. Only a couple of statements may be quoted. As to new technology the committee states that "if the introduction of a new transportation system would involve an increasing number of transfers and therefore lower the general service as compared with an enlargement of the existing network the new system must be considerably better than the existing one, to warrant the introduction". As to general planning criteria it is stated that "the main purposes of public transportation are to coordinate the trips of vehicles, so that travelling requires less space and economical resources and causes less pollution, noise and accidents than if trips were made in private cars and to offer transport facilities to persons who do not own or drive a car. Trips in unusual combinations and trips with much luggage are, however, not suitable for public transport. A balanced transportation system for both private cars and public transport vehicles will therefore give the inhabitants of the region the best service." The committee further states that "the most important factor is the combination of land use and the transport network structure". To get a good accessibility to the services and at the same time enough transport demand

to maintain frequent service the committee proposes certain maximum walking distances to stations and bus stops and a minimum land use density around these points when new housing areas are planned.

Based on the latter statement the County Councils Traffic department scrutinizes in detail new town plans made up by the local municipalities. The inspection often ends up in recommendations as to siting of houses, layout of walk-ways, etc.

This procedure now brings us over to the question of planning and implementing so called satellite cities. First it must be said that the word "satellite city" has not been used in Swedish town planning vocabulary the last twenty years. There is no longer a question of developing wholly independent towns but rather to plan for a region with a common labour market. This is to be made within a pattern of a controlled spread of housing, industries and other working places, where transportation plays a most important, if not dominant, role.

The land use planning and the implementation of plan is based on a Building Act. The main purpose of this Act is to enable local authorities to decide not only where but also when dense development is to take place. It therefore requires each municipality to start out with a master plan the purposes to which land and building are to be put. The master plan shall be preceded by a population forecast as well as any economic and other specialized surveys as may be necessary. The master plans themselves are in many cases, and certainly in the Stockholm area based on the regional plan. A regional plan can be set up whenever two or more municipalities find they must plan jointly in regard to such land uses as transportation and roads, airports, built-up areas, outdoor recreation areas, water-supply and sewage-disposal facilities.

When land has been acquired, either by sale or expropriation, it is the responsibility of the real estate board of the city to manage the land and to initiate the town planning process. When a development is to take place the real estate board orders a master plan to be made by the town planning board, which discusses road and transportation with the authorities concerned.

Most of the development in the surroundings of Stockholm has taken place on land owned by the city. The city has since the beginning of the century—Independent of the actual political majority—had the foresight to acquire land both inside and outside the momentary city boundaries.

The process of development to a completed town is managed by the real estate board and is financed through loans which the board requires the city council to put to their disposal. Town plans are ordered. When the feasibility of the plans has been proved the real estate board orders the construction of streets and sewers from the public works department and other necessary facilities from other boards.

When all this has been carried out the real estate board grants the use of the land to different builders, who builds the houses. A principle of the city is to never sell land. The land instead is leased, in practice forever, but with the possibility for the city to change the price at certain intervals. The city thus has a very strong control over the development and can dictate such matters as the distribution of different sizes of homes or flats, how and where shops can be introduced, etc. The financing of housing is in Sweden 95% state loans. Financing of business properties, offices and industries is accomplished in the usual way through banks and insurance companies.

I have tried to explain why it is possible in Sweden to bring about a planned development and how, through the town planning process, an integration of public trans-

portation is accomplished. Naturally it is more complicated than some but the principles remain.

#### SUANGNA VILLAGE

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. ANDERSON of California. Mr. Speaker, the last major Indian village site still in existence in the Los Angeles area is located in Carson, Calif., a city that I am proud to represent.

This village site, probably settled around 1400 and known as the Suangna Village—"place of reeds"—may yield significant data relating to these Indians' life patterns and chronology. Yet, were it not for public-spirited citizens, this site may have been in danger of destruction.

Michael Myers, a teenage Carson resident of Indian heritage, envisioned a project whereby the village site would be preserved by designating it as an Indian historical monument. However, the site is located on the property of the Watson Industrial Center.

A meeting was arranged between Glenn Irvin of Watson Industrial Properties and young Mike which resulted in their agreement to participate in the project. All costs generally required for such a monument and appropriate landscaping will be paid by the Watson Industrial Properties Co.

After several months of research and documentation, a report was prepared by Drs. Van D. Eggers and Ken Kuykendall—both of the anthropology department of California State College at Dominguez Hills—Mrs. W. L. Ford—the South Bay Indian program coordinator—and Michael Myers.

Also instrumental in the preparation of the report were N. Williams, Lee McDonald, K. Cassidy, and A. Hickman—all of the anthropology department at California State. This report, designed to identify the Indian cultural remains recovered from the village site, and to briefly describe the basic life patterns of the Indian inhabitants, was submitted to State Senator Joseph Kennick. Senator Kennick has accepted the report for review and eventual submission to the State legislature to hopefully receive approval designating the site as a State historical monument.

Mr. Speaker, the collection of the artifacts at the Suangna Village site will greatly help to increase understanding and appreciation for the pre-European inhabitants of the harbor area.

Information regarding the Suangna Indians, probably a branch of the Shoshone Indians from the southwestern United States, is virtually nonexistent, and I salute those who have been instrumental in this project, especially Drs. Eggers and Kuykendall, Mrs. Ford, Mr. Myers, Mr. Irvin, Senator Kennick, and the former mayor of Carson, Gil Smith, who encouraged the participants in their project.

The designation of the Suangna Village as a historical monument will be

another first for the fine city of Carson, as it will preserve and proclaim the historical contribution of the American Indian to our area.

#### THE RENEWED BOMBING

**HON. PAUL N. McCLOSKEY, JR.**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. McCLOSKEY. Mr. Speaker, I comment to my colleagues' attention Joseph Kraft's article yesterday on the political ramifications of the renewed bombing of North Vietnam. It is a perceptive analysis which reinforces my view that our involvement is not winding down as much as we have been told and that the President intends to continue it.

The article follows:

#### THE RENEWED BOMBING

(By Joseph Kraft)

The renewed bombing of North Vietnam is not merely a military action. It is a political action that expresses something gone awry in the President's plan for Vietnam.

For Mr. Nixon has played virtually all his cards. But Hanoi, as a report from a recent visitor which is here revealed for the first time indicates, is still not disposed to come to terms.

The visitor was Prof. George McT. Kahin, an expert in Southeast Asian affairs who has been active for several years in trying to foster a negotiated settlement. Professor Kahin was in Hanoi for about a week in August. He saw Premier Pham Van Dong and had two long sessions with Col. Ha Van Lau, a former delegate to the Paris peace talks who monitors the negotiations for the premier.

In reporting his conversations, Professor Kahin, true to his dovish inclinations, emphasized the flexibility of the North Vietnamese. But not even his hopes for a settlement could obscure Hanoi's extremely tough stance on two central matters.

First there is the basic outlook of the North Vietnamese regime. Premier Pham Van Dong made it plain that the elaborate suspicions of the past, and the disposition to leave nothing to the free play of events are as intense as ever.

If anything, they have been heightened by President Nixon's projected trip to Peking. Pham Van Dong said of the trip that it showed Mr. Nixon did not understand the Vietnam problem—"not even the elementary historical or geographical factors."

Then there is the matter of relations between the first two points in the seven-point program presented by the Communists at the Paris peace talks on July 1. There had been unmistakable hints that Hanoi would separate the first point which proposed the return of American prisoners in return for the withdrawal of all American forces from the second point demanding the overthrow of the government of South Vietnamese President Nguyen Van Thieu.

But Col. Ha Van Lau shattered any hopes on that score. He told Kahin: "The essential part of Point Two that must be agreed upon and carried out in order to make agreements reached on Point One operative is only the first paragraph—that providing for the removal of Nguyen Van Thieu's leadership."

The significance of these comments is made clear by a glance at the cards the President has to play when he makes his next big announcement on troop withdrawal in mid-November. At best Mr. Nixon can offer to take out all American troops and end all American air action over Vietnam by a fixed date in exchange for the return of American prisoners.

But what incentive would Hanoi have to accept that offer? Well, one incentive would be to make sure that the United States did not keep a residual force of troops in South Vietnam indefinitely. But the unmistakable urge to be done with the war in this country, especially in the wake of the South Vietnamese election fiasco, almost certainly makes the Communists feel that the President will have to withdraw all American troops, no matter what they do.

Another incentive would be to weaken the government of President Thieu by the unmistakable demonstration that all the American troops and their airborne equipment were getting out. But in the wake of the election fiasco, President Thieu's support at home is so shaky, that Hanoi can hardly feel it has to make concessions to weaken him.

Thus, President Nixon is in danger of having the other side turn a deaf ear to the big offer projected for mid-November. Already the White House is casting about for ways to induce the other side to be more reasonable—particularly about prisoner release.

In this connection, the recent bombing is particularly significant as a foretaste of what might be in store if the Communists are not more reasonable. Henry Kissinger, the chief White House aide for foreign policy, recently told a group in New York that the Nixon administration might have to reconsider its whole Vietnam policy in the next few weeks. And his deputy, Brig. Gen. Alexander Haig, has been visiting Saigon.

Maybe the President will be able to come up with some new course of action in Vietnam. But the outlook is doubtful. The probability is that between now and the election next year, the North Vietnamese will be doing whatever they can to pull the rug out from under Mr. Nixon.

#### TENTH ANNIVERSARY OF THE PEACE CORPS

**HON. FRANK HORTON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. HORTON. Mr. Speaker, on September 22d of this year, the Peace Corps celebrated the 10th anniversary of its inception under President Kennedy. I am particularly pleased that the Corps can not only look back on a decade of extraordinary accomplishment, but can also look ahead to a revitalization and redirection of its efforts.

Surveys show that the American people believe the Peace Corps is the best investment of their money overseas. I believe that they are correct in this judgment.

Peace Corps volunteers have had to adapt to the local culture and modest living habits of the host countries. This is the heart of the Peace Corps because volunteers must live with local citizens and speak their language in order to help them. This people-to-people approach has made the Peace Corps volunteers the best, and best-liked unofficial ambassadors our Nation has ever sent abroad.

Throughout its existence, the Peace Corps has been a channel for the idealism of American youth, an unparalleled opportunity for selfless service to humanity. Under the leadership of President Nixon and Director Joseph Blatchford, the Peace Corps has matured into an organization with the accent on effi-

ciency by emphasizing technical assistance. These are the "new directions" of the Peace Corps.

The upturn this year in applications and numbers of volunteers placed in the field indicates beyond all doubt that the time for the Peace Corps is not past, as some would have us believe. The number of requests from foreign countries has risen during the last year because, for the first time, the Peace Corps is offering to provide the skills that are in the greatest demand. Now, there is new emphasis on recruiting the professional volunteer, and less on the generalist who has few specialized skills and who made up the majority of the early Peace Corps volunteer pool. The goal is to recruit more highly skilled people—plumbers, electricians, gasoline and diesel engine mechanics, and agronomists. And Americans are responding.

Applications from skilled workers are up by 84 percent compared to last year; from nurses, up by 80 percent; from experienced farmers, up by 25 percent; from graduate agriculturalists, up by 24 percent. Applications from those over 30 years of age increased by 100 percent.

In all the 56 countries where it now has volunteers, the Peace Corps is moving rapidly into programs with what has come to be called the multiplier effect so that the volunteer can ultimately be replaced by a trained host-country national, permitting the Peace Corps to move on to new, high priority tasks.

The consequences of this change to high priority programs and skilled volunteers have been dramatic. For example, tremendous needs in the field of agriculture throughout the world have caused the Peace Corps to increase the number of volunteers experienced in agriculture from 308 in 1969 to 769 in 1971. By the fall of this year, there will be more than 2,000 volunteers working in agricultural training and development in countries where hunger is a fact of life for millions. More than 600 of them will be participating in the "green revolution" spreading knowledge in food-deficient nations of the cultivation of miracle wheat and rice.

It is seldom that a Federal agency can demonstrate such increased effectiveness for less money, but the Peace Corps has done just that. Administrative expenses in the Peace Corps have been pared to the bone, cutting the size of the permanent staff by 29 percent.

As a result of these savings, the Director submitted to the Congress a budget request some \$16 million lower than last year's request. With these reduced funds, the Peace Corps would nevertheless support 8,320 volunteers and trainees and place 5,800 new volunteers into training, an increase of 1,000 over current trainee levels.

I believe that the times are on the side of the Peace Corps. It has an exciting future. Under a newly developed athletic and physical education program, American coaches, athletes and physical education majors are being recruited for worldwide service to strengthen instruction, techniques and fundamentals of various sports competitions. Teaching the value of teamwork, top performance and fair play will, in the true Olympic spirit,

go a long way in intermingling peoples of the world in friendship.

Similarly, work on environmental matters, in cooperation with the Smithsonian Institution, and a program in national park development and management with the National Park Service will foster an awareness in host countries of the harm that inevitably results from reckless exploitation and plunder of a nation's natural resources.

Mr. Speaker, Peace Corps volunteers have scored spectacular successes around the world. They have saved rice crops from unseasonable floods. They have updated local technologies in such crafts as bricklaying and bamboo construction. They have organized burgeoning basic food industries.

By providing a source of technical assistance as well as men and women of goodwill to the people of developing nations, the Peace Corps has been an inspiration to the world. The high road of "new directions" onto which the Peace Corps has moved will most certainly insure the continuation of this inspiration. To Americans and the peoples of each host country involved, this is the immense value of the Peace Corps.

#### A POSITIVE OUTLOOK

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the July issue of *Aerospace* contains an incisive article by Dr. Wernher von Braun, Deputy Associate Administrator of NASA. Dr. von Braun discusses in his brief article the importance of science and technology to our survival and growth as a nation. Because of the importance of this subject in a period of declining Federal support for science and technology I commend this article to my colleagues' reading:

SCIENCE AND TECHNOLOGY: "A POSITIVE OUTLOOK"

(By Dr. Wernher von Braun)

There is a chronic misunderstanding about science and technology on the public's part that I am afraid is growing, but which isn't altogether the public's fault. This concerns the role that science and technology play in the development of society and the economy. There is, unfortunately, no visible link between scientific discovery about natural phenomena on the Moon, for example, and our everyday lives here on Earth. Yet, there are concepts and knowledge coming out of the Apollo explorations, and experiments with the rocks and dust brought back from the Moon, that offer the potential of improving agriculture and the treatment of disease, and as we learn more about interior of heavenly bodies may even help us in locating mineral resources here on Earth or predict earthquakes.

Most concepts and scientific knowledge take years from the time a scientist formulates them and they enter the technology until some no-nonsense pragmatist comes along and turns the idea or knowledge into a product and a flock of new jobs. By that time, everyone has forgotten, if he knew at all, that it was the scientist who started it in the first place. The interesting thing

about this process is that the scientist is labeled "impractical" because he deals in theories and squiggly mathematical symbols.

We face a militant, highly emotional, even fanatical segment of the population which has seized upon a valid and good cause, but which will accept no facts, no reasoning that run counter to its own fixed ideology. The anti-science/technology people are demanding that we pull the plug on modern civilization in the belief that somehow we shall all be better off in a more primitive state.

However, in primitive times, the major question for mankind was physical survival. It is not hard to guess the predictable fate of hundreds of millions of people who depend upon modern technology for the necessities of life. We have only to consider for a moment what we would do without electricity, permanently. Even the famous naturalist, Konrad Lorenz, has been warning student audiences that if they destroy our store of knowledge to make a "fresh" start, they will fall back not a few centuries, but several hundred thousand years. "If you make a clean sweep of things," he observes, "you won't go back to the Stone Age, because you are already there, but to well before the Stone Age."

But it isn't the young people, the students, who are really to blame for this attitude of hostility to science and technology. They are simply misguided by certain social philosophers, cultural historians, and the like, whose teachings and published works provide only a very lopsided view of science and technology pictured as causing the downfall of man.

When you teach impressionable and idealistic youth that the rational, logical, puritanical work approach to life is bankrupt, and that technology serves only to erode the quality of life, you are bound to ring responsive bells in many minds of a generation that has never known the deprivation, the want, and the poverty of some older generations.

When a historian and philosopher of Lewis Mumford's stature inveighs angrily and brilliantly against the "megamachine" of science and technology, and declares there can be no reform until the present "megatechnical wasteland" is destroyed, a revolutionary spirit is fanned among the young. The natural fires of rebellion we have all felt against "the system" or the "establishment" are now stoked by an eminent and respected "authority. . . ."

It seems strange that America is about the only nation in the world where technology and science are held in such low repute. All the so-called "have-not" countries in Africa and Asia are straining their limited resources to gain what some of our students seem bent on destroying. The older European countries would give their eye-teeth to have our technological capabilities. The Soviets are especially envious, and frequently announce they will surpass the United States in production or some other field of technology. So far they have failed to do so. . . .

The anti-science and anti-technology voices making blanket attacks on science and technology in the name of conservation, a clean environment, or improving the quality of human life, are doing the nation and all of us a great disservice. The problems they are rightly anxious and concerned about cannot be solved by a return-to-nature cult. That course leads only to disaster for multitudes of people.

Closely related to the general attacks on science and technology is the denigration of the space program among some persons. Mumford describes the space rocket as "the most futile in tangible and beneficial human results," and sees only that while man is indeed conquering space, the "megamachine" is carrying further its conquest of man.

Surprisingly—or perhaps, not so surprisingly—Mumford ignores the apparently limitless resources of knowledge that await man

in space. Some of this knowledge, as we have just begun to learn, has great significance to man, to Earth environment, and to the ecology. We are learning of the relationships between Earth and Sun and their effects on our lives which could be learned in no other way save by means of the rocket and spacecraft. Nor does Mumford make an allowance for man's need to extend his intellectual horizons by physically exploring new worlds, no matter how barren and unfit for organic life, such as the Moon may be today.

This kind of knowledge and intellectual broadening apparently is of little or no value in the eyes of social philosophers and historians preoccupied with man in the microcosm. They have not yet learned to visualize mankind extending into the macrocosm, or for the spiritual need to do so. The desire to know is more powerful than they may suppose. Pragmatism is a valuable, stabilizing human characteristic; but without imagination we would not be human, and as long as man exercises this precious faculty, he will not long be imprisoned in the successive shells the pragmatists try to enclose him.

Those who look upon science and technology as a megamachine that dominates their lives and holds them in thrall to a strictly programmed existence have their own special hang-ups. There is another view, and it was expressed by Glenn Seaborg:

"The difference is . . . a positive outlook, some imagination, and the desire to put science and technology to work more creatively."

#### THE SHARPSTOWN FOLLIES—XLII

### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. GONZALEZ. Mr. Speaker, at long last the Federal grand jury in Houston has made a report. Now we are seeing the product of the monumental labors of the Department of Justice. Now we are to see the results of the invaluable testimony of Frank Sharp, the big crook who got immunity.

But what is this? The report of the grand jury produces indictments against a couple of minor Sharp bank officials, and a few bank examiners, and one real estate investor. There is no mention of the grand marshals and panjandrums of the Sharp empire, no mention of the fabulous and complex schemes of Sharp and his pals. The Sharpstown gang has disappeared.

The mountain has labored, and brought forth not even a little fish, but just a few little mice. The Department of Justice let the biggest fish in the Sharp empire get clean away, and for what?

Well, maybe the grand jury has not finished its work. Maybe not. But so far, all I know is that Frank Sharp and all the other big fish in his empire have gotten clean away with a multimillion dollar swindle, courtesy of the U.S. Department of Justice.

Yet the Department announces these little indictments as if they were a great event. The Attorney General himself made the announcement. I wonder why he did not announce the decision to grant immunity to Frank Sharp? That was a proud accomplishment. It is not very often that you see the Department of

Justice trading off the biggest crook of all, the biggest fish in the net, for a few fingerlings.

LOVE THY NEIGHBOR

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. HAGAN. Mr. Speaker, at this time when we are reading and hearing so much about racial problems with very little on the good side, I want to share a news story from my district in Georgia. Although tragic, it exemplifies the true spirit of brotherhood. "Love thy neighbor" would be an appropriate heading.

I ask that my colleagues share this with their friends and associates. The story speaks for itself except for two important details, James "Jerry" Bacon of Pembroke, Ga., was a young white man and Eugene Carroll, also of Pembroke, was a young Negro.

Here is the story:

CANOCHEE RIVER CLAIMS LIFE OF TWO

James J. Bacon, 21 drowned Monday afternoon, while attempting to save the life of James J. Carroll, 18, both of Pembroke.

The accident occurred about 4 p.m. Monday in the Canoochee River at the Bryan-Evans County Line on U.S. Highway 280 when Carroll attempted to swim across the river with three other boys, authorities said.

Carroll, according to officials, was in trouble about mid-stream and called for help. About that time, Bacon and his brother-in-law had just arrived at the scene to go fishing and was unloading a boat, heard cries for help and Bacon dove into the water to help the youth, authorities said. Bacon reached Carroll and started back to shore with Carroll's cousin Borgan Carroll, Jr. helping in the rescue. The authorities said the cousin "came down with cramps" and was forced to leave Bacon by himself to aid Carroll.

Before Bacon could reach the bank, he "went under the water" with Carroll. Their bodies were found about an hour and a half later.

Aiding in the search were the Bryan and Evans Counties Rescue Units, members of the State Game and Fish Commissions and local citizens.

Bacon is survived by his parents, Mr. and Mrs. Rufus Bacon of Pembroke, two brothers, Rufus Ed Bacon and Jimmy Bacon both of Pembroke; six sisters, Mrs. Euna Mae Jones of Augusta; Mrs. Velvie Jean Lee of Garden City; Mrs. Joyce Kirkland, Lyons; Mrs. Audrey Lapp, St. Petersburg, Fla.; Mrs. Barbara Brown, Kenton, Ohio and Mrs. Linda Handsford of Pembroke.

Funeral services for Bacon were held Wednesday at 3 o'clock at the Pembroke Christian Church with the Rev. Gordon Hunter officiating.

Active pallbearers were Harold Bacon, Donald Bacon, Stanley Bacon, Russell Bacon, Carlos Bacon and Randy Fountain. Interment in Groveland Cemetery, Morrison Funeral Home was in charge.

Carroll was survived by his parents Mr. and Mrs. Arnie Devotie Carroll Sr.; five brothers R. A. Carroll Jr., Larry James Carroll, Willie Carroll, Robert Carroll all of Pembroke and James Carroll of Miami, Fla. Four sisters Mrs. Louise Clark, Misses Eula Faye Carroll, Yevonne Carroll, Beatrice Car-

roll all of Pembroke. Maternal grandparents, Mr. and Mrs. Robert R. Moody of Pembroke. Funeral services are incomplete Harpers Funeral Home of Claxton was in charge.

JUDICIAL INVASION OF PRIVACY—  
A THREAT TO THE BILL OF  
RIGHTS AND INDIVIDUAL LIB-  
ERTY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. RARICK. Mr. Speaker, Federal judges continue to support every move that threatens to destroy the right of privacy—the primary basis of individual freedom.

The latest experience in raw judicial power flouting the Bill of Rights occurred in a decision recently handed down in Federal district court here in Washington. Judge Gerhard Gesell "ruled that the equal protection clause, coupled with the Freedom of Information Act as interpreted by the court of appeals, clearly requires that the VA make the names—of ex-servicemen who served in Vietnam—available to the antiwar group—Vietnam Veterans Against the War."

This decision is but another classic example of the officious intermeddling into the life and thought of every American citizen. Gesell's decision was based on U.S. Circuit Court of Appeals Judge J. Skelly Wright's opinion that "names and addresses do not reveal anything about an individual that is embarrassing and are not an invasion of privacy."

Names and addresses may not be in themselves embarrassing or an invasion of privacy; however, to force a Government agency to reveal names and addresses to any organization on demand is to throw these individuals open to all forms of harassment and various forms and types of mail advertising regardless of content or intent. Next will come opening these lists to any and all direct mailers. Social security lists may prove most productive.

The only reasonable conclusion is that future political-judicial decisions will force American citizens to accept and entertain these groups and their ideas in their homes.

Recent court decisions such as these can only destroy the American home as they invade individual privacy.

I insert in the RECORD a related news article detailing Government enforced invasion of privacy:

[From the Washington Evening Star,  
Sept. 29, 1971]

COURT TELLS VA TO GIVE NAMES OF  
VETERANS TO DOVE GROUP  
(By Winston Groom)

A federal judge here has ruled that the Veterans Administration must turn over to an anti-war veterans group any lists it has of names and addresses of ex-servicemen who served in Vietnam.

The ruling is the first application here which held that government agencies can be compelled to supply, on request, lists of names and addresses they have on file.

The ruling late yesterday by U.S. District Court Judge Gerhard Gesell ends a two-year battle by the Vietnam Veteran's Against the War to obtain the lists. The group, which claims a membership of 15,000 with organizations in every state, says it will use the information to solicit for anti-war causes.

"INVASION OF PRIVACY"

The VA had contended in court that turning over the names would constitute a "clearly unwarranted invasion of personal privacy," which is specifically exempted under the Freedom of Information Act.

The anti-war veterans argued that the VA is turning over such lists to other veteran groups that are sympathetic to the war such as the American Legion and the Veterans of Foreign Wars.

Originally, the anti-war veterans asked the Department of Defense for the names but were told in a letter that it was not government policy to give out such lists because of possible "harassment" to the ex-servicemen. The letter also said the lists are not maintained as such, and to compile them would cost some \$1.3 million.

In addition, the government filed with the court a letter from Sen. Sam Ervin, D-N.C., who said that the turning over of names of ex-servicemen to anti-war groups was not what Congress intended when it passed the Freedom of Information Act. The act originated in Ervin's subcommittee on Constitutional Rights.

"INTENT OF CONGRESS"

When the case came to trial in January, Gesell dismissed the suit against the Defense Department, ruling that "It was apparently not the intent of Congress to include the type of record sought (the names) under the Freedom of Information Act."

But he allowed the anti-war group to sue the VA on the strength of evidence that it was giving names to some veterans organizations but not others—a possible violation of the constitution's guarantee of equal protection under law.

Meanwhile, the Court of Appeals handed down its ruling—in an unrelated case—names and addresses are not exempted from the act. Although a dissenting opinion by Judge George MacKinnon warned that the result could produce "turmoil and disorder" in the government, the majority opinion written by Judge J. Skelly Wright, held that names and addresses do not reveal anything about an individual that is embarrassing and are not an invasion of privacy.

NEW RULING SOUGHT

Armed with the Court of Appeals ruling, the anti-war group then asked Gesell to reconsider the ruling he made in dismissing the case against the Defense Department.

The government, however, filed a brief on behalf of VA which continued to support the "harassment" theory advanced originally by the Department of Defense.

"Considering the group of ex-servicemen making the request, compelled release of (the names) would evoke a multitude of interferences with the private lives of all veterans," the government said.

The reason the VA turns over the names to other veteran groups such as the American Legion and VFW, the government said, is that those organizations "can be of help in counselling, encouraging and assisting veterans in obtaining benefits."

Gesell, however, ruled that the equal protection clause, coupled with the Freedom of Information Act as interpreted by the court of appeals, clearly requires that the VA make the names available to the anti-war group. The only remaining issue in the case is a determination of whether the VA actually breaks down the names of ex-servicemen by the area in which they served.



COMMON MARKET CREATES  
THREAT

## HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. VEYSEY. Mr. Speaker, many of our European allies in their capacities as International Monetary Fund members have recently expressed their disapproval of President Nixon's temporary 10-percent import surcharge and other measures designed to stanch our balance-of-payments hemorrhage. Indeed, the Minister of Economics and Finance of one country has warned us that we may suffer retaliation if we maintain policies that he regards as "rigid."

Yet those same allies in their capacities as members of the European Common Market have followed a policy of variable tariffs on agricultural imports over the past 5 years that pegs our chief farm commodities 10 percent higher than those produced in Europe or in 27 other nations selected by the EEC for preferential treatment. Particularly hurt have been U.S. exports of feed grains, dairy products, wheat, flour, poultry and eggs, citrus fruits, cotton, vegetables, and vegetable oilseeds.

The impact of these Common Market variable tariff levies on our agricultural exports was concisely covered in an article by James Cary of Copley News Service, which appeared in the September 14 issue of Atlantic Standard. I commend it to the attention of all Members, especially those whose districts have been adversely affected by EEC's protective tariff walls:

COMMON MARKET CREATES THREATS  
(By James Cary)

WASHINGTON.—The massive outline of a united Western Europe, now emerging across the Atlantic, is being viewed in some quarters here as a trade fortress surrounded by walls to keep out U.S. farm products.

Now that the United Kingdom appears on the threshold of membership in the European Economic Community (EEC)—with Norway, Ireland and Denmark presumably not far behind—that view of Europe is about to be tested.

For the impending expansion of the Common Market from six to 10 nations carries with it new serious threats and challenges to the already troubled picture of U.S. agricultural exports to the EEC. They peaked at \$1.564 billion in 1966 and have been skidding ever since—with one exception.

In 1970, a sharp drop in European grain production and U.S. longshoreman strikes in the United States sent the export total temporarily back up to \$1.558 billion.

But experts in the U.S. Department of Agriculture report the trend at this time is down—unless a whole series of European protective devices can be eased or eliminated.

The biggest problem is with EEC variable levy tariffs on commodities the United States produces more efficiently. The Community wants to expand its own production in these commodities, mainly feed grains, dairy products, wheat, flour, poultry and eggs.

And to do so it is levying duties high enough to keep the U.S. products covered by the assessments pegged about 10 percent higher than those domestically produced.

Equally irksome to U.S. exporters is a series of preferential trading arrangements the

Community has negotiated with 27 other nations, mainly Mediterranean countries and former French colonies.

Stated another way, the United States is upset and disturbed by the Community's common external tariff, common agricultural policy and the technical assistance and trade preferences granted selected other nations.

The seriousness of this situation was pointed out last December by Dr. Harold B. Malmgren, former No. 2 U.S. trade negotiator. He warned in a study financed by the Atlantic Council that there was a danger of an upcoming U.S. trade war with Western Europe because of its preferential arrangements and tariff barriers.

Theodore Geiger, chief of international studies of the National Planning Association, also warned in January:

"North Americans are already tending to regard the EEC as a growing preferential trade bloc which threatens not only their own trade, but that of developing countries in Latin America and Asia. . ."

Statistics tell the story of what happened after the \$1.564 billion peak in U.S. farm sales to the EEC was reached in 1966. Imposition of the variable levy assessments and the cumulative impact of the growing number of special EEC trade arrangements with other countries produced these results:

In 1967, total U.S. farm sales to the EEC dropped to \$1.469 billion; in 1968 to 1.367 billion and in 1969 to \$1.268 billion.

The jump in 1970 back up to 1.558 billion—just short of the 1966 record—is considered temporary for reasons far more fundamental than one year of bad crops in Western Europe.

An examination of the impact of the variable levies shows exports of the U.S. crops involved were hit hard. They dropped from \$641,199,000 in 1966 to \$339,568,000 in 1969—almost 50 per cent—before the 1970 increase to \$453,718,000 was caused by the same forces that sent other U.S. agricultural sales up that year.

The downward drift is now expected to be resumed.

Equally irritating to the United States are the EEC's special trade arrangements with 18 African states, Greece, Turkey, Morocco, Tunisia, Kenya, Tanzania, Uganda, Spain and Israel.

These agreements, providing favored tariff treatment not accorded the United States, have particularly hurt U.S. exports of fruits and vegetables, tobacco and vegetable oilseeds.

Of \$9 billion in agricultural products the EEC buys annually outside the Community, an estimated \$2 billion comes from the nations granted associate EEC status. And of the \$2 billion, an estimated \$750 million is represented by products in which the United States is highly competitive.

The Community, in an effort to relieve part of the tension with the United States, on June 10 reduced its import levies on American oranges from 15 to 8 per cent. Nathaniel Samuels, U.S. deputy undersecretary of state, promptly stated this "fell far short" of American wishes.

The United States wants "most favored nation" tariff treatment and charges that any other type arrangement is in violation of the General Agreement on Tariffs and Trade (GATT).

The EEC in turn says the preferences it grants the 27 associate nations are authorized by GATT's Article 24, under which free trade areas or customs unions may be formed as an exception to the most favored nation principle.

The issue is whether these EEC associates actually represent free trade areas. Many GATT members agree with the United States that they do not.

The potential damage to U.S. farm exports to Europe, however, is not limited to prefer-

ential levies and special associate arrangements. The United Kingdom's impending admission to the Community will be a much greater long-range threat in some ways.

The British at present purchase \$400 million to \$500 million in U.S. agricultural products annually. Once they are in the Community, sealed off by its common protective trade walls, the French will be able to ship grain to Britain under preferential conditions and the British in turn will be stimulated by the higher protected grain prices within the Community to greater grain production of their own.

This is not to say that the United States will be frozen out of the Market entirely, but as long as the variable levies apply it will be able to compete only in those areas where the Community is deficient—particularly in wheat with a higher protein content and in oilseeds used as fodder also for their high protein value.

Without the protective devices, the United States believes there could be a much larger, more rapid and mutually advantageous growth in trade with the new and emerging Europe.

THE CAUSE OF BIOMEDICAL  
RESEARCH

## HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, in a timely and wide-reaching series of proposals, the ad hoc committee of the Council of Academic Societies of the Association of American Medical Colleges has addressed itself to the urgency of our national need for deepened support and increased Federal funding for biomedical research.

An examination and review of the truly fine research programs initiated by the National Institutes of Health reflects the value of funds allocated thus far in support of biomedical research.

The National Eye Institute is deeply immersed in studies to accomplish new methods of care in treatment of developmental abnormalities of the eye and congenital defects of the retina and visual system.

The National Heart and Lung Institute is carrying out programs of research to uncover new cures and more effective means of treatment for diseases of the heart, lungs, and circulation. A highly innovative myocardial infarction program is undertaking research on factors that become operative in the sudden death which befalls thousands of heart attack victims before the opportunity of medical aid becomes available to them.

The National Institute of Allergy and Infectious Diseases is furthering basic research to enrich the quality of national health care through development of virus reference reagents and allergens.

The National Institute of Environmental Health Sciences is making encouraging progress in its research efforts to render identifiable the adverse chemical and biological agents in the environment that may have a harmful effect. Another component of this much-needed program is working in the area of research into the causes and potential cures

for isolated communities with notable morbidity and mortality indexes.

These, and many other similarly compelling and worthwhile research programs, constitute an immeasurable reservoir of hope and progress in the struggle against the invisible and unknown germs and illnesses which remain to yet be eradicated.

It is a pleasure for me to endorse the recommendations of the Association of American Medical Colleges presented in the report, "A Policy for Biomedical Research" of its ad hoc committee.

The summary of conclusions and recommendations follow:

**SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS**

**Conclusion:** That biomedical research has contributed in substantial ways to longer life and better health for all Americans. Impressive progress continues to be made against the formidable health problems remaining. Nevertheless, biomedical research is under attack, sharing with all science much of the blame for problem-causing technologies and for failure to cure social ills.

1. Recommendation: That the nation adopt a policy of supporting more, rather than less, biomedical research, in full recognition of the fact that no other course can offer hope for ultimate solutions to health problems.

That the public supports science as a means to an end, not as an end in itself. But applied research leading to practical results, it should be made clear, can go only so far without new knowledge from basic research and will falter if it exceeds its science base.

2. That the public be made aware of the payoffs from basic research through cost-benefit analyses in which life-saving results are traced to their origins.

That biomedical research and medical education are mutually dependent and mutually beneficial.

3. That medical schools and their affiliated hospitals continue to be the principal sites of biomedical research effort in this country, thus enhancing the training of physicians and other health workers, the care of patients, and the research itself.

That the President's Task Force on Science Policy is commendable for its emphasis on the importance of scientific leadership to the achievement of national goals (2).

4. That the President, in the spirit of his Task Force's recommendations in support of science, endorse an unequivocal statement of the federal commitment to biomedical research.

That the environments in which productive research can be conducted vary greatly and that the deployment of efforts should be guided by the principle of maximum yield for funds invested.

5. That maximum productivity be sought through encouragement of the creative mind and of creative interaction, to be achieved through freedom of choice in careers and residence.

That the President's Task Force, in extolling the free enterprise system as a science resource, failed to give due credit to non-profit institutions for the conduct and support of life-saving discoveries.

6. That national science policy take full cognizance of the productive relationship of the federal government and academic and that ways to improve this relationship be explored. Considerations should be given to the potentialities of the university consortium—of voluntary cooperative efforts to solve a given problem in multiple settings through shared awards.

That the National Institutes of Health is the main federal supporter of research and

development at educational institutions and that its parent agency, the Department of Health, Education, and Welfare, accounts for over half of all federal aid to academic science.

7. That the Association of American Medical Colleges engage actively in shaping national biomedical research policy, particularly in respect to the important role of NIH in science support.

That the federal government has become the main source of funds for biomedical research, providing nearly two dollars for each one from the nonfederal sector. In addition, its programs support research training, facilities, special resources, and the institutions themselves.

8. That the bodies of the executive and legislative branches of the government concerned with the making of science policy be urged to continue federal appropriations for biomedical research as vital to the national health effort and in the public interest.

That the rate of increase in biomedical research support has not kept pace with that of the gross national product, the federal budget, or national health care. Recent increases have been more than offset by rising costs so that the trend in constant dollars is level or downward. Meanwhile, the phasing out of research construction and the reduction of training programs bode ill for the future.

9. That the national policy for biomedical research assure support at levels sufficient to engage all well-qualified brainpower and that consideration be given to expansion at a rate determined by widening research opportunities.

That a high proportion of graduate trainees in medical schools (about 60 percent) would be unable to continue their extra training, vital to research and teaching, if their stipends were changed to loans, as contemplated by the Office of Management and Budget.

10. That the Administration and the Congress be urged to continue federal programs providing fellowships and other stipends for advance training in the health sciences and clinical specialties.

That various means of support for biomedical research, ranging from the individual project grant or contract to the program-project and institutional grant, have their place in meeting program objectives of both supporting agencies and performing institutions.

11. That the individual project grant, awarded through peer review, continue to be the primary instrument of biomedical research support. An expanded system of program-project support should be addressed to problems of high relevance.

That the biomedical research to be supported is of two main types—basic and applied. No fixed ratios can be stipulated, but allocations should be based on research opportunity and on national priorities among health problems.

12. That new ways be sought to meet the various needs of biomedical research and training, including consideration of a department of health or a department of science and education. Peer review is strongly endorsed, but the review mechanism should be streamlined.

That important tasks and questions face the AAMC and the CAS. These include determination of support levels for the next decade according to the recommended principle of full utilization of brainpower.

13. That the AAMC and the CAS undertake or sponsor studies to demonstrate the contributions of basic research, to delineate areas in which target research under contract would be productive, and to improve health-care delivery.

That the implementation of biomedical research policy requires effective communication at all levels. There is particular need for more public information on the nature, the

goals, the implications, and the costs of medical science.

14. That a major effort be made to improve the general public's and their leaders' understanding of biomedical research through development of a communications system which would in turn be part of a broader network linking all persons and organizations concerned with matters of health.

**AMERICAN INDIAN DAY**

**HON. SAM STEIGER**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. STEIGER of Arizona. Mr. Speaker, Commissioner of Indian Affairs Louis R. Bruce, a member of the Oglala Sioux and Mohawk Indian Tribes, announced last Friday that September 24 is "American Indian Day."

He pointed out that special pow-wows are being held throughout Indian country to mark the day and that special notice is being taken of the "First Americans" in both Indian and non-Indian schools nationwide. Bruce himself appeared on NBC's "Today" show and talked on the Indian people and the progress being made in programs for their betterment. The Bureau of Indian Affairs supports legislation to make American Indian Day a national legal holiday.

Said he—

There is a quickening sense of awareness of their own identity among Indian people, and a determination to make a relevant contribution to American life.

Although "American Indian Day" has been a day observed by many for a number of years, it is not now a legal holiday. Legislation is now before the Congress to "designate the fourth Friday in September as American Indian Day" or "authorizing the President to proclaim the last Friday in September as American Indian Day."

One of the first proponents of an American Indian Day was Dr. Arthur C. Parker, a Seneca, who was the director of the Museum of Arts and Sciences in Rochester, N.Y. The Boy Scouts of America were the first to set aside such a day.

In 1915, the annual Congress of the American Indian Association held at Lawrence, Kans., formally approved the idea of an "American Indian Day." Its president, the Reverend Sherman Coolidge, an Arapahoe, issued a proclamation September 28, 1915, declaring the second Saturday of each May an American Indian Day. Coolidge made the first formal appeal for citizenship for Indians in this proclamation.

The year before this proclamation was issued, Red Fox James, a Blackfoot, rode from State to State on his horse seeking approval for a celebration of a day in honor of Indians. He later presented the endorsements of 24 State Governors at the White House December 14, 1915.

The first American Indian Day was observed on the second Saturday in May when the Governor of New York fixed that day for a State observance.