certain connecting sewer facilities; to the Committee on Banking and Currency.

H.R. 11188. A bill to require the Corps of Engineers to replace or repair certain sewage systems or facilities damaged in the course of the work of the Corps of Engineers; to the Committee on Public Works.

By Mr. NICHOLS:

H.R. 11189. A bill to amend chapter 67 of title 10, United States Code, to provide an annuity for the dependence of persons who perform the service required under chapter 67 of title 10, United States Code, and die before being granted retired pay; to the Committee on Armed Services.

By Mr. PODELL:

H.R. 11190. A bill to amend the Federal Hazardous Substances Act, to provide for a special study of household detergents, and to provide for the labeling of those household detergents, and to provide for the labeling of those household detergents found to be hazardous, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11191. A bill to authorize additional appropriations for grants under the Federal Water Pollution Control Act for the construction of sewage treatment works; to the Committee on Public Works.

By Mr. PREYER of North Carolina:

H.R. 11192. A bill to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON of New York:

H.R. 11193. A bill to transfer to the Secretary of Health, Education, and Welfare authority over Federal programs to develop and improve emergency health care for motor vehicle accident victims; to the Committee on Public Works.

By Mr. ROE:

H.R. 11194. A bill to establish a comprehensive program of insurance and reimbursement with respect to losses sustained by the fisheries trades as a result of environment disasters; to the Committee on Merchant Marine and Fisheries.

H.R. 11195. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 11196. A bill to amend the Internal Revenue Code of 1954 with respect to the definition of unrelated business income; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 11197. A bill to reduce the required charitable distributions under the Internal Revenue Code of 1954 in the case of certain contributions received by private foundations before the date of enactment of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. JAMES V. STANTON:

H.R. 11198. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. STOKES:

H.R. 11199. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age-benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 11200. A bill to amend section 501(c) of the Internal Revenue Code of 1954 with respect to the exempt status of clubs; to the Committee on Ways and Means.

By Mr. BOW:

H.R. 11201. A bill to amend the act of August 22, 1949 (63 Stat. 623), so as to authorize the Board of Regents of the Smithsonian Institution to plan and construct museum support and depository facilities; to the Committee on House Administration.

By Mr. PODELL:

H.R. 11202. A bill to authorize additional appropriations for grants under the Federal Water Pollution Control Act for the construction of sewage treatment works; to the Committee on Public Works.

By Mr. FRASER:

H. Con. Res. 420. Concurrent resolution to assist Congress in fulfilling its function in the field of foreign affairs; to the Committee on Rules.

By Mr. THOMSON of Wisconsin (for himself, Mr. BETTS, Mr. DENNIS, Mr. SEBELIUS, Mr. STEIGER of Wisconsin, Mr. STUBBLEFIELD, Mr. VANDER JAGT, and Mr. ZION):

H. Res. 642. Resolution urging the President to press for U.S. agricultural trade rights with the European Economic Community; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

275. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to extending benefits under the Higher Education Act to Puerto Rico, which was referred to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. COLLIER (by request):

H.R. 11203. A bill for the relief of Mrs. Josefita Esther Worley; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 11204. A bill for the relief of Juan Clemente Hernandez; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

COLUMBUS DAY 1971

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROONEY of New York. Mr. Speaker, for all of us who struggled so hard to obtain recognition of Columbus Day as a national holiday, this weekend is a source of real gratification. At long last all America unites with our loyal Italo-Americans in paying homage to the man who discovered our great then unknown continent.

Every red-blooded American citizen glories in the courage of the dauntless navigator who commanded the three tiny boats in their voyage in 1492 across the mysterious, uncharted seas.

Almost five centuries have elapsed since Christopher Columbus set foot on our offshore islands. During the ensuing years great changes have taken place in man's understanding of the world in which he lives. Even greater changes have ensued with respect to national boundaries. Old nations have been stripped of their farflung possessions, some to vanish entirely. New nations have arisen and pushed themselves into world dominance, but none with such force and intensity as our own.

Let us not forget that we owe the credit to this impoverished Italian seaman for making possible our glorious American destiny. We are indebted to Christopher Columbus for first charting the trackless oceans shrouded in such awesome fears, for assuring the world that land did lie to the westward, and for initiating subsequent voyages which in turn precipitated a whole wave of explorations. But even more we are indebted to Columbus for his courage, his patience, and his persistent traits which somehow he passed on to the people who explored, who settled and who finally brought America into being and helped her to reach world leadership.

We are not only indebted to the Italian people who gave the world Christopher Columbus but for their magnificent contribution to every facet of American life. They have sent us countless men of the heroic stature of Columbus—pioneers in science, business, industry, and the arts.

Mr. Speaker, I suggest that we use the observance of Columbus Day to remind ourselves of the significant contributions which men and women of Italian birth or extraction have made to the life and development of this Nation. Let us make sure that all our citizens, but most particularly our children, know and appreciate our debt to men like Amerigo Vespucci, Giovanni de Verrazano, Enrico Fermi, and a host of other great Italo-Americans.

We owe a debt of gratitude also to our Italo-American organizations for the inspiring programs which they are conducting throughout America in tribute to Christopher Columbus. I know from personal experience that the leadership of these organizations devote many hours of dedicated service and literally millions of dollars to improve the lot of all Americans. I am most thankful that because of my large Italian-American constituency in Brooklyn, I can count so many of these leaders as my personal friends over the many years. To them I use the occasion of Columbus Day to offer my personal best wishes and my congratulations for their continuing efforts to improve the lot of their fellowmen.

I use this occasion, too, Mr. Speaker, for congratulating the fine leaders of the Italian Government for the job they are doing in behalf of the people of Italy and for the bonds of friendship

which they seek to maintain between the Italian people and the people of this country. I was most impressed on a visit last month to Italy to see once more the extent of American-Italian friendship and the depth of affection which they lavish upon the United States.

"PEACE" OFFICERS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BAKER. Mr. Speaker, the familiar "police" officer is giving way to a new, better-trained, better-educated breed of "peace" officers in many of our Nation's communities. I am happy to note one such city is located in the Third Congressional District of Tennessee—my home town of Chattanooga.

During the past 3 years, the Chattanooga Police Department, with the aid of the community's colleges and universities, courts, and Federal agencies, has greatly expanded its training program for law enforcement officials.

Under the leadership of Gene Roberts, recently elected Commissioner of Fire and Police, the instruction program is continuing to improve.

Training programs, implementing the "ounce of prevention" philosophy, are focusing upon the causes, as well as symptoms, of crime. The men they produce have had the opportunity to become "peace" rather than "police" officers.

Not only are the new additions to the Chattanooga Police Department better trained than many of their predecessors; many of them are also better educated. To the extent formal education has taught them to think creatively, to probe with understanding, and to deal with problems on an intellectual rather than emotional basis, their schooling should enable them to be better officers.

The demands placed on these new officers and their counterparts in other American cities have never been more challenging. They must resist the temptation to abuse the authority entrusted to them.

Instead, they are confronted with the opportunity of helping to rehabilitate those capable of eventually being restored to society, saving society from misfits who cannot and should not be returned to it.

The promising new course of American law enforcement in one metropolitan area is outlined in an October 1, Chattanooga Times editorial. I congratulate all those in Chattanooga whose concern for crime prevention has made this approach possible and commend editor Norman Bradley for focusing attention upon them.

Editor Bradley states the training is a "start" of a potentially new era in crime control. The recruits who have "graduated" into the ranks of the police force have the background to bring this beginning to a conclusion which will make for a safer, more livable community for all of us. But the final outcome remains in their hands.

The editorial, "Peace" Officers, follows:

PEACE OFFICERS

The Chattanooga police department activated its training division three years ago to prepare young men for duty as law enforcement officers. Staffed with five officers, it operated as a two-week affairs at first, offering 80 hours of instruction in split shifts after the men came in off their patrols.

Slowly with the help of public-spirited citizens, dedicated city officials and college professors, the division increased to a 10-week, eight-hour-per-day course this year offering 400 hours of instruction in all phases of police work, before the officers go on duty.

Thirty-eight people offered their services as instructors on a strictly unpaid basis, including special agents of the FBI, the TBI, Treasury Department, Federal Narcotics Division, city attorney and staff, district attorney general and staff, criminal court and municipal court to name a few.

The University of Tennessee at Chattanooga and Cleveland State Technical Institute were among educational institutions to offer their facilities. Professors lectured on psychology and sociology, the social aspects and the cause of crime.

The recruits were not merely taught how to deal with criminals but how to deal with human beings who had committed a crime. They were taught not merely how to look for evidence for conviction but how to look for evidence for prevention. They were shown, that through understanding, they could alleviate tensions instead of providing the spark for violence.

They were taught that in our society the most dehumanizing of all acts is to commit a crime, but the greatest crime morally in any society is to dehumanize a man.

Fourteen of the 17 new officers who graduated from the police academy last week are college graduates. Of the other three, one is an ex-medic, one is an ex-helicopter pilot and one has had prior police experience. At no time in the history of the Chattanooga Police Department have we ever had a more highly trained group of men.

Perhaps Commissioner Roberts expressed the hopes of us all when he told the men to get back to the definition of "peace officer." At least it's a start.

PROGRESS IN HIRING INDIANS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 12, 1971

Mr. TUNNEY. Mr. President, one of my great concerns has been the lack of progress in self-determination for the American Indian. The Bureau of Indian Affairs itself has not made sufficient progress in hiring Indians.

I ask unanimous consent to have printed in the RECORD a letter which I have written to the Commissioner of Indian Affairs Louis Bruce about this problem.

Subsequent to my letter, I acquired a study which substantiates the need for greater efforts within the Bureau to hire Indians.

I ask unanimous consent that the study be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., August 31, 1971.

HON. LOUIS R. BRUCE,
Commissioner, Bureau of Indian Affairs, Washington, D.C.

DEAR COMMISSIONER BRUCE: I would like to begin by quoting from an August 17, 1971 article in the New York Times by Mr. William M. Blair:

"Of 100 top jobs in the Bureau (of Indian Affairs), 50 are held by Indians covering policy-making areas, Mr. (John) Crow estimated. At the same time, he said that there was some difficulty in getting Indians who could meet civil service regulations for major posts. 'We've had to rule out some,' he said."

This statement disturbs me since it wrs my understanding that Indians are supposed to receive preferential consideration irrespective of the civil service laws.

25 USC 472 states the standards for the appointment of Indians. It says:

"The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability, for Indians who may be appointed, *without* regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions."

It seems clear to me from the above statute that Indians employed by the Bureau of Indian Affairs are not subject to civil service laws. The legislative history of this statute makes it clear that the intent of Section 472 was to meet the difficulty alluded to by your deputy, Mr. Crow. In the Senate debate on the bill, Senator Hastings, the sponsor of the bill, said:

"[Section 472] authorizes the Secretary to establish standards for employees, which, of course, means doing away with Civil Service requirements."

Representative Howard, sponsor of the bill in the House said the following:

"Reduced to its simplest terms, the present bill [Section 472] would * * * establish a special Indian civil service and give to qualified Indians the preference right to appointment in the Indian Service. * * *"

I would appreciate knowing if, for some reason, this statute is no longer being implemented. If the statute is being implemented, I would like to know why it is not adequate to ensure that more Indians are not appointed in the Bureau of Indian Affairs.

When Section 472 was enacted, Representative Howard made the following observation during the debate in the House:

"Indian progress and ambition will be enormously strengthened as soon as we adopt the principle that the Indian Service shall gradually become in fact as well as name, an Indian Service predominantly in the hands of educated and competent Indians."

Section 472 was enacted in 1934 and it is disturbing to me that 37 years later, civil service rules are referred to as the reason for failure to hire more Indians at the Bureau of Indian Affairs.

I look forward to hearing from you on this matter.

Sincerely,

JOHN V. TUNNEY,
U.S. Senator.

INDIAN PREFERENCE: A PREFERENCE TO CONDUCT SELF-GOVERNMENT

PREFACE

The Indian Reorganization Act of 1934 had as its principal purpose the strengthening of the Indian side of the Federal-Indian relationship by granting substantive legal rights to tribes in an attempt to check the immense authority the government held over Indian tribes. The legal status of Indian tribes as self-governing "domestic dependent nations," the legacy of past injustice, and the enlightenment of men of conscience in the Congress meshed in Section 12 of the Indian Reorganization Act (25 U.S.C. 742) creating an Indian preference in employment within the Bureau of Indian Affairs—a preference for Indians to conduct self-government.

The central focus of this paper revolves

around the various aspects of the Indian Preference Acts and the consequent effect these statutes have with respect to Indian employment within the federal government concluding with an interpretation of these statutes and including a concise presentation of the past and present experience the Bureau of Indian Affairs has encountered in administering the extraordinary employment rights Congress provided for American Indians to solve an extraordinary problem consistent with the constitutionally created and insulated legal relationship between the United States and American Indian tribes:

"Positions in the Bureau of Indian Affairs, Washington, D.C., and in the field, when filled by the appointment of Indians * * *." In its Minute No. 2 of October 29, 1942, the Commission ruled that these positions, if occupied by Indians, were not brought into the classified service by the Ramspect Act and Executive Order No. 8742, Sec. 78 Congressional Record 11123, 11126, 11127, 11137 (1934). . . .

It therefore is my conclusion under the foregoing statutes, that . . . (2) such preference extends to the filling of all vacancies within the service. (Emphasis supplied.)

The request for this Opinion was received by the Solicitor on December 26, 1946. A draft policy statement to be issued by the Bureau of Indian Affairs (then the Indian Service) had been prepared and dated November 1946. Despite this Opinion by the Solicitor—written to the Director of Personnel, Department of the Interior—no change in the administrative interpretation of the Indian preference was made; the Solicitor's Opinion did not find its way into Bureau of Indian Affairs personnel policy, and no policy statement was issued extending the Indian preference to promotions in accordance with the Opinion.[1, 2]

Status of Indian tribes as a part of the corporate body of the United States, but a body politic different from a State or a foreign nation, Chief Justice John Marshall established the firm and continuing basis upon which the United States predicates its relations with Indian tribes. In *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831), Marshall pronounced the legal status of Indian tribes to be "domestic dependent nations," and in Worcester v. Georgia, 31 U.S. 15 (1832) he declared the Indian nations to be distinct communities whose whole method of operation is ". . . by our constitution and laws, vested in the government of the United States." In *United States v. Kagama*, 118 U.S. 375, p. 381, the court in describing the legal status of Indian tribes stated:

"They were, and always have been regarded as having a semi-independent position when they preserved their tribal relations; not as State, not as Nation, but as possessed with the power of regulating their internal and social relations and thus far not brought under the laws of the Union or of the State in whose limits they resided."

In noting the difference in legal status between Indians and other minorities, Chief Justice Taney, in the famous Dred Scott case, declared: [3]

The situation of this population was altogether unlike that of the Indian race. The latter, it is true, formed no part of the colonial communities and never amalgamated with them in social connection or in government. But although they were uncivilized, they were yet a free and independent people, associated together in nations or tribes and governed by their own laws. Many of these political communities were situated in territories to which the white race claimed the ultimate right of dominion. These Indian governments as much so as if an ocean had separated the red man from the white; and their freedom has constantly been acknowledged from the time of the first emigration to the English colonies to the present day, by the different governments which succeeded each other. Treaties have been negotiated with them, and their alliance sought for in war; and the people who compose these Indian political communities have always been treated as foreigners not living under our government.

It is true that the course of events has brought the Indian tribes within the limits of the United States under subjection to the white race; and it has been found necessary for their sake as well as our own, to regard them as in a state of pupilage, and to legislate to a certain extent over them and the territory they occupy. But they may, without doubt, like the subjects of any other foreign government, be naturalized by the authority of Congress, and become citizens of a State and of the United States; *and if an individual should leave his nation or tribe, and take up his abode among the white population, he would be entitled to all the rights and privileges which would belong to an emigrant from any other foreign people.* (Emphasis added.)

The Indian preference statutes are tied to and based upon the right of Indian tribes as "domestic dependent nations" to be "self-governing and in the historical origin of the federal agencies to whom Congress delegated its authority over Indian affairs. After the conquest of the Indian nations, various federal agencies exercised a vast amount of authority over the Indian tribes. To be sure the "internal Indian State Department" was a colonial administration and preempted a large measure of the self-government exercised by the Indian tribes. As colonial regimes have always been loathe in American democracy, the Indian reorganization Act of 1934, sought to return the locus of self-government to the Indian tribes by providing for a strengthened tribal government and part of this attempt included 25 U.S.C. sec. 472, supra, to grant Indians preference not merely in employment in the federal agency managing Indian affairs but more importantly a preference to conduct a very important facet of Indian self-government. In a statement defining the goal intent of the act, Congressman Howard stated that the purpose was ". . . *to make the Indians the principal agents in their own economic and racial salvation and . . . progressively reduce and largely decentralize the powers of the Federal Indian Service.*[4] (Emphasis supplied.)

Congress first enacted an Indian preference in employment within the Federal government in 1834.[5]

Other statutes in subsequent years affirmed the principle of granting an Indian preference in employment.[6] But the most recent and specific statute granting an Indian preference is 25 U.S.C. sec. 472, enacted in 1934 as section 12 of the Indian Reorganization Act (Wheeler-Howard Act).[7]

THE PRESENT ADMINISTRATIVE INTERPRETATION OF INDIAN PREFERENCE

The Bureau of Indian Affairs interpretation

The present interpretation of the Indian preference, and the official policy of the Bureau of Indian Affairs, is that the Indian preference applies only in instances [8] "of initial employment, reemployment and reduction-in-force." [9] The reduction-in-force preference applies only when Indians and non-Indians are in the same retention subgroups.

OTHER ADMINISTRATIVE INTERPRETATIONS

Solicitor's opinion

In 1947, Department of the Interior, Mastin G. White was requested to render an opinion on the Indian preference to connection with a proposed personnel policy statement to be issued by the Bureau of Indian Affairs.[10] The first question was whether an Indian nonveteran was entitled to preference over a non-Indian veteran; the Solicitor concluded that an Indian non-veteran did have preference. Question two the more important in this discussion as posed was:

"Is Indian preference applicable to other than appointment and separation actions? In other words does Indian preference necessarily apply to promotion grade to grade within the service? (The second question is understood to refer to cases of promotion to fill a vacancy which might occur either by establishment of a new position or the vacation of an already established position for any reason.")

The Solicitor in answering this question stated:

I think it is equally clear that the second question requires an affirmative answer. Section 12 refers to the "*various positions maintained, now or hereafter by the Indian Office.*" (Emphasis). While the excerpt quote above refers to "positions upon Indian reservations," the language finally enacted extends to all positions in the Indian Service. This fact has been recognized by the Civil Service. This fact has been recognized by the Civil Service Commission by placing in an excepted status under Schedule A of the Civil Service rules.

In any event, the only Solicitor's Opinion broadly covering an interpretation of the statute was lost or ignored.

Indian health service

The Indian Health Service, which operates under the same Indian preference law as the Bureau of Indian Affairs, has administratively extended the Indian preference to cover promotions and other personnel actions; in accordance with this interpretation, the Indian Health Service issued a policy statement on May 26, 1970, as part of its Equal Employment Opportunity program. This policy provides:

It is also the policy of the Indian Health Service to extend administratively the principle of Indian preference to promotion and career development. Therefore, where applicant's qualifications are otherwise basically equal, preference will be extended to Indians in the area of service placements, training, career development and promotions, whenever possible, within the precepts of good management.

At present, the Indian preference is limited to positions within the Bureau of Indian Affairs and the Indian Health Service, transferred in 1955 from the Bureau of Indian Affairs to the Public Health Service in the Department of Health, Education, and Welfare. Ninety-nine and one-half percent of all jobs within the federal government are unaffected by the Indian preference statutes. In other words, no more than one-half of one percent of all federal positions are subject to the Indian preference. At present, slightly less than half of the positions included within this total are filled by non-Indians, principally in the higher GS-levels. Bureau of Indian Affairs employment represents approximately twenty-two percent of the total employemnt within the Department of the Interior.

It is assumed that the term Indian shall denote a qualified Indian and does not refer to the possibility of unqualified Indians seeking to misuse the Indian preference laws for leverage in gaining unmerited employment.

Further, assertions that an expanded Indian preference would lower the quality of employees and impair efficiency within the Bureau of Indian Affairs are in effect an assertion that Indians in general are "unqualified." Moreover, any discussion of practical implementation of the Indian preference or identifying qualified Indians is not directed to substantive interpretation of the statute but to the personnel management system responsible for developing an exemplary mechanism for enforcing the preference.

THE EXPERIENCE OF THE BUREAU OF INDIAN AFFAIRS WITH THE INDIAN PREFERENCE STATUTES

Percentages of Indian employees

Since numbers of employees fluctuate from year to year, the clearest and most accurate

Footnotes at end of article.

indicator of how the Indian preference has been administered is to be found in comparing the percentages of permanent Indian employees to permanent non-Indian employees.

Although there are no figures readily available for years prior to 1934, Commissioner Collier, in his opening statement to the Congress on the Indian Reorganization Act, stated that there were proportionately more Indian employees in the Bureau of Indian Affairs in 1900 than there were in 1934.[12]

Congressman Howard, Chairman of the House Indian Affairs Committee, reported in 1934, that "today there are about 2,100 Indians holding permanent civil service appointments in the Bureau of Indian Affairs, with a total permanent personnel of approximately 6,500." (78 Cong. Rec. 12053) Commissioner Collier's intention was to halt this retrocession. Not knowing what the percentage was in 1900 other than it was higher than thirty-three percent, the following figures show the percentage of Indian employees in permanent jobs since 1941.

Percent of permanent Indian employees

1941	51
1945	44
1946	56
1951	57
1952	53
1961	53
1962	53
1967	44
1969	48
1970	54

These figures show a 21% increase over Congressman Howard's number of Indian employees, but in the 30 years beginning in 1941 and continuing into the present, the Bureau has shown a net increase of only three percent, 51% to 54%. The percentage of Indian employees in 1945 and 1967 was the same, 44%.

If results are the true reflection of attitude and enforcement of the Indian preference in pursuit of a goal of an Indian Bureau "predominantly in the hands of educated and competent Indians," it is obvious that this goal is not being met. An overview of the present 54 percent and a breakdown into grade will further support this conclusion. At present 67% of the GS 1–7 positions are held by Indians, 80% of all positions GS–8/12 are occupied by non-Indians, and 86% of all employees GS–13 and above are non-Indians. Congressman Howard reported the same dreary picture in 1934:

"The great majority of these positions held by Indians are in the lower salary grades, such as clerks, matrons, cooks, boys and girls advisor, and so forth. Considering the higher and technical positions, there are for example, only 8 Indians forestors in a total forest personnel of 102; 250 teachers in a total teaching force of 966; 21 nurses in a total force of 345 nurses; only 8 Indian superintendents out of a total number of 103 . . ."

"No Room at the Top" an article prepared by former Congressman Arnold Olson's staff [13] concluded that the Bureau of Indian Affairs has been remiss in its administration of the Indian preference statutes and has created an invidious system trapping Indians in "dead-end" jobs and according Indian preference only to positions so low on the GS-scale that the higher levels of the Bureau management are beyond reach of the majority of Indian employees.[14] Through a statistical breakdown of the figures provided by the Bureau of Indian Affairs Data Center, the report conclusively establishes a correlation between the current Bureau policy in administering the Indian preference and concentration of Indian employees in the lower GS grade levels as compared with concentration of non-Indian employees in higher level positions. Furthermore, the report concluded that this arrangement of Indian employees in the lower grades did not come about purely by chance.[15]

Statistics dispelling idea of a static employment profile

Another set of figures having direct relevance to implementation of an expanded Indian preference are those relating to "quits" showing turnover in employment:

MONTHLY REPORTS OF CIVILIAN EMPLOYMENT

	Quits				
	1967	1968	1969	1970	1971
January	87	108	133	1	88
February	61	6	84	101	81
March	125	6	86	102	111
April	47	102	116	70	.....
May	182	97	96	101	.....
June	257	225	247	245	.....
July	71	146	175	135	.....
August	155	255	343	219	.....
September	332	255	294	214	.....
October	168	152	158	98	.....
November	112	92	263	164	.....
December	41	77	120	50	.....
Total	1,638	1,603	2,116	1,505	.....

There is a significant turnover in Bureau of Indian Affairs personnel. The average turnover rate for the past five years has been approximately 12.5%. Most of the arguments advanced to delay implementing the Indian preference are predicated upon erroneous assumptions that the personnel picture in the Bureau of Indian Affairs is static. These figures represent losses in all categories—full time, permanent, part-time, intermittent, career, and career-conditional. The turnover rate is broad enough to accommodate any change in interpretation of the Indian preference. Such a set of figures seemingly resolve the problem of non-Indian employee morale by removing the substance from fears of Indian preference.

But this approach underscores a problem implicit in the whole discussion of Indian preference. The morale of the Indian employees is considered to be secondary in the whole process. The morale of the Indian employee is surely affected in the same manner. In effect, the question of morale of non-Indian employees has become a procedural argument against instituting the preference. Appropriately, an Indian employee who conceivably has had existing employment rights held in abeyance to his detriment is likely to have his morale seriously dampened. From the foregoing statistics, it seems apparent that all of the Indian preference has been accorded a secondary status and little more than nuisance value.

Standards contemplated in section 472

One of the major purposes of section 472 was to escape the benign discrimination of non-functional standards to qualify for employment or promotion by establishing standards, Indian standards, of a functional nature consistent not only with duties to be performed but also giving consideration to apparent Indian cultural strengths and experience. In effect, these standards when established were to be the substance of a functional Indian preference designed to overcome the non-functional and abstract standards that preferred non-Indians and barred the majority of Indian employees from advancing to the higher positions in the Bureau of Indian Affairs. In response to a question asking what standards had been established pursuant to section 472, the General counsel for the Civil Service Commission replied: [16]

"(2) (a) The Secretary of the Interior, acting pursuant to 25 U.S.C. 472, has established standards for the following positions:

"Interpreter GS–033–5.

"Power Plant Operator (Diesel).

"Foreman Power Plant (Diesel).

"Policeman GS–083–3/4.

"Welfare Assistant GS–187–4/6.

"Tribal Operations Assistant GS–301–7 (Alaska only).

"Tribal Operations Officer GS–30; 9/13 (Alaska only).

"Demonstration Aide (Arts and Crafts) GS–301–5.

"The policy of the Bureau of Indian Affairs and the Department of the Interior has been to establish specific standards under 25 U.S.C. 472 only when other general Civil Service Commission standards (i.e. standards applicable to the competitive service) have not been established. . . .

In view of the foregoing list of positions for which standards have been established, it is near understatement to observe that the standards contemplated by the statute have not been instituted.

Indian preference and the 1964 Civil Rights Act

The Civil Rights Act of 1964 is inapplicable to the United States Government and Indian tribes.[17] Therefore, it is inapplicable to the Indian preference. The framers of the Act were scrupulously careful not to impair the relationship between Indian tribes and the United States.[18] Indeed, 42 U.S.C. sec. 2003–2-(1) exempts businesses or enterprises on or near an Indian reservation from prohibitions of the Act. In effect, a private employer could preferentially hire 100% Indians in a business on or near an Indian reservation with impunity.[19] The Civil Rights Act did not impair nor limit the Indian preference for employment in the federal government. In fact, the Civil Rights Act of 1964 expanded the preference by creating a private employment preference right for Indians.

Judicial interpretation

There has been but one judicial decision involving the Indian preference statutes. In *Mescalero Apache Tribe v. Hickel*, 432 F. 2d 956; two Indians were displaced from jobs with the Bureau of Indian Affairs on the Mescalero Apache Reservation during a reduction in force by two non-Indians, who were career civil servants and would ordinarily have tenure rights superior to the Indian plaintiffs who were career conditional employees and thus in a lower retention group during reduction in force. The plaintiffs, however, contended that the Indian preference laws applied to reductions in force and conferred superior retention rights on Indian employees regardless of civil service distinctions. The Court, while generally giving an expansive reading to the statutes as far as "appointment to vacancies" and promotions are concerned, declined to extend its application to reductions in force.

The Indian plaintiffs asserted that the Indian preference laws were applicable to reductions in force regardless of retention subgroup ratings.

The issues in the *Mescalero* case and its peculiarly narrow decision on reductions in force are fundamentally distinguishable from the issues presented by adoption of an interpretation of the Indian preference to cover promotions. The Court states, "Congress intended to promote Indian employment in the Bureau of Indian Affairs, but also to provide job security for non-Indian employees by giving Indians only a preference in 'appointment to vacancies.'" The fundamental difference between a reduction in force and a promotion is in the availability of positions. If the preference is applicable only to appointment to vacancies, the preference obviously cannot apply to a reduction in force since a reduction in force does not contemplate a vacancy but rather presumes the lack of vacancies. The typical case of promotions presumes an open and available position. Further, preference in promotions would in no manner violate the prohibition against adopting a standard that would have the effect of removing non-Indian employees from their present positions. The issues pre-

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sented by promotions are distinguishably different from those presented by reductions in force and the decision in *Mescalero* does not preclude further administrative interpretation of these statutes by the Secretary of the Interior and the Commissioner of Indian Affairs.

Interpretation of section 472

In interpreting section 472 there are two questions presented for consideration: (1) Did Congress intend the Indian preference to encompass promotions in addition to initial appointment; and (2) Did Congress intend that a special Indian Civil Service evolve? [20]

Promotions

Interpretation of whether section 472 applies to promotions necessarily revolves around whether the phrase "appointments to vacancies" refers exclusively to initial appointments or if Congress intended a more inclusive meaning. A logical construction of the statutory language and explicit statements of intent contained in the legislative history of section 472 do not support the proposition that Congress intended to limit the Indian preference exclusively to initial appointments.

In the full spectrum of employment rights, initial appointment or initial hiring is the threshhold right and the narrowest interpretation one could legitimately choose without overruling the statutes granting the preference. The term "initial appointment" does not appear in any of the statutes, nor does it appear in the legislative history of section 472.

The remaining question is whether the Indian preference applies to promotions. There is ample precedent indicating that it does apply.

The Department of the Interior Solicitor in an Opinion issued in 1947 held that the preference in section 472 applied to promotions; likewise, and Indian Health has by administrative interpretation construed the statute to include promotions and a variety of other personnel actions.

On half of the problem the statute was to resolve, initial entry into the Indian service, has had a favorable interpretation not only from the courts but also in the administrative interpretation placed on the statute by the Bureau of Indian Affairs and other federal agencies concerned with interpretation or administration of section 472.

As of this date, the personnel management branch of the Bureau of Indian Affairs, the logical repository, has no correspondence, memoranda, or other supporting documents outlining a rational to explain why the "initial appointment" interpretation was adopted; neither are there documents showing when and by whom this interpretation was made. Without the benefits of such documents, the Bureau of Indian Affairs is adhering to a fortuitous—unsubstantiated—interpretation of the Indian preference statutes supported only the intertia generated by past experience. In the "administrative common law" of the Bureau of Indian Affairs frequent assertion has become fact and from this assertion the law. Each progressive wave of personnel managers and Commissioners of Indian Affairs have seemingly in turn unquestioningly reasserted this fortuitous proposition.[21]

Neither 25 U.S.C. sections 45 and 46, supra, suggest that the preference in employment for Indians should be limited to initial appointment. To the contrary, section 45 provides that the preference shall apply "in all cases" and section 46 states that "Preference shall at all times, as far as practicable, be given to Indians . . ."

Conjecture about the genesis of the initial appointment standard suggests that the standard may have been borrowed from technical civil service definitions of the word appointment.[22]

It is alleged that the term "appoint" or "appointment" has become a standard part of the civil service technical jargon exclusively meaning initial appointment. While this may be informally true, this alleged formal definition of the word appoint or appointment is not included in the general definitions applying to civil service rules contained in 5 C.F.R.

Moreover, the assertion that "appointment" exclusively means initial appointment is not borne out by the civil service regulations in which "appoint" or "appointment" have meanings other than initial appointment. 5 C.F.R. 315.501 provides: "an Agency may appoint by transfer a career or career-conditional employee of another agency." Also 5 C.F.R. 210/101(b)(8) provides: ". . . noncompetitive action" means a promotion . . . or an appointment based on prior service.

In addition, 5 C.F.R. 1.1 provides that the civil service rules shall not apply to the excepted service of which the Bureau of Indian Affairs is a part, unless expressly provided for in each rule.[23] In summary the term "appoint" or "appointment" does not apply to the excepted service unless expressly provided for in each instance. No such provision has been made for applying these definitions to the Bureau of Indian Affairs as part of the excepted service.

The other set of experiences that may have been drawn upon or borrowed in reaching the initial appointment conclusion are those associated with the veteran's preference. The veteran's preference has been construed to apply only to initial appointments.

One should be wary in drawing conclusions about the Indian preference from experience with the Veteran's preference. Not only does the Indian preference hold sway over the Veteran's preference in the limited area where the Indian preference is applicable, but the Veteran's preference is predicated upon an entirely different basis than is the Indian preference. Consequently any comparison between the two is distinguishable and irrelevant.[24]

Also these two preference Acts are not contemporaneous; the Veteran's preference was enacted into law ten years after the Indian preference creating a presumption against any parity in establishing a usable comparison, particularly since the inception of the initial appointment interpretation is unknown.

More directly related to the statutes, the legislators who in 1834 created the first Indian preference act, 25 U.S.C. sec. 45, used the word "appointment" to describe a pre-civil service employer-employee relationship and arguably indicate that this word should have an ordinary rather than a technical meaning. In addition, without knowing the full identity of men in Congress one hundred years later in 1934, it is doubtful that any of these legislators were civil service experts or formal personnel men to whom the technical definition of a word would be its common usage.

There is no reason to adopt a technical meaning for a word in interpreting this statute that is fraught with inconsistencies particularly when such a meaning would have to presuppose technical knowledge of one to whom such knowledge would not be ordinary usage. Appointment in its ordinary meaning apparently refers to employment as was used in the other statutes and contemplates the full range of employment.

Conjecture is never conclusive, and in this instance, analysis of the supposed basis for limiting Indian preference to initial appointment shows substance not to be of sufficient weight to sustain fortuitous suppositions directly limiting the Indian preference. There is no reason to adopt an unsettled technical definition of "appoint or appointment" in interpreting this statute, particularly when such a definition would not be common usage. Appointment in its ordinary meaning apparently refers to the full range of employment relationship including promotions.

Legislative history

In the legislative history for section 472, it is clear that Congress intended to fashion a remedy that would fulfill a number of multi-dimensional legislative purpose associated with placing Indians in management positions within the Bureau of Indian Affairs. Congress intended to provide for: (1) a Bureau of Indian Affairs whose personnel would eventually become Indian; (2) a method to accomplish the first objective without having to "oust present "white employees"; (3) an Indian preference to decelerate competition between Indian and non-Indian applicants and employees; and (4) a substantive right for Indians not only to enter the Indian service but also to rise to the technical and higher positions.

The following quotation from the legislative history serves to illustrate the first purpose;

"Indian progress and ambition will be enormously strengthened as soon as we adopt the principle that *the Indian service shall gradually become, in fact as well as in name, an Indian service predominantly in the hands of educated and competent Indians.* . . ."

As a second purpose, major consideration in discussing interpretation of Indian preference necessarily must be given to the concern expressed by the court in the Mescaler case in not implementing an interpretation of Indian preference that would oust non-Indian employees.

Apparently Congressman Howard viewed the original bill as an unnecessarily harsh measure. The bill as originally drafted ". . . requires the Secretary of the Interior to describe the qualifications . . . and then any Indian can come forward and qualify under what will be a special Indian Civil Service. If he (an Indian) qualified, if he is found fit, then his people, his community, can demand that he be given a position . . . we go still further . . . by which an Indian community . . . may declare that it does not want a given white employee any more and may compel his removal from the reservation." [25]

Section 12 was subsequently amended limiting the application of the preference to "appointments to vacancies." This specific amendment apparently accommodated the Congressman's objection, he remarked:

"Mr. Speaker, I feel I ought to acquaint the membership of the House and the fact that our splendid Committee on Indian Affairs has held no less than 29 different sessions for the consideration of this Bill. I feel I should further state that when the bill was finally reported every element of controversy had been eliminated." [26]

It is clear that the purpose of the amendment placing the "appointment to vacancies" language in the Act was directed not to restricting the interpretation of the statute to initial appointments but to affirmatively provide that the Indian preference should apply only as vacancies occur rather than granting an unqualified right to summarily remove non-Indian incumbents in favor of qualified Indians. Extending the Indian preference to promotions will not oust "present white employees" because the preference would apply only to future vacancies in accord with the intent of this amendment for purposes of the Indian Service.

Objective three was directed to allowing Indians, who qualified on the functional tests proposed as standards in the Act, to avoid competing with "multitudes of white applicants." [27]

"I have already spoken of the difficulty

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which Indians experience in meeting the Civil Service requirements for entering the Indian Service. *It should be possible for Indians to enter the service of their own people without running the gauntlet of competition with whites for these positions.* (Emphasis added.)

Finally, Congressman Howard was aware of the difficulty Indian people were having not only in becoming employed but also rising to the more important positions in the Bureau of Indian Affairs:

"The Indians have not only been thus deprived of civil rights and powers, *but they have been largely deprived of the opportunity to enter the more important positions in the service of the very bureau which manages their affairs . . . especially for technical and higher positions.*" [25]

The Congressman was distressed by the concentration of Indian employees in the lowest levels of the Indian Service. In speaking of problems the Act was directed toward remedying, he stated:

"The great majority of these positions held by Indians are in the lower salary grades, such as clerks, matrons, cooks, boys and girls advisors, and so forth."

"Considering the higher and technical positions, there are for example, only 8 Indian foresters in a total forest personnel of 102; and 250 teachers in a total teaching force of 966; 21 nurses in a total force of 345 nurses; only 8 Indian superintendents out of a total of 103 . . ."

Congressman Howard continued and stated the problems the statute bearing his name (Wheeler-Howard Act of 1934) was intended to remedy through the creation of a preference for Indians. He explained:

"It [enactment of section 472] does mean a preference right to qualified Indians for appointments to future vacancies in the local Indian field service and an opportunity to rise to the higher administrative and technical posts. Section 13 directs the Secretary of the Interior to establish the necessary standards of health, age, character, experience, knowledge and ability for Indian eligibles and to appoint them without regard to civil service laws; *and it gives to such Indians a preference* right to appointment to any future vacancy. This provision in no way signifies a disregard of the true merit system, but it adapts the merit system to Indian temperament, training and capacity. Provision for vocational and higher education will permit the building up of an entirely competent Indian personnel." (Emphasis added.)

In view of this express statement, "It does mean a preference right to qualified Indians for appointments to future vacancies . . . *and an opportunity to rise to the higher administrative and technical posts* . . . it gives to such Indians *a preference right to appointment to any future vacancy,*" the intent of Congress, as expressed by a principal author of the bill, could not more clearly indicate that Congress intended the preference in section 472 to include promotions in addition to initial appointment.

The preceding legislative history conclusively establishes a firm Congressional intent to resolve the obvious problems of limited access to the "higher administrative and technical posts" encountered by Indian employees in the Bureau of Indian Affairs and to realize the ultimate goal of an Indian Service "predominantly in the hands of the educated and competent Indians." It is therefore, a reasonable interpretation of the language in section 472, "appointment to vacancies," that appointment refers to the employer-employee relationship in its fullest sense, including promotions, and to consider vacancies to be any position not presently occupied by another whether the vacancy is to be filled by initial appointment or promotion of Indians already employed in the Indian Service. To conclude otherwise would frustrate the resolution of problems sought to be remedied by the statute and would constitute a stark variance from the plainly stated intent of Congress as outlined in the legislative history.

Moreover, to interpret this statute otherwise would continue an interpretation leading to an absurd and inequitable result illustrated by the following hypothetical using initial appointment interpretation.

Indian X is hired in the Bureau of Indian Affairs utilizing his Indian preference in an initial appointment. At the end of one year, a position is vacated within the Bureau of Indian Affairs at a higher GS-level. Indian Y, who has not worked in the Bureau of Indian Affairs before, Indian X and K, a non-Indian employee of the Bureau of Indian Affairs, all apply for the position. All qualifications being substantially equal, who wins between Y and K? Y, of course, because he has the Indian preference. Who wins between Y and X? Y, because he is asserting his Indian preference for the first time even though it is in competition with another Indian. Who wins between X and K?

Under the initial appointment interpretation X would be entitled to no preference despite all the legislative purpose to increase Indian employment in the Bureau and thereby strengthen Indian selfgovernment. What if X had not used his initial appointment to be hired? Inapplicable; if X did not use his preference for his initial appointment, it is dissipated. The final recognition of Indian preference as being applicable to promotion would remove the inequities between X and Y and refocus the selection process on the best qualified Indian. K who has no formal preference would continue on his career path unaffected by the Indian preference unless X and Y are as qualified as K and compete with him for a vacant position. K, who would have no formal preference would continue on his advancing career path unless X and Y are as qualified as K and chose to compete with him for a vacant position.

The Department of Interior Solicitor adopted the expanded interpretation of the Indian preference twenty-four years ago. The Indian Health Service adopted this interpretation last year. There is no compelling reason for the Bureau of Indian Affairs to continue to adhere to the more limited interpretation of the Indian preference. It is in the discretion of the Commissioner of Indian Affairs and the Secretary of the Interior to change the current administrative interpretation.

Special Indian Civil Service

As previously stated, non-formal Civil Service requirements that were making accomplishment of a gradual turnover of positions to Indians difficult to achieve and in section 472 was designed to remedy this problem. Section 472 authorizing the Secretary of the Interior to create standards assume that Indians have something of value to contribute to the process of self-government and governmental administration of Indians' interests. And the authority for an Indian preference after being qualified on a functional Indian standard was directed toward overcoming the existing but informal non-Indian preference.

The legislative history specifically points out the purpose for inserting the phrase "without regard to the civil service laws" was to remove the Indian service from the operation of the civil service laws and definitions flowing from them and create a special Indian Civil Service.[29] In referring to the amendment, a dialogue between the Chairman of the Senate Indian Affairs Committee, Senator Burton Wheeler and Commissioner of Indian Affairs, John Collier, clearly shows the purpose of the amendment.

Commissioner Collier, Line 21, Mr. Chairman, that has to be safeguarded by the addition in line 21 after the word to "appoint" the words "without regard to the civil service laws," in order to make it perfectly certain that the laws are lifted.

The Chairman: Yes.

Commissioner Collier: That is simply a safeguard.

Continuing, *Mr. Steward, President of the National Federation of Federal Employees* raised an objection to this action by the Committee:

"Mr. Steward: Mr. Chairman and gentlemen of the committee, I merely want to call attention to the fact that the effect of section 14 is to withdraw from the classified service of the federal government the entire personnel of the Indian Service and to vest in the appointing officer, the Secretary of the Interior, without restriction whatsoever, the right of appointment."

The Chairman: That is the purpose of it. That is what should be done in my judgment. You are discriminating at the present time.

What the policy of this government is and what it should be is to teach Indians to manage their own business and control their funds and to administer their own property, and the civil service has worked very poorly so far as the Indian Service is concerned, because of the fact that it has discriminated against Indians.

"Mr. Steward: Granted that. Mr. Chairman; but at the same time, all that you seek to accomplish could be done under existing law.

"Mr. Chairman. If it can be done we have not been able to find a way." [30]

Senator Hastings stated:

"Section 14 authorizes the Secretary to establish standards for employees, which, of course, means doing away with Civil Service requirements. I do not object to this provision, as I believe that practical knowledge of Indians and sympathy with them will enable Indian employees to give more beneficial service." [31]

A 1940 report indicated that "formulation of a competitive Civil Service Indians under authority of the Indian Reorganization (Wheeler-Howard) is now in progress." [32] Commissioner of Indian Affairs Collier in the same year wrote: [33]

"Section 12 of the Reorganization Act contemplates the establishment within the Interior Department, of a competitive civil service for Indians alone. The best Indian, thus identified and rated and recorded, shall then be placed in whatever vacancy, at whatever level, if he is found to be as good as the best white man eligible through the general Civil Service. The full intent of the Act has not yet been accomplished. True, through Schedules A and B of the Civil Service, and through straight appointment of the emergency positions, thousands of Indians have been employed at all ranks from superintendents down. An true, under a recent Executive Order all Indians are moved into Schedule A which requires not even a non-competitive examination.

"But this is not the whole, now even the most, of what section 12 of the Reorganization Act intends. Standards shall be formulated (the Act states) which, if Indians meet them, shall lead the Indians ultimately into every position in Indian Service. That means what it says: objective standards, appropriate to the special kinds of strength that are Indian, and then a searching for those Indians who meet the standards and a listing of these Indians; and the listing to be just or significant has to be competitive."

This interpretation of § 472 is favorably commented on in the publication Federal Indian Law.[34]

On the matter of a special Indian Civil Service, Commissioner of Indian Affairs, John Collier, in a hearing on S. 472 before the House Indian Affairs Committee, testified "§ 472 requires the Secretary of the Interior to describe the qualifications for the holdings of jobs of all types by Indians, and then

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any Indian can come forward and qualify under what will be a special Indian civil service.

The Civil Service Commission states that the Ramspeck Act repealed the express provision removing positions in the Indian service and authority to create standards "without regard to the civil service laws" and brought positions in the Indian Bureau under the authority of the commission.[35]

On its face, the Ramspeck Act is not self-executing and requires the President to act by executive order to place positions into the competitive service.[36]

Executive Order 8743 executed the Ramspeck Act, section 1 of Executive Order 8743 provides that "all offices and positions in the executive civil service of the United States except . . . (3) those excepted from the classified service under Schedule A and B of the Civil Service Rules." The positions within the Bureau of Indian Affairs were at the time in the existing excepted service receiving a specific exception in the executing Executive Order. The Ramspeck Act by its terms and Executive Order 8743 continuously maintained an exception for the Indian Service and as such left unaffected the statutory provision in section 472. Also Minute 2, October 2, 1942, of the Civil Service Commission ruled that positions occupied by Indians were not brought into the classified service by the Ramspeck Act and Executive Order 8743.[37]

At any rate the Civil Service Commission has administratively placed positions in the Bureau of Indian Affairs into the excepted service [38] and the effect of statutory or administrative exception covering these positions into the excepted service is the same. Such administrative action would in no way preclude the Secretary of the Interior and the Commissioner of Indian Affairs from fulfilling the intent of the Act by creating an Indian set of standards and proceeding with the appointing process, as provided for in Rule 6.3 of the Civil Service Rules, to establish an Indian Civil Service in accordance with section 472.

CONCLUSION

For the foregoing reasons, it is concluded that the Indian preference is applicable to promotions and Congress intended that a special Civil Service for Indians utilizing the standards provided for in section 472 should evolve.

FOOTNOTES

[1] [2] Also the Indian preference has been extended through formal channels on occasion, but ordinarily has depended on the discretion of administrators to follow the overall purpose of achieving a largely Indian Bureau. Letter from C. E. Lamson, Chief, Bureau of Personnel to Ralph M. Colvin, Phoenix Area Director, June 17, 1951, in which he stated: "In promotion, Indian preference is recognized to the extent that qualifications and all other pertinent factors being equal, the Indian eligible has priority in selection."

[3] *Scott* v. *Sandford*, 60 U.S. 393, at p. 403–404.

[4] Hearings on S. 2755 before the Senate Committee on Indian Affairs, 73d Congress, 2d Sess. (hereafter cited as "Hearings") at p. 1; see also S. Rep. No. 1080, 73d Cong. 2d Sess. (1934).

[5] 25 U.S.C. Section 45 (Act of June 30, 1834, 4 Stat. 737) Provides:

Preference to Indians qualified for duties

In all cases of the appointment of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties.

On May 17, 1882, Congress enacted the second Indian preference statute 25 U.S.C. Sec. 46 (22 Stat. 88, as amended by the Act of July 4, 1884, 23 Stat. 97) provides:

Preference to Indians in employment of clerical, mechanical and other help

Preference shall at all times as far as practicable be given to Indians in the employment of clerical, mechanical and other help on reservations and about agencies.

[6] 25 U.S.C. sec. 44 (1894) provides: *Employment of Indians.* In Indian Service Indians shall be employed as herders, teamsters, and laborers and where practicable in all other employments in connection with the agencies and the Indian service. And it shall be the duty of the Secretary of the Interior and the Commissioner of Indian Affairs to enforce this provision.

25 U.S.C. sec. 47 provides: So far as may be practicable Indian labor shall be employed and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of the Interior.

[7] *Standards for Indians Appointed to Indian Office.* The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge and ability for Indians who may be appointed, without regard to civil service laws to the various positions maintained now or hereafter by the Indian office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

[8] 44 IAM 302.1 Section 1 and 2 were which as follows:

1. Indian Preference. An Indian has preference by law an initial appointment provided the candidates has established proof that he is one fourth or more Indian and meets the minimum qualifications for the position to be filled.

[9] 44 BIAM 713—Equal Employment Opportunity, Subchapter 1, states:

2. By Law (Title 25 U.S.C. Sections 44, 46, 47 and 472) and by regulations the Bureau of Indian Affairs is required to give preference in initial employment, reemployment and reduction-in-force to persons of one-fourth or more degree of Indian blood. Indian preference applies only when an appointment or reduction-in-force is taken at which time the following shall be applicable.

A. When one or more qualified Indians are available for a position which management elects to fill by appointments from outside the Federal Service one will be selected for appointment. If active, outside recruitment does not produce a qualified Indian a non-Indian may be selected.

[10] Solicitor's Opinion M. 34814, 1947.

[11] "Thirty-four years ago, in 1900, the number of Indians holding regular positions in the Indian Service, in proportion to the total number of positions was greater than it is today." Hearings before the Committee on Indian Affairs, U.S. Senate on S. 2755, 73d Congress 2d Session, p. 19 (1934).

[12] 116 Congressional Record 10371, section 14, 1970.

[14] "As the statistics presented in this report indicate clearly, *not only does the Indian not control his own future, which was the intent of Congress, but he is being systematically discriminated against by the Bureau of Indian Affairs,*" 116 Congressional Record 1037.

[15] "This Table shows that 14% of the Indians earn between $5,500 and $5,000 while only 2% of the non-Indians are in the same earning bracket. More than 32% of the non-Indians earn more than $10,000 but only 7.5% of the Indians have reached this level. The probability of this distribution occurring by chance is one in ten." (Ibid. p. No. 10373)

"Complaints of many Indians that non-Indians are often promoted to supervisory positions when Indians are available seem to be borne out by the statistics above as well as results shown in the Appendix. *The probability of Indians being in as* few supervisory positions as they actually are is one chance in 100,000." (Ibid) (Emphasis added.)

[16] Letter from A. L. Mondello, General Counsel, U.S. Civil Service Commission, to Browning Pipestem, June 7, 1970.

[17] Title VII of the 1964 Civil Rights Act 42 U.S.C. § 2000e section 701(b) provides:

The term "Employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees . . . but such terms does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe. . . .

[18] Federal funds spent specifically for Indians were omitted from the coverage of Title VI, which forbade denying any person the benefits of federally financed activities on the basis of race, but programs of assistance to Indians were omitted. Letter from Nicholas deB. Katzenbach, Deputy Attorney General to Congressman Emanuel Celler, Committee on the Judiciary, Dec. 2, 1963, 110 Cong. Rec. 13380 ". . . Indians have a special status under the Constitution and treaties. Nothing in title VI is intended to change that status or preclude special assistance to Indians."

[19] U.S.C. § 2003–2(i) provides:

Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

[20] When there are ambiguous provisions in statutes the Supreme Court has established settled guidelines for construction of statutes relating to the Indians consistent with the unique historical and legal status of Indian tribes. In *Choate v. Trapp*, 224 U.S. 665 at 675 (1912) the Supreme Court announced:

"But in the government's dealings with the Indians the rule is exactly the contrary. The construction instead of being strict, is liberal; doubtful expressions instead of being resolved in favor of the U.S., are to be resolved in favor of a weak and defenseless people, who are the wards of the nation, and dependent wholly upon its protection and good faith. This rule of construction has been recognized without exception for more than a hundred years . . ."

Accord: *Alaska Pacific Fisheries v. U.S.* 248 U.S. 78, 89 (1918) *U.S. v. Santa Fe Pacific R.R. Co.*, 314 U.S. 337, 354 *U.S. v. Celestine* 24 U.S. 591.

[21] As Judge Skelly Wright in *Hobson v. Hansen*, 269 F. Supp. 401, at p. 497 (D. DC 1967) stated:

"We now firmly recognize that the arbitrary quality of thoughtfulness can be as disastrous and unfair to private rights and the public interest as the perversity of a willful scheme."

[22] Interview Stanley Berg, Chief of Staffing Policies Section Civil Service Commission July 1, 1971 (hereinafter referred to as Berg Interview).

[23] 5 C.F.R. 213.112 (2)7 places the entire Bureau of Indian Affairs and some positions in the Department of the Interior in the excepted service:

"All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of service to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood." Section 213/3116 (b)8 does the same for the IHS within the PHS in HEW.

[24] 5 U.S.C. Sec. 851 et. seq. (Veterans Preference Act of 1944) Solicitor's Opinion M–36205 (1954) and M–34814 (1947). The Veteran's preference act has been determined by the Solicitor for the Department to be subordinate to the Indian preference in positions within the coverage.

[25] Hearings House Committee Indian Affairs on H.R. 7902 (1934) p. 19.

[26] 78 Congressional Record 12050.

[27] Remarks of Congressman Howard, "It should be possible for Indians with the requisite vocational and professional training

to enter the service of their own people without the necessity of competing with white applicants for these positions. This bill permits them to do so." (78 Cong. Record 12053).

[28] Id. 11731.

[29] Remarks of Congressman Howard: "Reduced to its simpliest terms, the present bill would . . . establish a special Indian civil service and give to qualified Indians the preference right to appointment in the Indian Service . . ." 78 Cong. Rec. 11727.

[30] (1934)—Hearings on S. 2755 Senate Committee on Indian Affairs, 73d Congress, 2nd Session, p. 256.

[31] 78 Congressional Rec. 9270 (73d Con. 2d Sess. 1934).

[32] Federal Indian Law p. 533.

[33] Collier in Indians at Work—a News Sheet for Indians and the Indian Service, Vol. VII No. 5 (Jan. 1940) at p. 1–2.

[34] *Federal Indian Law* (1958) at p. 536.

[35] The Ramspeck Act, 5 U.S.C. sec. 631a, in pertinent part states: "That notwithstanding any provision of law to the contrary, the President is authorized by Executive Order to cover into the classified Civil Service any offices or positions in or under the Executive Department, independent establishment, or other agency in the Government . . ."

[36] There is a rule of construction that general legislative acts are inapplicable unless Indians are explicity included. *Elk v. Wilkins*, 112 U.S. 94, 5 S. Ct. 41, 28 I Ed. 643; *U.S. v. Celestine*, 215 U.S. 278, 30 S. Ct. 93 54 L. Ed. 195 (contra) *F.P.C. v. Tuscarora Indian Nation* 362 U.S. 99, 80 S. Ct. 543 4 L. Ed. 584. It would seem strange that Congress would complete such a strenuous exercise to remove the Indian positions from the Civil Service laws and shortly thereafter without consideration of the Indian interest, reverse the commitment.

[37] Solicitor's Opinion M–34814 (1947).

[38] Berg Interview.

PULASKI DAY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. PATTEN. Mr. Speaker, today we honor the memory of a man who contributed much time and effort to the freedom of our country.

A Polish patriot and Revolutionary soldier, Casimir Pulaski arrived in America in July of 1777. Upon his arrival he offered his services to the cause of American independence and he performed distinguished service to that end.

We of the Congress observe this day as Pulaski Day because we hold Casimir Pulaski in such high esteem. Polish Americans throughout the Nation have good reason to celebrate Pulaski Day. Here was a man whose deede have made an imperishable mark on the history of our country. He contributed to the freedom and liberty of the United States by giving of himself when this Nation needed his help.

It is appropriate on Pulaski Day to note the achievements of Polish Americans. Throughout the years they have performed back-breaking work in every phase of American society. Through their loyalty to each other and through their loyalty to America they have contributed much to the best of what this country is today.

THE BUSERS—EDUCATED RACISTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RARICK. Mr. Speaker, the busing fiasco, under the flimsy excuse of overcoming racial imbalance continues in spite of the law and with utter disregard for the desires of the people.

Thus far the spokesmen and advocates of forced busing to overcome racial freedom have been militantly uniform in their rationalization and overall goal; that is, to destroy racial identities as well as the varied cultures which have for many years made the United States the strong and diversified country that it is.

The busing intellectuals, by their contempt and scorn for racial and cultural integrity clearly reveal themselves for what they are—the true racists.

The liberal educators who champion forced mixing of the races to destroy identity and work for the "faceless" man seek to justify their cultural brutality under the myth of humanism. These are the same people who profess that education can be exploited as a tool to eliminate racism and yet by their actions, their programs, and utterances they clearly show that they and not free people are the racists.

I include a public affairs column dated September 28, entitled "Superintendent vs. People" prepared by Gen. Thomas A. Lane, retired:

SUPERINTENDENT VERSUS PEOPLE

WASHINGTON.—The Superintendent of San Francisco Public Schools was explaining on a radio broadcast the importance of bussing students. He acknowledged the cost to educational funds and the waste of student time but he said that if we are ever going to have a unified society instead of one racially divided, we must begin now with the school children.

In the following week, news broadcasts reported that the boycott of the bussing program in Chinese-American residential areas was virtually complete. These parents are proud of their local public schools. They do not want their children bussed to distant parts of the city to sit with children who hold a different culture.

This is how the lines are drawn. The neighborhood school is also a cultural school serving the local people. The teachers, whether drawn from the neighborhood or not, must respect the local culture or answer to the parents. When children are hauled to distant schools, parents lose all influence on the education of their children.

The morals of America are rooted in its cultures. Religion, ethical precepts and manners determine the quality of a community; and none of these is a responsibility of the state. The state only defines what is unlawful behavior for all cultures. Thus, if public school teachers represent the state and not the parents, they represent no culture. They represent that lack of culture which is making our public schools hothouses of drugs, sex and crime.

The Superintendent is acting on the assumption that diverse cultures are hostile to the American political order. He is of course *absolutely wrong*. The suppression of cultures is a marxist precept. Our political order provides hospitable accommodation of diverse cultures. The sole requirement of citizenship is loyalty to the political order.

Thus, Chinese-Americans raised in their traditional culture can be and are just as fine Americans as any citizen raised in an English, French or German culture. All good Americans hold in common a dedication to the United States, their country and to the political precepts on which our society is founded.

Within America, black people have also preserved their own culture. Though most of them were denied citizenship in the era of slavery before the civil war, even then their right to preserve their own culture was respected.

Within the past generation, there has arisen in the black community a cult of marxism which rejects loyalty to America and proclaims the familiar rhetoric of class warfare. The standard charge of oppression of the laboring class is twisted to proclaim the oppression of black citizens by white citizens. This cult accuses the United States of being a racist society, in language made familiar by white politicians in the Kerner Report.

The Kerner Report and the voice of the San Francisco School Superintendent echo the panic of white liberals faced with militant marxism. Instead of adhering to the sound precepts of the American political order and rejecting the marxist clamor, they seek desperately for some middle ground on which to compromise. This psychology brought President Johnson to the Second Burning of Washington.

The forced integration of schools, the attempt to merge black African culture with white European culture, is just such ground. It is a flagrant affront to the cultural autonomy of the people. It is an impossible task which government cannot perform without assuming the tyranny of the Kremlin.

We see in the Soviet Union the purpose of the marxist state to wipe out the culture of the Jews—and the failure of that policy over a period of fifty years. The determination of our own zealots to merge cultures by state fiat is the real racism in America. That course demeans the cultural freedom of the people, arrogates to the bureaucracy an authority not given in laws and incites racial friction. Compulsory busing for integration has already seriously worsened race relations and disrupted education.

The Superintendent should be removed from office. He should be replaced by an educator who understands that his function is to serve the people, not to destroy their cultures.

A RESPONSE TO THE NATIONAL BROILER COUNCIL PINK SHEET

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. SISK. Mr. Speaker, recently the National Broiler Council distributed a small brochure entitled "How Growers Would Really Fare Under Compulsory Bargaining"—a collection of 16 questions and answers devised by the council to reveal what it considers to be the "real" nature of the National Agricultural Marketing and Bargaining Act. With all due respect for the sincerity of the council, their purported answers are at best distorted half-truths which completely misinterpret the act. As one who has been deeply involved with this legislation from its inception, I feel compelled to correct this misinformation circulated by the Broiler Council by providing factual, ob-

jective answers to the questions they raise.

In order below are the questions posed by the Broiler Council; their own answers to their own questions, and followed by H.R. 7597—the factual and objective answers from my viewpoint:

I. What is the National Marketing and Bargaining Act of 1971, introduced in the House of Representatives as H.R. 7597 and in the Senate as S. 1775?

It is legislation which would dictate compulsory collective bargaining in agricultural products, including broiler contracting; and it presents a blueprint for monopoly control by bargaining associations.

H.R. 7597—The National Agricultural Marketing and Bargaining Act establishes a mutual duty to bargain in good faith on the part of processors and agricultural bargaining associations, and sets up national administrative machinery in the form of a National Agricultural Bargaining Board to specify those cooperatives to which the statutory duty to bargain extends.

The standards imposed by the act for qualification are tough. The Board can qualify an association only if it finds:

First, that, under the charter documents or the bylaws of the association, the association is directly or indirectly producer-owned and controlled;

Second, the association has contracts with its members that are binding under State law;

Third, the association is financially sound and has sufficient resources and management to carry out the purposes for which it was organized;

Fourth, the association represents a sufficient number of producers and/or a sufficient quantity of agricultural products to make it an effective agent for producers in bargaining with handlers; and

Fifth, the association has as one of its functions acting as principal or agent for its producer-members in negotiations with handlers for prices and other terms of contracts with respect to the production, sale, and marketing of their product.

Moreover, even though an association satisfies these requirements, a handler is under no obligation to begin good-faith negotiations unless that association has one or more members who have previously dealt with the handler. If and when these requirements are satisfied, then a handler simply is required to negotiate in good faith with the association. There is clearly no attempt to "dictate" bargaining issues, methods, or procedures.

II. Would growers be forced to join a bargaining association under this legislation?

Yes, that would be its practical effect. Under the terms of the bill, no individual grower could get a contract while his integrator is negotiating with a bargaining association. This negotiating could well go on for months on end. Meanwhile, no contract! Then when a settlement is reached, the individual grower may find the bargaining association has succeeded in getting a contract for his integrators' total requirements, under an "exclusive requirements contract." So if the grower wants to continue to do business with that integrator, he would have to join the bargaining association.

H.R. 7597—Any reasonably objective reading of H.R. 7597 reveals that there is no attempt to "force" growers to join a bargaining association. The sole objective of the act is to assure to qualified associations that, once they have been certified by the Board, they will have an equitable opportunity to participate in negotiations with processors.

Of course, the more successful a bargaining association is in obtaining better prices and terms for its members, the more likely nonmember growers will be to join. But the National Agricultural Marketing and Bargaining Act is no Federal guarantee of success and, in fact, the history of agricultural bargaining is studded with cooperatives that failed to survive. The simple fact is, farm bargaining associations can do no more for farmers than their members are willing to cooperate in doing for themselves. Thus, each potential grower-member will have to weigh for himself the benefits and limitations such an association will mean for him.

III. How much would it cost to join a bargaining association?

Plenty. Growers would have to pay compulsory checkoff dues as high as $500 a year on a ten thousand bird capacity house. More than that, growers would have to live in a virtual straitjacket of regulations laid down by the bargaining association or be subject to heavy fines.

H.R. 7597—Because every qualified bargaining association must be producer owned and controlled, whatever fees, dues, capital contributions, or assessments are required for membership will be determined by the member-growers themselves. The point to remember is that the bargaining association is not some self-interested third party, but it is, in a very real sense, its grower-members. And, I think it safely can be assumed that, whenever those members find that the expense and burdens of the association outweigh its benefits, they will either change its practices or very quickly go their own way.

IV. How much money would bargaining associations get if this legislation becomes law?

Up to $28 Million from the broiler industry; $950 Million from American agriculture.

H.R. 7597—Agricultural bargaining associations, qualified or unqualified, will receive no funding from the Federal Government. The financial provisions of H.R. 7597 provide only that the expenses of the National Board shall be financed with Federal money. Whatever financing a bargaining association secures for its operations will come from the assessments and fees of its members, as authorized by them. Thus, "how much money" a bargaining association "will get" simply depends upon the fees and other assessments the members feel are fair and adequate for the organization's operations.

V. Since the police power of the Federal government would be used to collect this money, what provision has been made in the legislation to account for such large sums or restrict their use?

None.

H.R. 7597—This somewhat ominous statement that "the police powers" of the Federal Government will be used to collect an association's fees simply means this: The act provides that the association can collect each member's dues directly from the handler if the member voluntarily executes a written assignment to that effect. Upon receipt of the assignment, the handler deducts the indicated sum from the price to be paid to the grower for his product and pays that amount to the association as dues. If a member executes such an assignment, a handler cannot refuse to checkoff the association's dues without being subject to Board sanctions.

Since the only money to be "collected" is that belonging to the members themselves who will determine and supervise how it is employed, there is absolutely no need to concoct Federal rules and regulations on how the association can spend its own money! This is clearly the right and privilege of the grower-members themselves.

VI. Does the legislation require those who control the bargaining association to be elected by its members?

No.

H.R. 7597—Let us get one point clear: the individuals who control the bargaining association are the grower-members. The act makes it mandatory that producer-ownership and control be conclusively demonstrated to the Board before an association can qualify under the act. It is a blatant distortion of the organization and functioning of qualified bargaining associations to imply that they are in some faintly sinister way "controlled" by unidentified third parties. The members of most present bargaining associations have chosen to place the daily running of the organization in the hands of a managerial staff—general manager, secretary, and so forth—which may or may not be elected by the members or their board of directors. Nevertheless, the real control of the association remains in its members.

VII. What happens to the grower who exercises his right not to join the bargaining association?

He could contract with an integrator who does not have an "exclusive requirements contract" with the bargaining association, if he can find one. Even if he does, the integrator would not be permitted to give more favorable terms than are in the bargaining associations' contract, even though the grower's own performance justified a higher return. You see, the legislation is written to give preferential treatment to the bargaining association, not the grower. Clearly, the bargaining associations advocating such legislation are trying to stack the deck, so the grower either joins their association or he doesn't get a contract.

H.R. 7597—A grower who decides not to join a bargaining association is not restricted in any way from continuing his usual operations or from contracting with available handlers. The act does prohibit a handler from bargaining with other producers while negotiating with a qualified bargaining association, but there are several qualifications before this prohibition becomes effective. First, the association must be able to supply all or nearly all of the handler's requirements; second, the association must have at least one member who has previously dealt with the handler; and third, good-

faith negotiations must actually be taking place. Unless all three of these requirements are satisfied, the prohibition on extra association bargaining does not come into play and the handler is free to negotiate with nonassociation growers.

Moreover, while H.R. 7597 also provides that a handler cannot purchase a commodity from other producers on terms more favorable to such producers than those negotiated with a qualified association, the act does not prevent a handler from concluding a more favorable contract with a nonmember grower before negotiating with an association or after negotiations have ended without an agreement concluded.

VIII. Will the better growers be rewarded for superior performance?

Maybe partly, but possibly not. With the bargaining association in charge, the emphasis shifts to keeping members happy, rather than paying the efficient for outstanding performance. This shift would tend to penalize all but the most inefficient growers.

H.R. 7597—It is impossible as well as fruitless to attempt to predict at this point how particular bargaining associations will be structured, for example, in terms of voting rights or profit-and-loss distribution. How an association will be organized can only be decided by the members participating in it and the National Agricultural Marketing and Bargaining Act quite properly makes no attempt to outline a "model" cooperative.

But, with regard to the fear that "the better growers" will go unrewarded for their performances, I can only say this: any association that is composed of inefficient, floundering growers, "riding on the coattails" of a few superior producers, is not going to survive very long in the highly competitive business of commodity marketing. The truth is that the farm bargaining groups in existence today inevitably are characterized by a membership composed of some of the most efficient and well-informed producers in the agricultural industry.

IX. Do all bargaining associations assure growers that they can continue to select their own contractors?

No, bargaining associations require their members to sign an agreement authorizing them to act as the growers' sole bargaining agent, and requiring growers to sell their products and/or services to the integrator or processor designated by the bargaining association. If the legislation is passed, the grower would lose his right to select his own business partner. This means that for the first time in America's history, the force of federal law would be used to require one businessman to do business with another, consequently, both the grower and the integrator would find that the freedom to make decisions vital to the welfare of their businesses had been lost to a monopolistic bargaining association with no investment to protect.

H.R. 7597—The basic premise underlying agricultural bargaining cooperatives is that by designating a single agent to negotiate simultaneously for all members, the individual grower will attain a bargaining position more equal to that of the large corporate handler with which he normally does business. The association, then, bargains on behalf of its members as a unit in an effort to secure the best prices for all member goods.

To effectuate this purpose, any grower who joins a bargaining association must agree to abide by those contracts negotiated by the association and satisfied by the membership. Quite obviously, to this extent, the individual member cannot insist that contracts be made with the handlers of his choice; and any grower who feels that he must retain the right to select the handler simply does not join an association.

X. But don't bargaining associations say they are out to get a better deal for growers, and that's why they need this legislation?

Bargaining associations argue that if enough growers hang together, they can demand and get what they want. It's an old idea, based on monopoly control. In the past, it has created more problems than it has solved whether you call it a pool or a block.

Why?

Even if prices or returns are temporarily forced to artificially high levels, expanded production, with its depressing effects on prices and income, is sure to follow—unless government steps in to control production.

H.R. 7597—Most agricultural bargaining associations support H.R. 7597 because, as experienced participants in the current agricultural market structure, they are very much aware that the individual farmer is caught in an inflationary cost-price squeeze which he is powerless to alleviate. Unable to raise his prices because they are determined by the large corporate processors, he nevertheless must pay higher and higher prices for everything he buys. As a result of this vicious cycle, most established bargaining cooperatives, as well as individual farm operators, are firmly convinced that the only effective means growers have for obtaining the fair and reasonable value of their products is to unite into farm bargaining collectives.

XI. But doesn't the bargaining legislation provide for government control of production?

Yes, under Title III or H.R. 7597, federal marketing orders would be used to cut production.

H.R. 7597—Under the Agricultural Marketing Agreement Act of 1937, producers of commodities that are grown for canning are excluded from eligibility for Federal marketing orders. Title III of H.R. 7597 establishes a procedure whereby this type of restriction on marketing orders can be removed by an affirmative vote of the producers of a commodity. However, the bill does not in itself authorize a marketing order for any commodity. A majority of producers voting is required before a commodity can be made eligible for a Federal marketing order. Only at that point could the Secretary of Agriculture initiate the procedures necessary for the issuance of a marketing order.

XII. As a grower, if I were a member of a bargaining association, would I be able to fill my houses and, if so, how many times a year?

With compulsory bargaining legislation, rigid government control of production becomes inevitable. The grower would then be forced to leave a part of his facilities idle, even if he is more efficient than his neighbor. In other words, good growers would have to cut back so the inefficient could continue.

H.R. 7597—Bearing in mind that the primary purpose of agricultural bargaining associations is to help growers obtain an equitable price for their commodities, I think it will be apparent why it is extremely unlikely that an association will adversely affect a grower's production performance.

The current gloomy prediction—that bargaining associations will force prices to artificially high levels, which will cause expanded production, which will flood the market and depress prices, which will necessitate government production controls—is nothing but a bugaboo. Members of bargaining associations are just as practical and just as realistic as the rest of us when it comes to knowing the inevitable disasters of an inflationary spiral. They are not "out to gouge the public" or engage in a frenzy of overproduction. They seek only the fair and reasonable value of their products.

XIII. What effect would the proposed legislation have on small growers who want and need to expand to improve their performance?

The supply controls provided for in this legislation would put the clamps on such an opportunity.

H.R. 7597—The National Agricultural Marketing and Bargaining Act will have no more effect on small growers seeking to increase performance than did the Agricultural Marketing Agreement Act of 1937. Title III of H.R. 7597 simply sets up a procedure whereby producers of currently restricted commodities can, by majority vote, seek eligibility for a Federal marketing order. Since Federal marketing orders issued in the past have not prevented any small farmers from expanding their operations, I strongly doubt that there is any likelihood that those issued in the future would have such a startling effect.

XIV. Could growers in one area have a marketing order without having it imposed on growers in other areas?

Yes. But higher grower payments in that area could allow lower cost areas to move in and take over their markets. The result . . . empty houses in the area having a marketing order.

H.R. 7597—I suppose that it is theoretically possible that growers in one area would elect to have a marketing order that would give them higher product payments but which would also heavily increase price competition from growers in areas not subject to the order.

But the obvious response to this type of strawman hypothetical is: Why would any group of experienced, even hard-nosed, growers ever do anything so silly? Since the Agricultural Adjustment Act requires a majority of commodity producers in a marketing area to affirmatively vote for a marketing order, it is beyond belief that there could be a majority of growers who voluntarily decide to commit economic suicide.

XV. Suppose you overcome that problem by having a nationwide marketing order for the entire broiler industry, then what?

Without similar control on red meat and other competitive foods, restricted production resulting from federal controls could force artificially high prices that would put broilers at a competitive disadvantage in the marketplace. The result . . . a drop in consumer

demand, followed by production cuts and empty broiler houses.

H.R. 7597—The same response is applicable to this make-believe issue as that given to the preceding hypothetical: a Federal marketing order is not going to be sought by a majority of members in any agricultural industry which would place those members in a crippling competitive disadvantage.

XVI. Who benefits from legislation such as that now being proposed?

Certainly not the grower who would be forced, under threat of boycott, to join a bargaining association and have his business run by that association. Certainly not the consumer who could wave goodbye to the unbelievable progress made by the broiler industry during the past two decades, progress which has assured her of an abundant supply of a highly nutritious product, at a reasonable cost. Certainly not the integrator who would for the first time in history be told with whom and on what terms he must deal. No, the only one to benefit from this legislation would be the bargaining association. Shall the broiler industry and everybody in it throw in the sponge and forsake a system which has made more progress in the past twenty years than any other agricultural industry? What can you do? Let your views be known to your Senators and Congressmen.

H.R. 7597—Based on 50 years of farm bargaining experience, there is ample evidence for believing that all aspects of the agricultural industry—producers, handlers, distributors—will benefit from H.R. 7597. Not only will commodity growers make real progress toward securing the reasonable value of their produce, but strong, self-disciplined bargaining associations can greatly further the confidence and respect between producers and handlers that is fundamental to lasting cooperation.

An important question which I thought should have been asked but was not, is, who is opposing the bill? The answer is groups who buy or process farm products because the legislation might change the existing relationship between buyers—handlers—and sellers—producers. Handlers fear farmers will have more bargaining strength. In general, buyers are happy with the present situation and would not want to change it.

CHICAGO'S 1971 COLUMBUS DAY PARADE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ANNUNZIO. Mr. Speaker, this year, for the first time in the history of America, Columbus Day was celebrated as a national public Federal holiday on Monday, October 11.

As one of the early sponsors of the Monday holiday law, which designated the second Monday in October, beginning this year, as the day on which our Nation would hereafter officially honor the discoverer of America, Christopher Columbus, I was especially proud to serve as the general chairman for Chicago's 1971 gigantic Columbus Day celebration and parade.

Columbus Day is a truly American holiday because it celebrates the courage, foresight, and intrepid fortitude of a man who dared follow his ideals. Only two men in U.S. history have been honored by designation of a public Federal holiday—the first was George Washington, Father of our Country; and the second was Christopher Columbus, father of all immigrants.

Accordingly, "Christopher Columbus—Father of All Immigrants" was the theme of Chicago's parade, and all of our citizens, regardless of ethnic origin, race, or creed, joined together in rediscovering America by paying tribute to Columbus' spectacular discovery 479 years ago which opened the door to development of the Western Hemisphere and paved the way for establishment of our own great country.

Chicago's parade is the culmination of a series of specially planned events to mark the discovery of America. Yesterday the celebration began with a concelebrated mass at Our Lady of Pompeii Church in Chicago. Presiding at the mass was His Eminence John Patrick Cardinal Cody and the other celebrants included Very Rev. Peter Sordi, C.S.; Msgr. Edward Pellicore; Rev. Leonard Mattei; Rev. Florian Girometta, C.S.; Rev. Angelo Carbone, C.S.; Rev. Dal Zovi, C.S.; Rev. Salvino Zanon, C.S.; Rev. Adam Torresan, C.S.; Rev. Peter Rigo, C.S.; Rev. Joseph Curielli and Rev. Francis Cantieri. The homily was given by Rev. Paul J. Asciolla, coeditor of Fra Noi.

Special wreath-laying ceremonies took place at 11 a.m. at the Columbus Statue in Vernon Park, and at 3 p.m. following the parade the Order Sons of Italy laid a wreath at the Columbus Statue in Grant Park.

The main event of our celebration, Chicago's gigantic Columbus Day Parade, began on State Street at 12:30 p.m. More than 60 floats, depicting the theme of the parade, and over 225 units, representing every branch of the U.S. Armed Forces, participated in the procession. Women and children wearing authentic native costumes of Italy rode on the floats, and Robert Gelsomino, 2359 North McVicker, Chicago, who is a sophomore at DePaul University portrayed Christopher Columbus. Additionally, various school bands, scores of marchers, and a number of drum and bugle corps took part in the parade.

This year it was my pleasure to lead the parade, along with the honorary chairmen of the parade, the outstanding mayor of Chicago, Hon. Richard J. Daley, and the distinguished consul general of Italy in Chicago, Hon. Giuseppe Avitabile. Also leading the parade were Anthony Bottalla, president of the Joint Civic Committee of Italian Americans; Hon. CHARLES H. PERCY, U.S. Senator from Illinois; Congressman ROBERT MCCLORY; Congressman JOHN C. KLUCZYNSKI; Congressman ROMAN C. PUCINSKI; State's Attorney Edward V. Hanrahan; Lt. Gov. Paul Simon; County Board President George Dunne; County Assessor P. J. Cullerton; and Hon. Lawrence X. Pusateri.

Following them in the line of march were political dignitaries, civic leaders, members of the judiciary, businessmen from the community, and labor leaders, including Joseph Spingola, county and municipal employees, Supervisors and Foremen's Union; William Lee, Chicago Federation of Labor; John Coleman, General Service Employees Union; Ralph Bergstrom, International Union of Elevator Constructors; James Coli, Teamsters Local 727, Victor Failla, Central States Joint Board, ULDTN and AP; Henry L. Coco, Chicago Allied Printing Trades Council; and Thomas Siracusa, Barbers Union Local 548.

Sponsor of the Columbus Day Parade and other related activities honoring Christopher Columbus was the Joint Civic Committee of Italian Americans, comprised of more than 40 Italo-American civic organizations in the Chicagoland area. Many local groups cooperated with the Joint Civic Committee in this communitywide tribute to Columbus, and Anthony Sorrentino, consultant for the committee, coordinated the various activities.

Included in these activities was the 47th Annual Columbus Day Banquet of the Grand Lodge of the State of Illinois, Order Sons of Italy, which was held on Saturday, October 9, in the grand ballroom of the Sherman Hotel. More than 1,000 people attended this gala event, at which I was privileged to be the guest speaker, and Amedeo A. Yelmini served as general chairman for the banquet. Martin Buccieri was toastmaster, and John G. Spatuzza, national deputy for the Sons of Italy, and Joseph J. Ardizzone, grand venerable for the Sons of Italy of Illinois, were participants in the outstanding program.

Also, in conjunction with the Columbus Day celebration, the Joint Civic Committee of Italian Americans sponsored a Festa Della Moda fashion show on Sunday, October 3, at the Sheraton Chicago Hotel. More than 200 persons, including children and adults, participated in the fashion show and displayed authentic handmade Italian costumes portraying the native dress of the various regions of Italy. A charm or sterling silver bracelet was presented to each adult participant and a small inscribed plaque was given to each child who modeled a costume.

One of the highlights of Chicago's Columbus Day celebration is selection of the queen of the parade. This year, Gayle Sacco, 3448 West 170th Street, Lansing, Ill., was chosen to reign as queen of the Columbus Day parade. The prizes awarded to the queen included a free trip to Italy courtesy of Alitalia Airlines; a television set, wristwatch, necklace, perfume, and record album, courtesy of the Joint Civic Committee of Italian Americans; dinner at the Italian Village Restaurant, 79 West Monroe Street, Chicago, courtesy of the Capitanini family; guest on Wednesday, October 13, of singing star Tony Bennett at the Mill Run Playhouse, where he is currently appearing; introduction to skating star Peggy Fleming at the ice show on Monday, October 18, courtesy of Arthur M. Wirtz, president of the Chicago Stadium, and Don Murphy, press director of the stadium; open basketball season at Chicago Stadium by tossing out first ball, courtesy of general manager Pat Williams and press director Ben Bentley of the Chicago Bulls, 540

North Michigan Avenue, Chicago; introduction to June Lockhart, star of stage, screen, radio, and television, who is currently appearing at the Pheasant Run Playhouse, courtesy of Carl M. Stohn, producer-director, and Gilda Moss, press director at the Playhouse; and package of STP automotive products, courtesy of Andy Granatelli, president of STP, 125 Oakton Street, Des Plaines, Ill.

Members of the queen's court were Mary Lois DoCurro, 4853 North Neva, Chicago; Denise Marino, 2434 North 78th Avenue, Elmwood Park, Ill.; Adrienne Marie Levatino, 3150 North Leavitt, Chicago; and Mary Ann Paprone, 811 South Clarmont, Chicago. Prizes for the queen's court included record albums, perfume, trophies, and bouquets of flowers.

Judges for the queen's contest were Anthony Sulla, Louis Del Medico, Fred Mazzei, Judge Anthony Scotillo, Judge Philip Romiti, Ann Sorrentino, Elena Frigoletti, and Fred Bartoli.

Chicago's Columbus Day parade, which is one of the most eagerly awaited events in our city, yesterday attracted over 1 million people on State Street and was televised for 1½ hours. An additional 2 million people viewed the procession on television, which WGN–TV televised again this year as it has in past years. Sponsors of the telecast were Anthony Paterno of the Pacific Wine Co., Dominick Di Matteo of Dominick's Finer Foods, and Frank Armanetti of Armanetti Liquor Stores. Additionally, this year, the German Television Network, 3132 M Street Northwest, Washington, D.C., which evidenced great interest in the Joint Civic Committee of Italian Americans, and the various activities it sponsors, was on hand to take photographs of the parade.

Columbus Day festivities were brought to a close at a reception at 4 p.m. at the Chateau Royale, 5743 West Chicago Avenue, Chicago. Mrs. Serafina Ferrara and Mr. Joseph Abbott were the official hostess and host at the reception which was held in honor of all of the officers, subcommittee chairman, and members who participated in making the 1971 Columbus Day Parade the greatest Columbus Day Parade that Chicagoans have ever witnessed. Leaders of the Italo-American organizations from Illinois were present at the reception as well as officials from the city of Chicago, from Cook County, and from the State of Illinois.

Mr. Speaker, at this reception which concluded Columbus Day activities in Chicago, I was highly privileged to be presented with two awards from the veterans of Illinois. Department commander for the State of Illinois Veterans of Foreign Wars, James "Pat" Harris, on behalf of his organization, presented the Veterans of Foreign Wars Meritorious Citation to me, and the past State commander for the State of Illinois American Legion, Al Swiderski, on behalf of his organization, presented to me the Illinois Congressional Award for Outstanding Illinois Veterans Legislative Leader. I want to express my deep appreciation to the officers and members of these two outstanding veterans' organizations for the recognition extended to me and my efforts in the Congress of the United States in behalf of all of our Nation's dedicated and loyal veterans who have made such a tremendous contribution to the protection and well-being of our great country.

Mr. Speaker, I want to say also that I was deeply moved by the wonderful gesture of the Joint Civic Committee of Italian Americans, whose president, Anthony Bottalla, on behalf of the organization, presented to me at the reception a solid gold commemorative medallion as a memento of my chairmanship of the 1971 Columbus Day Parade in Chicago.

As general chairman for the 1971 Columbus Day Parade Commitee, I want to extend my sincerest appreciation to all of the officers and members of the parade committee, as well as the Joint Civic Committee of Italian Americans, for their dedication, their generosity, their hard work, and their steadfast efforts which resulted in making this year's parade the tremendous success that it was. It is a source of great personal pride to me to know that all of our people joined together in our first nationwide celebration of Columbus Day and thereby focused attention on rediscovering America, reevaluating the legacy of Columbus, and rededicating ourselves to the destiny on which he launched us.

Mr. Speaker, the officers and members of the 1971 Chicago Columbus Day Parade Committee are as follows:

COLUMBUS DAY PARADE COMMITTEE

HONORARY CHAIRMEN

Honorable Richard J. Daley.
Dr. Giuseppe Avitabile, Consul General of Italy.

GENERAL CHAIRMAN 1971

Honorable Frank Annunzio, Congressman.

OFFICERS

Anthony Bottalla, President.
Charles Porcelli, 1st Vice President.
Anthony Fornelli, 2nd Vice President.
Dr. James F. Greco, 3rd Vice President.
James Coli, 4th Vice President.
Dr. N. J. Bruno, 5th Vice President.
John G. Rovetto, Treasurer.
Ettore DiVito, Secretary.
Anthony Sorrentino, Consultant.
Domenick J. DiFrisco, Public Relations.

PAST PRESIDENTS

Peter R. Scalise, Anthony Paterno, Dr. Mario O. Rubinelli, Victor J. Failla.

EXECUTIVE ASSISTANT TO GENERAL CHAIRMAN

Anthony Fornelli.

SPECIAL ASSISTANTS TO GENERAL CHAIRMAN

Joseph Bottalla, Dominick Dolci, Frank Mariani, Ralph Massey, Anthony Terlato, Joseph Tolitano, Jerome Zurla.

CO-CHAIRMEN

Frank Armanetti, Fred Bartoli, Anthony Bottalla, Martin R. Buccieri, James Coli, Dominick Di Matteo, Victor J. Failla, Nello V. Ferrara, Anthony Paterno, Dr. Mario O. Rubinelli, Anthony Terlato.

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Platform narrator

Dick Biondi.

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Anthony Paterno, Chairman, Frank Armanetti, Dominick Di Matteo.

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Hon. Victor A. Arrigo, Chairman.
Dominick Bufalino, Co-Chairman.
Charles Carosello, Joseph Comella, Dr. Joseph H. DiLeonarde, William Fantozzi, Rosario Lombardo, Dr. Joseph S. Sirchio, Amedeo Yelmini.

Publicity and queen contest

Domenick J. DiFrisco, Chairman.
Fred Randazzo, Co-Chairman.
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Religious program and organizations

Joseph De Serto, Chairman.
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Carl Ferina, Michael R. Fortino, Michael Mento, John Spatuzza.

Business and professional

Charles C. Porcelli, Chairman.
Anthony Terlato, Co-Chairman.
Tom Ardino, Vic Bondi, Joseph Bottalla, Sam Cerniglia, Jack Cerone, Dominic Chirchirillo, Carl Cipolla, Rocco D'Allessandro, John D'Arco, Jr., Charles P. DeVito, Joseph Fontana, Robert Hicks.
Albert Litterio, Vincent Lucchese, Vincent Lupo, Michael Mariani, Arthur Monaco, Anthony Partipilo, John Paterno, Paul Paterno, Gerald L. Sbarboro, Peter R. Scalise, Louis Seno, Anthony Sulla, Horatio Tocco.

Authentic Italian costumes

Dr. Mary Ellen (Mancina) Batinich, Chairman.
Mrs. Tena Amico, Co-Chairman.
Mrs. Maria DeSerto, Co-Chairman.
Mrs. Ellen Frigoletti, Co-Chairman.
Mrs. Josephine Lavorato, Co-Chairman.
Mrs. Norma Battisti, Mrs. Stella Boschelli, Mrs. Gene Bruno, Mrs. Mary Ann Cervi, Mrs. Judith Guzaldo, Miss Barbara Inendino, Mrs. Violet Loiacono, Mrs. Ann Menconi, Mrs. Ann Parisi, Mrs. Marie Pedi, Mrs. Annette Salvatore, Mrs. Mary Spallitta, Mrs. Ange Tufano.

Floats

John G. Rovetto, Chairman.
Sam Canino, Co-Chairman.
Joseph Rovetto, Co-Chairman.
Joseph Pope.

Float personnel

Lawrence Spallitta, Chairman.
Tom Ardino, Nick Bianco, Russell Bonadonna, Stephen Fiorentino, Mrs. Ann Sorrentino, Mrs. Mary Spallitta, Mrs. Ann Yelmini.

Bands, marchers and transportation

Dr. James F. Greco, Chairman.
Joseph Bottalla, Co-Chairman.
Dominick Alberti, Peter Barbero, Frank Bottigliero, Dr. Nicholas J. Bruno, Jordan Canzone, Hon. Lawrence DiPrima, John Epifanio, Michael Galasso, Peter Realmuto.

Labor

James Coli, Chairman.
Victor Failla, Co-Chairman.
John Leto, Co-Chairman.
Edward Coco, Henry L. Coco, Bruno Fillipini, Paul Iaccino, John Parise.

Parade marshals

Marco De Stefano, Chairman.
Guido Melone, Co-Chairman.
Sam Canino, Ettore, DiVito, Michael Epifanio, Louis Del Medico, Neil Francis, Henry Jenero, Anthony Pilas, Louis H. Rago, Vito Siciliano, Joseph Tolitano, Frank J. Tomaso.

Mr. Speaker, I also want to express appreciation to our friends in the media who have helped in calling attention to the first celebration in America of Columbus Day as a national public Federal holiday—Jack Eigen, Irv Kupcinet, Maggie Daly, Robert Weidrich, Sig Sakowicz, Wally Phillips, Gene Taylor, Bruce DuMont; and to our friends in the business world who have done likewise—Wilbur "Bill" Cage of Magi Kist Rug Cleaners; Thierry L. McCormick of Meister Brau, Hal Louder of Anheuser-Busch, Albert Jantorni of Broadview Westchester Bank, and Pat Gorman of the Amalgamated Butchers Union, all of whom donated electric signs to publicize the Columbus Day Parade.

In honor of this first nationwide celebration of Columbus Day, the Joint Civic Committee of Italian Americans struck a magnificent commemorative medallion. One of these medallions was presented to the President and Vice President of the United States, to each U.S. Senator, each U.S. Congressman, each member of the President's Cabinet, each Supreme Court Justice, to the Ambassador of Italy, the Honorable Egidio Ortona, to various Italo-American leaders, to Archbishop Luigi Raimondi, the Apostolic Delegate, and to the president, vice president and 20 members of the Regional Administration of Liguria which hosted the U.S. congressional delegation that visited the birthplace of Columbus, Genoa, Italy, from October 1 through 5 in order to participate in official ceremonies commemorating America's first nationwide public celebration of Columbus Day.

The congressional delegation carried with them as gifts for the officials and people of Liguria, where Genoa is located, a memorial book containing a letter of greetings signed by President Richard M. Nixon, a letter of greetings signed by Speaker of the House of Representatives CARL ALBERT, and resolutions from city councils of six cities in the United States which bear the name of Columbus. Additionally, the delegation presented to the Italian officials a copy of the original bill signed by President Lyndon B. Johnson making Columbus Day a national public holiday and a resolution of the congressional delegation commemorating the trip as well as a parchment scroll containing a painting of the three ships of Columbus.

Mr. Speaker, following are the letters from the President and the Speaker, the six city council resolutions, the resolution of the congressional delegation and the original bill, as well as my press release about the official Genoa trip:

THE WHITE HOUSE,
Washington, D.C., September 23, 1971.

Hon. GIANNI DAGNINO,
President of Regional Executive, Region of Liguria, Genoa.

DEAR DR. DAGNINO: I am pleased to extend my warmest greetings to you and to the people of Genoa on the occasion of your commemoration of Christopher Columbus. This year, for the first time, Columbus Day will be celebrated in the United States as a national holiday. Of course, the American people have long honored Columbus, whose historic voyage led to the emergence of a new world and a new chapter in the history of our planet. We have particularly cherished the ties between the United States and the City of Genoa which, since that early beginning, have been reinforced by the many sons and daughters of Italy who have contributed so much to the growth of the American nation.

I am particularly pleased that this message to you can be carried by a distinguished group of American political leaders who are of Italian descent. They are eminently representative of that special part of our national heritage that is Italian. These men embody the finest traditions of America and they also take great pride in the cultural heritage of the land of their ancestors.

It is, therefore, with a deep sense of pride in our common traditions that I convey to you on this occasion the very best wishes of the American people.

Sincerely,

RICHARD NIXON.

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 17, 1971.

Dr. GIANNI DAGNINO,
President of the District Council, District of Liguria, Genoa, Italy.

DEAR MR. PRESIDENT: I am happy to advise that a committee of members of the United States House of Representatives, together with other distinguished American public officials, will represent this nation in the City of Genoa on the occasion of your commemoration of Christopher Columbus. I have the honor of sending with them a copy of the public law which made Columbus Day a national holiday. The people of the United States will officially celebrate this holiday for the first time this year.

The American people consider Columbus as much a part of our heritage and our history as any of our most renowned citizens in all our annals, whether native or foreign-born. It may be of interest to you and your people to know that the enactment of the legislation creating Columbus Day makes your renowned son, the father of American immigrants, one of only two individuals whose birthdates are recognized as official national holidays in the United States, the only other being George Washington, the Father of our Country.

In the same vein, Genoa is more familiar to the average school child in this country than most cities of the United States of equal size. It is a part of the fibre and the fabric of our thinking and of our national life. Municipalities in every part of this country have been named after the discoverer of America. Statutes have been erected to his honor in every section. The story of his life, his resolution, and his contribution to world history, can be found in the schoolbooks of every child. We claim him, in fact, as one of our own.

The list of Members whom I have designated to represent the House of Representatives, and through it the American people, is as follows:

Honorable Peter W. Rodino, Jr., N.J.
Honorable Joseph P. Addabbo, N.Y.
Honorable Frank Annunzio, Ill.
Honorable Mario Biaggi, N.Y.
Honorable Frank J. Brasco, N.Y.
Honorable Silvio O. Conte, Mass.
Honorable Dominick V. Daniels, N.J.
Honorable John H. Dent, Pa.
Honorable Dante B. Fascell, Fla.
Honorable Robert N. Giaimo, Conn.
Honorable Ella T. Grasso, Conn.
Honorable Robert L. Leggett, Calif.
Honorable Romano L. Mazzoli, Ky.
Honorable George P. Miller, Calif.
Honorable Joseph G. Minish, N.J.
Honorable John M. Murphy, N.Y.
Honorable Teno Roncalio, Wyo.
Honorable Joseph P. Vigorito, Pa.
Honorable Robert McClory, Ill.
Honorable Bertram Podell, N.Y.

As the Speaker of the House of Representatives, it has been my honor and my privilege to work closely with all of the twenty American Representatives, eighteen of whom are of Italian descent, comprising the committee that will represent this country in your city. I have served in Congress with most of them for many years. They include some of our most distinguished legislators. I am proud to be able to call each of them my friend.

Americans of Italian origin have held high places in every walk of life and have added to the culture and to the strength of this nation. We are proud of them and through them we are most happy to send to the citizens of Genoa, and to all the fine people of Italy, the greetings of our own people and our gratitude to your city for giving to the world the man who discovered America.

Gratefully to your City,

THE SPEAKER.

ACT

An act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6103(a) of title 5, United States Code, is amended to read as follows:

"§ 6103. Holidays

"(a) The following are legal public holidays:

"New Year's Day, January 1.

"Washington's Birthday, the third Monday in February.

"Memorial Day, the last Monday in May.

"Independence Day, July 4.

"Labor Day, the first Monday in September.

"Columbus Day, the second Monday in October.

"Veterans Day, the fourth Monday in October.

"Thanksgiving Day, the fourth Thursday in November.

"Christmas Day, December 25."

(b) Any reference in a law of the United States (in effect on the effective date of the amendment made by subsection (a) of this section) to the observance of a legal public holiday on a day other than the day prescribed for the observance of such holiday by section 6103(a) of title 5, United States Code, as amended by subsection (a), shall on and after such effective date be considered a reference to the day for the observance of such holiday prescribed in such amended section 6103(a).

SEC. 2. The amendment made by subsection (a) of the first section of this Act shall take effect on January 1, 1971.

LIST OF COSPONSORS

John O. Pastore, R.I.; Peter W. Rodino, Jr., N.J.; Joseph P. Addabbo, N.Y.; Frank Annunzio, Ill.; Mario Biaggi, N.Y.; Frank J. Brasco, N.Y.; Silvio O. Conte, Mass.; Dominick V. Daniels, N.J.; John H. Dent, Pa.; Dante B. Fascell, Fla.; Robert N. Giaimo, Conn.; Ella Grasso, Conn.; Robert L. Leggett, Calif.; Romano L. Mazzoli, Ky.; Robert McClory, Ill.; George P. Miller, Calif.; Joseph G. Minish, N.J.; John M. Murphy, N.Y.; Bertram L. Podell, N.Y.; Teno Roncalio, Wyo.; Joseph P. Vigorito, Pa.

PRESENTED TO THE PEOPLE OF GENOA ON THE OCCASION OF THE FIRST CELEBRATION OF NATIONAL CHRISTOPHER COLUMBUS DAY BY THE U.S. MEMBERS OF CONGRESS OF ITALIAN HERITAGE—OCTOBER 1971

To the Mayor and People of Genoa:

From the journey of Christopher Columbus almost five centuries ago to the present day, Italians have played a major role in the life of the New World. "Every ship," wrote

Emerson, "that comes to America got its chart from Columbus."

The dauntless spirit of this great Genoese navigator which is also the spirit of his homeland, has profoundly shaped the destiny of the American Nation. The esteem in which Americans hold Christopher Columbus goes beyond the man. He has come to symbolize for Americans the highest ideals of the Italian people.

Now the American people have declared to the world their admiration and respect for this courageous explorer by proclaiming Christopher Columbus Day a national public holiday.

When Americans pay tribute to Christopher Columbus they express their deep appreciation and gratitude to the people of Italy for their immense contribution to the history and ideals of our country.

In commemoration of this historic event we are delighted to present a copy of the Act establishing Columbus Day as a national public holiday.

LIST OF MEMBERS

John O. Pastore, R.I.; Peter W. Rodino, Jr., N.J.; Joseph P. Addabbo, N.Y.; Frank Annunzio, Ill.; Mario Biaggi, N.Y.; Frank J. Brasco, N.Y.; Silvio O. Conte, Mass.; Dominick V. Daniels, N.J.; John H. Dent, Pa.; Dante B. Fascell, Fla.; Robert N. Giaimo, Conn.

Ella Grasso, Conn.; Robert L. Leggett, Calif.; Romano L. Mazzoli, Ky.; Robert McClory, Ill.; George P. Miller, Calif.; Joseph G. Minish, N.J.; John M. Murphy, N.Y.; Bertram L. Podell, N.Y.; Teno Roncalio, Wyo.; Joseph P. Vigorito, Pa.

CITY OF COLUMBUS,
Columbus, Miss., September 15, 1971.

Mayor and People of Genoa,
All the People of Italy:

We are advised by Congressman Frank Annunzio of the 7th District of Illinois that in the 1st part of October, 1971, a delegation of 15 Congressmen will visit your city to officially make the celebration of Columbus Day for the first time in the history of America as a Federal national public holiday.

From a city in the state of Mississippi, on the banks of the Tombigbee River, which received its charter in 1821 and is this year celebrating its sesquicentennial, to the fine people of Genoa and all the people of Italy, we send you our Greetings.

According to legend this City was named in honor of Christopher Columbus. We are advised that the name was supplied by a merchant by the name of Silas McBee.

We are very proud of our heritage and we are glad that our country will recognize the Country of Italy and the City of Genoa in honoring this great son of yours and it is with great pride that we send you our Greetings.

Cordially,

MAYOR ELLIS,
Mayor.

RESOLUTION No. 3532

Whereas, The City of Columbus, Nebraska was named in memory of the explorer Christopher Columbus, who discovered America in the year 1492 A.D. while sailing under commission of the Queen of Spain, and

Whereas, The Government of the United States of America has designated the second Monday of October as Columbus Day in memory of Christopher Columbus and his courageous exploration, which resulted in the development of the Western Hemisphere and paved the way for the development of the United States of America, and

Whereas, Representatives of the delegation of the United States Government will visit Genoa, Italy, the home town of Christopher Columbus, and

Whereas, The City of Columbus wishes to participate in the special ceremony in memoration of the historic event and give greetings to the people of Genoa, Italy,

Now, therefore, be it resolved by the Mayor and Council of the City of Columbus, Nebraska that the Mayor and Council of the City of Columbus, Nebraska go on record as declaring October 11th Columbus Day in Columbus, Nebraska in commemoration of the courageous exploration of Christopher Columbus who discovered the Western Hemisphere in the year 1492 A.D.

Be it further resolved that the Mayor and Council of the City of Columbus, Nebraska for and on behalf of the citizens of the City of Columbus, Nebraska do hereby send greetings to the people of Genoa, Italy.

RESOLUTION

Whereas Christopher Columbus, a courageous Genoan, accomplished a feat some 479 years ago which compares with modern man's first journey to the moon and

Whereas the community in which we live proudly bears the name of this great pioneer

Now therefore, the Common Council of the City of Columbus, Wisconsin, U.S.A. hereby salutes the memory of that intrepid adventurer whose daring and persistence changed the entire course of history and joins the nation in commemorating that historic achievement.

Dated August 19, 1971.

RESOLUTION No. 459–71

Whereas, for the first time America will celebrate Columbus Day as a national public holiday on the second Monday in October; and,

Whereas, the celebration of Columbus Day will cement ties between the cities of the world named after Christopher Columbus and will create international goodwill between the citizens of these cities and Genoa, Italy; and,

Whereas, Columbus, Georgia desires to be recognized as one of those cities that feels the importance of Columbus Day.

Now, therefore, the Council of Columbus, Georgia, hereby resolves:

That we hereby endorse the concept of Columbus Day being celebrated throughout the cities of the world named after Christopher Columbus. We extend our best wishes to the people of the city of Genoa, Italy, from our city, named after one of the most illustrious citizens of the city of Genoa.

Let a copy of this Resolution be furnished the governing Council of the city of Genoa as an expression of our goodwill toward them.

RESOLUTION

Whereas, a courageous navigator named Christopher Columbus discovered America 479 years ago, and

Whereas, this discovery opened the door to the future of the Western Hemisphere, and

Whereas, the Governing Body of the City of Columbus is desirous of according recognition for the acts and deeds of this courageous adventurer;

Now, therefore, the 2nd Monday of October is hereby proclaimed Columbus Day in the City of Columbus, Kansas, and all residents are urged to participate in commemorating this historical day.

Passed this 20th day of September, 1971.

RESOLUTION BY CITY COUNCIL OF COLUMBUS, OHIO

To extend greetings to the people of Genoa, Italy in commemorating the 479th anniversary of the discovery of America by her great and famous son.

Whereas, the year 1971 will mark the 479th anniversary of the discovery of America by Christopher Columbus and will be celebrated in the United States on the second Monday in October, henceforth as a Federal National Holiday; and

Whereas, although the extraordinary chronicle of the exploits of the intrepid explorer has been recorded for hundreds of years, time scarcely dims but assuredly enhances the heroic stature of that courageous and resolute man of faith and vision; and

Whereas, in declaring a national holiday on what has been traditionally set aside as a day of especial recognition for Christopher Columbus in this city, the Federal Government thereby urges all America to honor the man responsible for one of the momentous discoveries of history; and

Whereas, it is truly right and just that this should be, in view of the fact that Columbus' landfall on October 12, 1492, opened a New World of Freedom, of promise and of opportunity; now, therefore,

Be it resolved by the Mayor and the Council of the City of Columbus, Ohio:

That we do hereby extend greetings to the people of Genoa, Italy in commemorating Columbus Day as a Federal National Holiday. Our city continues to bear the name of Columbus proudly; and the citizens of this community join you in celebrating an historic event which shall prevail in the annals of man's great achievements.

[News release from Congressman FRANK ANNUNZIO, October 8, 1971]

ITALIAN OFFICIALS AT GENOA WELCOME ITALIAN-AMERICAN CONGRESSIONAL DELEGATION

Dr. Gianni Dagnino, president of the Region of Liguria, on October 2 warmly welcomed Congressman Frank Annunzio (D-7th Dist-Ill) and Congressman Peter W. Rodino, Jr. (D-10th Dist-N.J.), along with other Members of a Congressional Delegation, who were in Genoa, Italy, to participate in official ceremonies commemorating the first observance of Columbus Day in the United States as a national public Federal holiday.

Others in the Congressional Delegation included Honorable Joseph P. Addabbo (D-7th Dist-N.Y.); Honorable Frank J. Brasco (D-11th Dist-N.Y.); Honorable Dominick V. Daniels (D-14th Dist-N.J.); Honorable John H. Dent (D-21st Dist-Pa); Honorable Robert N. Giaimo (D-3rd Dist-Conn); Honorable Robert McClory (R-12th Dist-Ill); Honorable Robert Leggett (D-4th Dist-Calif); Honorable George P. Miller (D-8th Dist-Calif); Honorable Joseph G. Minish (D-11th Dist-N.J.); Honorable John M. Murphy (D-16th Dist-N.Y.); Honorable Bertram L. Podell (D-13th Dist-N.Y.); and Honorable Melvin Price (D-24th Dist-Ill).

Also accompanying the group were Father Paul Asciolla, editor of FRA NOI, one of the leading Italian-American newspapers in Chicago, and D. Thomas Iorio, Assistant Sergeant-at-Arms of the U.S. House of Representatives.

The reception in honor of the Congressional Delegation was held in the main loge of the 15th century Palazzo Spinola and included the exchange of greetings between the Congressmen and all the invited guests. Dr. Dagnino presided at the reception attended by other members of the Regional Government of Liguria, including Dr. Carlo Pastorino, Vice President of the Regional Assembly; members of the Provincial Government of Liguria; representatives of the City of Genoa, including Augusto Pedulla, Mayor of Genoa; military and cultural personalities; the American Consul General in Genoa, Thomas Murfin; the American Consul in Genoa, Carl Anthony Bastiani; and a representative of Cardinal Joseph Siri of Genoa, Monsignor Luigi Andrianotoli. Also in attendance were officials of Alitalia Airlines, as follows: Guido Vittori, General Manager for North America; Joseph LeTourneau, Public Relations Manager for United States, Mexico and Central America; Dominick DiFrisco, District Sales Manager in Chicago; and Marino Magrone, Manager in Genoa.

An official banquet followed the reception.

The first speaker was Dr. Gianni Dagnino, who extended greetings, and said, "This meeting is yet another example of the long ties of friendship between the United States and Italy, and of the remarkable contribution which Italians have made to the development of America's culture and civilization."

Dr. Dagnino continued, "Columbus fought tenaciously to find the truth and make it triumph. He launched the world toward a new destiny in proposing his bold views. We Italians and you Americans of Italian heritage share, appreciate, and honor the ideals, the faith in fundamental values such as liberty and solidarity, which Columbus pursued and accomplished. As Columbus discovered a new world, we today seek new horizons in the skies and the moon, and we must rediscover the world within ourselves, within our spirit, still the vastest and deepest world to be explored."

Congressman Peter W. Rodino, Jr., Dean of the Italian-American Congressmen, responded in Italian to these remarks. He recalled the time 23 years ago he initially proposed making Columbus Day a national holiday, and his belief that Christopher Columbus is symbolic of the pluralism of American culture, so that we can really call him the Father of All Immigrants. He then proceeded to read a letter of greetings addressed to President Dagnino from The Speaker of the United States House of Representatives, Representative Carl Albert.

Congressman Robert McClory of Illinois, whose Monday Holiday Bill was amended to include Columbus Day as a national holiday, read a letter of greetings from President Nixon to President Dagnino.

Thereafter, in the name of all the Members of the visiting congressional delegation, a memorial book was presented which included the letters of President Nixon and Speaker Albert, together with a special resolution signed by the Members of the delegation, as well as resolutions from City Councils of six cities in the United States which bear the name of Columbus.

Congressman Frank Annunzio, who spearheaded the Genoa trip, concluded the presentation of the Delegation by speaking of the tremendous accomplishment of making Columbus Day a national holiday.

The veteran legislator from Illinois declared, "Our immigrant parents, grandparents and great grandparents would have marvelled over our trip here to Genoa which is but another bridge between two great countries—the America, our native land and the greatest country in the world, and Italy, the country of our cultural heritage. The bonds of friendship between our two great countries have been renewed and strengthened as a result of this visit to the birthplace of Christopher Columbus."

Annunzio continued, "Columbus belongs to the world. Columbus Day is a truly American holiday because it celebrates courage, foresight, and intrepid fortitude of a man who dared follow his ideals."

Congressman Annunzio then presented on behalf of the group a large parchment scroll containing a painting of the three ships of Columbus, a copy of the resolution of the congressional delegations commemorating the trip and a copy of the original bill signed by President Lyndon B. Johnson making Columbus Day a national holiday.

Congressman Annunzio then presented commemorative medals, struck in Chicago especially for the occasion, to the 20 members of the Regional Administration of Liguria. In exchange, President Dagnino gave to all the members of the American contingent a commemorative book of their visits containing copies of letters on Columbus, photographs of significant historical sites in Genoa, and silver medals bearing the image of Columbus.

The visit to Genoa of the U.S. Congressmen, in addition to the reception and banquet at Palazzo Spinola, included various functions and local visits to historical places of interest: the Palazzo Tursi which houses the ashes of Columbus and the famous Paganini violin; the Institute for Communications; Columbus' house via Piccapietra; the Church of Santo Stefano; the Cathedral of San Lorenzo; the Church of San Matteo; Portofino; an official luncheon given by Dr. Maurizio Roncagliolo, Mayor of Rapallo; a reception given by Adm. Umberto Cugia Di Sant'Orsolo, President of the Italo-American Association of Genoa; and a reception at the City Hall of Genoa.

The Members of the Delegation returned to Washington on October 5 at the conclusion of the official ceremonies and program of events in Genoa marking the first celebration in America of Columbus Day as a national holiday.

Another outstanding event that took place in commemoration of the first national public celebration of Columbus Day was a huge reception and buffet in the caucus room of the Cannon House Office Building in Washington, D.C., on Wednesday, October 6, 1971. More than 1,500 people including Secretary of Transportation John A. Volpe, U.S. Senator JOHN PASTORE, and U.S. Congressmen of Italian ancestry attended the reception. Also among those present to pay tribute to Columbus were numerous U.S. Senators, Members of Congress, Supreme Court Justices, Cabinet members, and outstanding Italo-Americans in business and Government including Jack Valenti, director of the Motion Picture Association of America.

The following is the invitation for the reception:

INVITATION

Secretary of Transportation John A. Volpe, Senator John O. Pastore, Congressman Peter W. Rodino, Jr., and The Italian American Representatives in Congress request the pleasure of your company at a Reception and Buffet to mark the celebration of Columbus Day for the first time in the history of America as a Federal national public holiday on Wednesday, the sixth of October from five until seven o'clock at the House of Representatives Caucus Room, 345 Cannon Building, Washington, D.C.

Gancia Spumante and Buffet by Paterno Imports, Ltd., Chicago—New York.

MEMBERS OF THE RECEPTION COMMITTEE

Honorable John A. Volpe
Honorable John O. Pastore, R.I.
Honorable Peter W. Rodino, Jr., N.J.
Honorable Joseph A. Addabbo, N.Y.
Honorable Frank Annunzio, Ill.
Honorable Mario Biaggi, N.Y.
Honorable Frank J. Brasco, N.Y.
Honorable Silvio O. Conte, Mass.
Honorable Dominick V. Daniels, N.J.
Honorable John H. Dent, Pa.
Honorable Dante B. Fascell, Fla.
Honorable Robert N. Giaimo, Conn.
Honorable Ella T. Grasso, Conn.
Honorable Robert L. Leggett, Calif.
Honorable Romano L. Mazzoli, Ky.
Honorable George P. Miller, Calif.
Honorable Joseph G. Minish, N.J.
Honorable John M. Murphy, N.Y.
Honorable Teno Roncalio, Wyo.
Honorable Joseph P. Vigorito, Pa.

Mr. Speaker, in conclusion, I want to commend and congratulate all of the officers and members of the Joint Civic Committee of Italian-Americans who, by their sponsorship of the gigantic patriotic Columbus Day celebration in Chicago marking the first nationwide observance of this holiday, have demonstrated to the world their pride in America, in our great heritage, and in our free institutions.

It is the fervant hope of the Joint Civic Committee of Italian-Americans that through our new national public holiday in honor of Christopher Columbus that all of us, regardless of race, color, creed, or nationality, can rediscover America and can rekindle a genuine pride in all aspects of our heritage in order that we may maintain the strength of our country and keep America a bastion of democracy in our free world. We know that through the courage and intrepid fortitude personified by Christopher Columbus, we can restore peace in the world and freedom for all mankind.

PULASKI DAY 1971

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROONEY of New York. Mr. Speaker, on Sunday, October 3, Fifth Avenue in New York City was again the scene of another impressive Pulaski Parade. Again thousands of Polish-American men, women and children paraded. Colorful costumes and impressive floats caught the eyes of the throngs who lined the march of the parade. But this march unlike many we have witnessed or seen flashed upon our TV screens had no anti-American posters and no dissident hippy groups deriding or mocking American ideals and institutions. No, the marchers in this parade were all patriotic Americans who are proud of their American heritage. They were proud, too, of the Polish blood that flows through their veins.

To see the happy marchers, smiling and waving at friends in the crowd, gives me a real sense of satisfaction. To see the representatives of cultural and charitable organizations, fraternal groups, religious bodies and schools proudly participating in a march to honor one of America's greatest heroes of the Revolutionary War fills every onlooker with contagious pride.

Mr. Speaker, we are indeed indebted to the great Polish-American organizations which assume primary responsibility for the nationwide observance in honor of Gen. Casimir Pulaski. These observances mark the tragic and untimely death of the great Polish fighter who gave his life in the cause of our American independence.

Casimir Pulaski was not one but many great men. He was a great patriot with an impassioned love of freedom. He was a brilliant military strategist and a gallant soldier. He was a great humanitarian and an avowed champion of human rights. Being all these men in one is somewhat of a paradox because he was born into a wealthy family and surrounded with the things that only great affluence could buy. But even as a boy the snobbish, aristocratic world in which he lived had no appeal to him. Instead,

he chose as friends the zealous young patriots who plotted the overthrow of Russian domination of Poland. Unfortunately, Pulaski and his friends failed in their attempts to develop a full-scale revolt. Pulaski, like many of his compatriots, was exiled and all his property confiscated.

The revolt of the American colonists intrigued Pulaski. He sought out Benjamin Franklin who was in Paris attempting to gain French support for our War of Independence. It took no real effort for the zealous Franklin to win over the young Polish cavalry officer to leaving for America and adopting our war as his own.

A letter from Franklin to Gen. George Washington served as Pulaski's introduction to the discouraged and weary American commander. Pulaski first served as a volunteer on Washington's personal staff, but within a matter of only a few months, he proved himself so competent and such an asset to Washington that Congress awarded him the rank of brigadier general and gave him the task of organizing the American cavalry. Under Pulaski's able leadership, this mounted unit first known as the "Pulaski Legion" soon won fame for its valor and its military competence. Unfortunate it was that young Pulaski was to lose his life on November 11, 1779, while leading a charge by his unit in the Battle of Savannah.

The colonial leaders suffered a real loss with the death of this 31-year-old patriot. America itself was deprived of one of its most courageous leaders at a time when the qualities possessed by Pulaski were in desperate need.

America needs to do more today to honor Pulaski than by continuing to name parks, highways, and bridges after him. America needs today to arm itself with Pulaski's kind of zeal and courage to preserve the independence which Pulaski gave his life to establish. America needs to join with its fellow citizens of Polish birth or extraction not only to honor the hero, Casimir Pulaski, but to emulate his unflinching efforts to see that freedom reigns here and for all nations.

PASSIONATE MODERATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BINGHAM. Mr. Speaker, in desperate response, perhaps, to the seemingly overwhelming social problems this country faces, extremism, public tantrums, and political intractibility have become fashionable methods for trying to change and improve public policy. Moderation and compromise, on the other hand, have fallen into corresponding disrepute. Robert Bendiner, a member of the editorial board of the New York Times, has recently written a most perceptive essay in defense of what he terms "passionate moderation." He points out, among other things, that a democratic society that falls into the habit of getting things done through extreme tactics "soon falls out of the habit of democracy altogether." In my judgment, this thoughtful and thought-provoking article, which appeared in the October 11, 1971, issue of the Times, merits widespread attention, and I, therefore, submit it for the RECORD:

PASSIONATELY MODERATE

(By Robert Bendiner)

Not many words with the power to shock are left in the American vocabulary, *moderate* being about the dirtiest. Only seven years ago Barry Goldwater was humbled in the dust for extolling extremism and downgrading moderation. Now Senator Muskie of Maine, his eye on the White House, finds himself urged to dilute his reputation as a temperate politician, as a man who comes only cautiously to great decisions and is addicted to learning all he can about an issue before trumpeting his views on it. In large and influential segments of the electorate, some youthful and some merely in pursuit of youthful approval, such attributes are the hallmark no longer of the philosopher-statesman but of the Establishment mediocrity.

When did *compromise* and *consensus* become terms of general opprobrium? The first has always been the rule in well-regulated kindergartens and parliaments, as opposed to group mayhem and private tantrums. Only dictators, it has long been understood, can afford to be uncompromising.

The second term, consensus, is the very essence of democracy—nonetheless so because President Johnson's use of the word gave rise to certain suspicions. What was wrong with the Johnsonian consensus was not the idea but the fact that he didn't appear to mean it. When he said, "Come, let us reason together," he was merely giving everyone a chance to agree with him.

Extremism, it is true, is likewise a venerable tradition in the United States, but only recently has it come into its own as an upper-middle-class atitude, highly popular at suburban dinner parties, occasionally lauded at church breakfasts as "prophetic witness," and found thoroughly "understandable" in the columns of respectable journals. Indeed, the feeling has come to be that moderation is vaguely synonymous with lack of passion, conviction or social concern. Where a Goldwater was once faulted for shooting from the hip, a Muskie is now scorned in the same circles as the slowest gun in the East.

But the psychological insight involved in this shift seems almost as feeble as the political analysis. A man can be passionate about the Middle Way if he happens to believe that the truth is most often to be found somewhere near the center; that extreme tactics are rarely the way to "get things done," as the popular rationale has it; and that a democratic society that falls into the habit of getting things done that way soon falls out of the habit of democracy altogether.

It would take a good-sized book—and an interesting one it would be—to examine this proposition that social justice has been advanced in direct ratio to the illegality employed, but even a quick glance at some recent history shows glaring flaws in the theory. Watts and the ghetto areas of Washington look rather worse today than they did before the riots that tore them up a few years ago, whereas orderly court procedures have profoundly altered the school system of Arkansas, and, even more, the politics of Mississippi.

The first of last spring's antiwar demonstrations in Washington was a peaceable assembly, in the best tradition of lawful protest—and it was enormously impressive. The second, on May Day, was a grotesquely conceived effort to close down the capital of the United States; it achieved nothing but a few minor martyrdoms and the renewed conviction among borderline observers that the peace movement was riddled with kooks after all.

Intellectuals can generally be counted on to produce out of their ranks a small minority for whom force and extremism exercise a perverse fascination. European fascist parties in the thirties had a good quota of leaders who had once been at the other end of the political rainbow. Indeed the campuses of Germany and Austria were fertile sources of Nazi manpower, both faculty members and students, and of Communist manpower as well.

What all these had in common was a scorn for the office-holding bumblers in the middle, who couldn't enjoy the luxury of shrilly preaching the one and only truth because they always had to have an ear cocked on the uncertain voice of the people. Neither could the same bumblers force that voice to unanimity, because their very centrist principles took cognizance of human differences and the right to disagree.

The affinity extremists have for each other bobbed up last February in an interesting but almost ignored Gallup poll. It showed that while college students as a whole held extremist organizations in almost as low esteem as the general population does, a significant proportion of radicals at opposite ends of the spectrum had considerable regard for each other. Those describing their own philosophy as "far left" gave a highly favorable rating to the John Birch Society and the Ku Klux Klan; those who classified themselves as "far right" did the same for the S.D.S., the Weathermen and the Black Panthers.

If that is playing it cool, there is much to be said for the passionately moderate over the moderately passionate.

"MR. JIMMY FUND"

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, for countless youngsters afflicted with incurable cancer, Pat Smith of Foxboro is a proven and much-loved friend. Nearly a quarter of a century now, he has been quietly and selflessly giving of his time and labors in their behalf, helping them, and raising funds to provide the research necessary for the conquest of cancer. The unselfish generosity and sincere humility of this very fine and respected human being, and Good Samaritan, is so rare, and so praiseworthy, that it deserves public recognition and acknowledgement. The tribute and dinner in honor of Pat Smith, conducted at the Legion Home in Foxboro, Mass., was a richly earned and much deserved expression of indebtedness of the several hundred present, and the many, many others unable to attend, for the dedicated work and community service of this wonderful gentleman.

It affords me the greatest of pleasure, in expressing my own deep respect for

Pat Smith, to incorporate in my remarks a column which appeared in the Foxboro Reporter on October 7th:

200 HONOR PAT SMITH AS "MR. JIMMY FUND"

More than 200 persons honored a Foxboro man Saturday for doing something for someone else—Pat Smith—chairman of the Jimmy Fund in Foxboro for the past 24 years and the driving force behind the raising of a total of $80,000 for the fight against cancer in children.

Taken to the Legion Home on Mechanic St. on the pretense of attending a reception for Billy Sullivan, president of the Boston Patriots, Pat walked into the hall and was welcomed by voices singing, "For he's a jolly good fellow . . ."

The speaker of the evening was William S. Koster, executive director of the Jimmy Fund, who cited Pat as setting the pattern for Jimmy Fund drives throughout New England.

Mr. Koster presented Pat with a key-shaped radio, a symbol of the key of hope. Koster said Foxboro's first contribution 24 years ago was $80, and added that this year it is expected to hit $8,000.

Tom Dowd, traveling secretary for the Boston Red Sox, represented the team which took over the sponsorship of the Jimmy Fund after the Boston Braves left the area.

Rep. Robert Aronson read the following messages:

From Gov. Francis W. Sargent: "In recognition of 25 years of dedicated service in behalf of the Jimmy Fund, which is deserving of recognition by all citizens of the Commonwealth. You have earned the gratitude of a whole generation, and for your efforts we are much closer to relief from cancer in children."

Eliot Richardson, Secretary of Health, Education and Welfare: "On behalf of President Nixon I would like to join your friends and neighbors. The name 'Jimmy' has come to signify all little boys and girls stricken with cancer. By the same token, the name 'Pat Smith' should signify all the men, women and children who give unselfishly of their time and energy in order that the Jimmys can be given hope."

Senator Ed Brooke: "Few men have given so unstintingly of themselves for such good cause—every New Englander knows of the Jimmy Fund's magnificent work—I wish every New Englander could know how selfless your labors have been to help this cause."

Lt. Gov. Dwight: "Your imaginative project, from tag day, the track, to auctions on the Common, have brought the Jimmy Fund many thousands of dollars, but you have made another contribution, albeit intangible, through your example you have enriched the lives of all who know you."

John P. Souza, captain of security at Norwood Hospital where Pat is employed: "To a great gentleman—who does so much for others."

Rep. Robert Aronson: "In this world, there are three types of people—those who make things happen, those who are content to watch things happen, and those who really don't care what's happening.

"You are one of the few who 'make things happen' and I want to add my written words of heartfelt thanks for having chosen the Jimmy Fund for your crusade.

"The children and parents who have new hopes because of your efforts are so deserving and so grateful."

The following awards were presented by committee members:

A color television from his friends, presented by Carl Kusch, general chairman,

A Legion Citation of Participation, presented by James Robertson,

Town citation for 25 years of outstanding community service, presented by Selectman Gerald Rodman,

Engraved pen and pencil desk set, presented by Larry Jondro,

A year's pass to the Orpheum Theatre for Mr. and Mrs. Smith, presented by Dean Swift,

A portrait of Pat done by Bud Dudley and presented by Vin Igo.

Other committee members were Eldon Ferguson, Larry Jondro, Russell J. Cook, Dorothy Mitchell, and Mary Ann Bird.

Mrs. Smith was presented with 24 red roses by Mr. Kusch, symbolic of the 24 years that Pat has been active in Jimmy Fund drives.

Dot Mitchell played several piano selections and led community singing.

Pat, with emotion in his voice, extended his appreciation, emphasizing, "It is all the good people of Foxboro who have made the Jimmy Fund what it is today in Foxboro."

Pat, for more than 20 years prior to World War II, took all the kids in town to see big league ball games.

For more than 30 years he was associated with sports, and played under the name of "Pat Smith's All Stars."

It was noted by the committee that the number in attendance at the "Mr. Jimmy Fund" party would have been far greater had the affair not been kept a secret.

They extended apologies to those who would like to have attended but did not learn of the planned event in time to be there.

THE UNFORTUNATE PASSAGE OF THE REVENUE ACT OF 1971

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RANGEL. Mr. Speaker, last week, when the House of Representatives passed H.R. 10947, the Revenue Act of 1971, by a voice vote, it gave its approval to an inequitable and unfair tax burden for low- and middle-income Americans.

Billion dollar windfalls to business do not create the jobs we so desperately need. They simply increase corporate profits at the expense of social needs. This is true whether these windfalls come in the form of a 7-percent job development investment credit or in the form of a 20-percent shortening of depreciation guidelines for industry's machinery or equipment.

Worst of all is the cruel hoax the House of Representatives played on the American people when it pretended that a token acceleration of already scheduled increases in personal exemption and standard deduction rates or a repeal of the 7-percent auto excise tax will bring prosperity to our citizens and slow down inflation.

What the House of Representatives actually did last Wednesday was to cut Federal tax revenues by an estimated $12 to $25.5 billion by the end of 1973. This tremendous cut in revenue comes at a time when we need more money, not less, to meet major social needs such as housing, penal reform, drug addiction treatment, education and health.

The lopsided probusiness tenor of the Revenue Act of 1971 puts the demands of the corporations ahead of the pressing human problems surrounding us. This is the wrong way to deal with the crisis in our economy. I am afraid that it will not be too many months before my colleagues regret the passage of this measure, for the House of Representatives will discover that the Revenue Act of 1971 is a both cruel and ineffective way to create a new economic policy.

THE SITUATION IN NORTHERN IRELAND: A REPORT, NO. 11

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BIAGGI. Mr. Speaker, the concern for the beleaguered people of Northern Ireland is spreading rapidly throughout the country. Others here in this body have taken up the fight along with me and have introduced resolutions of their own calling for settlement of the Irish question.

Since last year I have been campaigning for United Nations intervention to bring peace to the area. Recently the United Irish-American Societies of Delaware Valley, Pa., sent a letter to the President of the U.N. General Assembly asking for the consideration of a resolution on the Irish problem.

For the benefit of my colleagues, I will include this very worthwhile document in the RECORD. I sincerely hope the United Nations will heed their plea and the pleas of countless thousands of Irishmen who suffer daily in the streets of Northern Ireland.

The document follows:

THE UNITED IRISH-AMERICAN SOCIETIES OF DELAWARE VALLEY, PA.,
August 11, 1971.

HON. EDVARD HANBRO,
President,
General Assembly,
United Nations,
New York, N.Y.

SIR: At a meeting of the Federation of United Irish-American Societies of Delaware Valley, Pa., a resolution was unanimously passed by the delegates, that we, as a body and a society, representing the Irish and Irish-American in the Delaware Valley, Pa., requesting your support in having the British Army removed from the Six Counties of Northern Ireland, and through your influence, have a peace-keeping force from the United Nations for their replacement, other than a Commonwealth Nation.

A force such as this, would do more to keep harmony in Northern Ireland. Their efficiency has been proven a success in many other assignments. The presence of English soldiers on Irish soil, only fans the flame that has been smouldering for years.

The minority group in Northern Ireland were subject to live under conditions and laws that were dictated from the Stormont Government and in spite of the rapid change of Prime Ministers, their policies remained much the same; failure to administer justice and equal rights to all the people. An example of this was the "Race Relations Act" of 1966, which forebade any type of

discrimination in the United Kingdom, but excluded Northern Ireland.

The current Prime Minister, Mr. Brian Faulkner, when he was Minister of Development, failed to implement local suffrage and as Prime Minister today, still fails to do so. The conditions that prevail have been brought to the attention of the world through the medium of tele-communications, in recent years.

The steady escalation of British troops pouring into Northern Ireland will worsen conditions, and, in the end, promote genocide.

Very truly yours,

FRANK E. BURKE,
President.

IMPORTS AND UNEMPLOYMENT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. WYMAN. Mr. Speaker, for still another month foreign footwear imports have increased their hold on the American market. As is shown in the latest report of the American Footwear Manufacturers Association below, August 1971 shoe imports are up 7.8 percent over the same month in 1970. With foreign producers selling almost 70 percent of the shoes sold domestically, corrective action is appallingly overdue.

For the quarter century since the end of the Second World War, the United States has given generously of its resources—both in direct aid and favorable trade agreements. Now, at a time when unemployment is high and the balance of payments low, this Nation can no longer afford to allow unrestricted imports to eat away at American jobs and the American dollar. It is time this country began looking more closely to its own interests. And it is time other nations realize free trade is a two-way street requiring relaxation of their barriers against American exports.

This Congress has passed—at great cost to the taxpayer—legislation to combat unemployment. Orderly marketing legislation would assure additional thousands of jobs without burdening the already overstrained public Treasury. Such legislation would not erect a protective wall around the American marketplace. Rather, it assures foreign access to the domestic market and would allow foreign participation to increase proportionally with market growth. At the same time such legislation would serve notice to our trading partners to open their markets to American exports and prevent this country from becoming the free world's dumping ground. But most importantly, orderly marketing legislation would allow thousands of American workingmen the dignity and security of meaningful employment.

I respectfully urge the Ways and Means Committee to favorably report trade legislation such as H.R. 4276 for early consideration by this House. Further delay compounds a gross injustice to the American workingman and the American economy.

A report follows:

IMPORTS—AUGUST 1971

August imports of nonrubber footwear registered a 7.8% increase over last August, bringing the total for the first eight months to 194,472,300 pairs—a 15.2% increase over the same period last year. Based on that data it looks like imports for 1971 will be closer to 271 million pairs, rather than our earlier estimate of 280 million pairs.

The f.o.b. value of imports for the first eight months totaled $457,172,300—a 20.9% increase over the same period last year. It was estimated that at the retail level imported nonrubber footwear for the first eight months was valued at almost 1.5 billion dollars. Not only are the pairs swarming into this country, but they are coming in with a higher price tag attached. The f.o.b. value of leather footwear increased 20% over last year, and vinyl footwear (no longer as cheap as it used to be) showed an increase of 46.1% in value.

The table below shows the increase in value for the major types of imports and their estimated retail value.

	F.o.b. dollar value percent change 8 months 1971/1970	Estimated average retail value per pair
Men's, youths', boys' leather	+28.6	$15.03
Women's, misses' leather	+14.7	10.66
Children's, infants' leather	+22.2	4.92
Men's, youths', boys' vinyl	+55.5	4.08
Women's, misses' vinyl	+47.8	3.60
Children's, infants' vinyl	+10.7	2.65

At the end of 8 months the 10 top sources of imports listed below accounted for 94 percent of total pairs and 87 percent of the total value.

MAJOR SOURCES OF IMPORTS, 8 MONTHS, 1961

	Pairs (thousand)	F.o.b. dollar value (thousand)	Percent change, 8 months, 1971/1970	
			Pairs	Dollar value
Italy	61,226	204,411	+4.3	+10.3
Taiwan	44,046	31,243	+52.3	+68.2
Japan	39,130	43,583	−8.7	+7.3
Spain	20,622	79,733	+46.7	+55.2
Brazil	5,541	14,651	+375.2	+460.5
Hong Kong	4,418	3,088	+50.5	+41.2
India	2,698	2,829	+10.7	+18.4
Mexico	2,596	6,624	+4.6	+26.5
France	2,222	11,305	+6.8	+33.6

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[In thousand pairs, and thousand dollars]

Type of footwear	August 1971, pairs	Percent change, 1971/1970	8 months, 1971			Percent change 1971/1970	
			Pairs	Dollar value	Average dollar value per pair	Pairs	Dollar value
Leather and vinyl, total	17,604.2	+8.9	186,795.1	450,054.0	$2.41	+16.3	+24.8
Leather excluding slippers	9,257.2	+23.2	97,602.2	350,867.0	3.59	+14.8	+20.0
Men's, youths', boys'	3,183.2	+40.2	28,004.5	130,048.9	4.64	+21.2	+28.6
Women's, misses'	5,490.6	+17.1	61,679.4	202,822.4	3.29	+12.5	+14.7
Children's, infants'	333.6	+30.6	5,681.0	8,654.7	1.52	+17.0	+22.0
Moccasins	31.7	−29.1	299.9	382.9	1.28	−23.1	−8.0
Other leather (including work and athletic)	218.1	−13.6	1,937.4	8,958.1	4.62	+3.9	+26.9
Slippers	14.3	−32.9	139.4	358.1	2.57	−15.1	−10.8
Vinyl supported uppers	8,332.7	−3.5	89,053.5	98,828.9	1.11	+18.0	+46.1
Men's and boys'	1,544.2	−10.4	15,537.6	19,516.5	1.26	+41.2	+55.5
Women's and misses'	6,109.6	−5.3	65,993.8	73,249.8	1.11	+15.8	+47.8
Children's and infants'	588.9	−10.8	6,556.5	5,396.5	.82	+2.6	+10.7
Soft soles	90.0	−28.4	965.6	666.1	.69	−12.4	−3.8
Other nonrubber types, total	1,229.4	−5.3	7,677.2	7,073.3	.92	−5.1	−39.9
Wood	38.1	−85.7	850.1	2,176.7	2.56	−72.4	−72.1
Fabric uppers	1,034.8	+8.6	5,228.7	3,957.1	.76	+19.0	+25.8
Other, n.e.s.	156.5	+99.6	1,598.4	939.5	.59	+159.4	+12.4
Nonrubber footwear, total	18,833.6	+7.8	194,472.3	457,127.3	2.35	+15.2	+20.9
Rubber soled, fabric uppers	5,171.9	+10.0	41,939.1	41,119.7	.98	+30.2	+51.6
Grand total, all types	24,005.5	+8.3	236,411.4	498,247.0	2.11	+17.6	+24.7

Note: Details may not addup to rounding. Figures do not include imports of waterproof rubber footwear, zories and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: American Footwear Manufacturers Association estimates from census raw data. For further detailed information, address your inquiries to the Association, room 302, 342 Madison Ave., New York, N.Y.

TENNESSEE VALLEY STATES CATCHING UP IN INCOME BOOST

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. EVINS of Tennessee. Mr. Speaker, a recent article in the U.S. News & World Report listed the increases in income of the people in the various States between 1960 and 1970.

I particularly noted that the highest rate of income increase occurred in the States of the Tennessee Valley area, where Tennessee, for example, reflected a 100-percent increase—from an average per capita income in 1960 of $1,544 to $3,085 in 1970.

Certainly these statistics reflect the impact of the Tennessee Valley Authority in our area with its emphasis on raising the economic level of our citizens.

Because of the interest of my colleagues and the American people in this important subject, I place the article and summary in the RECORD herewith.

The summary follows:

PEOPLE ARE GETTING "RICHER"

With the interest of the nation increasingly focused on the ups and downs of the economy, a new Government survey makes these points—

U.S. wealth, measured in terms of incomes of its citizens, is growing at a remarkable rate.

The "poorer" sections of the country are making rapid strides and are closing ground on the "richer" regions.

Figures compiled by the Department of Commerce, set out in the chart on this page, add up to this: Over the past decade, the per capita income of U.S. citizens has risen from $2,216 to $3,921—a whopping 77 per cent.

SOUTHERN SURGE

A breakdown in the figures illustrates this trend:

Of the eight geographical areas of the continental U.S., it was the South—for long the poorest area—that showed the greatest rise in personal income.

The Southeast, over the decade, recorded a rise of 98.3 per cent. Included were the States of Virginia, West Virginia, Kentucky, Tennessee, North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas.

Next in line with an 80.9 per cent rise in income was the Southwest: Oklahoma, Texas, New Mexico and Arizona.

This did not mean a complete catchup. The Southeast was still the lowest in average personal income with $3,195, the Southwest was next with $3,479. At the top was the Mideast—New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia—with an average of $4,464. But the lesson of the Department's figures was clear: The gap between poor regions and rich regions is closing.

A YEAR'S RISE

From 1969 to 1970 alone, the Department noted, per capita income increased over the nation by nearly 6 per cent. In five of the eight regions, the increase was 6 per cent or more—exceeding the rise in national consumer prices and thus resulting in boosts in real income. Exceptions were the Far West, Plains and Great Lakes regions.

Where did the gains come from? Largely, the Department indicates, from Social Security, veterans' pensions, and government and service payrolls. In the meantime, commodity-producing industries rose only slightly, wage and salary payments in manufacturing were unchanged, and farm income was down.

INDIVIDUAL INCOMES—HOW YOUR STATE COMPARES

	Income, per capita		Increase in past decade (percent)
	1960	1970	
Alabama	$1,489	$2,853	92
Alaska	2,835	4,592	62
Arizona	2,032	3,591	77
Arkansas	1,374	2,791	103
California	2,708	4,426	63
Colorado	2,273	3,816	68
Connecticut	2,806	4,856	73
Delaware	2,758	4,324	57
District of Columbia	3,021	5,387	78
Florida	1,948	3,642	87
Georgia	1,640	3,332	103
Hawaii	2,369	4,527	91
Idaho	1,850	3,240	75
Illinois	2,649	4,502	70
Indiana	2,188	3,781	73
Iowa	1,987	3,688	86
Kansas	2,158	3,823	77
Kentucky	1,576	3,073	95
Louisiana	1,665	3,049	84
Maine	1,842	3,257	77
Maryland	2,342	4,255	82
Massachusetts	2,457	4,360	77
Michigan	2,324	4,059	75
Minnesota	2,114	3,824	81
Mississippi	1,206	2,575	114
Missouri	2,115	3,704	75
Montana	2,037	3,379	66
Nebraska	2,110	3,751	78
Nevada	2,856	4,562	60
New Hamsphire	2,144	3,590	67
New Jersey	2,708	4,598	70
New Mexico	1,888	3,131	66
New York	2,749	4,769	73
North Carolina	1,562	3,207	105
North Dakota	1,714	2,995	75
Ohio	2,235	3,972	70
Oklahoma	1,862	3,312	78
Oregon	2,235	3,705	66
Pennsylvania	2,242	3,927	75
Rhode Island	2,219	3,902	76
South Carolina	1,379	2,936	113
South Dakota	1,782	3,165	78
Tennessee	1,544	3,085	100
Texas	1,926	3,531	83
Utah	1,968	3,213	63
Vermont	1,842	3,465	88
Virginia	1,841	3,607	96
Washington	2,349	3,993	70
West Virginia	1,596	3,021	89
Wisconsin	2,174	3,693	70
Wyoming	2,261	3,556	57
United States	2,216	3,921	77

Source: U.S. Department of Commerce.

CHRISTOPHER COLUMBUS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. COLLIER. Mr. Speaker, it is fitting that we pause at times to commemorate great events and honor the memories of outstanding individuals who contributed to the making of America. Such an occasion presents itself today, the anniversary of Christopher Columbus' first landing in the New World.

In these days of rapid transportation, it is difficult to realize that Columbus took 70 days to cross the Atlantic from Spain to the Bahamas. It should be borne in mind, however, that he spent 4 weeks in the Canary Islands, just off the coast of Africa. The voyage from Ferro, the last of the Canaries which he saw, to San Salvador took 33 days.

Today those who sail in luxurious ships that cross the Atlantic in less than 5 days and those who hop it in huge jets in as many hours know where they are going and are aided by the scientific and mechanical marvels of half a millenium. Columbus, on the contrary, did not really know where he was going. His three wooden vessels had neither engines nor motors and lacked all but the most primitive comforts. The Indians introduced the sailors to hammocks. Navigation was by dead reckoning.

Columbus triumphed over all obstacles and answered his crew's appeals to turn back with the word "Adelante," Spanish for ahead, forward, on, onward. He eventually reached what proved, unbeknownst to him, to be a New World, part of which became the great country in which we are privileged to live.

Joaquin Miller has immortalized the sentiment expressed in the word "Adelante" in the poem Columbus:

"Brave Admiral, say but one good word:
What shall we do when hope is gone?"
The words leapt like a leaping sword:
"Sail on! sail on! sail on! and on!"

Then pale and worn, he paced his deck,
And peered through darkness. Ah, that night
Of all dark nights! And then a speck—
A light! A light! At last a light!

It grew, a starlit flag unfurled!
It grew to be Time's burst of dawn.
He gained a world; he gave that world
Its grandest lesson: "On! sail on!"

Mr. Speaker, America must not be content with merely setting aside 1 day each year to pay tribute to the memory of Christopher Columbus. She must heed his cry "Adelante" and continue to move ahead, to go forward, to travel onward. She must not retire into the shell of a welfare state. Instead she should find workable answers to the problems that confront her at home and abroad and in the process seek to preserve and extend human freedom.

LEIF ERIKSON DAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROONEY of New York. Mr. Speaker, all of us are in complete sympathy with the White House Proclamation with regard to Leif Erikson Day. We are gratified that all over America from every government building the flag of the United States has been flown in honor of this bold Norseman. We are hopeful that many millions of our people, particularly our school children, will participate in appropriate exercises and ceremonies paying tribute to this intrepid explorer.

Almost a thousand years have passed since Leif Erikson and his Norse companions were diverted from their voyage to Greenland by stormy seas. They and their tiny craft weathered the storm and landed in Labrador or along the coastline of our New England States. Only fragments of history remain to tell us of the exploits of these hardy explorers. How-

ever, the facts and the sagas of the Norsemen are such that we can truly appreciate the significance of the very early Norse explorations along the northern shores of this continent.

This country is indebted to Leif Erikson not so much for his early landing but because he was the first of the long line of hardy Norsemen who have come here over the centuries with many making this land their home. From the coastal cities westward to the prairies the sons and daughters of the valiant Vikings have done their thing for America. They have contributed their shipbuilding and navigation skills with the same thoroughness that they have demonstrated their superiority as farmers and dairymen.

They have earned the reputation of being sturdy, stanch citizens. They have imbued America with a God-fearing love of home, of family, and of country.

Mr. Speaker, on the day officially proclaimed as Leif Erikson Day, we join in paying tribute to his descendants who constitute such a vital and respected segment of our society. Let us be grateful to the organizations here in America made up of these descendants of our earlier explorers for renewing America's understanding in and appreciation for the Norsemen's contribution to our establishment and growth as a nation.

THE CONTROL OF CHILDHOOD LEAD POISONING

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RYAN. Mr. Speaker, I am gratified to note that the September 20 edition of "Programs for the Handicapped," a publication of the Secretary's Committee on Mental Retardation—chaired by Wallace Babbington—within the Department of Health, Education, and Welfare, has as its main article a long discussion of childhood lead poisoning.

The article, entitled "The Control of Lead Poisoning," was written by Robert E. Novick, Director, Bureau of Community Environmental Management, Health Services and Mental Health Administration, Department of Health, Education, and Welfare.

I commend this article to my colleagues, and I commend the Secretary's Committee on Mental Retardation, and its members, for their welcome concern and interest in eradicating childhood lead poisoning—a devastating, yet preventable, disease.

The article follows:

THE CONTROL OF CHILDHOOD LEAD POISONING

(By Robert E. Novick)

Symptomatic lead poisoning in children is currently estimated at 10,000 to 20,000 cases per year. Of these cases, 2,000 to 4,000 per year will be left with some degree of neurologic damage, and about two percent of that group—or 800 per year—will suffer mental retardation of such severity that they will require institutional care for the rest of their lives. Deaths from acute and long-term effects of lead poisoning are about 200 per year.

This report will deal primarily with epidemiological and environmental aspects of childhood lead poisoning. Information on the medical aspects is readily available elsewhere. Suffice it to say here that effective treatment is available, but delay in treatment may result in irreversible damage.

An effective attack on the total problem of childhood lead poisoning is an exercise in community environmental management. It requires the mustering of all resources of the community, including the medical profession, the communications media, those who manage the housing stock, municipal officials, community leaders, and the residents themselves. All must function together as an integrated, purposeful system in the community for maximum results.

There is not enough data available on the extent of childhood lead poisoning nationwide. Most of the existing data is from several of the older northeastern cities. However, the available data and certain Bureau of Census figures, taken together, enable us to make rough estimates of the size of the problem in the nation as a whole. The Census figures can be used because of their relation to the etiology of the disease. Lead poisoning in small children is caused largely by the ingestion of peeling flakes of lead-based paint. Children with *pica*, the habit of eating nonfood material, are especially at risk in areas of dilapidated, pre-World War II housing where flakes of paint and chips of painted plaster are likely to be readily available. (Lead-based paint has not been generally used for interiors since the early 1940's).

Based on Census housing and population data, plus the known medical aspects of childhood lead poisoning, it is estimated there are 2,000,000 children below age six at risk in metropolitan areas of the nation. Blood-test screening studies of children at risk, where such studies have been made, show that 10 to 20 percent of them have excessively high levels of lead in their blood. Applying these percentages to the 2,000,000 figure gives a very strong indication that 200,000 to 400,000 children in the metropolitan areas nationwide have elevated blood lead levels. (The Surgeon General, in a policy statement, has determined that children having 40 micrograms or more of lead per 100 milliliters of whole blood, with or without symptoms, are in danger of having or developing lead poisoning).

Only in the past few years has even the medical profession begun to suspect the real dimensions of the childhood lead poisoning problem. Dr. Evan Charney, Associate Professor of Pediatrics at the University of Rochester School of Medicine, has said, "If you live in an American city with a slum population, and you don't have many cases of lead poisoning, then your health department is not doing its job. The number of cases," he added, "depends on how hard people look."

Where doctors are not alert to the possibility of lead poisoning, its symptoms may be ascribed to other causes—and delay in treatment makes the onset of encephalopathy (acute brain swelling) more probable. At least 40 percent of the children who develop encephalopathy will sustain severe and permanent brain demage.

The cost of hospital treatment for an uncomplicated case of lead poisoning is $1,000 to $2,000. This cost is infinitesimal when compared to the medical, educational, social, and other costs for a mentally retarded individual throughout his life.

The situation as indicated is bad enough but it may be worse. Dr. J. Julian Chisholm, Jr., a pediatrician at Johns Hopkins Medical School and Baltimore City Hospital, and a leading authority on childhood lead poisoning, has said, "Symptomatic lead poisoning is the result of very high levels of lead in the tissues. Is it possible that a content of lead in the body that is insufficient to cause obvious symptoms can nevertheless give rise to slowly evolving and long-lasting adverse effects? The question is at present unanswered but is most pertinent."

More research on lead poisoning is needed, particularly in the following three areas: (1) the quantitative extent of the problem and its geographic distribution; (2) the long-term deleterious effects on the health and behavior of individuals having had excessive lead intake as children, but without lead encephalopathy or other clinical signs; and (3) the proportion of total lead intake by children from sources other than lead-based paint.

But we already know enough to act. It has been repeated many times, by those most knowledgeable in the field, that we know the causes of childhood lead paint poisoning and that the causes can be removed. It has often been said that this disease, besides being a medical problem, is also the result of a serious housing problem—or even that it is "not a medical problem but a housing problem." High risk housing units (built before World War II) total 30,000,000 in the metropolitan areas of the nation, and several million are now in dilapidated condition. As the housing stock continues deteriorating, more units become dilapidated and thus present the lead poisoning hazard for children.

The immediate problem in the control of childhood lead poisoning is two-fold: (1) the children at risk must be located, screened for elevated blood lead levels, and treated when necessary; and (2) the dwellings in which children ingest lead-based paint must be located and deleaded. This dual approach—medical and environmental—is incorporated in Public Law 91-965, the Lead-Based Paint Poisoning Prevention Act, which was passed in January 1971.

The Bureau of Community Environmental Management was designated as the agency within the Department of Health, Education, and Welfare to administer the new law which, among other things, provides funds for grants to local communities to assist them in developing programs for prevention and control of childhood lead poisoning.

Title I of the new law provides for programs to detect and treat incidents of lead-based paint poisoning, which are to include community education, testing, and follow-up to ensure protection against repeated exposure. Based on the fiscal year 1972 appropriation of $7.5 million, many of the children at risk can be screened, with major projects in approximately 15 cities. Treatment will be provided in those cases where children are diagnosed as having lead poisoning. In providing treatment on a continuing basis, communities will be encouraged to marshal existing resources, both local and Federal (e.g., neighborhood health care centers).

Title II provides for programs to identify those areas that present high risk of lead poisoning because of deteriorated housing. These programs are to include (a) testing to detect the presence of lead-based paints on surfaces of residential housing, and (b) elimination of such paints when detected. Communities will be encouraged and funded to develop programs for individual self-help, neighborhood organizations for voluntary action, and programs for the development and enforcement of housing codes for attacking the problem of residential deleading.

The Bureau of Community Environmental Management will provide limited technical assistance to communities receiving grants under Titles I and II. The Bureau will help the project cities carry out effective lead control programs, including community organization and education techniques for citi-

zen involvement, legislative and regulatory measures, screening methods and procedures, and the standardization of analytical procedures.

The Bureau coordinated the counsel and recommendations of leading authorities on childhood lead poisoning, both in and outside of Government, which resulted in the drafting and subsequent approval of the policy statement by the Surgeon General in late 1970.* The Bureau worked with the Secretary's Committee on Mental Retardation, and other units of the Department of Health, Education, and Welfare, in an intra-agency committee on the control of childhood lead poisoning.

The Bureau developed comprehensive guidelines for community control programs, initiated a program in Norfolk, Virginia, to test their effectiveness, and distributed copies to over 100 communities. The guidelines will be revised in the light of experience and critiques and made generally available in the near future.

The Bureau of Community Environmental Management has also encouraged the development of simple, rapid, and inexpensive methodologies for detecting lead poisoning. This has led to the development of instruments called microblood detectors, by which lead poisoning can be detected with a few drops of blood from a capillary blood sample (obtained by finger-stick), thus avoiding the necessity of obtaining a larger venous sample—which can be an ordeal for small children. Another technological advance, which will facilitate the detection of lead on walls, baseboards and other areas of dwellings, is the new portable detector using the X-ray fluorescence technique.

It must be emphasized that our present methods of estimating the size of the childhood lead poisoning problem, nationwide, is a crude and unsatisfactory one; but the solid data that does exist, plus what we know about the medical aspects and the etiology of lead poisoning, indicate that the national problem is a sizable one. Under Title III of the new law, the Department of Housing and Urban Development has awarded a contract to the National Bureau of Standards for developing a model which will yield more precise information as to the nature and extent of this scourge of the Nation's children.

As an interim step, by the publication date of this issue of "Programs for the Handicapped," the Bureau of Community Environmental Management should be well along with a survey of the children believed to be at risk in 20 to 30 communities. Though limited in scope, this survey should result in a better estimate of the nationwide dimensions of the childhood lead poisoning problem than is now available. For many areas of the Nation it will be an epidemiological assessment which has not heretofore been available.

Scheduled to run four to six months, the survey is utilizing lead surveillance teams in visits to cities located in all ten Regions of the Department of Health, Education, and Welfare. The average visits are three days per city, but local preparation may run up to two weeks. Teams consist of one or two persons from the Bureau's central office, plus Regional Office and local health department staff. The plan calls for at least 20 dwelling units and 50 children below age six to be screened in each city. Total for 30 cities: at least 1,500 children and 600 housing units. The Anodic Stripping Voltammetry (ASV) microblood method is being used for screening children. The X-ray fluorescence analyzer is being used for detecting lead-based paint in the dwellings. The survey is providing valuable field testing of the microblood and X-ray detector techniques.

Childhood lead poisoning is a preventable disease, and basically a problem of the residential environment. The Surgeon General in his policy statement said, "In fact, effective medical care of children with plumbism is almost totally dependent upon prompt and thorough environmental hygiene to present a continuing build-up of lead in their bodies."

The Bureau of Community Environmental Management looks forward to working with communities across the Nation in a systematic, expanding effort toward the complete elimination of this disease which is blighting the lives of so many of our children.

HALF MILLION FIGHT SMUT MAIL

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, I direct the attention of my colleagues to an article in the October 5 issue of the Washington Star concerning the tremendous public response to the antipornography measures recently instituted by the Postal Service, at the direction of the Congress.

My colleagues must agree that such response indicates that antipornography controls are strongly desired by the American people, and indeed will result in the effective halt to pandering in this country.

As I recall, these controls passed the Congress by an overwhelming majority. For those of us who supported the legislation, the success of the Postal Service program is most gratifying.

The article follows:

[From the Washington Star, Oct. 5, 1971]

HALF MILLION FIGHT SMUT MAIL

(By Miriam Ottenberg)

Half a million people, acting under a new law, have formally notified the Postal Service since Feb. 1 that they don't want to receive "sexually oriented" material in the mail.

Under the law, their names go on a list which smut dealers can buy for $5,000 a year.

If anyone who doesn't want sex ads receives any a month after his name goes on the list, the dealer who mailed it can be fined and/or imprisoned.

Postal officials said they'd never seen such a strong reaction from the public.

"For half a million people in less than a year to go to the trouble of completing the form and sending it in is an indication that this material is bothering and concerning many families," said Assistant Postmaster General William Cotter, who heads the Postal Inspection Service.

DOUBLES COMPLAINT TOTAL

Cotter pointed out that the total is nearly twice the record number of smut complaints received by the Postal Inspection Service, 284,266 in fiscal 1970.

Complaints decreased in fiscal 1971 to 168,391 which Cotter attributes to the new law, the earlier anti-pandering statute and the fact that almost all the big dealers now are under indictment.

Several dealers have filed suit in an effort to overturn the new law on constitutional grounds. In the two places where suits were filed—Los Angeles and Brooklyn—lower courts dismissed the cases last summer.

FORTY-FOUR UNDER INVESTIGATION

The Postal Inspection Service now has 44 mailers under investigation for allegedly violating provisions of the new law. Postal officials must prove that the names of persons who did not want the unsolicited material had been on the list for 30 days and that the material was indeed sexually oriented.

The new law is more sweeping than the old anti-pandering law in this way: Under the earlier law, if a person received obscene material in his mail, he could notify the postmaster. The postmaster would notify the dealer that if the complaining person received any more material from him, he would be subject to civil injunction, and if he repeated the offense, he would be held in contempt of court.

That did not provide complete protection for the citizen because he could receive more of the same from other dealers.

NEED NOT WAIT

Under the new law, a person does not have to wait until he gets sexually oriented advertising to act. He fills out a form—obtainable at any post office—saying he doesn't want the stuff. Once his name has been on the list for 30 days, any dealer who mails obscene material to him is subject to civil and criminal penalties. The dealer can be imprisoned for five years or pay $5,000 or both and for any subsequent offense he can be imprisoned twice as long and pay twice as large a fine, if found guilty.

Civil action can be costly too. The court can issue an order halting further mailings while the criminal action is underway—the quick way to stop a dealer from mailing up to the day of conviction.

The civil court also can direct the postmaster to refuse to accept any further advertising from this mailer, or the court can direct the postmaster in the mailer's home city to return to the sender all mail addressed to this dealer cutting off his income.

To prevent that from happening, five dealers so far have subscribed to the postal service's list of a half million names on an annual basis and 11 others have purchased printouts of this year's list as it emerged from the computer.

JUANITA CASTRO DESCRIBES FIDEL

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROONEY of New York. Mr. Speaker, early last week I read in an extension of remarks contained in the daily CONGRESSIONAL RECORD an article written by one Corliss Lamont—a name I am sure is familiar to many of the Members of the House. The article entitled "An Interview With Chile's President Allende" and published in the October issue of the Churchman, was brought to our attention by a Member of this body. It extolled the "virtues" of Chile's Marxist President Salvador Allende. At one point Mr. Lamont wrote:

The President impressed me greatly. A spry, slender man in his early sixties, he combines firmness of character and keen intelligence with a deep compassion for his fellow humans. Certainly he is the greatest political leader to emerge in South America during the twentieth century.

An evening or two after reading this article and its all encompassing accolades I came upon an article published in the National Catholic Register of Sunday, October 3, 1971. This article was written by Rev. Father Daniel Lyons, S.J. Father Lyons was interviewing Juanita Castro, the younger sister of

Cuba's Red Dictator Fidel Castro. Father Lyons writes at one point:

I asked Juanita, whom I have known for several years, what influence her brother had on Allende, the Marxist President of Chile. She said: "Fidel met with Allende in 1959. He has been close to Fidel ever since."

That was the same year, of course, that Castro took over Cuba and subsequently delivered it to the Soviet Communists.

Under the permission heretofore granted I include Father Lyons' entire article:

JUANITA CASTRO DESCRIBES FIDEL

(By Father Daniel Lyons, S.J.)

I recently interviewed Juanita Castro, younger sister of Fidel. I asked her if her brother had been a Communist long before he took over Cuba in 1959. She had not known it at the time, she said, but Fidel had participated in a Communist riot when he was in college in Bogota, Colombia, in 1947 or 1948. As early as 1954 he met with Communist leaders in Mexico.

Batista was bad, she said, but under Fidel "The firing squad has never stopped." The free world "has no idea how many Cubans or how many patriots are in jails." The jails, she insisted, "are full of patriots."

Was Fidel a Catholic, I asked? He attended Belen, the Jesuit high school, she explained, but he never practiced his religion after he left school. "He made every effort to eliminate the Catholic Church and every other religion. Every Catholic school was closed."

Nearly all the priests were imprisoned or exiled, she pointed out. "Most of the nuns were also exiled," she said, "though no nuns were put in prison." There is still a small handful of 100 priests left to care for Cuba's 9 million Catholics, but they are very restricted in what they say or do.

I asked Juanita, whom I have known for several years, what influence her brother had on Allende, the Marxist President of Chile. "Fidel met with Allende in 1959," she said: "He has been close to Fidel ever since."

She described how Castro had been caught smuggling arms and propaganda into Chile as early as 1960, and how Cuba's Ambassador in Chile was expelled in 1963 for giving false passports to the terrorists.

Concerning Cuba and the Soviet Union, Miss Castro pointed out that Moscow has enormous control over Cuba, with 20,000 Russian soldiers there. Peking also has "very close relations" with Cuba, she said. When asked if her brother sends spies to the United States, she replied emphatically: "Every day!"

Like all Communists, she said, "Fidel wants to see the destruction of the United States, though the United States thinks it can co-exist with all Communist countries."

Her latest sources of information reveal that Moscow plans to replace Fidel with another Communist leader who will be more cooperative with Moscow, and who will also be less outwardly hostile to the United States. In this way the Kremlin could arrange for U.S. aid to Cuba, to help build up the economy of Moscow's satellite.

Fidel is aware of this conspiracy by Moscow to replace him, she said. The man chosen by Moscow as Fidel's successor, she revealed, is Carlos Rafael Rodriquez, the present Minister of Agriculture.

Moscow is continuing to give Castro $1 million a day to export revolution. "All of the guerrillas in Latin America are trained in Cuba," explained Castro's sister.

What does she think of the coverage given Cuba by Time and Newsweek, I asked. "The U.S. News and World Report is one of the best magazines on the subject" she replied diplomatically.

"To defeat Communism the American people have to wake up," she said, "and they have to mobilize to awaken their somnolent leadership. And this has to be done today, yes, today, because tomorrow may be too late."

ALL IN THE NAME

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ASHBROOK. Mr. Speaker, a recent issue of the Chicago Daily News ran a column by Mike Royko of its staff which stresses the dangers of getting on the wrong side of some elements of the journalistic field. With the pace of the 1972 presidential race due to heat up in a matter of months Mr. Royko's thoughts provide some timely food for thought. The above-mentioned item follows:

NAMELY, IT'S ALL IN THE NAME

(By Mike Royko)

Imagine for a moment what the public's feelings might be for a President named Kennedy—any first name will do—who managed to accomplish the following by the end of his third year in office:

Took a full-blown war left over from two previous administrations and whittled it down, with a possible end in sight.

Came to grips with an inflation left over from two previous administrations by imposing the most far-reaching government controls since the days of FDR.

Tried to improve relations with China by sending an emissary there and planning to make a visit himself.

I imagine that if a President named Kennedy had done these things, his followers would be singing songs from "Camelot," while the workmen began carving his handsome likeness into Mt. Rushmore.

On the other hand, try to imagine how people would feel about a ski-nosed President named Nixon if he did any or all of the following:

Backed an invasion of Cuba that was foolish in the first place, and fell flat on its face in the second place.

Sent troops in growing number to take part in a civil war in Southeast Asia.

Failed miserably to get a legislative program through Congress.

Appointed his own brother as U.S. attorney general.

If someone named Nixon built that kind of record, his name might not even show up in the polls.

As it is, he is not doing very well, despite a surprisingly good three years. (They must have been fairly good, because the right wing is upset with him.)

His support has fallen since the beginning of this year, and he was barely getting by even then.

At the same time, Sen. Edward Kennedy has taken the lead in the polls as the Democrats' choice to run for the Presidency next year.

Mr. Nixon's problem has never changed. He is still the man who can't be trusted, regardless of what he does. Only this week, a new book came out, written by Phillip Roth, the author of "Portnoy's Complaint."

The book, a satirical study of somebody known as "Trick E. Dixon," is called "Our Gang," and the dust jacket says:

"The hero—or villain—of 'Our Gang' is Trick E. Dixon, self-pronounced legal whiz, peace-loving 'Quaker,' and somehow President of the United States. 'Tricky,' as imagined by Roth, is a hypocritical opportunist . . ."

Which the real Trick E. Dixon may well be. It is hard to forget that he made it into Congress through scurrilous campaign tactics, built his name in the Senate by Red-baiting, and has gone in for such things as a "Southern Strategy."

Presumably, he has never changed, because a man never changes, unless his name is Kennedy, in which case he can change faster than Clark Kent.

Thus, John F. Kennedy, a lazy, girl-watching senator, whose only known position on most issues was to be absent from roll call, suddenly was trotted out as a tower of statesmanship as he used his old man's dough to blitz one state primary after another.

His brother, Robert, whose Red-baiting credentials included a stint working for Sen. Joe McCarthy, didn't have the stomach to take on President Johnson until Eugene McCarthy landed the first blow. Then Robert Kennedy became an instant symbol of courage and hope.

And now we have Sen. Edward, and he appears to be another in the line of late-blooming Kennedys.

In 1968, when he hadn't really done anything except sit there and look handsome, he could have had the Democratic nomination for the asking. That might be the situation again in July of next year.

Unlike Mr. Nixon, Edward Kennedy is considered capable of great change and growth.

Mr. Nixon has been viewed with more contempt for having been an eager, but incompetent, football player at Whittier College than Edward Kennedy has for cheating in some of his college exams.

And you still hear some people asking if you would buy a car from somebody like Mr. Nixon.

I wish that the same people, just once, would ask if you would ride in a car with Edward Kennedy.

STATE JAYCEES HONOR KINGSTREE MEMBER

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. McMILLAN. Mr. Speaker, I insert in the Extensions of Remarks of the CONGRESSIONAL RECORD, an item concerning one of my distinguished constituents, Mr. Billy Thomas, of Kingstree, S.C. Mr. Thomas received the highest award given to Jaycee members, the JCI senatorship, at the summer board meeting of the South Carolina Jaycees, for his leadership, dedication and involvement in the Jaycees.

I have known Mr. Thomas all his natural life and he is certainly one of our leaders, not only in the city of Kingstree and County of Williamsburg, but also in the State of South Carolina. Mr. Thomas has a great future and I hope that every Member of Congress will take a few moments to read this article:

STATE JAYCEES HONOR KINGSTREE MEMBER

CHARLESTON.—The South Carolina Jaycees have selected Billy Thomas of Kingstree to membership and fellowship, as a JCI Senator and Life Member of Junior Chamber International and as the World's 13226 JCI Senator.

The Senatorship selection is based on past and present activities and is the highest honor one can receive in his Jaycee's career.

The presentation was made on August 29, 1971 at the Summer board meeting of the South Carolina Jaycees. Presenting the honor to Billy was Past Vice President of the United States Jaycees, Jack Brantley.

Billy is active in a number of other civic projects and is employed by the Farmers Telephone Cooperative of Kingstree.

NIXON ECONOMIC POLICY IS ANTI-CONSUMER, ANTILABOR

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROSENTHAL. Mr. Speaker, the administration's recent sudden shift of economic policy is a tacit admission of the dismal failure of its highly touted but unsuccessful do-nothing "game plan." Unfortunately, the new policy is hardly better. I favor wage and price controls, but they must be equitable; that means profits, interest rates, and dividends should have been included, something the administration refuses to do.

The new policy, in my opinion, is anti-consumer and antilabor. It is strongly weighted in favor of big business on the theory that money poured in at the top will eventually trickle down to the bottom. This is not only erroneous but it is dangerous. The proper approach is to put the money directly into the hands of the people who need it most and to let it percolate up. I do not know of many unemployed corporate executives and bankers, but there are a lot of ordinary, everyday working people looking for jobs and many with jobs who deserve immediate wage increases.

While American workers have been tightening their belts, American business has been loosening theirs in preparation for an early Thanksgiving feast.

The "postfreeze" phase of the President's economic program is more of the same anticonsumer, antilabor policies. Its proindustry, proprofit bias threatens to lead to an orgy of price increases just in time for the Christmas rush. This, combined with the Cost of Living Council's veto power over wage increases approved by the pay board, spells further inequity for working people.

Contractual increases agreed to prior to the freeze should take place as scheduled. To do otherwise would not only be unjust and interfere with the freedom of contract, but it would in effect make the freeze retroactive by as much as 2 years in some cases, such as for New York City teachers. The legality of this action is questionable and currently being challenged in the courts.

The freezing of contractual pay increases poses undue and unjust hardships on persons who, in legitimate anticipation of such raises, incurred contractual obligations of their own, such as mortgages. Would the President suggest abrogating these contracts?

The President tells us that the remedy for the ill economy is more jobs. Yet, at a time when more than 5.1 million Americans are out of work, he orders a 5-percent cut in Federal employment, which means 135,000 more people without jobs. This comes not too long after he vetoed a major public employment bill in favor of a scaled-down version.

The new policy's windfalls for business—the 10-percent investment tax credit proposal, which will cost the Treasury $4.8 billion in lost revenue next year alone, and the proposed system of accelerated depreciation, which will cost another $3.4 billion in 1972—should be substantially curtailed. A considerable portion of the funds thus made available should be put to better use by expanding the emergency public service and public works jobs program and by prompt enactment of welfare reform.

Additional revenues needed for fiscal soundness can and must be raised by closing the loopholes in the Federal tax system which would allow billions of dollars a year to escape for the benefit of special interests. The beleaguered local property taxpayer must be helped by maintaining Federal aids for State and local governments needed to head off further increases in the property tax.

The President has said, "all Americans will benefit from more profits." I wish to remind him that they will benefit only if the profits are reinvested in new equipment and new jobs, and not used for enlarging the margin of return. There is nothing in the President's program, however, to guarantee that business will reinvest profits.

The President has attempted to put the heaviest share of responsibility for inflation on the backs of the working people. Well, it will not work. He cannot turn his head and ignore the real culprit, corporate greed. Rising prices and profits—the latter of which he not only condones but encourages—are prime contributors to our dismal economic situation.

Another cause is the President's refusal to do anything about the economy for 2½ years and then, when he finally moved, his policy was designed more to give the appearance of concern than the substance of meaningful action. It is basically an inequitable program which penalizes working people and rewards business. Taxpayers are offered crumbs—a slight speedup of the tax deduction schedule already approved by the Congress—while industry is handed cake, in the form of rich investment tax credits, accelerated depreciation rates, and the presidential call for more profits.

The average American family will receive about 7 cents per day in tax reductions, under the President's program, while corporations will receive nearly $80 billion over the next 10 years—$80 billion diverted to corporate treasuries from America's pressing public investment needs in schools, hospitals, medical facilities, housing, mass transit, and pollution control.

Ninety days is too short a period for a wage-price freeze to be effective. I feel the November 13 end to the freeze is premature and will be harmful for consumers while greatly aiding business. Even with the boards set up for the second phase, the lack of well-defined standards and guidelines leave great confusion in the minds of the public.

I fear phase II will be met by a flurry of price increases on everything from cars and homes to groceries and holiday trimmings. This will be a burden on workers who lost pay hikes during the previous 90 days and especially hard on Federal workers, whose pay is frozen 3 to 6½ months longer than everyone else's, though the prices and rents they must pay will be going up during that period. Just because Federal employees are the only workers the President has direct control over, that is no reason for him to single them out for extra hardships. They should be treated as equitably as private industry workers in the President's economic policy. I voted to end this discriminatory policy, but it was sustained by a 207-to-174 vote in the House.

As I stated, I believe all wage increases negotiated before August 14 should be permitted to go into effect. This is especially important for persons such as teachers, who are expected to pay large sums for courses they must take to fulfill contract requirements—although the wage increases guaranteed by their contracts have been suspended, requirements such as graduate study have not been dropped. The pay hikes teachers lost were, in many cases, earmarked to pay for their tuition, which the administration refused to freeze.

In an effort to counteract some of the inequities in the administration's economic program, I have joined with several of my colleagues in sponsoring legislation aimed at easing the burden on working and low-income individuals. This includes a freeze on all rents until April 30, 1972, and the exemption of low-income persons from further wage freezes after the current one ends.

I feel it is the duty of the Congress to make the economic program effective and fair for everyone. I will do all in my power to see that is done.

THINGS ARE NOT SO HOT IN ALLENDE'S CHILE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. PRICE of Texas. Mr. Speaker, recent events in Chile suggest that things are not going so well for the leftist government of Salvador Allende. Instead, this first-class Marxist-Leninist is leading his countrymen straight into a system of Communist tyranny and despotism. Allende has already started the process of "liberating" Chile's privately owned business sector while attempting simultaneously to blame capitalism for the failures and setbacks arising from his own socialist experimentation.

An article appearing in the October 1 Washington Daily News illustrates once more the sad fate facing a nation that is sold out by its leaders to wretched communism. The article reads as follows:

SALVADOR ALLENDE

Salvador Allende . . . has predictably announced that his government will deduct

"excess profits" from any payments made for expropriating big U.S. copper mines in Chile.

This amounts to a decision not to pay for the mines, since the amount of the "excess profits" to be deducted, according to Chilean estimates, is more than the big mines' value. The Chilean said $774 million will be deducted.

He is trying to make this action appear to have been provoked by the U.S. In announcing the decision, he said the U.S. "broke the rules" in devaluing the dollar. This is a thin pretext, however. The present Chilean ruling group has been telegraphing a desire to take the mines without paying for them for long months now.

Mr. Allende badly needs a nationalistic issue with which he can try to win back some of the popular support that recent Chilean elections indicate has slipped away from him.

The U.S., the prime target of all Marxists, is the obvious bogeyman for Mr. Allende, who has vowed to root capitalism out of Chile and whose political beliefs call for its destruction thruout the world.

It remains to be seen, however, whether Mr. Allende can whip up the same degree of anti-Yankee enthusiasm that the Peruvian generals promoted when they took U.S. oil properties for which they apparently have no intention of paying. The Peruvians invented a huge sum of unpaid "back taxes" as their excuse.

Chile under Mr. Allende is slipping toward an economic bind and he may look forward to blaming the U.S. for this too. Only this year, half of Chile's $343 million of national reserves have slipped away to pay for imported food and semi-manufactures. Copper's price is down. Chilean copper production is behind expectations and the cost of production per pound is up.

Chile has to import more and more food and semi-manufactured goods to fill the demand created by wage increases granted by Allende. Gradually the margin of supply—and of foreign exchange with which to import supply—is narrowing against demand. Already shortages are felt within Chile's price-controlled economy.

Mr. Allende will get his nationalistic issue with the U.S. The question is, can the Chilean people eat it.

H.R. 10351

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. WHITE. Mr. Speaker, the House has now passed H.R. 10351, the OEO amendments of 1971. While I have in the past supported legislation which would benefit the poor of this country, both OEO bills and other legislative measures, I could not in conscience vote for final passage of the 1971 OEO amendments.

The first reason I did not support the bill was because of the hasty inclusion of the child development plan into the bill as an amendment. The Members of this body had no opportunity to study this amendment and, to my knowledge, there were no extensive recent hearings held on the measure. The child development plan, or child advocacy as it is also called, is a controversial program and one that is relatively unproved. Yet, this bill authorized Congress to appropriate "whatever sums are necessary" to implement the plan. In this time of serious fiscal responsibility, to authorize a carte blanche for a controversial and unproved program can hardly be considered a responsible act.

The second reason I did not support this particular bill was because of the provision in establishing a separate Legal Services Corporation which takes all control and restraints over this Federal program from the Federal Government itself. As an attorney and as one who has listened to the feelings of many other attorneys on this Federal legal aid program, I come to the conclusion that an independent agency with no checks or controls as established by this bill will create serious difficulties in actually serving the cause of justice in the court system of this country. Even more appalling is the fact that this bill which purports to serve the poor does not define "client" as necessarily one who lives in poverty. In fact the area to be served by this agency is so wide that it includes almost everyone. It will certainly be indeed a tragedy if this new agency proves to be an attempt to socialize the court system and legal defender system of this Nation.

Mr. Speaker, I intend to serve the needs of this Nation and to work toward the elimination of poverty and the ills created by ignorance and poverty. I have done so in the past and I shall continue to do so. However, it is our duty in Congress to carefully weigh all of the facets and implications of the legislation we consider and to offer legislative solutions to identified problems. A bad legislative solution only serves to increase the problem, and is no help at all. Therefore, it is for these reasons that I could not support H.R. 10351 when it came before the House for final action. I hope that when this measure returns from the Senate it will be in acceptable form.

A CALL TO DOCTORS—COME TO KANSAS

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. SKUBITZ. Mr. Speaker, Dr. William J. Reals of Wichita, Kans., is the president of the Kansas Medical Society and one of our State's most esteemed physicians. In a recent issue of the Journal of the Kansas Medical Society, Dr. Reals addressed a message to his fellow physicians calling on them to point out to other doctors the advantages of living in Kansas and practicing their professions there. I commend Dr. Reals for emphasizing the advantages of our State and for his important message to his fellow Kansans. I trust that young men fresh from medical school will seek internships in our hospitals. Living in Kansas for a year, I am sure, will convert them into permanent Kansas residents.

I include Dr. Reals' message in the CONGRESSIONAL RECORD at this point:

THE PRESIDENT'S MESSAGE

DEAR DOCTOR: "To the Stars Through Difficulties" . . .

This motto, which appears on the Great Seal of Kansas, is the subject of my message this month, because recent events have underscored for me a couple of facts about our state:

First, no state can surpass Kansas' history of overcoming any obstacle or hardship in its path to greatness.

Second, while we've reached the stars, our national image is still in the dust.

It was during the AMA convention in Atlantic City that this was most recently brought home to me. The president of another state society (who shall remain nameless), when he learned I was from Kansas, made a number of disparaging remarks about Kansas, its climate, terrain and people.

I argued briefly with him, then lapsed into silence, knowing the futility of trying to educate a geographic snob. But I was stunned by his pointless, mindless attack on our beautiful and productive state, and I brooded about it on my drive home from the crowded, polluted and cluttered East Coast.

As we came west, the dirt and clamor began to fall away. The cities became more open, the towns more attractive, the skies clearer and the people friendlier.

And, as I crossed the Missouri-Kansas border, Kansas greeted me with a warmth and honesty I had missed on my trip back East.

The wheat harvest had not yet begun in the section I traversed, and the golden fields rippled in the breeze under the bright blue sky.

I was home. And I was glad.

No one who ever got to know Kansas could make those comments I hear frequently in my travels . . . comments that infer we are backward people living in a dust bowl. This image reflects not just on the citizens in general, but on physicians in particular, upon their type of practice, their hospitals and universities.

And it's all undeserved.

For a "backward" state, we've done pretty well at producing some of America's most forward-thinking persons. Dwight D. Eisenhower is a product of our state, and chose its soil as his final resting place. Industrialist Walter Chrysler, athlete Jim Ryun, playwright William Inge, and musician Stan Kenton had their origins in Kansas.

The Menninger Foundation and Clinic in Topeka is internationally known and respected as the center of psychiatry. It was founded by native sons.

The Hertzler Clinic at Halstead is known around the world, as was its founder, Arthur Hertzler.

More than half the light aircraft manufactured in the world comes from Wichita. Two Kansans, Walter Beech and Clyde Cessna, founded this vital industry.

Kansas is the breadbasket of the world, producing enough wheat each year to feed half the world . . . producing more than one-fifth of America's beef, and serving the nation through more than 630 food processing firms.

The list is endless.

Anyone who has ever driven the Flint Hills in the spring knows the verdant beauty of that section of our state. The rolling plains of Western Kansas reach to the Rocky Mountains—their well-ordered farms and ranches a tribute to the sturdy pioneers who broke the sod and made a state . . . "to the stars through difficulties."

I didn't mean to become rhapsodic. But my point is this:

Our concern in Kansas is providing enough physicians to treat the people. We have a great state and its story must be told to physicians who seek a better life, a clean, crime- and pollution-free life for themselves and their families.

Unless you and I tell the story of Kansas as it really is, we'll suffer a chronic loss of young physicians to other states.

The job of selling Kansas is the job of every individual.

Doctor, are you telling the true story of our state to other physicians who might want to practice here?

WM. J. REALS, M.D.,
President.

ROCKETDYNE'S SPACE SHUTTLE CONTRACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. WALDIE. Mr. Speaker, there has been some concern voiced recently over the National Aeronautics and Space Administration's awarding of the Space Shuttle Engine program contract to North American Rockwell Corp.'s Rocketdnye division based in southern California.

Mr. Speaker, I would like at this time to affirm my own confidence in the ability of Rocketdyne to perform excellently in every aspect of the program.

Rocketdyne and its people have shown an outstanding record of achievement in the U.S. space effort, the most recent being the excellent showing of Rocketdyne engines on Apollo 15.

Prior to awarding of the NASA contract, the proposals of the three bidders were carefully scrutinized and the decision to award the contract to Rocketdyne was fully supported by a highly qualified Source Evaluation Board.

Mr. Speaker, I would at this time like to submit a copy of NASA's official selection statement for inclusion in the RECORD.

I am most confident that NASA and the Comptroller General will uphold this contract award.

The statement follows:

SELECTION OF CONTRACTOR FOR THE DESIGN, DEVELOPMENT, AND PRODUCTION OF THE SPACE SHUTTLE MAIN ENGINE

On July 12, 1971, Dr. Low, Mr. McCurdy, and I, along with other officials from NASA Headquarters and Marshall Space Flight Center, met with the Source Evaluation Board appointed to evaluate proposals for the design, development and delivery of 36 main engines for the space shuttle. The space shuttle main engine is a hydrogen-oxygen, reusable, and throttleable engine to be used as the primary propulsion for both the booster and orbiter of the space shuttle. The method of contracting will be cost-plus-award-fee.

This procurement is the successor to three Phase B study contracts, initiated in June, 1970, which were performed by the competitors as part of a planned phased procurement. The three competitors are:

Aerojet General Corporation, Aerojet Liquid Rocket Company;

North American Rockwell Corporation, Rocketdyne Division;

United Aircraft Corporation, Pratt & Whitney Aircraft Division.

Prior to the issuance of the RFP, the Board established technical evaluation criteria in the areas of design, vehicle and engine integration, and work approach; business evaluation criteria were established in the areas of estimating techniques, business systems, and corporate capability; organization and management structure; planning and methodology; visibility and control; and Phase B performance. The Board assigned weights to these criteria and established a scoring system. The RFP contained a general description of the criteria and an indication of their relative importance. The Board established a technical committee, a business committee, and panels to assist it in the evaluation of proposals.

The Board, with the assistance of the committee and panels, conducted an initial evaluation of the proposals prior to any written or oral discussions, and rated the proposals in the following order of merit:

1. Rocketdyne;
2. Pratt & Whitney;
3. Aerojet.

The Board sent written questions to the three competitors and invited them to participate in oral discussions concerning their proposals. Following the oral discussions, the Board and its committees received and reviewed final responses from the competitors. The Board conducted its final evaluation and ranked the proposals in the following order of merit:

1. Rocketdyne;
2. Pratt & Whitney;
3. Aerojet.

Rocketdyne received the highest rating for engine design to which the Board had assigned the greatest weighting and also ranked first by a small margin in vehicle/engine integration. Its proposed design of the high pressure oxidizer and fuel pump were considered by the Board to be very good. Its choice of a regeneratively-cooled thrust chamber was also considered very sound. While Rocketdyne's design provided a low cooling margin in the main chamber, the design of this component was considered adequate. Its proposal to incorporate baffles and acoustic absorbers in both preburners and main combustor maximized stability of combustion over the entire engine operating range. A weakness in the proposed design was the selection of a metal alloy INCO–718 which is subject to degradation due to hydrogen embrittlement. Rocketdyne's engine interface design was completely compatible with NASA's requirements. A further strength was in providing ports in the design to allow for borescope inspection of critical components. A potential weakness was Rocketdyne's concept of welding major components of the engine into a single unit. While Rocketdyne received a lower score than Pratt & Whitney in the management area it retained its first ranking by receiving a higher total score than the other two proposers.

Pratt & Whitney had the highest rating in the work approach criteria. It also rated highest in most of the areas of the business-management criteria. The Board had high confidence in its high pressure turbopump design. Its proposed preburner was scaled up from the XLR–129 demonstrator engine. The lack of instability suppression devices in the preburner and main burner designs was considered a weakness. The Board considered the specific impulse to be a major weakness in the Pratt & Whitney design. Weight data on engine components were very limited. Pratt & Whitney's plan to bolt together major assemblies for easier maintenance was considered by the Board to be a strength, but this advantage might be offset by the risk of leaks. Its design provided for the hot gas systems to be internally inspected with borescopes. The Pratt & Whitney proposal was weak in defining ground support equipment. It proposed a sound development plan.

Although the Board considered the Aerojet proposal to be good, it did rank Aerojet significantly lower than the other two competitors. The Board had high confidence in the structural design of the Aerojet engine. Aerojet's proposed use of platelet-type injectors in both preburners and in the main injector was considered favorable by the Board. The lack of instability suppression devices in the preburner and main burner design was considered a major weakness. The turbo-machinery designs proposed by Aerojet had several major weaknesses. The Aerojet engine design gave insufficient room for installation, removal, and servicing of the gimbal actuators. The engine design did give a potential payload increase. Aerojet proposed a sound development plan though some of the development program objectives were considered overly ambitious by the Board.

In the cost area, Rocketdyne proposed the lowest cost, Pratt & Whitney proposed the next highest, and Aerojet proposed the highest cost. As a result of adjustments to the proposed costs made by the Board as part of its evaluation, Pratt & Whitney's cost were considered the lowest. The estimated costs for the three contractors, both as proposed and as adjusted and within the range of uncertainty that is inevitable in estimating for cost-type research and development, contracts, in which the period of performance extends over many years. The Board was also of the opinion that, though the designs submitted by the three firms were different, these differences did not appear to offer any significant difference in cost among the three engines.

In response to our questions during the presentation, the Board informed us that they considered Rocketdyne to have proposed the best engine design. They also considered Rocketdyne to have more experience than Pratt & Whitney in building the very large class of flight engines. In support of this statement, the Board cited the Rocketdyne F–1 engine used in the first stage of the Saturn V vehicle, and the J–2 engine used in the second and third stages of the Saturn V. The F–1 engine has a thrust of 1½ million pounds, and the J–2 has a thrust of 200,000 pounds. Pratt & Whitney's experience in large flight engines was limited to the RL–10 engine, which has a thrust in the 15,000 pound range and the Pratt & Whitney XR1–129 engine which was used in a demonstration program, but was never used in flight. The Board indicated that Pratt & Whitney's major strength was in turbine-machinery, evidencing its experience in jet aircraft engines. The Board also stated that Rocketdyne has had much more experience in solving integration problems between the engine and the flight vehicle. Though the Board in its evaluation rated Rocketdyne only slightly better than Pratt & Whitney in the criterion of engine/vehicle integration, such evaluation was based on proposed design concepts rather than past experience in resolving integration problems of flight vehicles using very large rocket engines. The Board also stated that Rocketdyne had the most experience in launch support for manned flights.

Following the presentation of the Source Evaluation Board, we met with a small group of key personnel who had heard the presentation and who carry responsibilities related to the procurement. Their views on the presentation and findings were solicited and given. They then withdrew.

Dr. Low, Mr. McCurdy, and I carefully considered the comments of key personnel involved. It was evident that the technical competition was close and that the estimated or adjusted costs did not give any of the proposers a significant advantage. Based on the evaluation and presentation, it was our judgment that the design of the space shuttle main engine proposed by Rocketdyne was superior to the designs of the other competitors. We also decided that Rocketdyne's technical and managerial competence, as reflected by its proposal, combined with its extensive experience in the development, manufacture and integration of very large rocket engines provided more capability for resolving technical problems associated with and unique to this program. We, therefore, selected North American Rockwell Corporation, Rocketdyne Division for the award.

JAMES C. FLETCHER,
Administrator.

GEORGE M. LOW,
Deputy Administrator.

RICHARD C. MCCURDY,
Associate Administrator for Organization and Management.

MARYLAND PONDERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RARICK. Mr. Speaker, in January of last year—"Housing Crisis—30 years of Socialist Failure," CONGRESSIONAL RECORD, volume 116, part 1, page 694—I pointed out to this body that while free enterprise may not be perfect, it had always proven to be far superior to socialized housing under whatever name.

Inflation brought on by reckless deficit spending by the Federal Government, high taxes, and tight credit as well as the handicap of having to compete at a disadvantage with tax-funded public housing have made it difficult for and have weakened the initiative of private free enterprise developers to continue operating.

Such socialistic schemes as rent subsidies, rent control, and planned obsolescence paid for by the taxes of working citizens have provided nonproductive citizens with housing which in many instances has been superior to that of the taxpayers. Moreover, the failure of freeloaders to maintain their dwellings has led to physical deterioration of the housing. All of which have contributed to causing a housing crisis in big U.S. cities.

A new approach in attempting to solve the housing crisis is the introduction of tenants' rights bills in Prince Georges and Montgomery Counties. Included in the Prince Georges County bill are provisions for a landlord-tenant commissioner whose authority would include the power to set rental guidelines and order reduced rents in specific cases. The commissioner could even grant to the occupant the right to withhold rent if the landlord did not meet maintenance and related obligations. He would also have power to review rents and reduce the rent even when there had been no recent increases. Under the Montgomery County bill, a five-man commission would be empowered to regulate rent increases.

The two so-called tenants' rights proposals, if enacted, would worsen the housing crisis by striking a mortal blow at private enterprise. The appeasement of the tenants would make the maintenance of apartments so unprofitable that private developers would cease to invest in apartment dwellings.

The solution to the housing crisis is for the government at all levels to get completely out of the housing business and let private enterprise operate unhampered by arbitrary government rules, regulations, guidelines, and bureaucratic redtape. Competition among developers would provide the best housing at the lowest cost. The Government should take regulatory action only when it is obvious that unscrupulous developers are engaging in monopolistic practices or in other dishonest and unfair business practices. Political housing like most other political gimmicks may be good for votes but not promised goals. Again those liberal ideas that created the problem would be suggested as a solution.

I insert related newsclippings in the RECORD at this point:

[From the Washington Post, Oct. 6, 1971]

TENANT'S RIGHTS BILL ATTRACTS 400 TO COUNTY HEARING

(By Ivan G. Goldman)

More than 400 persons attended a public hearing before the Prince George's County Council last night on a landlord-tenant bill that would grant significant rights to tenants.

Almost 50 speakers representing both landlords and tenants, testified on the measure proposed in August by County Executive William W. Gullett.

Tenants complained of landlord excesses and declared the bill long overdue.

Representatives of landlords predicted the measure, if enacted as proposed by Gullett, would create chaos and make the upkeep of apartments so unprofitable and difficult that developers would no longer invest in apartment complexes in the county.

Most of the audience was made up of tenants. They cheered and applauded their representatives and snickered from time to time at the statements of landlords.

The size of the crowd fell short of expectations of the bill's supporters, who had hoped for a more massive turnout to demonstrate support.

An aide to Gullett noted, however, that the hearing was held at the same time as all the PTA meetings of the 180 elementary schools in the county school system, thereby cutting down potential attendance. A second Council hearing is scheduled Oct. 14 at the courthouse in Upper Marlboro.

The first County Council hearing of a similar bill under consideration in neighboring Montgomery County drew more than 1,100 people last month. Gullett, the first to speak last night, issued a strong worded plea that the County Council not "weaken" his legislation. He predicted that "pressure from special interests will be intense," and asked the Council to stand firm and "give some long overdue protection to the forgotten citizens of our county—the apartment dwellers."

Gullett's bill which requires Council approval, would create a powerful $20,000-a-year landlord-tenant commissioner whose authority would include the right to set rental guidelines and order reduced rents in specific cases. Violations of a commission order would be punishable by a fine up to $5,000 and six months in prison. Commissioner action could be appealed in Circuit Court.

Detailed in the legislation are tenant remedies that could be taken against landlords who do not meet their maintenance and related obligations. Among remedies the commissioner could grant is the right to withhold rent.

An estimated 43 per cent of the 200,000 units in Prince George's are apartments. Opposition to the bill from landlords is expected to be intense.

About one-third of the 150,000 housing units in Montgomery County are apartments. The Prince George's bill is considered stronger than the Montgomery bill in some respects.

The Montgomery legislation would create a five-member commission. Gullett's bill, drafted by his legislative aide, Frank Kratovil, creates a single powerful commissioner with a five-member staff.

The Montgomery bill would allow the commission to regulate the amounts by which rent could be raised, whereas the Prince Georges bill would enable the commissioner to review all rents and roll back rentals even when there have been no recent increases.

Alexandria has a landlord-tenant commission but it has no enforcement powers. Arlington has a tenant-landlord council that the commonwealth's attorney has ruled is illegal under Virginia law. The council there has been hearing complaints since January.

Kratovil said that in his research he was unable to find any local governments in the country that take on rent-setting authority on such a comprehensive basis.

Kratovil notes that the Prince Georges bill details specific tenant remedies for housing deficiencies, while the Montgomery bill is more vague in this regard. For instance, in the Prince Georges bill, a tenant whose apartment has been damaged in a fire would be required to pay rent only for that part of the apartment remaining inhabitable.

The bill was introduced in the predominantly Democratic Council for Gullett, a Republican, by Democratic Councilman Royal Hart.

Included in the bill's provisions:

Damage deposits could not exceed one month's rent and would be held in interest-bearing accounts for the tenant.

Landlords could not interfere with the formation of tenant organizations.

A 10-day grace period would be established for rental payments, and late fees could not exceed 5 per cent of the monthly rent.

[From the Washington Evening Star, Apr. 19, 1971]

"GHOST TOWNS" SEEN FOR BIG U.S. CITIES

(By James Walsh)

The accelerating abandonment of housing within predominantly black inner cities may create "ghost towns" in many of the nation's metropolitan areas, the National Urban League and the Center for Community Change declared today.

In a joint report, the two organizations called for immediate governmental action on the problem.

The report suggested, among other recommendations, temporary moratoriums on the foreclosing of mortgages.

"The abandonment process has reached the stage where it poses a clear threat to the survival of certain cities as viable environments for human habitation," the report said.

At a press conference today, Harold R. Sims, acting executive director of the Urban League, warned that entire neighborhoods "housing hundred of thousands of central city dwellers" are in advanced stages of being abandoned by their owners.

The report represents the first major study of the problem.

It was based on a survey of central neighborhoods of seven cities—St. Louis, Cleveland, Chicago, New York, Detroit, Atlanta and Hoboken, N.J.

In New York, more than 100,000 dwelling units have been abandoned in the last decade, the report's authors said. But they emphasized that New York was not the worst of the seven cities.

St. Louis was described as the city where the abandonment process has deteriorated further than in perhaps any city in the nation. There, the report said, 16 percent of all housing in the two neighborhoods studied was found to be abandoned.

The report pinpointed Hoboken as just about as bad as St. Louis. In Hoboken, conventional mortgage financing is unavailable, said the report, adding that in St. Louis it can be obtained only in one predominantly white neighborhood.

At the other end of the scale, Detroit and Atlanta were the bright spots. The report attributed this, especially in Atlanta, to a tradition of home ownership, the integration of different economic classes and the continued willingness of mortgage-lending institutions to do business in the central city.

Citing the report, Sims blamed the situation on a number of factors: persistent racism, exploitation by the real estate industry, exclusion of blacks from many neighborhoods, and the rapid withdrawal of investment capital from older neighborhoods.

"The implications of this are enormous," said Sims. "When these financial institutions refuse to do business within an area, the only way for that area to go is down," he said. More low-cost housing alone, or more code enforcement alone will not stem the trend, said Sims.

"Nothing less than a massive commitment

by metropolitan and state governments and by the national government can reverse the tide," he said.

The two groups called for "vigorous public intervention" in central-city mortgage-loan markets. This intervention could take the form of direct public loans or government insured private loans at a subsidized interest rate.

[From the Washington (D.C.) Evening Star, Jan. 19, 1970]

HOUSING SHORTAGE BECOMES PROBLEM FOR MANY IN THE UNITED STATES

(By Leroy Pope)

NEW YORK.—A generation ago finding a place to live was the least of the average American's worries. Today it's likely to be his biggest headache.

The reason is that housing has become the nation's sickest industry. It is falling short of meeting pent up demand by an estimated 1 million units a year and many in the business blame the federal government.

No one appears to believe the private building industry can do anything to cure the housing shortage in the face of inflation and tight money without federal subsidies and government leadership.

The criticism falls on Congress and on George Romney, the Secretary of Housing and Urban Development, who only recently got around to serious negotiations with prospective mass producers of modular housing.

Typical is the view of Samuel Paul, a New York architect. He presently has in the works public and private apartment building projects which will house 25,000 persons in the Northeastern and Middle Atlantic states.

Paul says Romney's long range policies are commendable but that he is putting too much faith in prefabricated and factory-built modular housing and in radical changes.

"What is needed from Washington is more funding and less red tape for immediate projects under Sections 235 and 236 of the housing code, which provide interest subsidies on mortgages of new homes and new rental properties," Paul said.

HUD DENIES PREFAB BIAS

At least 40 percent of urgent housing demand not being met is in lower middle class brackets, houses and apartments in the $17,000 to $22,000 range, to be built by traditional methods, he said.

HUD denies it is putting too many eggs in the prefab or very low income housing baskets. For the fiscal year that began last July 1, the authorization for public housing is $473.5 million. For rent subsidies, it is $50 million. For interest subsidies under Sections 235 and 236, the authorizations are $90 million and $85 million, respectively.

On the other hand, only $15 million has been authorized for operation breakthrough Romney's long range plan to turn out mass produced low cost factory housing. "So," said a HUD spokesman, "the bulk of our money is going into low-and-middle-income housing."

This doesn't satisfy critics like Paul. They think the Nixon administration should break out a crash program to build interest subsidized rental housing because anything like a reasonable supply of rental housing is fast becoming only a memory in much of the country.

BRITISH TOWNS CITED

Another critic of HUD is Joseph Timan, head of Horizon Corp. of Tucson, a major developer. Timan blames Congress more than Romney. "Our whole national housing and taxing policy discourages the building of rental housing for the poor and lower middle classes," he said.

Timan would like to see the Nixon administration do more to push federally subsidized rental housing and follow the example of the British in developing towns complete with industries.

"We should move the industries into the new towns and create one or more permanant jobs right in the community for each new housing unit put up, as the English do," se said. "Instead we are building luxury communities for the rich."

The sickness of the housing industry hinges on high interest. The National Association of Home builders points out that a 5½ percent mortgage a few years ago with a monthly payment of $100 would buy a $16,280 house. At today's rate of 9 percent, the $100 a month will buy only $11,916 worth of house. This falls 25 to 50 percent short of meeting the needs of a lower middle class family.

[From Newsweek magazine, Jan. 12, 1970]

HOLLOW SHELLS

"It used to be," said one Atlanta landlord, "that you could make a fortune in slum housing. But now the tenants tear up the place as fast as you fix it up. The city gets on your back and you just can't afford to keep it up. Every time you fix up a place the insurance and taxes go up. You've only got two choices: either raise the rent—and then people have to move out—or tear it down."

To most people, such a view of housing the poor is cynical in the extreme. But to knowledgeable real-estate men, the Atlanta landlord is simply retelling a truth that has been apparent for years: it is no longer profitable to house the urban poor—even by housing them badly. In the face of the worst housing crisis in history, the number of slum buildings abandoned by their owners as a bad investment is reaching catastrophic proportions, and the trend has yet to reach its height.

In Chicago, 140 landlords walk away from their buildings every month. In Baltimore, 4,000 structures now sit idle. In Boston, 1,000 dwelling units have been abandoned. In New York, where whole stretches of the Bedford-Stuyvesant ghetto look like Berlin the day after World War II, 110,000 individual apartments were left to rot in the years between 1965 and 1968. Since then, the rate has increased to a point where each year landlords jettison enough buildings in New York to house the entire population of Jersey City—275,000 people. "We've thrown away more housing in the past few years," says Frank S. Kristof, director of housing research for the New York State Urban Development Corp., "than we destroyed in twenty years of slum clearance."

Reasons for the increase in abandonment become quickly apparent from the economics of slum ownership. According to housing experts, the big operators left the slums ten or fifteen years ago, turning over to small-timers a dilapidated supply of housing that had already been milked dry. At the same time, cities began enforcing housing codes more stringently, and the new owners found themselves financially unable to keep up. Costs of rehabilitation have skyrocketed (a Rand Corporation project director estimates that in New York it takes $24 a room a month to keep a slum tenement up to snuff), while rent control or ghetto economics make rental income a static figure.

As a result, many slum landlords resort to what is called "dead ending" their buildings—stopping all repairs, failing to pay taxes and hoping the city will delay taking over the building until they recoup their investment from rents. In Boston, this means three years; in New York, four. "I haven't paid taxes on some of my buildings for two years," says Bronx landlord Jacob Haimowitz. "Now, I'm beginning to get my original investment back, since I don't plan to make any repairs. As far as I'm concerned the city can take them after another two years."

Abandonment, thus, is the final step, a circumstance that leaves hapless tenants high and dry without essential services. Until they can find other quarters, some residents of abandoned tenements in New York have been known to descend to the street every day to draw water from fire hydrants. Those who have no place to go often hang on, enduring the vandals who rip up vacant apartments for the valuable brass and lead plumbing, the junkies who haunt the deserted hallways and the rats and vermin until they can stand it no longer.

HULKS

Solutions to the problem are woefully inadequate. In Chicago, a nonprofit organization has begun taking over abandoned buildings and fixing them up. But while the Chicago Dwelling Association started renovation work in 247 structures last year, 1,000 more were plowed under. Other cities are trying to fix the buildings themselves. Baltimore is using Federal money to renovate 1,400 deteriorated houses at a cost of $13,400 each. But skeptics see little future in spending that much money on isolated houses when surrounding hulks sell for $3,000 and the economics of the surrounding slum continues to drag down the whole area.

As some experts see it, one possibility for relief lies in a sort of urban homesteading law, similar to one proposed last year by Sen. ———. Under this proposal, poor people themselves could take over abandoned buildings, and with low-cost government construction loans and looser housing-code enforcement, make them reasonably fit for human habitation. As it stands now, money can often be found for buying buildings, but precious little is available for renovation.

Few housing experts, however, see even a homesteading act as a permanent solution. "The bulk of improved housing for the poor," says George Sternlieb, director of the Urban Studies Center at Rutgers University, "has always come in a trickle-down way from increased housing for the middle-class, and I'm afraid it will always be that way. When you try to provide new housing for the poor, you either end up with prohibitive costs or high-rise jails."

[From the Washington (D.C.) Post, Dec. 16, 1969]

PUBLIC HOUSING: IT MAKES ANIMALS OUT OF PEOPLE

(By Robert C. Maynard)

Garbage is scattered in the stairwells. Acres of windows are broken. Even at noon there is an empty silence.

The place is the Pruitt-Igoe Public-housing development, home to more than 4,000 St. Louis poor people who say they are ashamed of where they live but they can find no better place.

Often the water pipes burst because large portions of Pruitt-Igoe are unoccupied and therefore heatless. Sometimes, when the pipes burst, two inches of water stand on the floors of some apartments and the garbage-laden staircases become totally impassable.

Pruitt-Igoe was built in 1954 as a series of modern high-rise towers to house low-income families. Today it has become synonymous with the worst of public housing in the United States.

EFFECT ON TENANTS

It is not just the physical appearance of the place (not more than a dozen window panes are intact in some buildings). It is also the effect the atmosphere has on the residents of Pruitt-Igoe that has caused deep concern in St. Louis and elsewhere among those who know public housing.

St. Louis Mayor A. J. Cervantes has called the housing complex "a terrible mistake."

But there are others who argue that what has happened to Pruitt-Igoe happens in one degree or another to just about all public

housing in this country, that public housing bears in its design and population pattern the seeds of certain social disaster.

Jean King, the brilliant black woman who led the successful rent strike against the St. Louis Public Housing Authority, dismisses those who deplore Pruitt-Igoe with an impatient wave of the hand.

"The rest of them," Mrs. King says, "are just as bad as Pruitt-Igoe. It's a concentration camp. They all are. It's wrong for people to be stocked up like that."

A SERIES OF ZOOS

And Chicago Judge Franklin I. Kral, a specialist in urban housing problems, says:

"Just about all public housing is a series of zoos. It makes animals out of people."

George Orwell in England and Hubert Selby in the United States are two of the writers—from vastly different perspectives—who have decried the effect of public housing on the spirits of the inhabitants, but the issue has only recently surfaced in this country.

The issue is likely to grow for several reasons.

One of them is the emergence of the tenants' rights movement, many of whose members are living in public housing and are demanding that it should be much more like home than it is. For one thing, public housing costs a minimum of a fourth of the income of its residents, about the proportion of income that middle class people pay for rent.

NIXON HOUSING AIDE

Another reason public housing is gaining attention is Lawrence Morgan Cox, President Nixon's director of renewal and housing assistance, which covers public housing. Cox, a Norfolk native, is a public housing administrator of years' standing, mainly in Norfolk.

He is a man with some very definite ideas about public housing and most of them bring the blood of tenant activists to a vigorous boil.

Tony Henry, long a social action organizer in Chicago and for the Southern Christian Leadership Conference, has some ideas of his own on public housing. Henry is director of the National Tenants Organization, the umbrella for the growing tenant activist movement.

WHO SHOULD BE ACCEPTED

The two disagree most vigorously over the question of who should be permitted to live in public housing.

Cox first:

"St. Louis had the policy of accommodating the lowest of the low in its public housing, and you can't disassociate that fact from what happened to Pruitt-Igoe.

"I cannot find any hope for a public housing community to be comfortable as a place to live if it is going to bear the stigma of being a welfare concentration camp. Why should people have to bear that stigma? Why do we have to put them all together?

"With the tremendous demand for housing in St. Louis, 900 units of housing in Pruitt-Igoe were vacant. I suggest to you that these units were less desirable because of the conditions in the project.

"Now, what relationship did the high percentage of abnormal families have to those conditions in that project?"

Tenant organizer Henry:

"He is correct, public housing was not originally aimed at the permanently poor class, which is a class that is newly recognized in this country. Initially, the program was for upwardly mobile whites, temporary people. As the housing authorities began to admit low-income blacks—not "abnormal" families—they began to realize they were dealing with the permanently poor."

STIGMA FROM POOR

Cox feels the "permanently poor" should be only a portion of the public-housing mixture, that too many of them—he doesn't specify—will bring a stigma to the housing project and lower the incentive of those living there to find decent housing elsewhere.

Henry feels:

"There should be some economic mix in all neighborhoods. For example, Watergate should be 20 per cent poor. However, since that concept has not developed yet, poor people have to be housed somewhere and the only program, inadequate as it is, that comes anywhere near meeting the need is public housing."

Henry's solution is a massive building program coupled with a requirement that all newly constructed housing complexes be required to provide a fifth of their units to poor people, subsidized by the government if the rent exceeds 25 per cent of their income.

"When that kind of commitment is taken on by the nation," Henry says, "then we can talk about diversifying the income of people in public housing because there will be adequate housing for the poor elsewhere."

THREAT TO STABILITY

Until then, Henry argues, the major concern should be on housing poor people because the lack of housing is "merely aggravating the social stability of the community as a whole."

Cox points out that the fiscal soundness of public housing—the need to charge adequate rent and the ability of the tenant to pay it—would be enhanced by having some solvent tenants among public housing residents.

The adequate rent problem may be on the way to a solution. A House-Senate conference has accepted an amendment by Sen. ——— that provides a federal payment to housing authorities for those tenants whose rents exceed 25 per cent of their income. Until the Brooke amendment, housing authorities either took the loss or charged rents that often far exceeded 25 per cent of the incomes of many of their tenants.

Cox maintains that public housing "is not welfare and was never intended to be welfare. That was not the intent of the legislature when they created public housing."

There is some evidence that public housing is beginning to be accepted as the servant of the permanently poor. Its quality and the quality of its maintenance, first of all, give every evidence of being geared to those who must take what they can get. Whether public or private, the low-income housing market in the United States is one in which competition by raising the quality and lowering the cost is unheard of.

Further evidence of the accommodation of public housing to the permanently poor is the extent to which the poor are clamoring for a voice in policy-making—and beginning to get it. Boston has a majority of tenants on its public-housing board and other cities are considering similar moves. St. Louis, however, is the most cited example because it is the scene of the most dramatic housing stories of the century.

INCREASE SPARKS STRIKE

A rent increase last January that would have carried rents for some families to 72 per cent of their income was the last straw for tenants who said they had been putting up with very haphazard management in any case. The rent strike in St. Louis went through most of October, but in the last couple of days of that month, Mayor Cervantes announced the strike was over and the tenants and their supporters were in charge of the board of commissioners of St. Louis Housing Authority.

Not surprisingly, the first move of the victors was to lower their rents, where applicable, to 25 per cent of their incomes, and less for unemployed people.

But after the exultation, the serious question remained whether local control of public housing will solve any of the problems.

CONDITIONS ARE DISCOURAGING

Conditions at Pruitt-Igoe are discouraging to consider in that regard.

Ivory Perry is a tenant organizer with a St. Louis community center. Ruth Thomas is the mother of four sons and a part-time tenant organizer. She lives in Pruitt-Igoe. So does Mattie Mason, another tenant organizer.

They took a newsman on a tour recently. It began at noon on a grey fall day. The wind had a mean kick to it. Trash and dust swept across the vacant front parking lots and drives.

But the big first impression is of the enormous number of broken windows, hundreds and hundreds of them.

As the visitor stood staring at the acres of broken glass, Ivory Perry tugged at his arm. "Don't stand out there like that in the open, brother. These dudes'll start snipin in a minute." Several persons, for reasons that are not altogether clear, have been shot on Pruitt-Igoe's grounds.

ASSAILED BY ODOR

In a vestibule the first of the odors assailed the visitor, a mixture of garbage, urine and other decaying things. The hallways, the stairwells, the doorways, all of them crammed with refuse.

"My sister lives on the eighth floor," Ruth Thomas said in a soft voice. "Wanna go see her?"

The group started for the stairway that leads to the sister's apartment and stopped cold, literally. Water was pouring from everywhere. A water main had been broken for days, making the stairway impassable without full flood gear.

"On my sister's floor," Ruth Thomas announced, "there is two inches of water on the floor. I mean you have to walk around in rubbers all of the time."

Mattie Mason had heard all of this before and she was bitter. "People don't have no place to go, no place. It's live here like an animal or don't live nowhere," she said.

Mattie Mason is what the old folks used to call "stout," solidly built and obviously a veteran of many troubled scenes. "I was here when it was mostly white," she said in her heavy voice. "They took pretty good care of it then, but then it got to be mostly colored, seemed like they didn't give a damn no more."

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[From Life Lines, Jan. 21, 1970]

HOUSING IN A WELFARE STATE; HOW SOCIALISM DEPRIVES THE PEOPLE

(By Nils-Eric Brodin)

(NOTE.—Swedish-born Nils-Eric Brodin has written widely on social, religious and political topics in both Swedish and American journals. He is Founder and former Director of the Center for Conservative Studies at Stanford University, and a former Western Director of the Intercollegiate Studies Institute.)

One of the first things young men and women will do in today's Sweden on going to work after graduating from high school is to place their names on a waiting list for an apartment. There are in Sweden today more than 400,000 persons on such lists. In Stockholm the waiting time may be 10 or 11 years. This long wait may be responsible for the relatively late age at which Swedish couples get married.

During their waiting period they live in crowded conditions with their families, or they rent rooms at high prices, or they occupy wholly unsatisfactory housing units. It is significant that the housing shortage primarily hits the young families.

But the old are also affected. Of the 800,000 pensioners in Sweden, no less than 130,000 are living in apartments or rooms without a bath. Forty percent of these apartments do not even have a flush toilet. Every third Swede wants to move away from his present apartment, often into something larger or more modern. It has been estimated that the size of apartments in Sweden is smaller than anywhere else in Europe. No less than 450,000 families with more than one child are living in apartments with only two rooms and a

kitchen. As a result of the housing shortage the black market is flourishing with an "under the table" tab of more than $2,000 per room for a tenancy lease.

There is a new aristocracy in Sweden, a so-called housing aristocracy. These "aristocrats" own homes or apartments, which they can sublet or rent at a tremendous profit while they themselves live elsewhere, often in other countries. In fact, rental of rooms in apartments has become such a big business that in central Stockholm there are 22,000 persons whose rental payments for a room cover the rent for the entire apartment. Thus, 23,000 landladies and their families live free of charge.

How could conditions such as these arise in a modern society with no lack of building material, or skilled labor, and which suffered no damage as a result of the last two wars?

The answer is to be found in the socialists' dogmatic insistence that housing is within the jurisdiction of the state, or possibly some cooperative organization under the control of the central government. It has recently been restated that it is still a socialist policy that private ownership of land is inherently evil. The central government has encouraged municipalities to take over land wherever possible. A recent law has been passed which demands that any sale of property be first submitted to the municipality if it is valued at over $40,000 or exceeds a size of 3,000 square meters.

The continued government interference in housing has brought about a reduction in housing built by the private sector from 80 percent to less than 20 percent. The government is also discouraging the practice of owning one's own home, and privately owned units have declined from 80 to 55 percent of the total. The government would rather have the people rent units which are owned by municipal or central governments, or owned by the cooperatives, or other so-called "nonprofit" housing-owners. Many of these "nonprofit" organizations are owned by labor unions, especially in the building unions. With the majority of the renters associated (often compulsorily) with the Renters' Association, which has ideological ties with the socialist government, it is understandable why the socialists are discouraging privately owned and privately built housing units.

The state has extended its control over the building industry through stiff rental control laws in effect since 1942 and by a stiff licensing system. The system of double licensing required hard-to-get permission from the government for a building permit and then for permission to employ labor. Finally, since the government has close control over all loans for building, including those issued by private banks, it can select those projects which may be financed through loans. At its annual meeting in June, 1968, the Socialist Party proposed to establish a state-owned, building-credit bank, taking financing for housing completely away from commercial banks and thus assuring even greater control by the state over housing.

Recently, after two decades of pressure by the democratic opposition, the socialists agreed to submit a bill to the parliament revoking the unrealistic and unpopular rent controls. Then at the last moment, at the behest of the Communist Party, on whom the socialists are increasingly dependent, the bill was removed.

The critical housing situation has greatly aggravated the already existing social ills in Sweden. Overcrowded family dwellings have pushed young people into the streets, and it is no accident that Sweden has the highest increase in juvenile delinquency and crime in the world. Tight housing has also caused severe domestic tensions. The divorce rate rose from 26 per 100,000 in 1925 to 119 in 1964. In the case of divorces or separations, the husband has often been forced to accept housing in so-called "bachelor hotels," a euphemistic name for a mission dormitory. The prevalence of narcotic addicts and alcoholics in these hotels has contributed substantially to the soaring crime rate.

Another curious side effect of the housing situation is what in effect amounts to religious discrimnation. Long committed to the total secularization of the state, the socialists are practicing a policy in which they regard churches and chapels as "nonessential" buildings. Recently, because of the rights of municipal pre-emption, a Free Evangelical Church and a Roman Catholic Church were forced to vacate buildings and sites they had occupied for a hundred years. They were each given choices of two sites outside of the city on which to build. A 25 percent tax of the value of the new edifices was imposed, making it impossible for them to build. This high tax apparently does not affect the State Lutheran Church. They have recently built four new churches in the Stockholm area alone, but there are also complaints among the State Lutherans of inadequate and antiquated church facilities.

It is a conscious policy of the government to discourage private ownership of housing and of land. The municipal pre-emption rights have recently been extended, and in the case of one denomination in Sweden, no less than seven chapels have thus been "expropriated." Older villas in central areas are also a favorite target of this type of "urban renewal." Checking the largest daily newspapers in Sweden, one will find perhaps no more than 10 apartments and houses for sale or rent, with purchase prices quoted much higher than for comparable property in the United States.

The right to one's own home is further delimited. If one buys a villa, for example, in which a previous owner has rented out a room, he is not able to take possession of that room until he has supplied the renter with a room or apartment meeting the renter's approval. Thus, in a variety of ways, the socialists are able to undermine what the late Professor Richard Wheeler has called "the last metaphysical right."

The right to own property and the right to feel that one can be "king in his own castle" is an essential part of freedom. The political dissatisfaction which the socialists are currently facing, and which might yet bring down their government, has not induced the socialists to abandon their ruinous policy of socialist control over housing. It is peculiar how they will hold on to this socialist cliche even in the face of its obvious impracticality.

If we are wise enough to learn from the mistakes of other nations, we might well take warning from the signs we see of a similar development in the United States. Urban Renewal and municipal pre-empton are to be found also in our cities. The rules and regulations by the government in their so-called "anti-discriimnation clauses" for all housing built by federal subsidies are more subtle, but no less real than the restrictions placed on the private sector and the individual citizens in Sweden.

The inviolate right to own, protect, and dispose of one's own property is a proper part of the American tradition and heritage. Let us protect this privilege which may indeed be "our last metaphysical right."

TAKE PRIDE IN AMERICA

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The American public is the best informed citizenry in the world. Americans invest more than $2 billion annually to purchase and read daily newspapers and another $85 million for weekly newspapers.

COMMEMORATING CASIMIR PULASKI

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BYRNE of Pennsylvania. Mr. Speaker, on October 9, we will be commemorating the 192d anniversary of the death of Count Casimir Pulaski, a luminary of the American Revolution whose contributions to the cause of American liberty and freedom can never be measured adequately.

After spending a lifetime in fighting to free his own native land of Poland from the yoke of slavery imposed by the major powers of that time, General Pulaski traveled thousands of hard miles to a strange new land where a young people were engaged in a similar battle.

He contributed his brilliant military knowledge to a young people unacquainted with the tools or ways of war. He helped weld them into an effective force which was able to gain the final victory. And he gave his life on a battlefield where he gained immortal glory for himself, the Polish people, and the cause of liberty.

Casimir Pulaski was born to the Polish nobility. He could have led a life of leisure and comfort; but he was not such a man. He sacrificed his wealth to fight for his nation's liberty—an action which necessitated his flight for life to escape the firing squad.

He came to the young nation across the seas where the people were seeking for themselves what he had sought for his own people.

I am proud to say that a major part of his time was spent with the Continental Army in my own area of the Nation where his bravery and ability proved the deciding factor in a number of important battles.

Subsequently, he was commissioned to form a brigade of cavalry—the Pulaski Brigade—which became an effective striking force of the small army.

Leading this brigade into the Battle of Charleston, he was mortally wounded and carried aboard a naval ship in the harbor, where he died.

He was buried at sea, so we have no grave at which to place a wreath of remembrance. But this does not diminish the memory of this exemplary fighter for liberty; his memory lives in the hearts of those who would see all nations free.

Traditionally, the 12 million Americans of Polish descent will mark Pulaski Day not only as a tribute to Casimir Pulaski, but also as a day marking the numerous contributions to our Nation by the people of Poland who followed him to the United States.

It will be my privilege to join with the many thousands of my constituents of

Polish descent who will be observing this tribute to a remarkable man.

SCHOOL PRAYER AMENDMENT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. DELLENBACK. Mr. Speaker, within the near future the House of Representatives will be considering the so-called school prayer amendment to the U.S. Constitution. On the surface, a proposal to permit prayer in public buildings seem unquestionably laudable, but I believe that, under careful and close examination, the proposed amendment shows itself as being highly undesirable and even dangerous.

Recently two of the leading newspapers in my Congressional District, the Eugene Register-Guard and the Medford Mail-Tribune, each published an excellent editorial explaining some of the dangers of the school prayer amendment. Since this issue will be before us soon, I call these editorials to the attention of my colleagues and urge them to give careful scrutiny to the points raised therein.

The editorials follow:

[From the Eugene (Oreg.) Register-Guard, Sept. 29, 1971]

HOW NOT TO HELP THE CHURCHES

Soon the House of Representatives will vote upon submitting to the states a proposed Constitutional amendment which would read as follows:

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

This, of course, is an attempt to get around the Supreme Court's so-called "school prayer decisions," which are so misunderstood by the many and so misrepresented by the few.

Contrary to what a few would have the rest of us believe, the Supreme Court did not rule prayer out of the classroom. Any teacher or pupil can pray all he wants in any school, church, gas station, hardware store, restaurant or football stadium. He has an absolute right to do this. What the Court did say was that nobody should be compelled to pray in any place and, especially, that he could not be required to recite a prayer that somebody else prescribed. Thus prayer, the prayer the supplicant chooses, is protected, not forbidden. Also protected is the right not to pray at all.

And what in the Sam Hill is a "non-denominational" prayer? It should be a prayer that is satisfactory to the Roman Catholic, the Mormon, the Methodist, the Jew, the Buddhist, the Moslem, the Adventist, the agnostic and the non-believer. If it does not please all, it is not non-denominational. Who wants a prayer that fits those exacting requirements?

Most responsible church leaders oppose this foolishness. Congressman John Dellenback is an example. A nationally known figure in Presbyterian circles, he understands the guarantees of the First Amendment. That amendment does not abridge liberty, but enhances it. It guarantees that a person can practice a religion that might be out of favor with the civil authorities—as long, of course, as he otherwise behaves himself. Cannibalism is a no-no, religious belief or not.

The founding fathers lived in an age when the church dominated the political life of many countries, as it still does in some. They did not want that to happen here. They also had close at hand instances of religious persecution in which the political institutions dominated or outlawed certain kinds of religious assembly. They didn't want that to happen here either. Thus the First Amendment was drawn to insure the mutual protection of church and state and to keep each from becoming predatory.

On Constitutional grounds, the proposed amendment is a monstrosity. The genius of the U.S. Constitution is the absence of trivial details. It is a broad document, setting up a general framework, not a petty listing of exceptions to the rule. If the Constitution had not been broad, and interpreted that way over the years, it could not have survived.

The proposed amendment is a can of worms.

[From the Medford (Oreg.) Mail Tribune, Sept. 24, 1971]

VICIOUS PRAYER AMENDMENT

The House of Representatives soon will vote on a proposed new amendment to the U.S. Constitution. It says:

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

Sound innocent enough? Maybe. But maybe not.

What, for heaven's sake, is "nondenominational prayer"?

Is it something that Jews, Mohammedans, Buddhists, Roman Catholics, Baptists, Lutherans, Methodists, Presbyterians, Episcopalians, Seventh-day Adventists, Jehovah's Witnesses, atheists, agnostics, freethinkers—and those who seldom even think about religion—all can subscribe to without offense?

If so, such a "nondenominational prayer" is going to be a pretty wishy-washy affair with no real religious meaning.

And who is going to write these "nondenominational prayers"? A teacher? A school superintendent? A school board? Or a Governor or member of the Legislature? And who gives them that right?

Do you, Mr. Methodist, want your friend and neighbor, the school superintendent, (who may happen to be a Seventh-day Adventist,) to write prayers your children will hear in school, or be asked to recite—or leave?

Or do you, Mr. Roman Catholic, wish an agnostic to prepare a "nondenominational prayer" for the use of your children—or for you yourself, for that matter?

It can readily be seen why the major Christian denominations are opposed to this proposed amendment. What is less clear is how a majority of the House of Representatives was gulled into signing a petition to have it brought to the floor from the Judiciary Committee. And just what are the motivations of those who pushed the petition?

Presumably, this is intended to "return God to the public schools." We had not been informed He had been rejected.

The Supreme Court has never "banned prayer in the public schools." What it did ban was an officially-prepared prayer that could be forced on children of any or all or no religious beliefs.

School children and teachers are now free to pray—or to refrain from prayer—as the spirit moves them, just so long as they do not infringe on the religious or educational rights and beliefs of others. And they can do this in school, or in the courthouse, or the federal building, just as freely as they can in their own homes and churches.

This proposed amendment is vicious in that it seeks to enforce a conformity of belief—and in view of the "nondenominational prayer" business, it would be a conformity so bland and meaningless as to be near-sacrilegious to confirmed believers.

Not only is it a threat to freedom. It is a threat to organized religion itself—which in this country has thrived as in no other nation because of the firm wall of separation between church and state.

—E. A.

THE SENATE VOTE ON RHODESIAN CHROME ORE AND OUR ROLE IN THE UNITED NATIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. FRASER. Mr. Speaker, last Wednesday, the other body failed to strike out an extraneous section of the fiscal 1972 military procurement bill which, if enacted, could cripple the United Nation's enforcement powers and destroy its prestige.

Section 503, as amended, would allow U.S. firms to resume importation of Rhodesian chrome ore after January 1, 1972, thus unilaterally breaking the U.N. program of sanctions against the racist rebel regime of Rhodesia's Ian Smith.

On Monday, October 4, I spoke against the passage of this unwise proviso. On the occasion, I noted that such an action on our part would not only be destructive to the United Nations itself but also extremely ill-timed in view of the ongoing negotiations between Britain and the Smith regime. Moreover, this amendment to the United Nations Participation Act of 1945 would certainly be counterproductive in our current efforts to retain Taiwan in the U.N. family. Whether Taiwan stays or goes will count heavily upon the votes of the Afro-Asian members.

As you know, an attempt was made in the Senate to alter this unfortunate amendment. On Tuesday, October 5, the day before the final Senate vote on this measure, the distinguished ABC commentator, Edward P. Morgan, delivered the following commentary on the subject:

[Broadcast by ABC Radio, Oct. 5, 1971]

EDWARD P. MORGAN'S SHAPE OF ONE MAN'S OPINION

Ridiculous, isn't it, that the Soviet Union, a mighty potential enemy, supplies us with chrome, a strategic metal, vital to the construction of a number of defense weapons including jet aircraft, submarines and missiles?

Ridiculous, isn't it, that our purchases and the Russian price both have more than doubled since 1966, when we stopped buying chrome from Rhodesia because the United Nations leveled economic sanctions against the racist government of Prime Minister Ian Smith?

Reasonable, isn't it, that Virginia's Senator Harry Byrd managed to tack onto the multi-billion-dollar military procurement bill a provision for the resumption of purchases of Rhodesian chrome? So the minority white government of Rhodesia is anti-black. But what could be more important than the fact that it is also anti-Communist?

But just when you may have thought life was getting simpler and more logical, those first two opening statements are not so ridiculous as they sound and Senator Byrd's reasoning is not only unreasonably simplistic but dangerous.

The Soviet Union does supply us with 60 per cent of our needs in chrome. But she supplied 30 per cent before UN sanctions were applied to Rhodesia. She has hiked the price but the world prices of virtually everything have risen, partly due to inflation.

As for Senator Byrd's argument that we are putting ourselves at the mercy of a hostile power as the principal supplier of a strategic material, it has all the validity of a discarded, chromium-plated bumper. Defense requirements absorb only 10 per cent of the U.S. consumption of chrome. Not only that. The Office of Emergency Preparedness has recommended a reduction in our enormous chrome stockpile by 2,200,000 tons. That recommendation was incorporated in a bill, S. 773, which is stalled in the Senate Armed Services subcommittee, whose chairman, Nevada's Howard Cannon, paradoxically enough, has been busy helping Senator Byrd polish up Rhodesia's prospects to resume selling us chrome.

The issue here is far bigger than a metal or where it comes from—and the source is not an urgent matter because the OEP says we already have too much—for now. The core of the argument is the United States' commitment to the United Nations. If the Byrd provision passes, it will be a blow to the UN by breaking—unilaterally—the international word of the United States, one of its charter members. This is why Wyoming Senator Gale McGee and Minnesota Congressman Donald Fraser tried to head off the move in their respective foreign relations and foreign affairs subcommittees.

Last Thursday evening, Senator Fulbright succeeded in fastening an amendment to the military hardware bill giving the president discretion to suspend Senator Byrd's "buy Rhodesia" proviso if it was necessary for the national interest or to keep a treaty commitment. However Armed Services Committee Chairman Stennis won reconsideration of the Fulbright move and it will come up for a final vote in the Senate tomorrow.

Already black African members of the UN are raising whispered, non-chromium-plated questions about the integrity of U.S. commitments to the United Nations.

This is Edward P. Morgan, ABC News Washington, with the Shape Of One Man's Opinion.

Following the Senate's defeat of the amendment designed to nullify the effect of section 503 of the military procurement bill, the other body did amend that section by delaying its effective date until January 1, 1972. While this delay may give the British a few extra weeks in negotiating time, the total effect of the legislation is no less destructive. Furthermore, an announcement that our importers will resume buying Rhodesian chrome ore on New Year's Day could very well encourage the Smith regime to assume an even more intransigent negotiating posture.

At this point, I would like to insert into the RECORD the New York Times editorial on this action and the very cogent article in the Washington Post by Bruce Oudes who has written extensively on African affairs.

[From the New York Times, Oct. 10, 1971]

MORE THAN CHROME AT STAKE

Only President Nixon can now pull Congress back from an action that would damage the United Nations, tarnish the credibility of United States policy in Africa, jeopardize delicate negotiations between Britain and Rhodesia, and offend liberal opinion everywhere.

The Senate has inserted in the military procurement bill a provision for breaching sanctions twice invoked against the white racist regime in Rhodesia by the United Nations Security Council—with strong American backing. The provision would permit importation of Rhodesian chrome, supposedly to lessen American dependence on high-priced Russian chrome.

Senators Fulbright and McGee fought hard to leave the decision on chrome imports to the President. They failed at the showdown by six votes, partly because of absentees—including Democratic Presidential aspirants Harris, Jackson, McGovern and Muskie—and partly because the Administration kept silent.

This issue far transcends a narrow commercial interest. The Security Council voted sanctions for the first time in U.N. history because it regarded perpetuation of minority rule in Rhodesia—where blacks outnumber whites 20 to 1—as a formula for eventual racial war. For the U.S. Government unilaterally to violate that embargo would have grave consequences for the U.N. It would be serious business in any circumstance to amend the United Nations Participation Act of 1945, which empowers the President to enforce Security Council decisions. To do so in order to relieve chrome importers and to augment a chrome stockpile already adequate for the next two years would be extreme folly.

Such a move might encourage the white rulers in Salisbury to intransigence just when Britain sees a chance at last to negotiate an agreement for Rhodesian independence with a guarantee of unimpeded progress toward majority rule.

With the military procurement bill now in Senate-House conference, Mr. Nixon still has a chance to head off this mindless act—if he is interested enough to try.

[From the Washington Post, Oct. 10, 1971]

THE U.S. CRACK IN THE RHODESIA WALL

(By Bruce Oudes)

As the Senate completed its recent vote approving the Mansfield amendment on Vietnam troop withdrawals, two black spectators with Afro haircuts rose and asked a Senate employee what was next.

"Chrome ore," he replied. The black men turned and left.

Their departure was representative of a casual national reaction to a significant public issue: the future of international economic sanctions against Southern Rhodesia, the 96 per cent black African nation ruled by the 4 per cent who are white. It may also be considered a tribute of sort to the legislative deftness of Sen. Harry Byrd (Ind.-Va.) and to the assistance of Sen. John Stennis (D-Miss.).

Their measure, approved by the Senate last Wednesday, 44 to 38, requires the administration to resume imports of chrome ore from Southern Rhodesia to reduce dependence on the Soviet Union as a supplier.

Since the United States halted imports of Rhodesian ore five years ago as part of international sanctions against the regime which had declared its independence of Britain, chrome has become the most important American import from Russia, which now provides some 60 per cent of all U.S. chrome imports. Byrd-Stennis supporters accused the Soviets of capitalistic profiteering since the price of chrome has risen sharply in this period. The resumption of Rhodesian imports has long been urged by Union Carbide and Foote Mineral, whose Rhodesian subsidiaries are principal chrome producers.

However, officials in the State Department and the Office of Emergency Preparedness have been less than alarmed about any chrome "crisis." They point out that America was importing one-third of its chrome from the Soviet Union before the Rhodesia sanctions and that other factors have contributed to the chrome price rise. Indeed, they are so unconcerned that chrome was among the commodities included in a series of routine stockpile reduction bills sent to Congress this year; a cut of 40 per cent in present stocks of more than five million tons of chrome was requested.

PULLING THE RUG

There is reason to suspect that the Byrd stress on the economic and strategic aspects of the question is little more than shrewd camouflage designed to bury discussion of the more fundamental foreign policy implications. (The coalition of Southern Democrats and Republicans pushing a measure which supports white Rhodesia is remarkably similar to the line-up opposing domestic civil rights legislation.) The significance of the Senate's move was not lost in southern Africa, where the Johannesburg Star described it as "a devastating blow to American—and indeed international—policy on Rhodesia."

The Senate action, highly unlikely to be reversed in House-Senate conference, with one swipe pulls the rug out from under both the United Nations and Britain, along with increasing black Africa's distrust of the U.S. The principal ramifications of the vote include:

As of next January, the United States will join South Africa and Portugal as the only nations publicly and voluntarily breaking the sanctions imposed by the Security Council.

The United States, one of the few nations to scrupulously obey the sanctions, will now be available as a scapegoat for any of the dozens of sanctions violators who might want to stop hiding their trade with Rhodesia.

The United States likely would be blamed for any failure of the current British-Rhodesian negotiations on settling the dispute over the colony's 1965 declaration of independence.

If the negotiations fail, Prime Minister Heath can end Britain's participation in the sanctions, blaming the United States.

Black African nations now weighing decisions on how to vote on China and other issues at the U.N. have increased reason, or at least a new excuse, not to support the United States.

Since the sanctions are the only mandatory embargo in the history of the U.N., it is a blow to the organization's already limited ability to enforce its decisions.

A DIPLOMATIC CORNER

In addition, the move strengthens the possibility that Moscow and Peking might be able to pin the United States into a diplomatic corner. It is a widely held misconception that U.N. sanctions will officially end once Britain reaches a settlement with Rhodesia. This is unlikely because almost certainly a Security Council majority including the Soviets and presumably China will find the settlement inadequate.

A year ago Charles Yost, then U.S. ambassador to the U.N., told a House subcommittee that America would support the lifting of sanctions if a settlement was reached "satisfactory to the United Kingdom." There is no reason to believe administration policy has changed.

This means the United States, Britain and possibly France will find themselves alone against a Security Council majority determined to keep and possibly strengthen sanctions. Actions once on the books cannot, of course, be vetoed. In fact, one could see a Sino-Soviet race for leadership of a movement to have the U.N. assume "sovereignty" over Rhodesia as it did over Namibia (South West Africa) and another to prosecute sanctions violators before the World Court.

While making the point that excepting chrome will not automatically end the U.S. embargo of other Rhodesian commodities, Sen. Byrd inadvertently supported that thesis. "Russia," of course, has a seat on the Security Council, and it can veto any effort

to lift the sanctions against Rhodesia," he said. "The United States has gotten itself into a straitjacket." A second irony of his position is that Virginia tobacco growers have benefited substantially from the elimination of high-quality Rhodesian competition by the sanctions.

VARIETY OF VILLAINS

If it might seem more logical to conclude that it is Sen. Byrd who is helping the United States into a straitjacket, a summary of how the Senate got into this predicament shows a variety of villains. This includes apparently intentional footdragging by the White House, indifference by Democratic senators too busy campaigning for President to vote, African diplomatic politesse in refusing to oppose publicly the Senate action, and the lobbying by Union Carbide, Foote Mineral and Rhodesia's resident but unaccredited envoy in Washington, Kenneth Towsey.

Sen. Byrd's luck began to change in August when his proposal was unanimously approved by Sen. Stennis' Armed Services Committee as an amendment to the military procurement bill immediately after the same amendment was rejected by the Foreign Relations committee, which had held hearings on the matter.

A move by Africa subcommittee chairman Sen. Gale McGee (D-Wyo.) to strike the Byrd amendment failed, 46 to 36, on Sept. 23 as Sens. Fred Harris (D-Okla.) and Foreign Affairs Chairman J. William Fulbright (D-Ark.) were among six unpaired absentees who were opposed to Byrd.

Bowing to parliamentary maneuvering by Byrd forces which stymied a simple motion to reconsider, Fulbright took the floor the following day to explain his absence and to offer a new amendment permitting the President to continue the chrome ban if such was in the national interest or required by U.N. treaty.

After a visting Organization of African Unity delegation on southern Africa spent 40 minutes with President Nixon on Sept. 28, chairman Moktar Ould Daddah, president of Mauritania, refused any comment on the Byrd amendment, Rep. Charles Diggs (D-Mich.), chairman of the congressional Black Caucaus, who attended a State Department luncheon for the visitors, then printed a letter to Secretary of State Rogers asking him to make public the opposition to the Byrd amendment he had expressed privately to the Africans at lunch. The Caucus sent a telegram to the President asking his active public opposition to the Byrd move.

THE ABSENTEES

As the President was seeing British Foreign Secretary Sir Alec Douglas-Home on Sept. 30, the Senate began the first of five roll calls that day involving Fulbright's motion. Fulbright won that vote, 45 to 43, but the victory was immediately washed out as his supporters didn't stay around in sufficient number to defeat the inevitable move to reconsider. Sens. George McGovern (D.-S.D.) and Birch Bayh D-Ind.) were absent throughout the Rhodesia vote, although they had registered their support of the Mansfield amendment on Vietnam only an hour earlier.

Going into the final vote last Wednesday, Sen. Fulbright should have won, 50 to 49, if all were present. However, Sens. Harris, McGovern, and Edmund Muskie (D-Maine) were in New York campaigning. Sen. Henry Jackson (D-Wash.) was in Salt Lake City holding a hearing. Sen. Mike Gravel (D-Alaska) was absent. All five were unpaired. Sens. Lee Metcalf (D-Mont.) and William Roth (R-Del.) defected, with Metcalf's office later saying he had switched back to Byrd because of pressure from "Montana chrome mining people."

All this time the White House issued no public statement supporting either McGee or Fulbright. Lobbying against Byrd was kept at a low level in the State Department. The impression left by all this is that in a fluid situation, the White House elected a course of benign neglect, with the Byrd victory enabling the administration to blame Congress if necessary when it abandons chrome sanctions in January.

Mr. Speaker, if this short sighted proviso becomes law, it will be an all-too-clear signal that our country has abandoned its responsibility in the arena of world affairs. Having passed the Senate, scheduled for a joint House-Senate conthe military procurement bill is now scheduled for a joint House-Senate Conference. It is my fervent hope that the House conferees will object to section 503 of that bill and force its deletion.

DIRTY BUSINESS OF SPYING

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. KEMP. Mr. Speaker, in recent issues of Time and Newsweek, both magazines had articles concerning the endless campaign of spying. Notwithstanding the popularity of Nick Carter and James Bond, Carl Rowan points out that with some—

It becomes a ritual of cleanliness for them to launch attacks on the CIA and other American intelligence operations whenever a news item pops up to remind them of their revulsion to dirty tricks."

Mr. Rowan also points out that were it not for the covert collection of data, President Nixon would not be going to Peking and Moscow. Whatever happens, spying will continue for some time, but hopefully the interchange of high officials of the world powers—paradoxically set up by spying—may bring an end to espionage.

Mr. Speaker, at this point I include the editorial by Carl T. Rowan appearing in the October 1, 1971, Washington Evening Star:

WE HAVE TO STAY IN THE DIRTY BUSINESS OF SPYING

(By Carl T. Rowan)

That bombshell out of Great Britain about the expulsion of 105 Soviet diplomats and officials for spying has had one predictable effect.

It has revived editorial comment and cocktail chatter about our own Central Intelligence Agency and the "covers" it uses for spies. And it has aroused new spasms of naive comment to the effect that our country ought to get out of the cloak-and-dagger business.

Well, just as sure as Mata Hari was a woman, the expulsions will not halt massive Soviet spying in Britain—or in the United States, at the United Nations or anyplace else.

Some Americans just can't get over the sanctimonious notion that spying is a dirty business that, like dandruff, we can wash right out of our hair.

Some spying is a sordid, dangerous business. It involves blackmail, sexual entrapment, peeping tomism, double-crosses, political and character assassination—and outright murder.

Yet, spying is not nearly as bad as are some of the alternatives to having a good system of intelligence. Not many Americans would accept vulnerability to a sneak nuclear attack as the price for getting rid of spies.

The fact is that if we are to move closer to peace we are likely to go through a period of more spying rather than less.

Millions of sensitive, intelligent Americans deplore the fact that in the decade of the 1960s the United States and Soviet Union poured a trillion dollars into arms. These Americans know that we shall never rescue our cities or save man's environment or find a cure for cancer unless we can stop the arms race and its mad waste of wealth.

But the glaring truth is that distrust stands in the way of a curtailment in the manufacture of horrible weapons, not to mention the destruction of those already in arsenals. Steps toward disarmament will proceed only as rapidly as intelligence procedures make it possible for rival countries to be reasonably sure that they will not be destroyed by the perfidy of a potential enemy.

As far ahead as man can see, the United States and the Soviet Union will launch sophisticated satellites whose fantastic cameras will record troop movements, missile emplacements, production centers for fissionable materials, weapons storage areas and other vital information bearing on the other country's (or China's) intentions.

It is taken for granted by American officials that the Soviet Union will keep 30 or so trawlers operating off the shores of the United States, their powerful sensitive electronic gear intercepting U.S. diplomatic and military messages, picking up conversation at U.S. airfields and bases, or even plotting the noise patterns emanating from key U.S. cities.

The Soviets likewise take it for granted that the United States will use ships like the USS Pueblo, special aircraft and other measures to conduct electronic intelligence—and that it will go on spending billions to intercept other countries' messages and break their codes.

John F. Kennedy was frightened by Khrushchev at Vienna because intelligence told the young President that we were not as prepared to fight as we needed to be should the Russian carry out his threats regarding Berlin. Later, Kennedy could stand eyeball-to-eyeball with Khrushchev during the Cuban missiles crisis because intelligence operations, including the U2 flights of the Eisenhower years, made it clear that the United States was stronger if it came to nuclear war. Moreover, our intelligence was such that we knew Khrushchev knew who was stronger.

President Nixon will go to Peking with greater feelings of confidence because sophisticated intelligence procedures have made it possible for him to know many things that the Chinese do not know he knows.

There are "puritans" who say that they can never accept this as a necessary activity, for to do so would be to compromise with immorality and indecency. So it becomes a ritual of cleanliness for them to launch attacks on the CIA and other American intelligence operations whenever a news item pops up to remind them of their revulsion to "dirty tricks."

But that story out of London is just another reminder of how mean the real world is—and that the peacemakers very often are those who keep us alert to both the dangers and the promises of that real world.

TRIBUTE TO BILL COWGER

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. STUBBLEFIELD. Mr. Speaker, I was deeply saddened to learn of Bill Cow-

ger's death, and I join my colleagues in paying my respect and tribute to this warm and friendly man whom I had known as mayor of Lousiville, Ky., and a Member of this body.

While Bill was a quiet man, he worked diligently for the people of his district and the State of Kentucky.

He was respected by members of both parties for his loyalty and frankness. His word was never questioned and his great sense of humor endeared him to all.

I extend my sincere sympathy to his family.

THE RELIGION OF THE FOUNDING FATHERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. HAMILTON. Mr. Speaker, I include the following: The text of my speech at a Layman's Day Talk at Hamline Chapel United Methodist Church on the subject of the "Religion of the Founding Fathers."

The speech follows:

Thomas Jefferson was a foe of organized religion.

John Adams was a "humanist."

George Washington had no formal religious belief, and was not a Christian.

Thomas Paine, said President Theodore Roosevelt, was "a filthy little atheist."

Benjamin Franklin was a "freethinker" and an infidel.

The founding fathers, I have often heard it said, were people who did not believe in God or were skeptics about God.

Such accusations about the founding fathers have provoked me into making these remarks. Before I get too far along I should perhaps warn you of a personal bias.

Most of us have our own favorite periods in American History. Some like the Civil War period. Others like the roaring 20's or the gay 90's. Others have no use for anything less recent than the morning's newspaper.

My preference is for the period when our nation was founded. My admiration for the founding fathers is the reason for my bias.

They were "whole men," men who:

Sought to achieve the broadest possible personal development

Had a marvelously rounded and balanced view of life

Lived with great sensitivity to the needs and potentialities of human beings.

They went about setting America free and about the business of building a new nation based on order and liberty.

One of our great blessings—among many—in this country is that at a most critical time in our history we had spring up such a rare array of genius as:

George Washington
Benjamin Franklin
Thomas Jefferson
John Adams
Samuel Adams
James Madison
Alexander Hamilton
Thomas Paine
John Jay, and of course, a host of others.

The revolution these men brought off was the longest and surest stride a nation has ever taken toward the goal of liberty for all mankind. And no one in this country—and perhaps no one in the world—can afford to be ignorant of the faith that animated these men. What they did has both the ring of eternity and universality.

They combined talents for the practical and the philosophical. They developed the most successful principles man has ever developed in support of human liberty and constitutional government; and they established a structure of government to achieve these elusive goals.

I marvel that a young country of just 4 million people could produce so many men of genius and enlightened vision.

There were 55 men who framed the United States Constitution. All but eight of them were natives of the colonies. The oldest was Franklin, who was 81, and the youngest was Dayton, who was 26. The most remarkable thing about the group was their youthfulness. 21 of the delegates were less than 40.

They represented a variety of professions.

Eighteen had served as officers in the Army.

Thirty-four were lawyers.

Eight were merchants.

Six were planters.

Three physicians.

Two ministers of the gospel.

Several college professors and one college president.

The one thing they had in common was an exceptional acquaintance with public affairs. They had served in colonial and state legislatures, constitutional conventions and many, of course, were to become Congressmen, Senators, Governors, two became President.

Recently I had occasion to visit several of the scenes of their accomplishments.

I stood:

In Paul Revere's living room.

Where James Otis attacked the Writs of Assistance.

Where Benjamin Franklin was born.

Where Americans, including Crispus Attaucks, lost their lives in the Boston Massacre.

Where the Minutemen did battle at the famous Concord bridge and fired the shots heard around the world.

Can it really be that these men, whom this nation honors and reveres, were atheists, agnostics, foes of organized religion, infidels?

And so I've done a little historical research this morning, and I must confess to you that it was done, not for your good, but mine. I simply could not rest with the anti-God charges against the founding fathers.

One place to begin is to understand the religious setting of the Revolutionary period.

The founding fathers lived at an intensely interesting period of religious history.

The sheer religious diversity of the new country was striking. There was no establishment church.

The Quakers' experiment was going on in Pennslyvania.

New England was generally Puritan, but the once raging fires of Puritanism were banked, and people were falling away from its strict requirements.

The French Hugenots were in Massachusetts. The Jews were in New York and Rhode Island.

The Presbyterians were west of the Susquehanna. There were Menonites, Anabaptists, Dunkers. The Church of England was engaged in a military crusade for the growth of their faith.

The Catholics were active, mostly in Maryland and Philadelphia.

The Methodists, Baptists, Dutch Reformed, Lutherans, and German Evangelical sects were vigorously pursuing their respective faiths.

So, there was fierce religious competition in the colonies. Many thousands of settlers had come to the country to escape from repressive religious atmospheres. But when they arrived, they often established similar oppressions in their new surroundings. What was to be a religious haven in the new world turned into an arena of religious competition and, in some cases, discrimination.

In politics it was united we stand, divided we fall. In religion, it was divided we stand, united we fall.

The churches helped prepare the soil of resistance to England by preaching about a sovereign God who stood above all other sovereigns. Men could defy the king, because of a higher loyalty to God.

I might say, parenthetically, that Methodist had great difficulty during the Revolution because they were closely tied to the Anglican Church of England. It was easier for the Congregationalists and Presbyterians to support the revolution than it was for the Methodists.

This was the period, too, that historians of culture identify as the Great Awakening. It began in the middle 18th century and descended like a whirlwind. It stimulated an interest in religion, caused hundreds of churches to be founded, strengthened the movement toward liberty and gave the common man a new sense of his own significance.

During the Great Awakening, men gained confidence in their ideas and in themselves, and in the ability of the human intelligence to solve problems. Education and science flourished. Critical thinking was encouraged. The air was alive with ideas, and among them was the idea that human suffering and submission to tyranny were no longer to be accepted. The divine right of kings was rejected.

People also questioned their religious beliefs.

Into this kind of vital, questioning, competitive religious setting the founding fathers lived. Each responded to it in his own way.

FRANKLIN

Benjamin Franklin, who was raised as a Presbyterian, was often criticized as a free thinker, an atheist, even an infidel. In his independent way, he did express doubts about Christian doctrine, e.g., the doctrine of revelation. He was a child—indeed the preeminent child—of the Great Awakening. Always probing, asking, inquiring, experimenting, wondering.

But he was a sincere believer. Just a few days before he died, he wrote to a friend that he believed in prayer, as a means of knitting oneself together to achieve a more majestic force than man could control.

He spoke of his belief:

In God, as the creator of the universe, in a universe governed by God, in a God who deserved to be worshipped.

He observed that the most acceptable service we could render to God was by doing good to His children.

He expressed his belief in the immortality of the soul of man.

He believed that the ethics of Jesus were the best the world ever saw or is likely to see.

These are hardly the beliefs of an infidel.

WASHINGTON

Washington's early religious education was Episcopalian. Throughout his public career, there was great controversy about whether he was a Christian during his life.

He did possess a strong sense of privacy and he did not like or permit intrusion upon personal matters. (He would have had much difficulty living in the White House these days with such intensive publicity on every aspect of a President's life.)

His early biographers insisted that he was a devout practitioner of orthodox Christianity. Others, who also knew him well, believed Washington was non-denominational in his spiritual views.

Anyone who reads his papers knows that Washington was not an atheist, as it was charged during his presidency.

His farewell address in September 1796 gives much attention to religion and ethics in a free republic. Religion and morality, he said, were the two great pillars of human happiness. They were indispensable to private and public felicity. He even went further, and said that we cannot expect national morality to prevail in the absence of religion.

Not even his strongest admirer today would

contend that George Washington fit the pattern of the staunch churchman—but neither can they deny a strong, even if vaguely defined, faith.

ADAMS

The evidence is very clear about John Adams, the father of the American Revolution.

He seriously considered entering the ministry, but finally turned away from it in favor of law and a public career.

In one lifetime Adams was called a Puritan, Orthodox and Humanist. That's no small achievement, but it didn't bother John Adams.

He proudly proclaimed, "I have been a chuchgoing animal for 76 years."

JEFFERSON

Jefferson's parents were the Anglican faith and most of his education was under religious auspices. One of his early tutors was a man with strong Calvinist convictions.

Despite the charges, Jefferson was not an unbeliever. Like Washington, he insisted on a person's right to seek his spiritual outlook in his own way. For that view he was often thought to be against denominational religion.

He said, "I never told my own religion, nor scrutinized that of another."

He believed that the teachings of Jesus united all mankind in "one family in the bonds of love, peace, common want."

Jefferson was deeply influenced by the moral and spiritual splender of Christian thought and idealism as defined by Jesus. He even wrote his own version of the New Testament, entitled: "The Life and Morals of Jesus Christ."

In later years he said that his fight for religious freedom was the bitterest of his life. In his epitaph, which he wrote, he listed three things:

Author of the Declaration of American Independence,

Father of the University of Virginia,

And, significantly, author of the Statutes of Religicus Freedom.

HAMILTON

Few would contend that Alexander Hamilton was an exemplary churchman, but he wrote a letter to his wife in anticipation of his possible death at the hand of Aaron Burr in that famous duel.

He said to her: "The consolations of religion, my beloved, can alone support you; in these you have a right to enjoy. Fly to the bosom of your God, and be comforted." A few hours later, he was dead. Mrs. Hamilton had to live with this advice instead of her husband.

MADISON

James Madison, the Father of the Constitution, studied for the ministry. He took theological studies at the University with the great John Witherspoon. Like Jefferson, he looked with special satisfaction on his activity in behalf of religious freedom. He believed that a man's relation to the Creator was a private mattter, to be protected, if necessary, by the government. His theological knowledge was as wide as that possessed by any of the founding fathers, and his knowledge was buttressed by his own religious convictions.

This hearty band were not atheists or agnostics or infidels. They were men of strongly held and deeply felt spiritual beliefs. For the most part they were not church leaders. They were public men, absorbed with the business of statecraft.

Being men of the Enlightenment, and of strong intellect, they did not blindly accept, without thought or question, religious doctrine, and they sometimes criticized churches and religious practices.

Being men with an instinct for liberty who lived at a time of great religious diversity, they respected the personal nature of the religious experience, and they defended the right of every person to worship as he chose.

They were men of faith, and they respected the spiritual urge in man. They believed in God, as the Creator and Sustainer of life, as the author of individual rights which all men enjoyed.

They believed in the goodness and the equality of men.

They agreed upon what they thought was a perfect plan of government to preserve ordered liberty. But they knew that something else was needed. They knew that the people needed moral principles in order to make the government they had constructed work. They knew that if the government was to work, the people had to be virtuous.

Indeed, they argued that virtue was the very essence of freedom. And they were very specific about what virtue was. They defined it in terms of:

Moral action without compulsion,
Love of liberty,
Public spirit and patriotism,
Incorruptability,
Industry and frugality,

These were the first duties of a free people. Without a people possessing these qualities, ordered liberty had no chance and free government could not survive. And these qualities were to be ingrained in the people through religion.

The documents of the revolution reveal not only their political philosophy, but their religious views as well. The Declaration of Independence speaks about nature's God, the Creator, the Supreme Judge of the world.

For the Founding Fathers, religion helped put the order in ordered liberty, especially in emphasizing the dependence of public morality on private virtue.

I'm not sure I've given you a very practical "Sermon" this morning. I'm not at all sure I could, even if I wanted to.

But there are some conclusions that are noteworthy.

We can use this knowledge of the religious faith of our founding fathers for the pleasure it affords us to know what kind of men and women preceded us.

We can use it for the comfort it gives us to know what the founding fathers thought and believed about God, the Universe, life after death, and we can note with satisfaction that, despite all the differences in time and place, between 1789 and 1971, we hold to the same basic faith as they.

We can use it to give us a sense of pride in our country's past, and a sense of mission in our country's future.

We can use it to understand that today, no less than then, the health and welfare of this nation depends upon the virtue of the people in the nation.

We can be inspired and invigorated ourselves:

By Adams weekly faithfulness to attendance at church

By Hamilton's confidence in the comfort God brings to the bereaved

By the impact on Jefferson of the ethics taught by Jesus

By Franklin's firm faith in the immortality of the soul

By Madison's careful study of theology.

For such a lesson in the fine art of daily faith as we have in their lives should enable us to climb, as it were, to the mountaintop, and breathe the fresh and free breezes of the mountain air.

DEDICATION OF THE JOHN PHILIP SOUSA STAGE AT THE KENNEDY CENTER

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, this past Thursday marked the dedication of the John Philip Sousa Stage at the John F. Kennedy Center for the Performing Arts.

This unique event featured the Interservice Symphonic Band in a classic tribute to bands, bandmasters and John Philip Sousa. It was a privilege to attend this concert; my hat is off to the leaders of the four service bands who presented the band concert of the year to a full house which included President Nixon.

For the information of my colleagues, I want to include at this point the program notes which outline the tremendous job done by the men and women of America's bands who made the Sousa Memorial Stage in the Kennedy Center Concert Hall possible.

The program notes follow:

NOTES ON THE PROGRAM

Though John Philip Sousa is remembered today for his more than one hundred marches for military band, he also composed several successful comic operas, fifteen suites, many songs and a symphonic poem. It was his writing of "music for the feet instead of the head" that has forever enshrined him as America's "March King." His compositional gifts brought forth a bountiful production of incomparable examples in this art form. Some of his marches are as well known as the Fourth of July, while others are more obscure; nearly all of them were popular in Sousa's day.

Sousa felt very strongly about the concert band as a vital musical medium. "Inferior it is not! It is simply different. There is no hierarchy in art. The artistic effect is the sole criterion of values." His defiant aesthetic credo resounds today as this composite band of our Armed Forces pays him tribute.

John Philip Sousa Memorial, a perpetual, non-profit corporation, was established in 1956 for the purpose of "memorializing the musician who was the most universally famous of American bandmasters and whose leadership and example have been the motivation and guiding inspiration for bandsmen of today and one of the foundations of modern American bands and band music."

Its first officers were Lt. Col. William F. Santelmann, Director of the U.S. Marine Band, and Richard E. Townsend, Assistant Director of the U.S. Navy Band. In 1963, Col. George S. Howard, for twenty years the director of the U.S. Air Force Band, succeeded Col. Santelmann as Chairman of the Board of Directors. Richard Townsend remained as Secretary-Treasurer; Forrest L. McAllister, publisher of *The School Musician*, and James L. Dixon, a leading Washington businessman and songwriter, were appointed to the Executive Committee.

Arrangements were made with Roger Stevens to establish a Sousa Memorial within the newly planned National Cultural Center. The Committee agreed to raise $100,000 for this purpose, the money to be solicited from bands and bandsmen throughout the country. The names of contributors of $100 would be inscribed on plaques placed in the Center,

and a suitable memorial would be established in the name of John Philip Sousa. The goal was reached, and tonight marks the dedication of the stage in the Concert Hall of the John F. Kennedy Center for the Performing Arts in John Philip Sousa's honor.

It is highly appropriate that the name of Sousa, which is synonymous with band music the world over, be inscribed on this stage. Bands have played an important role in the culture of the entire world and speak a language understood by all. This stage, which will be the setting for symphony orchestras, bands and concerts by artists representing the great variety of our musical life, will be the connecting link between the cultures of all people.

The Board of Directors of the John Philip Sousa Memorial wish to acknowledge and commend the Administration of the John F. Kennedy Center for the Performing Arts for its support and assistance in making this dedication a reality; the hundreds of bands and bandsmen who contributed to this project; the Department of Defense for making available the musicians from the senior bands of the Army, Navy, Marine Corps and Air Force; Col. Samuel Loboda and the staff of The United States Army Band (Pershing's Own) for coordinating and arranging for the participation of the military musicians, and assisting in the overall planning of the dedication.

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MUSKIE SPEAKS UP

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. KYROS. Mr. Speaker, Tom Wicker of the New York Times has established himself not only as one of the most skilled newsmen of the times, but also as one of the press' most critical commentators and columnists. When he takes note of the actions of one of our political leaders and finds these actions to be "an apparent effort to face up to unpleasant but important facts and to speak frankly about them, even though incurring some political risks, then there is reason to believe that something noteworthy is involved. In view of Mr. Wicker's own courageous efforts to prevent bloodshed at Attica, it is especially significant that Senator MUSKIE's remarks on that subject have touched a responsive chord.

I would like, therefore, to bring to the attention of my colleagues Mr. Wicker's column as it appeared in the Bath-Brunswick, Maine, Times Record of October 4, 1971. Maine's citizens have long known ED MUSKIE's candor and determination; it is important that these qualities are brought to bear on the problems of our Nation.

The article follows:

MUSKIE SPEAKS UP

(By Tom Wicker)

WASHINGTON.—Sen. Ed Muskie is generally rated the front-runner for the Democratic Presidential nomination, but after this ritual concession the criticism usually begins. He does not have enough appeal to the left, or to the right (depending on the critic); his campaign is too bland; the Senator himself is too much a "centrist."

Maybe so, but a pair of recent events tend to unsettle the notion of a wishy-washy Muskie trying to win the nomination by saying nothing. The first of these was the candidate's remarkable statement to a group of blacks in Los Angeles that he believed he would be defeated in 1972 if he chose a black for a Vice-Presidential running-mate.

This might prove to be the biggest political blooper since George Romney's brainwashing, although there are said to be those who regard it as the shrewdest political move since John Kennedy's telegram to Mrs. Martin Luther King in 1960.

Events may well vindicate one of those judgments, but for the moment the overtly political consequences of this statement are less interesting than the fact that a Presidential candidate made it. Even the objective truth of Muskie's remark is a little aside from the point; there is no doubt that he believed it to be true. So, in fact, does virtually every other practicing politician in America today.

So the first thing is that Muskie gets a high mark for candor, which is always good, but particularly so at a time when two successive Presidents have been so widely suspected of dissembling that President Nixon has even called public attention to his difficulty in convincing people that he is telling the truth.

In fact, the President's pious complaint that Muskie had "libelled" the American people simply underlined the point. A man whose political strategy is to win the white South and the white suburbs by cutting into the George Wallace vote is standing knee-deep in the credibility gap when he defends the political effectiveness of a black on a national ticket.

Muskie's statement represented more than candor, however. It was an obvious effort to face hard facts, not to take refuge in comforting sophistry. In a society choked with scapegoats, straw men, scare theories and euphemism, a simple willingness to face up to conditions is notable in itself—a fact which speaks volumes about the political climate of the Nixon-Agnew years.

Moreover, a politician who has been around as long as Muskie could not have been under much illusion about the political risks of making such a statement. If making it turns out to be an asset in the long run—which is by no means clear—it still will be true that it was a gamble to have done so.

These aspects of the statement on blacks were to some extent duplicate in Muskie's later speech to the Governor's Conference the night after the bloody recapture of the Attica prison. Putting aside a prepared text on revenue-sharing, the Senator told the Governors that "at this moment there is only one thing to say . . . the Attica tragedy is more stark proof that something is terribly wrong in America."

That is not a line generally recommended to Presidential candidates, nor was Muskie's advice to his audience to "ponder how and why we have reached the point where men would rather die than live another day in America." And while all politicians are fond of making statements like the pledge that followed ("The only decent course now is a single, clarifying decision—at long last, a genuine commitment of our vast resources to the human needs of people"), still the context in which the Senator was speaking gave it a certain ring of determination.

This speech also represented an apparent effort to face up to unpleasant but important facts and to speak frankly about them, even though incurring some political risk. It also arose obviously from strong emotions; and if the ability to feel something passionately is the opposite coin of the fabled Muskie temper, hurrah for that.

These remarks may not make Ed Muskie much more or less a front-runner than he already was, nor do they necessarily show him to be the best man or the best candidate the Democrats have. But at least it ought to be noted that there was nothing bland, wishy-washy or centrist about the Muskie who made those statements; maybe the image is only in the eye of the beholder.

THE LATE HONORABLE WILLIAM O. COWGER

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BURKE of Florida. Mr. Speaker, each of us was saddened to learn of the sudden passing of William O. Cowger, the former Congressman from the Third Congressional District of Kentucky.

I did not know Bill Cowger as mayor of Louisville, Ky., but I did know him as an outstanding Congressman and a good personal friend. William O. Cowger was first elected to the Congress in 1967. He was not a strongly emotional individual, but close day-to-day association with him made me realize that he had a deep personal interest in the welfare of his fellow man. He brought with him to Congress an understanding of the problems of our cities and became a strong spokesman for urban reform, in addition to bringing recognition of the needs of today's cities.

When he first came to the Congress, he immediately showed his leadership ability and was elected chairman of the freshmen Congressmen beginning service in the 90th Congress. When required, he could easily participate in heated debate. He had a strong dislike for the strong understructure of our bureaucracy, and, what seemed to him, its inability to solve the problems of the people without burdensome redtape. His record as an outstanding mayor of one of the Nation's largest cities preceded him to Congress. The record he made in his two terms in Congress show his fierce dedication to his community, State, and the Nation, but most of all, his years in public life

strongly indicate that the people's problems were his problems.

He was defeated by a close margin for reelection in 1970. Most of us who knew him best still considered him one of us. I am proud that I had the honor of serving with my good friend William O. Cowger, and I deeply regret his passing. My condolences go to his family.

NIXON-ROCKEFELLER STRATEGY: USING IMPOVERISHED NEW YORKERS AS PAWNS IN THEIR REELECTION GAME PLAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RANGEL. Mr. Speaker, Elliot Richardson, Secretary of Health, Education, and Welfare, faces a difficult decision on October 17. This Sunday he may approve two experimental welfare programs for New York State. These programs, strongly supported by Gov. Nelson A. Rockefeller and the White House, would use welfare recipients as human guinea pigs in a blatantly political attempt to pare already inadequate welfare benefits to starvation levels. If their unconscionable strategy succeeds, they will be able to rub their hands with glee at potential political gains for the Republican Party at the expense of poor Americans.

As we have come to expect, one of the experimental welfare districts selected, the Hamilton Social Services Center in West Harlem, serves primarily black and Spanish-speaking families. A second experimental district, rural Franklin County in northern New York, has a large proportion of American Indians on its welfare rolls. It is obvious that, as usual, minority group children will bear a disproportionate share of the burden of these senseless experiments.

My colleagues who are already upset by unnecessary governmental regimentation of the lives of private citizens will be shocked to learn how the "Incentives for Independence Project" hopes to program welfare recipients into Government-defined "socially acceptable behavior." The human dignity and self-respect of thousands of Americans will be further folded, spindled, and mutilated, in this insensitive, dehumanized, and regressive project. This program, if enacted, would relegate welfare recipients to second-class citizenship by restricting both their freedoms and their rights. After an initial cut in benefits of approximately 36 percent, recipients would be able to earn "incentive points" if their children behave in school, participated in enumerated "citizen building activities" or conform to other specified standards of behavior. There are additional "bonuses" for establishing the paternity of a child or for locating a deserting parent.

"Incentive for Independence" is quite clearly Russian roulette played with human lives.

The second experiment, the "Public Service Work Opportunities Project," would take 25 percent of the aid to dependent children families in New York State and force them to "work off" the amount of their benefits. Recipients defined as "employable" according to the President's proposed version of welfare reform will be required to work at any available job. If no jobs are available, they will be assigned to work off the family's grant either in the employ of a governmental agency or caring for the children of other mothers. There is no concern whatever for either the dignity of the worker or the value of the work they are compelled to perform.

If these odious programs succeed in the way the President and Governor hope, welfare costs will be cut since no family will be able to receive more than it does now, while there is an excellent chance that most families will receive less. What more could the Republican Party ask for as an election year approaches?

The human question of the immorality of attempting to make middle-class automatons out of disadvantaged Americans by forcing them into acceptable molds, coupled with the constitutional issues of due process and equal protection under the law, make these experimental projects the potential destroyer of the self-esteem and basic human decency of millions of citizens, in New York and across the Nation.

I sincerely hope that Secretary Richardson will have the courage to tell the President and the Governor that he will not be part of this despicable game plan. He must veto the Nixon-Rockefeller strategy before it is allowed to sacrifice the health and well-being of our children on the altar of selfish political machinations.

Prof. Elizabeth Wickenden of the City University of New York has prepared an incisive analysis of these two projects. I wish to include her study in the RECORD at this point, along with a recent newspaper account of the Nixon-Rockefeller scheme:

NEW YORK STATE DEMONSTRATION PROJECTS

THE CHALLENGE

24,174 individuals in nearly 7,000 families would have their assistance-grants cut from 36% to 50% under a demonstration project proposed by the New York Department of Social Services. They would then be given the "opportunity" to earn back what was taken away by a system of incentive points for work and acceptable behavior. Refusal to work would result in a further reduction, amounting to a total of 60% for a family of four.

This pilot project would be operated in three welfare districts, one of which—Hamilton in West Harlem—has a caseload described as 50% black and 50% Puerto Rican. The other districts are in Rockland and Franklin counties.

In a second project in twenty-five welfare districts all adults judged employable (including all mothers with no children under six) will be required to "work out" their welfare grant at projects provided by the department, unless work is found for them in the regular economy or in public service jobs. This project involves 88,503 families.

The implications, background and status of these projects are summarized below.

BACKGROUND

Three states—New York, California and Illinois—have indicated their intention (with Federal encouragement) to apply for waivers* from provisions of the present law that would permit them to anticipate some of the provisions of H.R. 1. H.R. 1, the Social Security Amendments of 1971, containing the administration's proposals for two new family assistance programs, has passed the House and is pending before the Senate Finance Committee. These programs would have become partially effective on July 1, 1972 but President Nixon has recommended a year's postponement as part of his New Economic Program. In any event the opposition of Chairman Russell Long and conflicting views of its impact leaves its prospects in considerable doubt.

When it first became known that the waiver provisions of Sec. 1115 were proposed to be used on a statewide basis in California and New York to cut back selectively on present program standards, a widespread protest arose including that of Senators who saw such action as an invasion of the legislating authority of Congress. A legal action was brought by the Center on Social Welfare Policy and Law in behalf of the National Welfare Rights Organization, the California Welfare Rights Organization, and the City Wide Coordinating Committee for Welfare Organizations (NYC) demanding access to any project submissions and the opportunity to comment on them. As a result the Secretary of HEW has agreed to furnish copies of any applications from California and New York to these parties for their review prior to approval. Under this arrangement these two projects have been released and will not be acted upon until after October 17 by the Secretary. Any expressions of viewpoint to the Secretary, the Governor, or others concerned must, therefore, be made immediately.

DESCRIPTION OF NEW YORK PROJECTS

At this time two inter-related New York project applications have been made. To answer the charge that statewide modifications of policy under existing law cannot properly be regarded as "pilot" projects, they are limited in the one case to three welfare districts and in the other 25 districts involving 25% of the state ADC caseload. This difference in coverage makes necessary the two projects.

Incentive for Independence would be instituted in three districts: (Hamilton—West Harlem—in New York City; Rockland County and Franklin County.)

GRANT REDUCTIONS

In these counties all ADC families without earnings or support payments will have their grants cut to the basic payment level of HR 1. For a family of four this level is $200 a month, a cut of approximately 36% from present New York payment levels which have already been reduced from budgetary levels. For a large family the cut is almost 50% because of the $3600 ceiling in HR 1.

Should a putatively employable member of a family find it impossible or unacceptable to report for work or training the family grant would be further reduced by $800. This would mean a total reduction of about 60% for a family of four.

INCENTIVE POINTS

Families will then be encouraged to regain at least part of what has been reduced through a system of "incentive points" each worth 25.00 a month or 12.50 each semi-monthly period. This applies both to families with a member deemed employable and those

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*Under Sec. 1115 which authorizes such waivers to demonstrate on an experimental basis new ways of promoting the objections of the present titles. For a fuller discussion of this provision see *Back to the Poor Law via Section 1115*. (May 4, 1971. Available upon request.)

without such an employable member. The ways points may be earned and their semi-monthly values are:

For each school age child, 5–15 years of age, *cooperating with the teacher* (as determined by the caseworker), given automatically in summer months, 1 point; $12.50.

For each child in school, 15 years or older *cooperating with the teacher*, ½ point; $6.25.

For each pre-school child *given all medically required vaccinations and boosters* during previous six months, 1 point; $12.50.

For each unemployable adult *participating in one or more acceptable activities* during previous six months including, establishment of paternity, locating of deserting parent, participation in rehabilitation, participation in education, participation of children in community activities and ten others (See Appendix III), 1 point; $12.50.

For each youth over 15 years of age *participation in school work program*, 1 point; $12.50 (plus stipend).

For each employable member participation in work (or pre-employment training) either in regular economy, public service employment, public service work opportunity projects (work for relief), care of children of other recipients, 1 point; $12.50 (plus disregards).

Those with earnings would be permitted to keep a portion without affecting the assistance grant by deducting: the cost of day care, the first $720 of earnings, one third up to 150% of flat grant and one fourth thereafter.

The Public Service Work Opportunities Project is proposed to operate in 25 welfare districts and would involve 25% of the state ADC caseload. Its objective is described as follows: "to determine the impact on welfare dependency when every employable recipient is required to be in work and training." Employability is defined as in HR 1. All such persons will be required to work and, if no other employment is available, will be assigned to work out the amount of the family grant either for a governmental agency or in the home caring for children of other mothers. In the districts where the incentives for Independence program is operating it is assumed that the disregard provision described thereunder would apply and that in the other districts the usual policies of the department would apply. The hours of work for the participant would be adjusted to the monthly grant so that the hourly rate would be either the state minimum wage or, if higher, the regular rate paid by the governmental unit for similar work.

CRITIQUE

These two projects are subject to the approval of the Secretary of HEW who must personally approve the waiver of state plan requirements under the law. In making his judgment he must consider questions of (1) compliance with the law (including the Federal constitution), (2) the policy implications of the proposal and (3) its feasibility within the terms described in the project application. Each of these is discussed in turn.

LEGAL CONSIDERATIONS

Sec. 1115 is an exceedingly broad authority to authorize departures from the plan requirements of the assistance titles for "any experimental, pilot or demonstration project which, in the judgment of the Secretary, is likely to assist in promoting the objectives" of such title. Each departure from a plan requirement must be specifically authorized. Constitutional requirements for equal and non-discriminatory treatment cannot properly be waived by any law or executive action. This seems especially true where a *deprivation* of benefits is proposed as in the Incentive project. In other words where an experimental project involving a study of the impact of additional services and benefits might be considered a "reasonable classification" for research purposes, one involving a deprivation for a selected group below otherwise applicable standards raises serious questions of due process and unequal treatment under the law. This is especially true when one group (Hamilton Center) so selected is composed entirely of members of minority groups, Black and Puerto Rican, according to material submitted with the project application.

Special questions are also raised when the group affected by such deprivation is primarily composed of children whose welfare is supposed to be protected by the state. Just as the law protects children against dangerous medical experimentation so, too, should they be protected against dangerous social experimentation.

Discrimination against selected children under this project is apparent. The mother's autonomy with respect to her children is abridged and her behavior coerced by a reduction of the grant to which other mothers and children in similar circumstances are entitled unless she engages in a variety of actions—including but not limited to employment outside the home.

POLICY CONSIDERATIONS

Impact on other States

Because New York has always been regarded as a leader among the states in welfare policy, its policy innovations can be expected to exert an influence on other states. Thus people all over the country should be concerned with these proposals and the Secretary should review them in this light.

Relationship to HR 1

While the Secretary has made the point that the projects of New York, California and Illinois are intended as a pre-test of HR 1, the proposals of New York go far beyond the proposed Federal programs. In fact, it would appear that the New York proposals would make it difficult if not impossible for New York to benefit from the hold-harmless provisions of HR 1 which assume a consolidated federal-state program. The language of New York's submission seems to suggest that it looks upon its program as a substitute for or modification of HR 1 which it refers to critically as follows: "Tragically, the Family Assistance Program does not substantially alter the system which, in New York at least, has proven unequal to the job."

A caste system

Both projects are predicated on mistrust and disapproval of the impoverished families of New York and the assumption that second-class citizenship is the price of state aid. Such families are to be treated as children, rewarded for acceptable behavior by the means of subsistence (as determined by minimal budgetary standards reduced 10%) and punished by withholding of such. Not only are all families reduced by at least 36% prior to such showing of good behavior but those deemed employable and declining to leave their homes and children for outside work are further reduced by an additional $800, thereby reaching—by New York standards—a level of starvation.

In all respects a sub-class of impoverished families is to be created subject to the most detailed scrutiny of their private lives. Not even the Poor Law imposed such conditions and those who sought to overcome its cruelties by requiring an unrestricted cash payment in the Social Security Act can only marvel at such a departure from their intentions.

Welfare practices

Current philosophy of the New York and Federal departments holds that casework services and money payment administration should be totally separated so that they can better serve their separate and independent purposes. The Incentive Project goes in precisely the opposite direction since it presupposes the closest kind of monitoring of client behavior. For example, the application states with respect to incentive points for the mothers of school age children based on acceptable cooperation with their teachers "Specific guidelines for use by casework staff will be developed to determine cooperation with school authorities." The inclusive and at the same time vague character of other actions subject to monitoring in the interest of winning incentive points is indicated by the attached Appendix III.

On the other hand, child welfare concepts suggest the desirability of compensatory support for children in poorly functioning families or those having school difficulties, including truancy. This project proposes that such families should be reduced to starvation levels of subsistence.

Day care

New York City has conducted some excellent projects using carefully selected AFDC mothers for home day care of the children of other mothers. This project proposes, however, that such arrangements are to serve as the sole optional alternative for work outside the home for mothers of children over six in the twenty-five welfare districts covered by the Public Services Work Opportunities Project. Thus it appears that these women are to be virtually self-selected without regard to their own fitness suitability of the home, etc. A type of undertaking of considerable promise when selectively used and supervised could become a substandard custodial pattern of child care for a subclass of poor children.

Feasibility

Both projects offer formidable administrative difficulties which have not apparently been reviewed with those welfare officials selected to carry them out. This is especially true of the Incentives project.

The Incentives Project assumes the most detailed monitoring of personal behavior by the casework staff and honest reporting of such behavior by the client on an extremely complex series of requirements. Of necessity it also leaves important questions of judgment to the individual worker because of the vagueness of some of these requirements. (See Appendix III for example.) It seems an open invitation to favoritism, discrimination, judgmentalism, petty dictatorship, chicanery, collusion and general chaos in worker-client, relationship. The constant variability of payments also presents problems of book-keeping, audit, check writing and appeals procedures which seem almost insurmountable.

The Public Service Work Opportunities Project presents all the problems of large scale work-for-relief programs where hours must be adjusted to differing family payment levels. Experience with FERA work relief programs in the early '30s demonstrated the impossibility of creating a genuine work-experience under these circumstances and led to its abandonment in favor of the WPA monthly wage plan. Such plans on a broad scale quickly deteriorate into a meaningless "work test" with no dignity for the worker and little value to the work they perform.

The option for mothers required to work to accept the children of other mothers for care in their own homes also involves formidable administrative difficulties, especially if any effort to maintain standards of physical suitability, health, safety and qualifications are made. Moreover, the whole question of assuring adequate day care for children of the mothers required to work under this large project is scarcely mentioned in the project submission. This is an extremely costly and difficult administrative task under any circumstances yet in this project involving almost 90,000 families it is taken virtually for granted.

[From the New York Post, Oct. 9, 1971]

STATE PLAN TIES WELFARE TO BEHAVIOR

(By Nick Kotz)

WASHINGTON.—New York State has asked Federal approval of an experimental welfare program that would sharply cut benefits but then award money for such activities as being good in class, going to Cub Scout meetings, or helping track down deserting fathers.

New York Gov. Rockefeller has asked President Nixon to approve the experimental plan which requires a waiver from present law.

The so-called "Incentives for Independence" program would cut New York welfare benefits from $313 a month for a family of four to $200. The family then could regain its present welfare income—but not get more—through a complicated system of "incentive points."

For example, welfare parents with children between the ages of 5 and 15 could earn one point worth $12.50 every two weeks by seeing that their children go to school and behave in class. For children over 15, it would be worth one-half point per child and $6.25 every two weeks. Children over 15 participating in a school work program would get a full point.

[According to Stanley Hill, president of the Social Services Employes Union, the points would only be awarded if, in the judgment of caseworkers, the child is cooperating with his teacher.]

CITIZEN BUILDING

A parent could also earn one point and $12.50 for each of about 25 other "acceptable activities." These would include: locating a deserting parent, establishing the paternity of a child, attending a self-improvement course, or enrolling a child in "citizen building activities" including the Boy Scouts, 4–H Club or community centers.

Cash payments also would be received for serving as a social service agency volunteer, providing a child with foster care, improvement in housing by self-cleanup or self-repair, attendance at a health education program, participation in activities to improve money management, providing out-of-home day care for other children, participation in programs of rehabilitation, including "family education."

On the other hand, the family could lose one-third of its benefit check—from $200 down to $133 a month—if an adult refused an offered job. Some adults would be required to work without pay at public service jobs, if no paying jobs could be found for them.

The program, which must be approved by the Dept. of Health, Education and Welfare, would apply to 27,000 people in 7000 family units in three counties—a section of West Harlem embracing black and Puerto Rican families, and families in suburban Rockland County and rural Franklin County.

The New York State Dept. of Social Services says the plan's purpose is "to provide for the needs of the poor while encouraging a speedy return to independence and self-sufficiency."

PRIMITIVE COERCION

The Columbia Center for Social Policy and Law terms the plan "a primitive form of coercion" and said: "To compel a parent to take certain actions by the manipulation of her child's basic means of survival—the welfare grant—is unconscionable to today's world."

Rockefeller and California Gov. Reagan also have asked federal approval of other experimental plans, requiring welfare recipients to "work off" their grants at public jobs without pay.

John Veneman, Undersecretary of Health, Education and Welfare, said Friday his department is now negotiating approval of the proposals with New York and California officials.

Veneman said he believes HEW can legally permit New York to implement its experiment, but said he sees problems of "equity and administration."

Referring to the New York proposal as "that brownie point plan," Veneman said:

"When you get into judging peoples' personal habits, that is pretty complicated. It could be very cumbersome administratively to have to recompute a family's benefits every two weeks."

The plan has received little publicity because both HEW and New York state refused until last week to reveal its contents.

Elizabeth Wickenden, a professor at City University of New York and a former HEW official, said waivers from present federal welfare law are supposedly for the purpose "of helping welfare recipients, not hurting them."

"Both New York projects," she said, "are predicated on mistrust and disapproval of the impoverished families of New York, and the assumption that second-class citizenship is the price of state aid.

"In all respects, a sub-class citizenship is the price of impoverished families and is to be created subject to the most detailed scrutiny of their private lives. Not even the Poor Law imposed such conditions."

"BROWNIE POINT" SYSTEM ASSAILED

The president of the city welfare caseworkers union today assailed the state's proposed welfare incentive points program as "vicious, racist and inhumane" and warned that community, religious and welfare groups, along with his union, were mobilizing to stop the plan "any way we can."

"This is by far the most vicious program that the Welfare Dept. has ever put out," Social Service Employees Union chief Stanley Hill said. "It's Rocky's promised plan, and it's worse than the old welfare laws—the poor laws. It's really going to starve the clients, no question about it."

Hill said that he and social agency leaders were told by State Welfare Commissioner George Wyman on Thursday that the Hamilton Welfare Center at 530 W. 135th St. had been chosen as the site of the experimental program—once Washington gives its expected blessing.

"I'll tell you, it's going to be really chaos, and possibly violence in the street, if this plan goes through in Harlem," Hill said. "Because you're dealing with a community that's 50 per cent black and 50 per cent Puerto Rican. . . . They're going into a community where the poverty situation is so bad—and they're taking away money."

"One thing that came out of that meeting [with Wyman]," Hill added, "is that families are going to be treated like children. 'You be a good person and I'll give you a Brownie point.'

"It's really a coercion system. They're going to award the family on the basis of behavior. If your son joins the Boy Scouts or Four-H Club or some kind of organization—like a good middle-class kid—you get a brownie point. . . . And if they [the clients] fail to cooperate with any aspect of this program, they can be terminated from the system.

Human Resources Administrator Jule M. Sugarman declined comment today on the plan. "We're not commenting on it yet," Sugarman said. "We did not receive the plan officially until a week ago, and we've had it under study and will probably make a statement next week."

Sugarman said the city was not consulted when the plan was drawn up and had known only that a plan of some kind would be coming out of Albany. Gov. Rockefeller, he pointed out, had sent a message to the Legislature last spring advising that such a program was being devised but not spelling out its nature.

Hill said his union and a number of social action groups were seeking a meeting with Health, Education, and Welfare Secretary Richardson to ask that he disapprove the plan. Legal action is also being planned, he said, since it is generally believed that Rockefeller has already persuaded President Nixon to sanction the program.

"Rockefeller's going completely to the right," Hill charged. "He and Nixon are in cahoots on this thing."

Hill also said the plan would violate the Social Service Dept.'s new policy of separating clerical "income maintenance" work from social work. "This is not only going to [———] the clients," he said "but the workers are going to be turned into cops.

"He's [the worker] going to be put in a bind on this. He's going to be a cop controlling whether the client is entitled to a Brownie, as we call it, or not.

"In the long run it's going to cost more because to monitor this thing administratively, is going to be a nightmare."

Hill also denounced the state's second proposed program, which would require welfare mothers with children over six-years old to take "meaningful" jobs in municipal programs to pay for their welfare, or else work in other welfare homes taking care of children while their mothers worked.

"It's going to be slave labor all over again," Hill said. "We asked them [Wyman and his staff] where they're going to get meaningful jobs, and they just sat there and lied, lied. It was really ludicrous sitting there and hearing them talk about creating meaningful jobs . . . and not be able to tell us what they were."

Wyman could not be reached for comment.

[From the New York Times, Oct. 6, 1971]

STATE RELIEF PLANS IN THREE AREAS ASSAILED

(By Peter Kihss)

The state's proposed welfare demonstration projects in West Harlem and in Rockland and Franklin Counties have come under fire as violating constitutional guarantees for equal treatment. This is among the issues raised in a critique being distributed by the National Assembly for Social Policy and Development, a social planning group.

Asked for city comment on the plans now up for Federal approval, Thomas Morgan, Mayor Lindsay's press secretary, said yesterday "the city was not formally consulted or asked for advice" before the state submitted the proposals to the Federal Department of Health, Education and Welfare.

In West Harlem, 4,750 families with 16,220 members would have present grants cut to a basic level—$200 a month for a family of four, as against about $308 and—would then have to earn their way up again by a system of incentive points for specified behavior and work.

PROPOSALS UNDER STUDY

Mr. Morgan said the city officially received copies of the state proposals only last Friday, and was still studying them with an Oct. 17 deadline for comments for the Federal agencies. Outlines, identifying the part of West Harlem affected, were published in The New York Times Sept. 23.

The critique has been prepared by Prof. Elizabeth Wickenden of the City University's Graduate Center, a former Federal work relief and welfare official. The assembly is a planning agency with 300 individual members, 77 associated national welfare organizations and 350 regional, state and local planning bodies.

The three-area project—entitled "Incentive for Independence"—involves a 36 per cent starting cut in benefits for families of four, and almost 50 per cent for large fami-

lies as the benefit limit would be held to $300 a month, Miss Wickenden said.

AREAS TO RECOVER POINTS

The cuts would apply to all recipients of Aid to Families with Dependent Children. They could then recover points at $25 a month for such efforts as cooperating with school teachers, having preschool children vaccinated, participating in school work programs for youths over the age of 15, and taking part in various activities for unemployable adults and work or training programs for employables.

Those with earnings could keep a part without affecting the welfare grant by deducting the cost of day care, the first $720 of annual earnings, one-third up to 150 per cent of the flat grant and one-fourth thereafter, Professor Wickenden said.

The state's proposals include also a "Public Service Work Opportunities Project" for 25 city and upstate districts, involving employables among 88,503 Aid to Families With Dependent Children recipients. These would have to work out the amount of welfare grants either for a government agency or care of other children.

Professor Wickenden's analysis said "deprivation for a select group below otherwise applicable standards raises serious questions of due process and unequal treatment," especially with the West Harlem caseload described as half black and half Puerto Rican.

The incentive project, she said, would reverse present state and Federal policy to separate casework services and money payments "since it presupposes the closest kind of monitoring of client behavior."

Both projects, she said, "offer formidable administrative difficulties." The incentive project's need for caseworkers evaluations, she went on, could lead to "favoritism, discrimination, judgmentalism, petty dictatorship, chicanery, collusion and general chaos in worker-client relationships" with "constant variability of payments."

The public service project, she said, would require hours of work to be adjusted to the monthly welfare grant at either the state minimum wage or regular job rate. Such efforts in the 1930's, Professor Wickenden said, "demonstrated the impossibility of creating a genuine work-experience under these circumstances" and led to replacement by the Work Projects Administration with a monthly wage plan.

CONGRESSMAN BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. SCOTT. Mr. Speaker, since coming to the Congress, I have sent a regular newsletter to citizens of the Eighth District of Virginia and am inserting in the RECORD at this point a copy of the October 1971 newsletter for the information of the Members:

YOUR CONGRESSMAN BILL SCOTT REPORTS

ECONOMIC PACKAGE

A few days ago the House passed the Revenue Act of 1971 which included the major items requested by the President in his message to the Congress on stabilizing the economy and curbing inflation. It is a very complex bill containing 108 pages but a copy will be sent to anyone who wants to study the measure in detail. Among other things, it repeals the manufacturer's excise tax on passenger automobiles, increases the exemptions for personal income tax and provides a job development investment credit to businesses to encourage them to modernize their equipment and facilities to provide more employment. Of course the economic package includes a commitment on behalf of the President to reduce Government spending by approximately $5 billion. One phase of this reduction in spending is the reduction of the number of Government employees by 5% which is expected to be done by not filling vacancies when they occur in the various agencies and by the deferral, until July 1, of an increase in pay scheduled for January. It might be added, however, that existing law provides for a second cost of living increase for Government employees, effective on October 1, 1972. While everybody likes to receive raises, concern was expressed that the reduction in expenditures might be accomplished by a further reduction in jobs. In any event, I believe the action by the President and by the Congress is responsible and will tend to stimulate our economy. Let us hope that the Senate acts promptly on the Revenue Act so that more jobs will be available. A copy of my remarks in support of the President will be furnished you upon request.

SUPREME COURT

All of his Virginia colleagues in the House of Representatives recommended that Congressman Richard H. Poff be nominated by the President for one of the vacancies on the Supreme Court. We all regret that Mr. Poff felt it necessary to withdraw his name from consideration. Appointments to fill these vacancies may be among the most important acts the President makes during the time he is in office because the Justices do serve for life and their philosophy of government is reflected in their opinions. I am suggesting to the President that he retain his desire to see strict constructionists appointed and that he seek persons of the highest possible caliber to fill these two vacancies, regardless of the clamor raised in some quarters.

SEALIFE CONSERVATION BILL

Unless the United States has at least standby authority to protect and conserve the sea life off our coast, as well as species that spend part of their life in our fresh water streams, such as the salmon, we can expect these resources to become increasingly scarce. Today the heavy fishing by foreign fleets literally at the mouth of the Chesapeake Bay inevitably will make it impossible to sustain our yield of food from the sea. Therefore, a number of us sponsored H.R. 3304 which passed the House recently, authorizing the United States to join with the other coastal nations in protecting not only endangered species of sea life but also those important in supplying protein food for this nation and the rest of the world.

WASHINGTON'S BOYHOOD HOME

Recent speculation about the possible commercial development of the remainder of Ferry Farm, the boyhood home of George Washington, has caused considerable concern among people from the Fredericksburg area and others who are interested in the preservation and restoration of this historic site. In response to the suggestions of a number of individuals and groups, I introduced legislation in the House to authorize the Secretary of Interior to acquire this property and to establish a national historic site to be known as the George Washington Boyhood Home National Historic Site. The entire Virginia delegation in the House and other members have joined as co-sponsors of this measure. It would seem that the action is warranted and timely because we will observe the 200th birthday of the country in 1976. Accounts of our first President's early life indicate that this is the place where he supposedly chopped down the cherry tree and threw the Spanish dollar across the Rappahanock River. Hopefully we will be able to preserve this valuable part of our national heritage.

EQUAL RIGHTS FOR WOMEN

Among the measures under consideration in the House is a proposal to amend the Constitution to provide for equal rights for men and women. Last year the House of Representatives passed a proposal providing that the rights of no person should be denied or abridged by either the Federal Government or any State on account of sex. However, the Senate failed to act upon the proposal. This year the House Judiciary Committee has added a provision which reads, "Sec. 2. This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any State which reasonably promotes the health and safety of the people." It is this second portion which is the controversial one. Many women's groups suggest that there should be no exception in the law for any reason whatsoever. The contrary view is a concern about drafting young girls, a change in the alimony and support laws, and customs or laws which in any way suggest a difference based on sex. A vote in the House is scheduled for Tuesday of this week.

ANOTHER PROPOSED AMENDMENT

You may recall the comment from our May newsletter that a discharge petition had been filed to bring before the House for consideration a proposed amendment to the Constitution to permit nondenominational prayer in schools and other buildings supported by public funds. In order to discharge the Judiciary Committee from further consideration of the bill and to obtain a vote in the House, it was necessary to obtain signatures of a majority of the entire membership. This has now been done. The matter, therefore, is expected to come before the House for consideration on November 8 at which time it will be necessary to obtain a favorable vote by two-thirds of the members present before the proposal can be sent to the Senate for consideration and later to the States for ratification. Several of the national church organizations are opposed to the resolution because of the fear that it will breach the wall of separation between church and State. However, the proposal would only permit nondenominational prayer similar to that which has been practiced, until recent years, in our schools. As an early signer of the discharge petition, I intend to vote in favor of the resolution. This is in accord with the views most constituents expressed in our recent opinion poll.

RETIREMENT MEASURES

Our House Subcommittee on Retirement, Insurance and Health Benefits has agreed to recommend to the full Committee on Post Office and Civil Service a bill to permit any Federal civilian employee during a major reduction in force within his agency to retire provided he has 25 years of service regardless of age or has 20 years of service and is at least 50 years of age, with a reduction in the amount of his annuity of 2% for each year of age below 60. The same measure would permit optional retirement of any Government civilian employee whose combined age and years of service equals 80. My bill to permit retirement with 30 years service, regardless of age, was offered as a substitute but failed to carry on a 4 to 4 vote in the Subcommittee. Therefore, it will be offered in the full Committee as a substitute to the measure providing for retirement when age and years of service total 80.

PANAMA CANAL

The House Committee on Foreign Affairs recently had hearings on a resolution expressing the sense of the House that the United States maintain sovereignty and jurisdiction over the Panama Canal and the Canal Zone. You will recall that we entered into a treaty in 1903 under which this Government was granted full sovereign rights

over the area for the construction, maintenance and operation of the Canal and we guaranteed the independence of the Republic of Panama in perpetuity. Although several revisions have been made in recent years, the Canal has played a vital role in the strategic and commercial life of the United States. Many of our ships have passed through the Canal during times of war and approximately 70% of all ships using the Canal for commercial purposes are enroute to or from U.S. ports. However, since the Canal was opened, it has been available during peacetime to ships of all nations on equal terms. It is my understanding that we have invested a total of $5 billion in the waterway and that ceding sovereignty of the Canal to Panama could have disastrous results. A hostile regime could deny the use of the Canal to both our naval forces and our commercial ships. While this resolution, if adopted, will not have the force of law, it could be persuasive against the adoption of any treaty to cede jurisdiction of the Canal to the Republic of Panama or to an international body.

NATIONAL HEALTH INSURANCE

The Ways and Means Committee has announced that the next major order of business of that Committee will be public hearings on national health insurance. As you may know, a number of bills have been introduced ranging from measures relating only to Federal aid for catastrophic illnesses to almost complete socialized medical care. Anyone desiring to testify or to present written statements to the Committee should contact Mr. John M. Martin, Jr., Room 1102, Longworth House Office Building, Washington, D.C. 20515.

SOMETHING TO PONDER

Common sense is genius in its working clothes.—Emerson.

ARTHUR W. ARDIZONE RETIRES

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. JAMES V. STANTON. Mr. Speaker, Arthur Ardizone, business executive for the Cleveland Press for the past 20 years, retired on October 1, bringing to a close a long career marked by a substantial contribution to the newspaper industry in Cleveland, as well as by dedicated service to his community. I am certain that all of Cleveland joins me in wishing him well in the coming years, which, we are certain, will bring him as much happiness and fulfillment as the preceding ones did.

In tribute to his many accomplishments, I include the following article in the RECORD:

ARTHUR W. ARDIZONE IS RETIRING AS PRESS BUSINESS MANAGER

Declaring that his 39 years of newspapering haven't really seemed like work, but more like fun. Arthur W. Ardizone retires Oct. 1 as business manager of The Press.

Ardizone has been with The Press since 1950 when he came here as national advertising manager, serving successively as retail advertising manager, advertising manager, advertising director and then business manager last September.

Before coming to The Press he gathered experience with the advertising department of General Electric and worked with newspapers in Springfield, Mass., where he met and married his wife Mitzi in 1926.

Joining Scripps-Howard in 1937, he was a national advertising manager of the Washington Daily News.

In Cleveland, he has made a substantial contribution to the community. He is a past president of the Sales Executive Club and an active member of the Advertising Club, of Rotary, of the Chamber of Commerce and its successor the Growth Assn.

He captained a team in a United Appeal drive and worked in others, and also devoted his energies to the American Cancer Society, the Red Cross and the Boy Scouts, to name some.

He is a member of Canterbury Country Club and the Cleveland Athletic Club, and he and his family are members of Fairmount Presbyterian Church.

At The Press he has been a valued colleague, energetic, devoted and resourceful in his duties, and remarkably congenial with everyone.

Editor Tom Boardman says of Ardizone: "He was helpful, productive and pleasant to work with, and is a warm and congenial friend. We will miss him but we wish him well."

There is a company-wide appreciation of his services for nearly four decades. Frank B. Powers, Scripps-Howard general business manager, says of him:

"He has all this time been a star in the Scripps-Howard business team and is highly respected throughout the industry. We shall miss him, and like Boardman, we wish him well in a well-earned retirement."

Ardizone and his wife intend to complete a few preparations and then, Dec. 1, head for Florida.

"I have played golf for a full 40 years and get worse all the time," Ardizone says.

"Even so, I'm going to see friends and play golf in Florida for as long as it's congenial, then Mitzi and I plan to drive to New Orleans, to Arizona and finally to San Diego.

"In San Diego we may get an efficiency suite and stay through February and March and then we'll come home. We plan to live here spring, summer and fall."

The Ardizones have two sons, Richard M., who lives in Morristown, N.J., and Arthur Jr., who lives in Glen Ellyn, Ill. The Ardizones have four grandchildren.

As he leaves the action of the newspaper business, Ardizone predicts it will have a bright future. Although it is undergoing an evolutionary change now, he foresees that the number of newspapers and their value to the community will increase.

"Young people would do well to enter the field for a rewarding life," he says.

RETIREMENT OF DEAN A. C. RUSSELL OF UNIVERSITY OF LOUISVILLE LAW SCHOOL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. MAZZOLI. Mr. Speaker, after many years of service as professor and dean of the University of Louisville Law School, Dean Absalom C. Russell has announced his plans to retire. He has had a great and lasting influence on so many of his students, and I believe his outstanding service deserves the tribute of recognition in the CONGRESSIONAL RECORD. Accordingly, I submit the following article which I prepared for a dedication issue to be published in Dean Russell's honor by the law school:

DEAN A. C. RUSSELL

I am told that Dean A. C. Russell is retiring from the University of Louisville Law School. This news surprises and saddens me because I really did not think he would ever "kick the traces." U of L Law School will not be the same without our beloved Ab Russell.

His departure prompts me to do some reminiscing about my years at Law School which he influenced so much. Let's start with 1957.

1957 was not an unusual year; it was undistinguished as years go. But, it was memorable to me because I began U of L Law School in 1957, and I met Ab Russell that same year.

I was just a year out of the Army, and my brains were apparently still packed away somewhere in that olive-drab duffel bag in the basement along with the baggy fatigues and scruffy boots. I had a hard time getting readjusted to the Halls of Academe after spending two years "at attention" and another year swinging a hoe and shovel on construction jobs. My only consolation was that our Class was replete with bearded, gnarled veterans who were about as rusty between the ears as I was.

In today's vernacular, those first years in Law School were a "mind-blowing" experience. I didn't need antihistamines to keep my sinus passages clear. Torts and Contracts and Property cleared them out permanently and cauterized them for good measure. But along with the agony, came some ecstasy.

A person cannot long be discouraged and downcast when he hears the dulcet and mellifluous voice of Ab Russell intone that famous phrase: "up the gum stump."

A person cannot long be tense and anguished when he hears Ab Russell's soothing strains calling for all mankind to "rear back on its hind legs."

A person cannot long walk with a cloud over his head when he is privileged to hear a few thousand times during an hour's lecture: "put it in the hotchpot."

So, even rusty, befuddled, and bewildered veterans did not remain crestfallen for long in those early, tough years of Law School, and this was primarily because of Ab Russell's aural ministrations.

Unfortunately, I have no such solace or relief nowadays, and I miss it. The voices of Congress seem so gravelly by comparison to Ab's tones. Ah, what a difference a few years makes. Ab, where are you when I need you so much?

But, all good things must come to an end. And U of L's good thing these many years—Dean Ab Russell—is about to come to an end. He will be sorely missed by all his colleagues at the U of L, but especially, I think, he will be missed by his students, both past and present.

He schooled us well in the law, and he taught it without pretense, obfuscation, or bombastic oratory. We did not all turn out to be legal scholars, but I think most of his graduates have conducted themselves in a way to requite his judgment in passing them out of school. For my own part, I am happy that I had a chance to study under him and learn from him.

All of his colleagues, friends, and acquaintances wish him well as he "throws off the yoke" of his many energetic years in the classroom and in the front office at U of L Law School.

However, Dean Russell's retirement years probably will not see any lessening of his mental or physical activities. About all retirement means is that Ab Russell's schedule will be controlled by sundials and seasons rather than by buzzers and alarm clocks.

U of L Law School will not be the same without him. Boy voyage, Ab.

ALASKA UNDER SIEGE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. DINGELL. Mr. Speaker, the New York Times, in an editorial in its September 16, 1971, issue, commented editorially on the need to protect the public lands in the State of Alaska.

The New York Times very accurately observed:

The oil companies, mining interests and land speculators have Alaska under siege.

I am inserting the text of the editorial at this point in the RECORD:

ALASKA UNDER SIEGE

The oil companies, mining interests and land speculators have Alaska under siege. The discovery three years ago of huge oil and gas deposits evoked an upsurge of economic lust that makes the Klondike gold rush look almost as genteel as a church cake sale.

Only the land claims of the native Alaskans—Eskimos, Indians and Aleuts—stand in the way of this speculative boom. Almost all the land in the state belongs to the Federal Government. Since it is not suitable for farming, very little of it was parceled out under the Homestead Act. None was given away to railroads because the only rail line was constructed by the Government.

When Alaska became a state in 1959, Congress permitted the new state government to choose 103 million acres of public land—almost one-third of the state's total area. However, the state had chosen only about 25 million of these promised acres before the angry natives began to threaten legal action.

These natives—60,000 as against 250,000 persons who have moved to Alaska from the rest of the United States—saw their traditional way of life being destroyed and their hunting and fishing lands taken away. In August 1967, Secretary of the Interior Udall froze any further disposal of Federal land in Alaska until the native claims were settled. Each of his successors has temporarily extended that freeze.

The House Interior Committee is now considering a native claims bill which would set up several corporations organized along ethnic lines and controlled by boards of directors elected by the natives. The bill would permit these tribal corporations to choose 40 million acres of public lands and thereby clear the way for the state to choose its remaining acreage under the Statehood Act.

The bill does justice to the native claims, but as now drawn it does not do justice to Alaska's future. There is no provision for developing a comprehensive plan for the future development and conservation of the state. Representatives John Saylor, Republican of Pennsylvania, and Morris Udall, Democrat of Arizona, are sponsoring an amendment to freeze the development of any lands to be given to the state and to the natives until the Secretary of the Interior submits such a plan to Congress. It is essential that in any native claims legislation contain this requirement.

Alaska stands today in almost the pristine condition in which the American West existed a century and a half ago. The opportunity is there to reconcile economic development and the environment in a coherent, constructive way. Ecological values can be respected, with the many uses of the land and water decided upon after a disinterested examination of alternative possibilities.

This is an opportunity that can never come to this nation again. It must not be bartered away to the lobbyists or casually overlooked out of ignorance or indifference. This nation has an obligation to itself and to mankind to make Alaska a triumphant demonstration of what man's intelligence can preserve and create rather than yet another proof of man's folly. As trustees for the nation, the members of the House and Senate Interior Committees and of the whole Congress must not fail in discharging this obligation.

"FORGIVE HIM" BY H. S. HECKHEIMER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BINGHAM. Mr. Speaker, I am proud to have as my constituent Mr. Harry Saks Heckheimer, who will soon be 95 years of age.

On previous occasions I have shared his evocative writings with readers of the RECORD.

Mr. Heckheimer's latest prose poem is a vivid commentary on two of the most pressing problems of our day; narcotics and our correctional system:

FORGIVE HIM

With his rotting guts he drank the Park's brackish water, broken bits of bottle lay on the walk at his side, the dead stench of his clothes did not attract the passerby,

The loosened, wandering dogs licked his face, and urchins from their pails of earth infused his remaining hairs.

Dawn had ended, night had gone, morning was here the Officer's stern command "get up", and then he sought another bench.

A beggar's nickel, or, dime to purchase another bottle of cheap wine, the noise of marching feet, the funeral cortege, the noise of street, all pass him by, the oblivion of the unkept.

There was no reverse, no going back, to many winters, he only knew the treadmill of his fate, at times he became a willing penitent, and sought the corner mission for food and rest, and he yet recalled while thus on his knees someone said "pass the bottle Chief."

He frequented hospitals, pains in his chest, here for a day or two, a bath, clean clothes, but when the "records" showed he had been there before "out into the rain again".

The more expensive things, to breed hallucinations, he could not afford, so he nursed his dreams "sniffing things like Glue," to make new hues, to further secure his demolition, but in his torment everything forsook him, so he forsook what was left.

The tale of how he got to where he was, is not new, he had a friend, a gracious friend, who when he needed just a "whiff," never let him down, and then this very friend, like a computer without figures, asked him to sign a "check," he had done this before, but this was a "wooden one."

The lawyer for the poor, had other things to do "take a plea," you will get a "suspended sentence," this is your first offense.

It was just a pen's spot of ink, such a simple thing "your finger print," that changes and indelibly marks your life, achievement, home, honor, glory, their doors are tight.

The four walls, steel doors, the guard, the hardened bed, the dripping water, the clatter of the well nailed shoes, a requiem of the dead, the hours had no clock, it had time of a different kind.

Distinguished citizens, many of whom never was in a jail, appointed to pay a political debt, in their mercy were lenient "they made him do it all."

When the final morning came, with his new Prison Suit and Thirty-one dollars and ten cents earned in the Jail's Shoe Shop, and thus equipped, with hope upon his lips, he dreampt a new career.

His former friends found other streets to walk upon, jobs were plenty, each application had a "square" to mark was he ever "guilty of a crime," the job ended there.

And so he found a "bench again," the rest a twice told tale, a number on a wooden slab, the ceremony of a "cadaver," it was all because of his "finger tips."

ELIMINATE LEAD

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RYAN. Mr. Speaker, a silent epidemic is sweeping across the face of our Nation's cities. The disease is lead-based paint poisoning. Its toll is taken in terms of the health of hundreds of thousands of young children each year.

Perhaps the real tragedy, however, is that this dread disease is totally preventable. Thus, I have filed a petition with the Food and Drug Administration to eradicate the source of this affliction—to ban lead-based paint.

On September 20, the National Paint, Varnish & Lacquer Association, Inc.—the national paint trade association—wrote to each Member of Congress in an attempt to refute my assertion that 1-percent leaded paint is dangerous and, therefore, should be prohibited by law. My position—and the position of a significant number of scientific and health experts—appeared in the CONGRESSIONAL RECORD of September 29—pages 33867–33870—so I will not dwell on it.

However, I have just received a letter from Ray Call, Director of the Family Relocation Office, New Haven Redevelopment Agency, in support of eliminating all lead-based paint. I believe his statement provides further insight into the need of meeting this problem. I commend it to the attention of my colleagues.

The letter follows:

STATEMENT IN SUPPORT OF CONGRESSMAN RYAN'S PETITION TO BAN THE USE OF ALL LEAD PAINTS FROM THE HOUSEHOLD—OCTOBER 4, 1971

The tragic consequences of lead poisoning are documented in the files of this office. Over 100 families having children with various levels of lead poisoning have been referred to us. We have been asked to help these families escape the omnipresent threat of lead-based paint.

Medical authorities have identified the cause of lead poisoning. They have told us that the major cause is in paint and related materials containing lead. When these materials are painted on surfaces accessible to children, lead poisoning can result. *Medical authorities are increasingly unambiguous about this. Our support of those seeking to*

eliminate every trace of lead in paints and related materials should be equally unambiguous.

The majority of the affected children reside in the inner city, where the dangers of lead poisoning are greatest. The parents of these children as well as many community leaders often interpret our failure to aggressively pursue legislation to eliminate lead-based paints as an act of violence done against them.

The latter language is more than the rhetoric of reckless revolutionaries; it is increasingly descriptive of our passive attitude toward the vested interest of paint manufacturers.

Our failure to give the most unequivocal support to those who want to eliminate the lead poisoning threat will make us accessories to the crime of adding to the social, economic, and political impoverishment of families living in the inner city where the dangers of lead poisoning abound.

RAY CALL,
Director, Family Relocation Office, New Haven Redevelopment Agency.

RADIATION IS EVERYWHERE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. CRANE. Mr. Speaker, in many communities there is opposition to the building of nuclear powerplants because citizens mistakenly believe that having such a plant in their locale will dangerously increase the radioactivity to which they are subject.

Few people realize that the radioactive materials in our bodies give us an internal exposure of natural radiation averaging 25 millirems. A recent statement by the Investor-Owner Electric Light and Power Co's., points out that—

Buildings and the earth add another 55 millirems. Cosmic rays from space expose us to around 40 millirems . . . All exposures considered, each American averages about 125 millirems of natural radiation annually.

What is the case with regard to a nuclear powerplant. This same statement notes that—

A person living anywhere in the vicinity of a typical nuclear power plant, 24 hours a day for a full year, would be exposed to less than 5 millirems of radiation from the plant.

America's need for electricity is expected to double in the next 10 years and nuclear power will play a major part in filling this need. Americans should acquaint themselves with all of the facts concerning nuclear powerplants before they oppose the location of such plants in their communities.

It appeared in U.S. News & World Report of September 20, 1971. I wish to share this statement with my colleagues, and include it in the RECORD at this time:

MOM'S APPLE PIE IS RADIOACTIVE—SO IS MOM

That doesn't make her a dangerous woman.

Radiation is just naturally everywhere. In the earth. In your homes. In your food. In your Mom.

And each accounts for more radiation than a nuclear-power plant.

Take your Mom. Or yourself for that matter. The radioactive materials in our bodies gives us an internal exposure of natural radiation averaging 25 millirems. (A millirem is 1/1000 of a rem, the standard unit of measurement of the biological effect of radiation.)

Buildings and the earth add another 55 millirems. Cosmic rays from space expose us to around 40 millirems. This varies—the higher the elevation you are at, the higher the exposure. All exposures considered, each American averages about 125 millirems of natural radiation annually.

Now, how about a nuclear power plant? Present operating experience tells us this: a person living anywhere in the vicinity of a typical nuclear power plant, 24 hours a day for a full year, would be exposed to less than 5 millirems of radiation from the plant.

Less than 5 millirems. Why, Mom could easily be exposed to that much during one round-trip coast-to-coast airline flight at 35,000 feet.

Those are the facts. And we think everyone should be aware of them. Because America's need for electricity is expected to double in the next ten years. To meet this need in an orderly fashion, clean, safe nuclear power must play an increasingly important role.

Our country's ability to do the work that needs to be done will depend on an adequate supply of electricity. There's no time to waste. New generating facilities must be built, and built in a way compatible with our environment.

We'll continue working to do this. But we need your understanding today to meet tomorrow's needs.

The people at your Investor-Owned Electric Light and Power Companies.

KEEPING FAITH WITH THE CONSTITUTION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. JONES. Mr. Speaker, I include the following: Residing in the First Congressional District of North Carolina is Miss Gertrude Carraway. Miss Carraway is one of the outstanding citizens of the State of North Carolina; her contribution to our historical heritage is immeasurable. Her strong belief in the basic values under which this Nation was founded is admirable. In her capacity as honorary president general NSDAR, she recently addressed the celebration of the 184th anniversary of the signing of the Constitution. Her subject was, "Keeping Faith With the Constitution," and I was so impressed with her remarks that I am happy to include from her address some excerpts in the CONGRESSIONAL RECORD so that others might share in them. They are as follows:

KEEPING FAITH WITH THE CONSTITUTION

The bicentennial of the American Revolution is approaching. This significant event makes this an especially appropriate time to keep faith with the Constitution by considering some of the many advantages we enjoy in our Constitutional Republic.

Our Nation was founded by capable men of Christian spirit who trusted in Divine Providence and the dignity of man. Their aims and achievements for the greatest good to the greatest number should be regarded as intrinsic values worth emulation. Despite faults and failings, which can be legally corrected and improved, our system of government checks and balances is the best ever devised.

Every American should be proud of the "unalienable rights . . . endowed by their Creator." Our Republic was established to secure and protect those rights, "with the consent of the governed," in order to keep us from bondage, tyranny, and unjust restraints upon lawful actions and conscientious convictions. However, rights are dependent upon responsibilities. Our rights entail duties of citizenship, as set forth in The American's Creed.

Our American heritage must be passed on to posterity intact, untarnished and improved. Its freedoms are not self-perpetuating. They are bequests, entrusted to our care, and must be earned anew with "The Faith of Our Fathers." To preserve these freedoms, we should continue to practice, teach and preach the duties of good citizenship.

The United States Bicentennial is an excellent time for us to redouble our efforts to help bring a resurgence of true patriotism and optimism in our country. We, as Americans, have good reason to have hope, and, as has been predicted by others, "America is the last best hope of the world."

SCHOOL PRAYER AMENDMENT

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. CORMAN. Mr. Speaker, proponents of the school prayer amendment have argued throughout the years that there is a need for religious study and discussion in the public schools. There was, however, nothing in the 1962 and 1963 Supreme Court decisions which prevent this. In fact, the Court went out of its way to say that there can be study of comparative religions and study of the Bible as history or literature.

Philip H. Phenix, professor of philosophy and education, Teachers College, Columbia University, testified before the Judiciary Committee in 1964 stressing that rather than engaging in practices that deny the basic principles of religious freedom emphasis should be placed on exploring and implementing the many educationally and religously productive ways of bringing religion into the curriculum of public schools.

Sharing Mr. Phenix's beliefs that we should call attention to the religious dimensions through the study of history, art, and literature rather than through prayer in public schools, I am inserting the complete text of his testimony for the consideration of all my colleagues.

The text follows:

TESTIMONY OF PHILIP H. PHENIX, PROFESSOR OF PHILOSOPHY AND EDUCATION, TEACHERS COLLEGE, COLUMBIA UNIVERSITY

Mr. PHENIX. Thank you, Mr. Chairman. I appreciate very much, gentlemen, your patience in waiting this long. I wish to express my thanks to the committee for permitting me to present the following testimony concerning proposals before it to amend the Federal Constitution so as to permit the performance of such religious exercises as prayers and Bible reading, on a voluntary basis, in public schools. For more than a decade I have been professionally concerned with the problems of religion and education, as a faculty member in a leading graduate school of education, and I have dealt with these issues in books and articles as well as in courses specifically devoted to their consideration. I speak as a lifelong Christian and as an active church member, who is convinced that religious faith plays a central role in all phases of life, including the activities of education.

I might also add that I have been a chaplain in the armed services and have been a chaplain in a college for a number of years.

The principle of overriding importance in the relations of religion and government is that of religious freedom. Religion is concerned with the free human response to the God who creates and is sovereign over all things. It follows that no human agency may regulate that response. A person's relationship to God is the supreme relationship, transcending in importance all others into which he may enter. Not even the most fundamental human ties of friendship, kinship, or citizenship take precedence over one's commitment to God, for He is Lord and Judge of all such finite associations and obligations.

The American Republic was founded and has prospered over the years under a political covenant, contained in the Federal Constitution, that has recognized this fundamental principle of religious freedom. The explicit statement in the first amendment forbidding the Congress to make any laws respecting an establishment of religion or prohibiting the free exercise thereof makes it clear that government is not in any way to be an arbiter of religious faith. This Nation has stood for the principle that religion is a matter entirely between the believer and God, to be sustained by such voluntary associations and religious organizations as the citizens may choose, but not to be either promoted or opposed in any way by the agencies of government.

History is replete with evidences of the baleful effects of linking the institutions of religion and of the state. Religion that is officially endorsed by government tends to diminish as the free response of the believer to the God who is Lord of all political orders. Furthermore, if government is invoked in aid of religion, it may by the same authority and with equal legitimacy suppress it. Whenever the state has control in any degree over religious life, the way is opened for the denial of religious freedom and for the persecution of those who do not adhere to the officially approved forms of faith. On the other hand, when the religious covenant is maintained separate from the political covenant, religious freedom is preserved and religion prospers, as it has in our country without parallel in human history.

It is therefore of the utmost importance that the public school—an agency of the political power—not be given the authority to promote an official religion, as it would do if prayers and Bible readings were to be permitted in accordance with the proposed amendments. It makes no difference that students who object to such practices might be excused from participation in them. The state would still remain the official agency for a preferred form of religion, and those who chose not to practice it would become at best tolerated dissenters from the recognized public cult.

Furthermore, the amendments would introduce an utterly impossible and chaotic situation, unless a national agency were authorized to determine what prayers and Scriptures were to be recited and read. Without rigid Federal prescription (and thus an establishment of religion) there would be no bar against the most diverse sectarian materials and thus no protection against the use of public agencies to indoctrinate students in the tenets of whatever faith the power structure of the local community might decide it wanted.

Even more serious is the fact that once the principle of governmental action in religious life were accepted by constitutional amendment, the way would be opened for suppression of religion by governmental action. The majority that this year may applaud formal prayers and Bible readings in their schools can just as well 1 year or 10 years from now authorize the recitation of an atheist creed or a prayer to the President with or without the provision for voluntary participation. There is no difference in principle between official authorization of religious practices in the public schools and official opposition to religion by means of public institutions.

It is a matter of simple logic that we Americans cannot enjoy the constitutional protection of religious liberties and at the same time authorize the public schools to conduct religious exercises involving prayers and Scripture readings. The latter authorization in principle nullifies the former protection. The effect of the proposed amendments would be to contradict the first amendment provision against the establishment of religion and the guarantee of religious freedom. To assert as part of the new amendments that nothing in them shall be construed to constitute an establishment of religion cannot alter the fact that such amendments would by their very nature introduce just such an establishment. In this manner the Constitution would be made to contradict itself, and this would be disastrous, for, to paraphrase a passage from the Bible quoted with such effect in another period of crisis in our natural life, "a Constitution divided against itself cannot stand."

Besides the fundamental religious and constitutional principle, it is important to note that eliminating official prayers and Scripture readings does not banish God and religion from public life, including the schools. God is at work in all things, and He cannot be secularized out of existence. He is the God of public agencies as much as if not more than of churches and synagogues. While religious exercises are not the appropriate way to respond to God in public institutions, there are many other ways that are appropriate and that do not negate the basic political principles that guarantee religious freedom.

There is nothing in our Constitution that prohibits the study and discussion of religious matters, including the Bible in public schools and colleges. There is nothing that stands in the way of public school teachers calling attention to the religious dimensions in the various subjects of study, including possible religious interpretations inherent in language, science, the arts, morality, history, and other disciplines.

Religious rituals such as prayers and Bible readings (without comment or discussion) are a relatively superficial and both religiously and educationally ineffective way of dealing with religion in public education. If the religiously concerned people of the United States really care about the religious nurture of the young, they will make an effort to explore and implement the many educationally and religiously productive ways of bringing religion into the curriculum of public schools without engaging in practices that necessarily deny the basic principles of religious freedom because they are essentially forms of sectarian worship.

Therefore, gentlemen, I urgently beseech you, for the sake of our precious heritage of religious liberty, and on behalf of a really significant place for religion in public education, that you use your very considerable influence to insure that the proposed constitutional amendments will not be adopted.

I would like to add parenthetically that all these arguments about juvenile delinquency and crime being solved by prayer and Bible reading are sheer nonsense. These things are not dealt with at all effectively by prayers and Bible readings.

I might add one other word that my own work over the years as a teacher in a school of education has been concerned with trying to find out ways that are really important and educationally significant for dealing with religion in history, art, literature, and other fields. There are some very exciting ways that are not objectionable from the standpoint of constitutional provisions.

Thank you very much.

THE DECLINE AND FALL OF SOVEREIGN IMMUNITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Mr. RARICK. Mr. Speaker, with the surrender of State sovereignty comes a corresponding breakdown in sovereign immunity. An Ohio court has now ruled that the State of Ohio can be sued for damages as a result of the Kent State University riot in May of 1970.

Other States which have either surrendered or been denied sovereign immunity from suit without legislative permission by the people's representatives are California, Colorado, and New Jersey.

As the legal revolution proceeds, we can soon expect legal actions rationalized by liberal Federal judges to abolish the sovereign immunity of the United States, including the bypassing of the prerogatives of this body as the guardians of the people's treasury, to permit direct suits against the United States and U.S. officials for damage occasioned by their activities or negligence.

So that our colleagues may understand the significance of the Ohio dictum as far as being applicable to the Federal Government, I insert annotations on U.S. Supreme Court decisions on immunity of the Federal Government from suit and a related news clipping at this point in the RECORD:

[From the Christian Science Monitor, Oct. 5, 1971]

IMMUNITY LIFTED, OHIO FACES TRIAL IN A KENT KILLING

(By James P. Herzog)

CLEVELAND.—The king can do no wrong—except in California, Colorado, New Jersey, and now Ohio.

An Ohio appeals court in a split decision Thursday ruled that the ago-old principle of sovereign immunity—which in this country means a citizen can't sue the government without consent—violates both the United States and Ohio constitutions.

The ruling came in a $2 million wrongful-death suit filed by the father of one of the four Kent State University students killed by Ohio National Guard bullets May 4, 1970.

A spokesman for Ohio Attorney General William J. Brown said the state will appeal the decision to the Ohio Supreme Court.

The decision was handed down in the Eighth District Court of Appeals by presiding Appellate Judge Jack G. Day and Judge Alvin I. Krenzler. They ruled that a Common Pleas Court judge erred in throwing out, on grounds of sovereign immunity, the case of Arthur Krause of Pittsburg, whose daughter Allison was killed in the incident.

"A special shield for the state against responsibility for its tortious acts is unjust, arbitrary, and unreasonable and results in discrimination prohibited by the equal-protection and due-process clauses of the 14th Amendment to the United States Constitution," the judges ruled.

The immunity doctrine has its base in English common law. There has been growing dissatisfaction with the principle among lawyers throughout the United States. This thinking earlier brought an end to sovereign immunity in California, Colorado, and New Jersey.

DIFFERENCE DRAWN

Joseph Sindell, a Cleveland lawyer who, with his son, prepared the case, said, "sovereign immunity is a cruel and inhuman rule. It doesn't belong on the books."

Here is how the principle works in states where it is in force:

If a man is crossing the street and is hit by a car, he can sue the driver and the owner of the car.

If a man is hit by a state highway-maintenance truck, he can sue the driver as an individual. But he cannot successfully sue the state.

The two judges said that, to guarantee that state employees are not impeded or inhibited in their work, sovereign immunity can be retained for individuals in their work, "while at the same time imposing liability on the state."

The judges said they had the right to make the decision because it was put into force by the Ohio courts—not by the State Legislature or constitution.

Judge John M. Manos dissented, saying, "If it is believed that the doctrine of sovereign immunity is indeed an antique of no modern relevancy, the forum for this change rests either on legislature action or with a new constitutional convention."

OTHER CASES DISMISSED

The 2-1 ruling sends Mr. Krause's wrongful-death suit back to the Common Pleas Court for trial. Undoubtedly no trial will take place until the Ohio Supreme Court rules.

Mr. Krause and parents of two others killed at Kent State also asked $11 million in damages in cases filed in the U.S. District Court here. But those cases were dismissed last June on grounds of sovereign immunity. They are being appealed.

The federal suits name former Gov. James A. Rhodes and two high-ranking National Guard officials at the time of the Kent shootings. Mr. Krause's state-court action names only the State of Ohio.

If the state Supreme Court reverses the appeals-court ruling, the U.S. Supreme Court will be asked to intervene, said Mr. Sindell. If the Ohio Supreme Court allows the ruling to stand, it is also likely that the state will appeal to the high court.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS AND INTERPRETATION—ANNOTATIONS OF CASES DECIDED BY THE SUPREME COURT OF THE UNITED STATES TO JUNE 22, 1964

IMMUNITY OF THE UNITED STATES FROM SUIT

In pursuance of the general rule that a sovereign cannot be sued in his own courts, it follows that the judicial power does not extend to suits against the United States unless Congress by general or special enactment consents to suits against the Government. This rule first emanated in embryo form in an *obiter dictum* by Chief Justice Jay in Chisholm *v.* Georgia, where he indicated that a suit would not lie against the United States because "there is no power which the courts can call to their aid." [1] In Cohens *v.* Virginia,[2] also by way of dictum, Chief Justice Marshall asserted, "the universally received opinion is, that no suit can be commenced or prosecuted against the United States." The issue was more directly in question in United States *v.* Clarke [3] where Chief Justice Marshall stated that as the United States is "not suable of common right, the party who institutes such suit must bring his case within the authority of some act of Congress, or the court cannot exercise jurisdiction over it." He thereupon ruled that the act of May 26, 1830, for the final settlement of land claims in Florida condoned the suit. The doctrine of the exemption of the United States from suit was repeated in various subsequent cases, without discussion or examination.[4] Indeed, it was not until United States *v.* Lee [5] that the Court examined the rule and the reasons for it, and limited its application accordingly.

Footnotes at end of article.

Waiver of immunity by Congress.—Since suits against the United States can be maintained only by permission, it follows that they can be brought only in the manner prescribed by Congress and subject to the restrictions imposed.[6] Only Congress can take the necessary steps to waive the immunity of the United States from liability for claims, and hence officers of the United States are powerless by their actions either to waive such immunity or to confer jurisdiction on a federal court.[7] Even when authorized, suits can be brought only in designated courts.[8] These rules apply equally to suits by States against the United States.[9] Although an officer acting as a public instrumentality is liable for his own torts, Congress may grant or withhold immunity from suit on behalf of government corporations.[10]

Suits against officials.—United States v. Lee, a five-to-four decision, qualified earlier holdings to the effect that where a judgment affected the property of the United States the suit was in effect against the United States, by ruling that title to the Arlington estate of the Lee family, then being used as a national cemetery, was not legally vested in the United States but was being held illegally by army officers under an unlawful order of the President. In its examination of the sources and application of the rule of sovereign immunity, the Court concluded that the rule "if not absolutely limited to cases in which the United States are made defendants by name, is not permitted to interfere with the judicial enforcement of the rights of plaintiff when the United States is not a defendant or a necessary party to the suit."[11] Except, nevertheless, for an occasional case like Kansas *v.* United States,[12] which held that a State cannot sue the United States, most of the cases involving sovereign immunity from suit since 1883 have been cases against officers, agencies, or corporations of the United States where the United States has not been named as a party defendant. Thus, it has been held that a suit against the Secretary of the Treasury to review his decision on the rate of duty to be exacted on imported sugar would disturb the whole revenue system of the Government and would in effect be a suit against the United States.[13] Even more significant is Stanley *v.* Schwalby,[14] which resembles without paralleling United States *v.* Lee, where it was held that an action of trespass against an army officer to try title in a parcel of land occupied by the United States as a military reservation was a suit against the United States because a judgment in favor of the plaintiffs would have been a judgment against the United States.

Subsequent cases repeat and reaffirm the rule of United States *v.* Lee that where the right to possession or enjoyment of property under general law is in issue, the fact that defendants claim the property as officers or agents of the United States, does not make the action one against the United States until it is determined that they were acting within the scope of their lawful authority.[15] Contrariwise, the rule that a suit in which the judgment would affect the United States or its property is a suit against the United States has also been repeatedly approved and reaffirmed.[16] But, as the Court has pointed out, it is not "an easy matter to reconcile all of the decisions of the court in this class of cases," [17] and, as Justice Frankfurter quite justifiably stated in a dissent, "the subject is not free from casuistry." [18] Justice Douglas' characterization of Land *v.* Dollar, "this is the type of case where the question of *jurisdiction* is dependent on decision of the *merits*," [19] is frequently applicable.

The case of Larson *v.* Domestic & Foreign Corp.,[20] illuminates these obscurities somewhat. Here a private company sought to enjoin the Administrator of the War Assets in his official capacity from selling surplus coal to others than the plaintiff who had originally bought the coal, only to have the sale cancelled by the Administrator because of the company's failure to make an advance payment. Chief Justice Vinson and a majority of the Court looked upon the suit as one brought against the Administrator in his official capacity, acting under a valid statute, and therefore a suit against the United States. It held that although an officer in such a situation is not immune from suits for his own torts, yet his official action, though tortious cannot be enjoined or diverted, since it is also the action of the sovereign.[21] The Court then proceeded to repeat the rule that "the action of an officer of the sovereign (be it holding, taking, or otherwise legally affecting the plaintiff's property) can be regarded as so individual only if it is not within the officer's statutory powers, or, if within those powers, only if the powers or their exercise in the particular case, are constitutionally void." [22] The Court rejected the contention that the doctrine of sovereign immunity should be relaxed as inapplicable to suits for specific relief as distinguished from damage suits, saying: "The Government, as representative of the community as a whole, cannot be stopped in its tracks by any plaintiff who presents a disputed question of property or contract right." [23]

Classifications of suits against officers.—Suits against officers involving the doctrine of sovereign immunity have been classified by Justice Frankfurter in a dissenting opinion into four general groups. First, there are those cases in which the plaintiff seeks an interest in property which belongs to the Government, or calls "for an assertion of what is unquestionably official authority." [24] Such suits, of course, cannot be maintained.[25] Second, cases in which action adverse to the interests of a plaintiff is taken under an unconstitutional statute or one alleged to be so. In general these suits are maintainable.[26] Third, cases involving injury to a plaintiff because the official has exceeded his statutory authority. In general these suits are also maintainable.[27] Fourth, cases in which an officer seeks immunity behind statutory authority or some other sovereign command for the commission of a common law tort.[28] This category of cases presents the greatest difficulties since these suits can as readily be classified as falling into the first group if the action directly or indirectly is one for specific performance or if the judgment would affect the United States.

Suits against government corporations.—The multiplication of government corporations during periods of war and depression has provided one motivation for limiting the doctrine of sovereign immunity. In Keifer & Keifer *v.* R.F.C.[29] the Court held that the Government does not become a conduit of its immunity in suits against its agents or instrumentalities merely because they do its work. Nor does the creation of a government corporation confer upon it legal immunity. Whether Congress endows a public corporation with governmental immunity in a specific instance, is a matter of ascertaining the congressional will. Moreover, it has been held that waivers of governmental immunity in the case of federal instrumentalities and corporations should be construed liberally.[30] On the other hand, Indian nations are exempt from suit without further congressional authorization; it is as though their former immunity as sovereigns passed to the United States for their benefit, as did their tribal properties.[31]

FOOTNOTES

[1] 2 Dall. 419, 478 (1793).
[2] 6 Wheat. 264, 412 (1821).
[3] 8 Pet. 436, 444 (1834).
[4] United States *v.* McLemore, 4 How. 286 (1846); Hill *v.* United States, 9 How. 386, 389 (1850); De Groot *v.* United States, 5 Wall.

419, 431 (1867); United States v. Eckford, 6 Wall 484, 488 (1868); The Siren, 7 Wall. 152, 154 (1869); Nichols v. United States, 7 Wall. 122, 126 (1869); The Davis, 10 Wall. 15, 20 (1870); Carr v. United States, 98 U.S. 433, 437–439 (1879). "It is also clear that the Federal Government, in the absence of its consent, is not liable in tort for the negligence of its agents or employees. Gibbons v. United States, 8 Wall. 269, 275 (1869); Peabody v. United States, 231 U.S. 530, 539 (1913); Koekuk & Hamilton Bridge Co. v. U.S., 260 U.S. 125, 127 (1922). The reason for such immunity as stated by Mr. Justice Holmes in Kawananakoa v. Poly blank, 205 U.S. 349, 353, (1907), is because 'there can be no legal right as against the authority that makes the law on which the right depends.' *See also* The Western Maid, 257 U.S. 419, 433 (1922). As the Housing Act does not purport to authorize suits against the United States as such, the question is whether the Authority—which is clearly an agency of the United States—partakes of this sovereign immunity. The answer must be sought in the intention of the Congress. Sloan Shipyards v. U.S. Fleet Corp., 258 U.S. 549, 570 (1922); Federal Land Bank v. Priddy, 295 U.S. 229, 231 (1935). This involves a consideration of the extent to which other Government-owned corporations have been held liable for their wrongful acts." 39 Ops. Att'y Gen. 559, 562 (1938).

[5] 106 U.S. 196 (1882).

[6] Lonergan v. United States, 303 U.S. 33 (1938).

[7] United States v. N.Y. Rayon Co., 329 U.S. 654 (1947).

[8] United States v. Shaw, 309 U.S. 495 (1940). Here is was said that the reasons for sovereign immunity "partake somewhat of dignity and decorum, somewhat of practical administration, somewhat of the political desirability of an impregnable legal citadel where government, as distinct from its functionaries, may operate undisturbed by the demands of litigants," ibid. 500–501. The Court went on to hold that when the United States took possession of the assets of Fleet Corporation and assumed its obligations, it did not waive its immunity from suit in a State court on a counterclaim based on the Corporation's breach of contract, ibid. 505. Any consent to be sued will not be held to embrace action in the federal courts unless the language giving consent is clear. Great Northern Ins. Co. v. Read, 322 U.S. 47 (1944).

The earlier narrow interpretation of the exceptions to the waiver of immunity set forth in the Federal Tort Claims Act, 28 U.S.C. 1346(b), gradually has given way to a liberal construction. *Cf.* Dalehite v. United States, 346 U.S. 15 (1953), with Indian Towing Co. v. United States, 350 U.S. 61 (1955).

[9] Minnesota v. United States, 305 382 (1939). The United States was held here to be an indispensable party defendant in a condemnation proceeding brought by a State to acquire a right of way over lands owned by the United States and held in trust for Indian allottees.

[10] Brady v. Roosevelt S.S. Co., 317 U.S. 575 (1943).

[11] United States v. Lee, 106 U.S. 196, 207–208 (1882). The principle of sovereign immunity was further disparaged in a brief essay by Justice Miller on the subject of the rule of law, as follows: "Under our system the *people* * * * are sovereign. Their rights, whether collective or individual, are not bound to give way to a sentiment of loyalty to the person of a monarch. The citizen here knows no person, however near to those in power, or however powerful himself, to whom he need yield the rights which the law secures to him when it is well administered. When he, in one of the courts of competent jurisdiction, has established his right to property, there is no reason why deference to any person, natural or artificial, not even the United States, should prevent him from using the means which the law gives him for the protection and enforcement of that right." Ibid. 208–209.

[12] 204 U.S. 331 (1907).

[13] Louisiana v. McAdoo, 234 U.S. 627, 628 (1914).

[14] 162 U.S. 255 (1896). At page 271 Justice Gray endeavors to distinguish between this and the Lee case. It was Justice Gray who spoke for the dissenters in the Lee case.

[15] Land v. Dollar, 330 U.S. 731, 737 (1947). Justice Douglas cites for this proposition Cunningham v. Macon & Brunswick R.R. Co., 109 U.S. 446, 452 (1883); Tindal v. Wesley, 167 U.S. 204 (1897); Smith v. Reeves, 178 U.S. 436, 439 (1900); Scranton v. Wheeler, 179 U.S. 141, 152, 153 (1900); Philadelphia Co. v. Stimson, 223 U.S. 605, 619, 620 (1912); Goltra v. Weeks, 271 U.S. 536 (1926). This last case actually extended the rule of the Lee case and was virtually overruled in Larson v. Domestic & Foreign Corp., 337 U.S. 682 (1949).

[16] Oregon v. Hitchcock, 202 U.S. 60 (1906); Louisiana v. Garfield, 211 U.S. 70 (1908); New Mexico v. Lane, 243 U.S. 52 (1917); Wells v. Roper, 246 U.S. 335 (1918); Morrison v. Work, 266 U.S. 481 (1925); Minnesota v. United States, 305 U.S. 382 (1939); Mine Safety Co. v. Forrestal, 326 U.S. 371 (1945). *See also* Minnesota v. Hitchcock, 185 U.S. 373 (1902). For a review of the cases dealing with sovereign immunity *see* Block, Suits Against Government Officers and the Sovereign Immunity Doctrine, 59 Harv. L. Rev. 1060 (1946).

[17] Cunningham v. Macon & Brunswick R.R. Co., 109 U.S. 446, 451 (1883), quoted by Chief Justice Vinson in the opinion of the Court in Larson v. Domestic & Foreign Corp., 337 U.S. 682, 698 (1949).

[18] Larson v. Domestic & Foreign Corp., *supra*, 708. Justice Frankfurter's dissent also contains a useful classification of immunity cases and an appendix listing them.

[19] 330 U.S. 731, 735 (1947). The italics are added.

[20] 337 U.S. 682 (1949).

[21] Ibid. 689–697.

[22] Ibid. 701–702. This rule was applied in Goldberg v. Daniels, 231 U.S. 218 (1914), which also involved a sale of government surplus property. After the Secretary of the Navy rejected the highest bid, plaintiff sought mandamus to compel delivery. The suit was held to be against the United States. *See also* Perkins v. Lukens Steel Co., 310 U.S. 113 (1940), which held that prospective bidders for contracts derive no enforceable rights against a federal official for an alleged misinterpretation of his government's authority on the ground that an agent is answerable only to his principal for misconstruction of instructions, given for the sole benefit of the principal. In the Larson case the Court not only refused to follow Goltra v. Weeks, 271 U.S. 536 (1926), but in effect overruled it. The Goltra case involved an attempt of the Government to repossess barges which it had leased under a contract reserving the right to repossess in certain circumstances. A suit to enjoin repossession was held not be a suit against the United States on the ground that the actions were personal and in the nature of a trespass.

Also decided in harmony with the Larson decision are the following, wherein the suit was barred by reason of being against the United States: (1) Malone v. Bowdoin, 369 U.S. 643 (1962), a suit to eject a Forest Service Officer from land occupied by him in his official capacity under a claim of title from the United States; and (2) Hawaii v. Gordon, 373 U.S. 57 (1963), an original action by Hawaii against the Director of the Budget for an order directing him to determine whether a parcel of federal land could be conveyed to that State. In Dugan v. Rank, 372 U.S. 609 (1963), the Court ruled that inasmuch as the storing and diverting of water at the Friant Dam resulted, not in a trespass, but in a partial, although a casual day-by-day, taking of water rights of claimants along the San Joaquin River below the dam, a suit to enjoin such diversion by Federal Bureau of Reclamation officers was an action against the United States; for grant of the remedy sought would force abandonment of a portion of a project authorized and financed by Congress, and would prevent fulfillment of contracts between the United States and local Water Utility Districts. Damages were recoverable in a suit under the Tucker Act (28 U.S.C. 1346).

[23] 337 U.S. 682, 703–704. Justice Frankfurter, dissenting, would have applied the rule of the Lee case.

[24] Larson v. Domestic & Foreign Corp., 337 U.S. 682, 709–710 (1949).

[25] Oregon v. Hitchcock, 202 U.S. 60 (1906); Louisiana v. McAdoo, 234 U.S. 627 (1914); Wells v. Roper, 246 U.S. 335 (1918). *See also* Belknap v. Schild, 161 U.S. 10 (1896); and International Postal Supply Co. v. Bruce, 194 U.S. 601 (1904).

[26] Rickert Rice Mills v. Fontenot, 297 U.S. 110 (1936); and Tennessee Power Co. v. T.V.A., 306 U.S. 118 (1939), which held that one threatened with direct and special injury by the act of an agent of the Government under a statute may challenge the constitutionality of the statute in a suit against the agent.

[27] Philadelphia Co. v. Simson, 223 U.S. 605 (1912); Waite v. Macy, 246 U.S. 606 (1918).

[28] United States v. Lee, 106 U.S. 196 (1882); Goltra v. Weeks, 271 U.S. 536 (1926); Ickes v. Fox, 300 U.S. 82 (1937); Land v. Dollar, 330 U.S. 731 (1947).

[29] 306 U.S. 381 (1939).

[30] F.H.A. v. Burr, 309 U.S. 242 (1940). Nonetheless, the Court held that a congressional waiver of immunity in the case of a government corporation did not mean that funds or property of the United States can be levied on to pay a judgment obtained against such a corporation as the result of waiver of immunity.

[31] United States v. U.S. Fidelity Co., 309 U.S. 506 (1940).

POW'S IN NORTH VIETNAM

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

HOUSE RESOLUTION 630

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

ARKANSAS TRAVELER

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ALEXANDER. Mr. Speaker, during our efforts in the Congress, and across the Nation, to revitalize our small towns and communities and improve the lot of agriculture, our focus sometimes becomes narrow. We begin seeing this segment of our population only in terms of their needs. We too infrequently remember the contributions these people have made and are making to our national life.

To bring back to mind some of these contributions, I would like to share with my colleagues a story about one of the most remarkable farmers I know. She is an extremely talented woman whose interests and accomplishments are impressive. A newspaper article written by Henry Mitchell of the Washington Post recently recounted some of the many activities of Miss Lily Peter of Marvell, Ark. It was published during Miss Peter's visit to Washington to attend a performance at the Kennedy Center for the Performing Arts.

The occasion was the first chamber music concert at the new Center. She was a sponsor of the concert of Moravian music. Miss Peter is a descendant of Johann Friedrich Peter, who in the 18th century was one of the Moravians who produced the first body of chamber music in America.

The news story follows:

ARKANSAS TRAVELER

(By Henry Mitchell)

Lily Peter, of Marvell, Ark., who knows she is a good farmer and hopes she is a poet, stood up for rural America at the Kennedy Center yesterday, merely by being present. For she is an enthusiastic Friend of the Center, and a link with the music of both yesterday and tomorrow.

A sponsor of the concert of Moravian music—the first chamber music concert in the new Center—she also is a descendant of Johann Friedrich Peter, who in the 18th century was one of those learned Moravians who produced the first body of chamber music in America. His second quintetto, composed the year the American Constitution was adopted, was featured yesterday.

The music, like the descendant, was neat, polished; and if the composers were farmers, you are pretty sure they had fine barns and careful records.

Miss Peter sat in a box at the curve of the horseshoe, said she thought the Center was charming and its music glorious. She wore a highnecked, long-sleeved brown silk dress, with a cross of white and blue enamel that belonged to the last Russian czarina.

But most of the year she's out in her fields. She is one of the few women in the world who operates a complicated cotton and soybean plantation. She lives in a plain house, got up at 5 a.m. for years to open the farm store, can run a cotton gin herself, and the Lord only knows the last time she ever lounged on the gallery with a julep.

She is the first woman ever to build two sky-blue cotton gins. The usual old-gray-wood-and-tin gins look dilapidated and she decided a gin might as well look nice. (She is also quite proud of the plantation's safety record).

Her home plantation, out from Marvell, is the one on which International Harvester tested its prototype cotton-picking machines back in the '30s—an invention that as much as anything changed the Delta Country. On her farm (she did not own it then) in those days there were 95 tenant families. Now there are 11.

In the old days, nobody on a cotton farm would have upped and come to Washington the second week of September.

In the Delta Country it doesn't rain in September and October, but it pours in November. The trick is to get the cotton picked before the late rains. But with cotton machinery, you don't start picking until a great deal of the crop is ready—fewer and later pickings, but vastly cheaper than hand labor. So now you don't have to be home in early September.

Though she has seen a few changes in her day, Miss Peter is not altogether old-fashioned. She spends much of her year racing her farm truck over Big Cypress Bayou to the Elaine Equipment Co. 40 miles away, for machine parts. And from time to time she's spotted in small Delta towns looking snappy in her polished black vinyl knee-height boots.

An authority on Hernando de Soto's route through her country in 1541 (though as she points out she was not actually present at the time) she once sent a picture of a locally famous cypress tree to a magazine, as an example of a tree de Soto passed by and must have seen.

A photographer among other things, Miss Peter shot the top of the tree at a distance, then moved in and shot the great base of the tree. The center of the ancient giant she could not shoot at all, since a forest of lesser trees obscured it. When the editor complained the tree didn't have a middle, she said why not just run the top of the tree at the top of the page and the bottom of the trunk at the bottom and just sort of fill in with type. Which was done, and the effect was fine.

A very serious farmer, she knows cockleburs are botanically Xanthium and she's a walking encyclopedia on the uses of alpha, alpha, alpha-trifluoro-2, 6-dinitro-N, N-dipropyl-p-toluidine, one of the well-known weedkillers.

She has also published books of poetry, is an enthusiastic amateur historian and, perhaps above all, a music lover.

Two years ago she sat down and wrote Eugene Ormandy on her plain farm note paper and asked if he'd consider bringing the Philadelphia Orchestra to Arkansas for some concerts.

Ormandy later told reporters he was afraid, at first, that Miss Peter didn't understand the Philadelphia Orchestra didn't just pick up and plop down in Arkansas for the hell of it, but the upshot was the orchestra went to Arkansas, presented some sell-out concerts, and Mr. Ormandy kissed Miss Peter right in front of half of Little Rock on the auditorium stage—a thing Miss Peter remembers with pleasure.

She mortgaged her land for the concerts and dictated that no ticket could cost more than $5—otherwise how could anybody but the rich afford to attend?

Yesterday's program hugely supported by North Carolinians and Pennsylvanians nevertheless found in the farmer of Marvell a sponsor. Roger Stevens, Kennedy Center chairman, was saying at a luncheon before the concert (attended by box ticket holders at the Watergate Terrace) that the Center really belongs to the nation, not just Washington, "in spite of what some Washingtonians think."

But the problem, as one guest said in a whisper, is whether Lily Peter may not get the whole thing shipped down to Arkansas.

ALLIED SHIPS IN NORTH VIETNAM

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. CHAMBERLAIN. Mr. Speaker, during September, the Department of Defense advises me, one vessel under the registry of the Somali Republic and one vessel flying the British flag entered North Vietnamese ports. This brings the total through the first three quarters of 1971 to 42 arrivals of vessels under the control of countries outside the Communist sphere. Compared with the first 9 months of 1970, when there were 52 such arrivals, this represents an encouraging reduction in the frequency of this disturbing traffic with the enemy. Again I commend the administration for its diligence in seeking to shut off this seaborne source of supply and urge that these efforts be continued as long as American fighting men are under fire in South Vietnam.

A table follows:

FREE-WORLD SHIP ARRIVALS IN NORTH VIETNAM, 1971

	United Kingdom	SOM.	Total
January	3	1	4
February	5	1	6
March	3	2	5
April	5	1	6
May	4		4
June	3	1	4
July	2	2	4
August	4	3	7
September	1	1	2
Total			42

TRIBUTE TO JOHN G. MACKIE

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. BROTZMAN. Mr. Speaker, in 1958 John G. Mackie of Longmont, Colo., was nominated for Colorado's Second Congressional District seat in this body. He was an outstanding individual with distinguished careers in law and in the Colorado General Assembly and, but for the vicissitudes of the times, he might well have assumed a place of leadership in the Congress of the United States.

Certainly he was eminently qualified.

But the political tides ran against him—as they can against any of us. Characteristically, John Mackie picked up the pieces, and returned to the Colorado House of Representatives to become majority leader. More recently, he turned his enormous talents to the field of higher education and quickly emerged as a leader and an innovator.

Last week, Mr. Speaker, a particularly sensitive and fitting tribute to John Mackie by Columnist Tom Gavin appeared in the Denver Post. I believe it is appropriate that this column be reprinted in the publication which might have recorded the speeches and legislation offered by John Mackie. Accordingly, I submit this column for publication in the CONGRESSIONAL RECORD:

[From the Denver Post, Oct. 6, 1971]

IT'S NOT TOO LATE TO SALUTE MACKIE

(By Tom Gavin)

I don't like obituaries. I don't like reading them, I don't like writing them.

They're too late, for one thing, particularly if they're commendatory. Praise is for the living. I have trouble visualizing the shade of the dear departed hanging around newspaper docks, waiting for the next edition to see whether his life gets good or bad reviews.

Sometimes, though, it's hard to let a death go by with only a regretful and privately muttered "Damn!"

One such nagging death was John G. Mackie's.

It doesn't mean anything to you, the name John Mackie?

Don't fret. That's par for the course.

John Mackie was one of the best state legislators Colorado ever had, or may ever have. But good state legislators quickly learn that if recognition and gratitude is important to them they've chosen the wrong career. The little public attention available for legislators is almost always lavished on the poor ones—those who go for the headlines and play to the galleries but seldom get much done, thank God.

Yes, John Mackie was a good legislator, a very good legislator. As such he helped shape your government—and your lives. For the better, mostly. And for 13 years.

But he resigned three and a half years ago. Resigned and moved to Carbondale, where he practiced law and taught political science in a small college and had time for his family for a change. And if you think legislators are nearly anonymous persons, you ought to see ex-legislators.

And then—much too soon for those who value superior citizens, whether in or out of government—John Mackie died.

And I said "Damn!" And resolved not to get sloppy in print about it, not generally being a practitioner of mortuary journalism.

But strange things happened. I kept bumping into persons who did know about John Mackie, and who were angered—yes, that's the word, angered—by his too-soon death.

And many of them were liberal Democrats.

John Mackie was a Republican. He was so Republican that he served many times as GOP floor leader in the State House of Representatives; sometimes minority leader, times majority.

Floor leaders must champion partisan political positions in the legislature, and partisan political positions trigger deep political passions. As a result floor leaders are not always the most loved of men.

But here these Democrats, these liberal Democrats, were experiencing a feeling of personal loss—yes, and anger—over John Mackie's death.

Which says, I think, a great deal.

And then came a note from a friend, a Democrat and Carbondale resident who didn't know John Mackie until he moved to the mountains, but who came to know him very well there.

And he said:

"I'm currently saddened by the loss of a new but close friend. I only knew John Mackie for the 2½ years I've lived here, but we became quite close. I was always impressed by his loyalty—to his country, his state, party, friends and family.

"Few people will ever realize how much of himself he gave to the general good, to the betterment of society, to the roving, confused, homeless kids he met through his kids and through his classes at Colorado Mountain College.

"He was a decent man, despite some frailties, and I miss him more than I can say . . ."

"So it goes . . ."

And that says it about John Mackie as well as anything.

He was indeed a decent man.

Decent and able and indefatigable.

We haven't so many of those that we can give them up without more than a muttered oath to mark their passing.

And maybe—just maybe—there is some value to postmortems. Maybe children should know what others thought of their father.

If we were all the men your father was, young Mackies, it'd be a better world than it is.

QUOTE

"Live your life, do your work, then take your hat."—HENRY DAVID THOREAU.

HON. WILLIAM O. COWGER

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. HAMMERSCHMIDT. Mr. Speaker, I was shocked and deeply grieved to learn of the death of my former colleague and very dear friend, Bill Cowger.

William O. "Bill" Cowger was a devoted public servant. I got to know him very well in our 4 years together in Congress, he and I being first elected in 1966.

Bill Cowger was one of the most energetic and driving members of that class of entering Congressmen, and served as President of our informal club of 59 freshmen. He was deeply concerned about municipal and urban affairs, and concentrated much of his time and effort in this field.

Narrowly failing in his bid for reelection in 1970, I know Bill Cowger was about the business of working for Louisville and Jefferson County, for he was deeply concerned with their future.

My deepest sympathy goes to his family for their loss. I know that the country also has lost a dedicated public servant and outstanding citizen.

GOVERNOR REAGAN DEDICATES CALIFORNIA WATER MILESTONE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. HOSMER. Mr. Speaker, an epochal achievement was reached in California last Thursday. The world's highest large pumping plant started coursing through the last main reach of the California State water project. Today water from the High Sierras, some 600 miles away, is being lifted 3,000 feet over miles of aqueducts and through many pumping plants on to the inland and coastal plains of southern California.

Much of the rest of California is already benefiting from this great project. Water is now being delivered into cities on San Francisco Bay and to cities and farms in the San Joaquin Valley. This last great lift, located some 35 miles south of the city of Bakersfield, will boost billions of gallons of water per day almost 2,000 feet over the Tehachapi Mountains.

No project of this magnitude has ever been completed without controversy and/or dispute, but the people of California have stood behind its construction and completion. Last Thursday they saw the fruits of their longstanding support.

I wanted to be there because I have long felt closely associated with it. Many people through many administrations in California deserve credit for its completion. Its beginnings go back to the days of California's great Gov. Earl Warren and the pumps themselves are named after his State engineer, A. D. Edmonston. Gov. Goodwin Knight and his water resources director, Harvey Banks, shared in the planning, and Gov. Edmund G. Brown and his director of water resources, William Warne, carried the project to the people for approval and saw its beginnings.

Now Gov. Ronald Reagan and William R. Gianelli, his director on the project, have brought it close to completion. It is a living dynamic force that will benefit the entire State and all Californians can be proud of it.

I would like to include at this point excerpts from Governor Reagan's remarks at the dedication of the A. D. Edmonston pumping plant last Thursday:

EXCERPTS OF REMARKS BY GOV. RONALD REAGAN

You and I have the rare privilege of taking part today in a milestone event in the history of our state. When the first pump of

this A.D. Edmonston Pumping Plant begins moving water across the Tehachapi Mountains to Southern California, it will mark an engineering achievement never before attempted on such a grand scale.

The pumping plant we are dedicating today is a major phase of the California State Water Project and a vital link in the largest and most complicated engineering feat of our time. It is an achievement that epitomizes the kind of creative vision that made California the most productive agricultural area in the nation and the fountainhead for the most sophisticated technical society in the world.

Some of man's greatest triumphs have been realized over the opposition, even the ridicule of those who are afraid to look beyond the nearest horizon; who do not dare to dream great dreams; and who find satisfaction only in the known, the status quo.

California was built by the dreamers of the past and it will go forward on the imagination of today and tomorrow. But only if we realize that the short-sighted view of man's capabilities is not a phenomenon that belongs to the Middle Ages. Some of that same short-sightedness is still with us today in the doom-criers and the nay-sayers who are just as vocal and just as lacking in vision as they were hundreds of years ago.

Like every vast and bold accomplishment, the California State Water Project has been an object of controversy and dispute. It has also been an object of great accomplishment and it has probably been subjected to more audits, more legislative investigations, and more public debates than anything ever built by man.

It is too bad and a little ridiculous that some of the recent opposition has been linked to the legitimate desire of all of us to protect and preserve the magic of California. One of the major benefits of the water project has been the protection and the enhancement of man's environment whenever and wherever possible. I know this to be true because one of my first moves upon assuming office was a task force to re-evaluate the effect of the project on the California environment.

The project is an excellent example of California's pioneering efforts to improve the quality of the life of her citizens and to insure their prosperity. In this respect, California has also been a national leader in halting the destructive practices which destroy or unreasonably alter the ecology. We have taken strong, effective action to control and ultimately to permanently stop, the threat of pollution wherever it occurs.

We have a commitment to protect the environment and we are going to keep that commitment. Our actions have shown the seriousness of our convictions. California has enacted, and is enforcing, the stiffest water quality control laws in the nation. Every one of our major public works projects—from water, to highways, to power plants—must pass strong environmental standards. We have adopted legislation to guard against ocean oil spills and oil well leaks from the ocean floor. We have established a California Ecology Corps which serves a double purpose. It provides a new and creative source of manpower to work in our forests and mountain areas, to fight destructive fires and to undertake other tasks that will enhance and protect the environment. And it gives the volunteer conscientious objectors a constructive alternative to their military draft obligation.

No, we are not Johnny-come-latelys in environmental protection. Our legitimate cause is the preservation of an ecological balance which is necessary to avoid permanent environmental damage. But the sound of this effort is too often drowned out by the critics and the voices of doom who are, at best, guilty of misguided overstatement and, at worst, outright exaggeration. As another journalist has written: "There are three kinds of pollution—actual, political and hysterical." Hysterical pollution leads to political pollution and does nothing at all for actual pollution.

There are no valid arguments to justify halting or delaying the State Water Project. Abandoning this project would, in fact, create a financial catastrophe for the State of California. The costs of the water storage, power production and water supply features of the project, as presently designed and operating, are paid for by the water and power users who benefit from the project—not by the general taxpayer.

If the project were to be halted, at this point in time and for any reason, the repayment of $1.75 billion in general obligation bonds, with interest over a 75 year period, would become the obligation of the state and would have to come from the General Fund rather than from the project users. And the full faith and credit of the State of California would suffer so badly in the world financial market that every other financing program within this state would be affected.

This project is not a boondoggle foisted upon an unknowing public, as strangers to our state have most recently tried to make us believe. This project has been tested and retested by the most democratic process of all—the vote of the people.

Our people know today, that a beneficial distribution of natural water supplies is the most effective way of assuring the prosperity and the quality of life for the next generation of Californians.

But that legitimate, desirable, and necessary public priority has sometimes been obscured by the false charges and overstatements of certain would-be protectors of the public good who do not live in California and who do not vote in California . . . yet, who feel no qualms in arrogantly suggesting that their judgment be substituted for the judgment of a majority of the people who do live and vote in California—and who know how important the State Water Project is to the present and future prosperity of this state.

I would like to express myself on some of the criticism that has been directed not only toward the whole idea of the State Water Project, but at those who have the responsibility for making it work.

I appointed Bill Gianelli, Director of Water Resources, virtually the same day I took office. He has met more dragons than I knew existed. And, he has conquered every one of them. He has kept the project on schedule and within the financial limitations which have threatened it every step of the way. Today, as the first water goes across these mountains into Southern California, the 1973 facilities of the State Water Project are 99 percent complete or under construction. When the names of those back through the years who had a major role in this great undertaking are listed, none should be in bolder type than Bill Gianelli. We are fortunate to have him directing the greatest engineering achievement in our state's history.

A few minutes from now, when we give the command to "Start the Pump," a new age of California's development will begin. We will be putting into operation the largest pump in the United States and the only one of its kind that has ever been installed in this country. Standing six stories high and weighing 430 tons it still is engineered to two thousandths of an inch accuracy. And it is the first of 14 pumps.

The pump and motor that will start here will push water from Northern California almost 2,000 feet up the face of these mountains and on an 11-mile journey through the mountains into Southern California.

The A. D. Edmonston Pumping Plant is the only pumping plant of its type that has ever been built anywhere in the world.

When completed, its pumps will lift more water a higher distance than has ever before been attempted by man—120 million gallons per hour, more than 450 miles from the mountains of Northern California, through the California Aqueduct and up the sheer rock face of these southern mountains.

Ultimately, the project will be delivering more than four million acre-feet of water a year to all areas of California—north, central and south. It is designed to assist in meeting the state's water needs through the turn of the century, but water supply is only one of its many benefits. The State Water Project provides flood control in the north, irrigation water in the Central Valley, and, in the south, much-needed fresh water recreation areas. All along the route it will be a significant source of smog-free electrical power to light the homes and fuel the industries which employ our people. The revenues from the sale of this power are earmarked to help pay for the construction of the project.

The lakes and other water recreation areas developed through the State Water Project have been in operation in Northern and Central California for many years now. Within the next 18 months, project lakes will be opening in Los Angeles, San Bernardino and Riverside Counties. These are state-produced recreation facilities being brought directly into the areas of use where they will be readily available to the largest segment of our population, available to the user at a small cost and a short travel distance.

It is a tribute to the foresight of the people of California that they had the vision and the daring to undertake a project of this magnitude. But the people of California have always had that pioneering spirit that made them do a little more, a little better. Guided by a faith in God and in themselves, the first Californians crossed the mountains and made the deserts bloom. And, from that day to this, irrigated agriculture has made us great and provided the firm foundation of our economy and our lives.

We only have about 3 percent of the nation's farm units. Yet we produce nearly one quarter of the nation's table food and we account for about 10 percent of all farm income.

Nearly three of every ten Californians who are employed derive their livelihood from agriculture or agricultural-related businesses. And their employment in turn generates other jobs throughout our diversified economy.

Water development made all this possible, just as it helped turn Southern California into an oasis where other industries could flourish and grow and provide jobs for our people and the technical capacity to build exotic new products and whole new industries.

Calling a halt to water development in this state would not protect our environment. The cause of conservation is not served by watching crops wither and die, or by allowing the fertile soil of California to dry up and blow away.

Turning off the water faucet to the richest agricultural regions in the world would not improve the environment. Putting an embargo on the construction of all dams might retain a more natural state, but it would also threaten some of us with destructive floods.

Describing California's problem is easy. More than 70 percent of our natural water supplies are located in the northern part of the state, and 80 percent of our people live from Sacramento south.

The State Water Project will help assure a beneficial distribution of these waters; it will help correct nature's imbalanced blessings; it will harness our natural resources for the good of everyone.

POLLUTION PAYS

HON. BENJAMIN S. ROSENTHAL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. ROSENTHAL. Mr. Speaker, in his soon to be published book, "The Closing Circle," Dr. Barry Commoner reveals an aspect of the pollution problem which we must have heretofore suspected existed. His not very startling but well-documented conclusion is that pollution pays. It pays not only through the avoidance of proper waste treatment costs, but it also pays through greater profit margins on the products which give rise to the greatest amount of pollution. Dr. Commoner's book details how this relationship between pollution and profits works.

In all fairness to industry, the linkage results not from the careful search by business for lucrative, heavily polluting products. Rather, the villainy of manufacturers lies in developing and promoting high-profit items without regard to their polluting tendencies or to the lower pollution caused by equally effective, albeit less remunerative, product lines.

The soap industry is, according to Dr. Commoner, a very good example. Ordinary soap is adequate for most cleaning purposes. Since it is made from natural products, it is also easily degradable and, consequently, not a pollution problem. Detergents, on the other hand, create severe pollution risks. First, they are manufactured through a process requiring mercury which then escapes into the atmosphere as a potentially lethal pollutant. Second, detergents, being synthetic, resist breaking down after use and remain to pollute the environment.

But despite the relative virtues of soap use for the environment, detergents have virtually driven soap from the market. The reason for this is not hard to see. Detergents are considerably cheaper to produce and permit a high profit margin. By promoting the sale of detergents, the soap industry has been able to raise its profits from 31 percent in 1947 to 54 percent in 1967, without having to answer to society for the greatly increased pollution costs.

The same lamentable story, according to Dr. Commoner, describes the pollution record of a great many other industries. The use of synthetic nitrogen fertilizers has meant larger yields and profits for farmers and ranchers, as well as for the fertilizer industry. Unfortunately, by polluting the environment and water supplies, this use has also taken a great toll. The use of these fertilizers in certain peak periods of the year has been linked to a doubling of infant mortality in certain geographical areas for those periods. The same case, Dr. Commoner argues, may be made for the increased use of plastics over glass; synthetic fibers over natural ones; and large cars over smaller ones.

Dr. Commoner suggests certain answers which we owe it to ourselves and to the future generations of this planet to heed. First and most obviously, we should use whatever techniques we have at our disposal, including a pollution tax, to see that the costs of pollution enter the costs of production, and that adequate nonpolluting products replace the heavily polluting ones. Second, we must keep ourselves constantly appraised of the possibilities of pollution by requiring an "ecological impact inventory" for each productive activity. Third, we must develop new technologies of sewage treatment, recycling, and reclamation to deal with whatever wastes the system must generate.

We cannot ignore this heightening crisis any longer. We can continue to praise the public-spiritedness of men like Dr. Commoner who continue to warn us of the possible irreversible harms we are doing to our environment and ourselves. But until we act upon their findings and recommendations, we condemn this planet and ourselves to a slow, ignoble, and unavoidable death.

I am inserting in the RECORD at this point a review of Dr. Commoner's book in today's Washington Post:

DETERGENTS THAT POLLUTE FOUND TO PAY

Detergents that pollute produce nearly twice the profits of soaps that don't. High profits for farmers depend on nitrogen fertilizers that pollute rivers and streams. The automobile industry makes more money selling big cars than little ones.

In other words, says environmental expert Dr. Barry Commoner, pollution pays.

"New, more polluting technologies yield higher profits than the older, less polluting technologies they have displaced," the Washington University biologist says in his new book, The Closing Circle, which will be published next Friday by Alfred A. Knopf.

Commoner says the pollution of the 1950s and the 1960s stems directly from technological advances that followed World War II.

This technology—not increases in population or greater affluence—is the cause of the environmental problem, Commoner says.

"Since World War II, in the United States, private business has chosen to invest its capital preferentially in a series of new production enterprises that are closely related to environmental pollution," he says.

As evidence for his conclusion, Commoner says the soap industry increased its profits from 31 per cent of sales in 1947 to 54 per cent in 1967 by emphasizing the sale of detergents over soaps. Detergents now have two-thirds of the laundry market.

"This helps to explain why, despite its continued usefulness for most cleaning purposes, soap has been driven off the market by detergents. It has benefited the inventor, if not society." Commoner asserts.

He says that soap, made from natural products, breaks down easily after it is used and, therefore, has little impact on the environment.

Detergents, on the other hand, pollute in two ways, Commoner says. First, their manufacture requires chlorine, which in turn, is made from mercury—which escapes into the environment as a potentially fatal pollutant. Then once it is used, the detergent does not break up easily. Instead it remains in the environment as a pollutant.

Fewer American farmers produce more food on less land than farmers anywhere else in the world. And it is this high productivity that produces profits for the farmers. But, Commoner says, the new technology that allows American farmers to produce so much takes a large toll on the environment.

This new technology includes the heavy use of pesticides that threaten wildlife and man as well as insects; nitrogen fertilizer that pollutes waterways, and feedlots for cattle that put added stress on the land's natural ability to get rid of animal wastes.

The water pollution from nitrogen fertilizer, Commoner says, produces both the most insidious and the most dangerous form of pollution.

In Decatur, Ill., he reports, the city's water supply has become polluted with nitrogen because of the high use of fertilizer by nearby farmers. Commoner quotes a study by Dr. Abraham Gelperin of the University of Illinois that shows that the death rate in that area of baby girls born in the months when nitrogen levels were highest (April, May and June) were more than twice as high as in the months when nitrogen levels were lowest (August, September and October).

"What we learn in the cornfields around Decatur will be applicable elsewhere. In central California, intensive use of fertilizer nitrogen is suspected of causing sharp increases in nitrate levels in the wells that yield the water supplies for many areas. A similar problem has appeared in Israel and in Germany. All this reflects the unexpected result of an important technological advance, which was permitted to intrude significantly on the environment before we were aware that it would not only improve agriculture, but also harm human health."

Commoner makes the same arguments for glass over plastics, natural fibers over synthetics and small cars over large ones: glass, natural fibers and small cars pollute the land far less than plastics, synthetics and large cars. But the plastics, synthetics and large cars produce a higher rate of profits for the manufacturers.

To correct these environmental hazards will increase the cost of food, cars, clothing and everything else that Americans buy.

But, answers Commoner, Americans are already paying a high price in the hidden costs of pollution.

For example, he says, people who live near power plants pay higher laundry bills because of the soot. And Americans who can't swim in nearby lakes because of pollution have to buy memberships in swim clubs.

What is the answer?

First, says Commoner, there should be "an ecological analysis of every major aspect of the production, use and disposition of goods.

"What is needed," he says, "is a kind of ecological impact inventory for each productive activity, which will enable us to attach a sort of pollution price tag to each product."

More importantly, he says, the system of producing goods will have to be changed to bring it more in harmony with the world we live in.

"This will require the development of major new technologies, including systems to return sewage and garbage directly to the soil; the replacement of many synthetic materials by natural ones; the reversal of the present trend to return land from cultivation and to elevate the per-acre yield by heavy fertilization; replacement of synthetic fertilizers, as rapidly as possible, by biological ones; the discouragement of power-consuming industries; the development of land transport that operates with maximal fuel efficiency at low combustion temperatures and with minimal land use; essentially complete containment and reclamation of wastes from combustion processes, smelting and chemical operations (smokestacks must become rarities); essentially complete recycling of all reusable metal, glass and paper products; ecologically sound planning to govern land use including urban areas," Commoner concludes.

He estimates it will cost about $600 billion to switch from pollutants to non-pollutants.

This is about one-fourth of the nation's total investment of capital equipment, he says.

In addition, it will cost "hundreds of billions of dollars" to repair the damage already done to the environment. That will amount to about $40 billion a year over the next 25 years.

SMITH PRAISES ERIE COUNTY LEGISLATURE FOR ENDORSEMENT OF PRESIDENT'S WAGE-PRICE FREEZE

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. SMITH of New York. Mr. Speaker, President Nixon exhibited great leadership and courage when he launched his recent all-out attack against the all pervasive inflation that has steadily eroded this Nation's economy. Few people will dispute the fact that an immediate, equitable, and comprehensive program was needed to restore the strength and vitality of our slumping economy. On numerous occasions, I have voiced my own strong support for the President's program of action. Without the wholehearted support, however, of citizens clear across this Nation, the President's initiatives stand little chance of achieving their desired goal. For this reason, I am privileged to applaud a resolution recently adopted by the legislature of Erie County, N.Y. I am proud that Erie County has recognized the urgency of bringing citizen support to President Nixon's attack upon the ravages of inflation. The text of the resolution follows:

STATE OF NEW YORK, LEGISLATURE OF ERIE COUNTY, CLERK'S OFFICE, BUFFALO, N.Y., SEPTEMBER 14, 1971

To Whom It May Concern:

I Hereby Certify, That at a session of the Legislature of Erie County, held in the County Hall, in the City of Buffalo, on the seventh day of September A. D., 1971 a Resolution was adopted, of which the following is a true copy:

Item 5.—Mr. Tipple presented for immediate consideration.

INTRO. NO. 20–10—RESOLUTION NO. 422

Whereas, runaway inflation has destroyed the buying power of the American dollar, and

Whereas, persons on fixed incomes, pensions and annuities, usually the old and retired are most directly affected, and

Whereas, inflation leads to unemployment and loss of business confidence,

Now, therefore, be it resolved, that the Erie County Legislature lauds the courage of President Nixon in clamping a wage and price freeze on the American economy in an effort to curtail this inflation, and be it further

Resolved, that this Legislature pledge to the President its full support, and cooperation, and be it further

Resolved, that this cooperation be exhibited by sending a copy of this resolution to the President and this area's Congressmen, which the Clerk of this Legislature is authorized and directed to do.

RICHARD C. TIPPLE.

Attest:

BENJAMIN DE YOUNG, Jr.,
Clerk of the Legislature of Erie County.

OUR SENIOR CITIZENS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, as a Member of the House deeply involved in finding new solutions to the difficult problems which confront our elderly, and increasing numbers of senior citizens, in behalf of whom I introduced legislation to create a Select Committee on the Aging, I should wish to call attention to the forthcoming White House Conference on Aging, scheduled for November 28th.

This year's White House Conference on Aging shall certainly have great meaning for the more than 20,000,000 Americans who comprise in number a major portion of our population our senior citizens. Since President Dwight Eisenhower hosted the first White House Conference on Aging in 1961, great strides forward have been made in obtaining recognition of the needs of our elderly. We have witnessed Medicare, the Older Americans Act, the establishment of a U.S. Administration on Aging, and a deepened appreciation of the contributions our senior citizens have made to the enrichment of American life through their labors and life's work. The impetus which will be created through the attendance and exchange of views of the 3,400 delegates to this year's White House Conference on Aging should serve to expand and broaden these progressive measures, and add to them.

In its October-November 1971 edition, Modern Maturity, a publication of the American Association of Retired Persons, published a "Declaration of Aging Rights," which is a statement worthy of profound attention and respect. It articulates eloquently the right of all our senior citizens, and I am pleased to incorporate it in my remarks, as well as an additional article appearing in Modern Maturity, written by Pearl S. Buck, entitled "Essay on Life".

DECLARATION OF AGING RIGHTS

Humanity's fundamental rights are life, liberty and the pursuit of happiness. They are rights that belong to all, without regard for race or creed or sex. We declare that all people also inalienably possess these rights without regard for age.

As love and nourishment are due the infant, as education and guidance are due the child, as freedom to work and build and lead are due the grown man and woman, so also are certain conditions of justice due our older or retired citizens. Among these, we declare to be:

1. The right to live with sufficient means for decency and self-respect.
2. The right to move about freely, reasonably and conveniently.
3. The right to pursue a career or interest without penalty founded on age.
4. The right to be heard on all matters of general public interest.
5. The right to maintain health and well-being through preventive care and education.
6. The right to receive assistance in times of illness or need or other emergency.
7. The right to peace and privacy as well as participation.
8. The right to protection and safety amid the hazards of daily life.
9. The right to act together to seek redress of their grievances.
10. The right to live life fully and with honor—not for their age, but for their humanity.

This declaration is the sense of overwhelming numbers of older Americans on the occasion of the 1971 White House Conference on Aging, and to it they dedicate their solemn purpose.

ESSAY ON LIFE

(By Pearl S. Buck)

Life is a continuing process. This much I am sure of and this much I state on a fine sunny morning as I reflect upon the fact that I have begun to live the eightieth year of my life. It is an enjoyable year. I am in good health, I have much work to do, and I enjoy myself and what I do. I sit in a comfortable room, my work table faces a window which gives me a charming view of a country road winding up a hill. It is the main street of a small village—Danby, in the state of Vermont.

We have been coming to Vermont, my family and I, for some 20 years, to spend summers, to celebrate Christmas, to enjoy skiing. Now the children have married and gone their way, their father has preceded me into the next stage of life, wherever it is, and so I am alone and yet never alone. Around me is the village life; here in my house is the life I find in books, in music, and above all in work.

I do not know what people mean when they speak of being old. I do not know, because I do not know where life begins, if indeed there is a beginning, and I do not know where it ends, if indeed there is an end. I know that I am in a stage, a phase, a period of life. I entered this stage at birth, I shall end this stage with death.

For me, death is merely the entrance into further existence. I do not know what that existence will be, but then I did not know what existence in this stage would be when I was born into it. I did not ask to be, but I have been and I am. My reason tells me I shall continue to be. I am on my way somewhere, just as I was on the day of my birth.

Young and old are for me meaningless words except as we use them to denote where we are in the process of this stage of being.

Would I wish to be "young" again? No, for I have learned too much to wish to lose it. It would be like failing to pass a grade in school. I have reached an honorable position in life, because I am old and no longer young. I am a far more valuable person today than I was 50 years ago, or 40 years ago, or 30, 20, or even 10. I have learned so much since I was 70! I believe I can honestly say that I have learned more in the last 10 years than I learned in any previous decade. This, I suppose, is because I have perfected my techniques, so that I no longer waste time in learning how to do what I have to do, which is what I also want to do.

So much time has to be spent just in learning the techniques of how to live and live happily. A new-born child has to learn how to breathe, to cry, to eat, to sit up, to reach for, to walk, to talk—all the techniques of beginning this span of life. Year by year, we work for techniques in order to master ourselves and reach a growing understanding of ourselves and others.

Happiness is based upon this primary understanding. We must understand ourselves before we can respect ourselves. We must respect ourselves before we can win the respect of others. We need self-respect and the respect of others in order to achieve happiness in this stage. I will go further. I will say that I believe this to be an eternal truth. I believe that the better we achieve such

happiness in this life, the further along we will be later.

It has been wonderful experience to learn to know myself—my capacities, my weaknesses, my likes and dislikes, the strengths and weaknesses of my body in which I am presently housed. The better I know myself, I find, the better I learn to know others who may be, and indeed always are, more or less unlike me and unlike each other. It has been an absorbing study, a lifetime process which of course goes on endlessly.

At first, it was hard and in some ways it still is, for we are, each and all, eternally changing and in every way. Physically I am well but I cannot work the endless hours I once did. I have learned and am learning just how many hours I can work at my best and then I must be willing to stop until conditions are right again. Body and mind are partners so long as we stay together in this phase of existence. Body must not be allowed to become master, however. Mind must control in spite of what it may have to concede in order to persuade body to function as well as it can. And mind must not allow itself to become idle.

The third force is the will, and between body and mind, *will* must come into action. Body has a devious way of trying to persuade mind not to work today. Then will must recall the pleasures of mind, the pleasure of work achieved, the pleasure of new knowledge, the pleasure of discovery of great minds in books. All this is food for the mind, and such food gives strength to the mind, exactly as bread and meat, fruit and vegetables, give food to the body. Mind, continually fed, responds in vigorous thought, in enjoyment of life, in creative action. Here I return again to the matter of respect—self-respect and the respect of others, which we may call the respect of society. It is a matter of puzzlement to me that in the United States, my own country, we have so little respect for old people—that is, for people who have advanced further in the experience of life here than have children, teen-agers and the middle-aged.

I take it that this is because we, as a nation, have had so short a life. We are still a child nation. We are still absorbed in learning the child techniques of national life—how to eat, how to walk and run and play. The larger achievements have yet to be made.

We will, of course, learn them as older nations have done, in due course. Meanwhile, we make incredible demands upon the young. We expect young people, too young to understand themselves, much less others, to administer our government, our business affairs, our total national life. Of course they cannot do it. And we older people, who could help them, confound them by having no respect for ourselves and thereby enhancing their lack of respect for us.

I am amazed indeed, but then I have had the great advantage of being reared in the very old country of China, where the highest respect was given to the old, and where even the emperor in the traditional government was controlled by a board of censors, composed of the wisest elders of the nation. In the lowliest homes as well as in the palaces, families and people treasured their aged men and women. The young deferred to their elders and the elders felt it their duty to teach the young.

Above all, there was no fear of death. The young properly fear death, for when a young person dies, it is unnatural. He enters unprepared into the future. He has not had time to learn how to live here and so he is not ready to leave. But when this span of years we call life on Earth has been lived with self-respect, there need be no fear to proceed into what awaits. I never saw an old person in China who was afraid to die. The attitude toward death was a peaceful acceptance, a readiness to proceed.

Here in my own country, we have allowed ourselves to be pervaded by the short history of our nation. Instead, we should think of the human race as a whole, of which we are members. We should not allow young people to be impatient with us, bully us, relegate us. That they are able to do so is because we have not taught them better. And we have not taught them better because we have not known our own worth. We have not respected ourselves, either as individuals or as a group in our national life and society.

Instead, we have even sometimes copied the weaknesses and follies of the young. Old men and women, but especially women, have aped the manners, the dress, the speech of the younger generation, and when we do so, we are unworthy indeed of their respect. Especially in our news media and advertising, the emphasis on the young denigrates the older generation. It leads the old to despise themselves.

Age deserves respect, but respect can be won only by the dignity of self-respect. Dignity is a beautiful word, a noble word, befitting those who have learned the meaning of life through the experience of the years. But when experience has taught us too little, so that we behave without the dignity of our years, then we cannot fulfill our duty to our own country and our own people, or to our world.

Let us take thought, let us reflect, we who have spent our years. Let us see what can be done in the remaining years!

This is my essay on life, expressed in brief. There will be those who question my certainty of a continuing existence.

My belief is based upon sound scientific reasons and long acquaintance with some of the greatest scientists and philosophers of our times. Religious faith and scientific hypotheses are much nearer to the same conclusions than is commonly realized. Serious studies in parapsychology are being conducted in various countries and the results are remarkable and will some day be made known. For the present, I content myself with two true anecdotes which express in simple terms the silence between this life and the next.

The first occurred in my own family, soon after the death of my husband, who was much loved by his grandchildren, Susan, then aged five, and Ricky, aged three. The occasion was a family picnic and I overheard the following conversation:

RICKY: Why doesn't Grandfather come to the picnic?

SUSAN: He can't come because he's up in heaven.

RICKY: Why doesn't he come down?

SUSAN: He can't find the ladder.

It is truly spoken, out of the mouth of a babe. He does not come down because "he can't find the ladder." The techniques of communication are not yet complete.

The second anecdote was given me through a letter by an unknown woman. In effect, it was as follows:

"When my small children could not understand the silence between their recently dead father and us, who loved him so dearly, I explained by describing to them the life cycle of the dragonfly. It begins as a grub in water. Then at the proper moment it surfaces, finds it has wings, and flies away.

" 'I suppose,' I told them, 'that the ones left in the water wonder where he went and why he doesn't come back. But he can't, because he has wings. Nor can they go to him, because they don't have their wings yet.' "

Something like that is true, I believe. We haven't our wings yet either. But some day?

ATTACK ON SICKLE CELL ANEMIA

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. FAUNTROY. Mr. Speaker, today I have introduced two bills designed to combat the dreaded disease of sickle cell anemia, a deadly and tragic malady that strikes approximately one of every 500 young black children, killing more than half of them before they reach the age of 20. This disease, striking only black persons, occurs at a higher rate than many other well known congenital childhood diseases. Muscular dystrophy occurs at rates of one per 5,000 births, cystic fibrosis at one per 2,940, and diabetes mellitus at one per 2,500. It was estimated that in 1967 there were 1,155 cases of sickle cell anemia, 813 of muscular dystrophy, and 1,206 of cystic fibrosis. Yet, sickle cell anemia has received scant attention and only minimal research. National Institutes of Health grants for many less common hereditary diseases have far exceeded those for sickle cell anemia.

Here in Washington, D.C., sickle cell anemia exceeds childhood diabetes, nephrosis, or cystic fibrosis as a cause of childhood illness. In Philadelphia, sickle cell anemia is as prominent as childhood diabetes. The periodic acute manifestations of the disease result in a deprivation of oxygen going to the tissues causing severe pain and death. No parent can fail to become distraught when such an event happens; no society can sit idly by without giving full support to the seeking of a cure.

These two bills, which were authored in close cooperation with Senator TUNNEY of California, offer a means to attack this disease on the national level and provide for the establishment of a pilot program in the District of Columbia. A number of my colleagues have joined me in support of these bills. The national bill is cosponsored with Mr. FRASER, Mr. DIGGS, Mr. CLAY, Mr. MITCHELL, Mr. DELLUMS, Mr. HAWKINS, Mr. STOKES, Mr. METCALFE, Mr. RANGEL, Mrs. CHISHOLM, Mr. CONYERS, and Mr. COLLINS of Illinois.

This measure, the National Sickle Cell Anemia Prevention Act, has four central provisions: First, a coordinated Federal grant program of $25 million per year for 3 years for research, voluntary screening, and counseling and public education; second, a demonstration grant program of $5 million per year for 3 years for the development of centers for research and research training in sickle cell anemia; third, a requirement that the Department of Defense implement a policy to provide voluntary screening, counseling, treatment, and education concerning the disease for servicemen, civilian employees, and inductees; and fourth, similar programs by other Federal agencies which provide direct health care for persons eligible in such agencies, namely the Veterans' Administration and Public Health Service.

The local bill, directed at attacking the problem for the District of Columbia, is cosponsored with Mr. FRASER, Mr. LINK, Mr. MIKVA, Mr. DIGGS, Mr. CLAY, Mr. MITCHELL, Mr. DELLUMS, Mr. HAWKINS, Mr. METCALFE, Mr. RANGEL, Mr. JACOBS, Mrs. CHISHOLM, Mr. GUDE, Mr. CONYERS, and Mr. COLLINS. It authorizes and directs the Commissioner for the District of Columbia to initiate programs to identify and counsel persons with sickle cell anemia or sickle cell trait. The trait is the condition in which a small percentage of the red blood cells have the sickle shape but otherwise behave as normal cells. In ordinary circumstances, no treatment for the trait is required; however, should both parents have the trait, it is likely that their offspring will have the trait and/or the disease. The Secretary of Health, Education, and Welfare is authorized to reimburse the city for these costs as well as reimburse the medical schools, hospitals, and research institutions in the city for costs incurred in developing and operating centers for research, testing, counseling, and treatment of the disease.

This local bill is extremely important to the District of Columbia since the incidence of the disease is very high here. This would provide our medical schools and centers an opportunity to carry out research that can be easily validated. At present, our medical school at Howard University has never received a direct grant to do research in sickle cell anemia. Dr. Roland B. Scott, for example, chairman of the department of pediatrics and director of the Sickle Cell Center at Howard University, has spent 20 years researching the disease but has not received a penny in Federal funds for his work. This unfortunate oversight has caused not only a loss of services to the city; it has cost opportunity for study of the disease. The local bill will provide the opportunity to correct this.

I know, Mr. Speaker, that my colleagues who cosponsored would welcome additional cosponsors. If anyone would like to join us, please let me know.

PRESERVATION OF TINICUM MARSH

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, last week Philadelphia area residents concerned about the perils to our natural environment demonstrated their zeal for preserving the last fresh water tidal marsh on the east coast by observing "Tinicum Week" in the Tinicum Marsh in the southwest corner of Philadelphia and the northeast corner of suburban Delaware County. Through the efforts of CARP—Concerned Area Residents for the Preservation of Tinicum Marsh—a full program of recreation and conservation activities was scheduled over the thousands of acres of marshland at Tinicum.

My own concern for Tinicum was expressed in H.R. 2471, legislation to designate Tinicum a "national urban park" for recreation as well as for conservation of land and wildlife.

Tinicum hosts 245 species of migrating birds, some of which are near extinction. Seventy-five different species of birds nest and breed in the marsh, and a variety of other wildlife make their home in the marsh. In addition, the marsh acts as a natural flood control basin for Philadelphia, Delaware County, New Jersey, Delaware, and Maryland. The entire ecology of the area is now threatened by land fill operations.

A report issued in 1970 by the U.S. Department of Interior concludes that—

Tinicum's greatest asset is its potential for an urban wildlife habitat area of national significance—an environmental center where man could come to know better the natural world of which he is a part. It offers an opportunity for a new design which harmonizes the needs of wild creatures and man, the hope of a fuller life for urban dwellers.

Last week I had the honor to salute the opening of the "Tinicum Week" and what follows are my remarks:

ADDRESS BY CONGRESSMAN WILLIAM J. GREEN

The reason we are here today is to call attention to the existence of Tinicum . . . the last tidal marsh in Pennsylvania and one of the most unusual pieces of open space remaining in our highly industrialized and busy metropolitan area.

We are here today as a show of force against bulldozing or polluting Tinicum out of existence.

And I am here today to applaud your efforts in conservation and to tell you something of my legislative efforts and my concerns about the future of Tinicum and the future of the Philadelphia area.

It was in late 1969 that I first recognized the threat to Tinicum.

I was following the newspaper accounts of the controversy over the construction of Interstate 95. What grew out of the controversy was the recognition that a highway is not an isolated piece of construction, but while it might have a plus side in moving traffic—it has a minus side in destroying the environment through bulldozing, through air and water and noise pollution. And if we are to build these highways—then we have to weigh their construction costs against the costs to society—the costs in terms of pollution, the costs in terms of destruction of open space like Tinicum and the costs in terms of degradation to life in the cities.

In Tinicum we have considerable value at stake. Marshland provides not only a hedge against flooding in surrounding lowlands, but it is the most efficient and economical sewage treatment plant we could produce. The marsh absorbs most of the phosphates and nitrates which pollute our streams and rivers today. And it also provides a feeding ground and resting place for our threatened wildlife.

These are reasons I am sure I do not have to belabor.

I think those of us today agree that Tinicum is worth fighting to preserve—both to maintain ecological balance and to give an urban society a sense of wilderness—a sense of the way things were before we set out to destroy everything beautiful.

What would the Bill I have introduced do? It creates the country's first national urban park at Tinicum. It establishes a wildlife refuge as well as educational functions to be operated by the federal government.

It provides a pioneering demonstration in running an urban park with a built-in job corps to train young men and women from cities for employment in environmental sciences and recreation.

On its merits it should be enacted into law tomorrow. But you and I know that the merits of legislation on Tinicum are not going to make action on the Bill possible immediately.

First, the land surrounding Tinicum has long been coveted for industrial development.

Second, neither the local communities nor the federal government has the resources to buy the land at Tinicum at present.

I might add that the Nixon Administration believes—unrealistically—that the local communities should put up the funds.

Third, Congress has not been ready to move on the Bill.

And fourth—and probably most important—Tinicum is not on anyone's front burner today. Cities, counties, states and the federal government are curtailing their activities in an effort to make their inflated dollars work for the barest necessities on programs for which they have already committed funds.

The President, just the other day, sounded an alarming note. He assured businessmen that he wasn't going to allow the fight to preserve the environment to injure commerce.

This means he is not willing to commit funds to stop pollution or to preserve land on any significant scale.

Taking all this into account then I believe we have to view Tinicum as one battleground in the fight for a liveable environment.

This is how I view it.

We must fight for Tinicum not only for ecological balance, but for a human balance in a human environment.

And in a human environment we cannot tolerate the decay of housing in Philadelphia and Chester. We cannot tolerate rat bites and hunger for children. We cannot tolerate a highway ripping the life fabric of cities. We cannot tolerate inferior education.

These are all components of our metropolitan environment.

Philadelphia, according to a Federal Reserve Bank Study, will face a $1.4 billion deficit for its schools and government services in four years' time.

One out of six Philadelphians—that's over 300,000 men, women and children—lives on welfare.

Our fight for Tinicum—is part of a larger fight—to save Tinicum I hope you will participate in the fight for a total human environment—and fight for the resources and funds to combat decay, hunger and educational shortchanging.

If we cannot improve the nature of man in our cities then I am afraid that nature itself is also doomed.

Tinicum Preserve has attracted up to 40,000 visitors each year. But, while there is boating and fishing in Darby Creek, the recreation potential has been little tapped. An important function is the use of the marsh as an outdoor ecological classroom, a unique laboratory for local schools and colleges. As residential and commercial uses usurp more of the surrounding areas, Tinicum will become increasingly important as an accessible, natural habitat.

In total, the Tinicum proposal, plus city-owned property, will contain a visitor center and headquarters, observation tower and shelter, hiking and bicycle trails, trail shelters, parking lots and landscaping. Picnic lunch facilities and benches will be located along hiking trails.

We must make every effort to save Tinicum and its environmental counterparts throughout the Nation.

HUMANITARIAN RELIEF FOR PAKISTAN

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mrs. MINK. Mr. Speaker, while the House recognized the extreme plight of the Pakistani refugees in India when it authorized $100 million for humanitarian relief, we must not forget that the intolerable conditions which prompted our action continue to persist. Thousands of refugees, many of them young children, are dying of malnutrition in the refugee camps as thousands more, fleeing from the unrelenting oppression of the Pakistani Government, take their places.

The Government of India, despite heroic relief efforts is increasingly unable to bear the strain of caring for these millions of refugees—9 million at the last estimate.

Mr. Speaker, we must not consider our commitment fulfilled until the refugees have been repatriated and stability restored to this part of the world.

The following news articles depict the gravity of the problem which I hope my colleagues will agree needs our urgent attention.

The articles follow:

[From the New York Times, Sept. 16, 1971]

WORLD BANK SAYS REFUGEE COST MAY STUNT INDIAN DEVELOPMENT

(By Sydney H. Schanberg)

NEW DELHI.—A World Bank report has concluded that India's economic development could be seriously stunted by the cost of supporting the millions of Bengali refugees who have fled into India from East Pakistan.

According to authoritative sources, the report—which was prepared by the World Bank unit in India and has been sent to the agency's headquarters in Washington—suggests that most of the refugees will remain permanently in India and that a substantial increase in foreign aid will be needed to create jobs and rehabilitate them here.

Indian Government figures, which the World Bank accepts, show that about 8.5 million refugees have poured into India in the nearly six months since the Pakistani Government began its military effort to crush the Bengali separatist movement in East Pakistan.

A MILLION A MONTH

The influx is reported continuing at 30,000 to 40,000 daily, which is roughly one million new refugees a month.

Officials of the World Bank here declined to comment on the report. The World Bank formally known as the International Bank for Reconstruction and Development, has been sensitive about its reports on the East Pakistani crisis since an earlier report, describing conditions in East Pakistan, was leaked to the press and drew angry protests from Pakistani Government officials.

The report, by a special Washington team, concluded that East Pakistan had been so ravaged that new international development efforts "will have to remain in a state of suspension for at least the next year or so."

The new report by the bank's New Delhi staff, which visited refugee camps late last month, avoids any mention of military action and sticks to an analysis of the cost of caring for refugees and the impact on the strained Indian economy.

MILITARY ASPECT IGNORED

The report, authoritative sources said, estimated that of the present 8.5 million refugees, 6 million were living in camps and the rest with friends and relatives, The World Bank used only the camp population in estimating costs, because it was too difficult to assess with any degree of accuracy the burden on the economy of those living elsewhere.

The report estimated that if the camp population rose to nine million by the end of December, as expected, the cost of the refugees in India's 1971–72 fiscal year will be $700-million. Foreign countries have pledged relief aid of $200-million, but if all of it is delivered before the end of the fiscal year next month, which some observers doubt, India's burden will be $500-million.

SERIOUS JOLT TO ECONOMY

This represents nearly 20 per cent of the Indian Government's planned development program for the fiscal year of 1971–72—a serious jolt to an economy that must sustain development momentum if it is to keep pace with an annual population increase of 13 million.

Put another way, the net total of foreign aid for development purposes that India will receive in the 1971–72 fiscal year will be consumed by the cost of the refugees. Total foreign development aid, nearly all of which comes from a consortium of 13 nations acting under the World Bank umbrella, will be $1-billion for the fiscal year. But over $600-million of this must go to repay previous foreign debts, leaving $400-million for development use—not enough to cover the $500-million refugee bill.

Even gloomier for India is the fact that World Bank officials here—according to the authoritative sources—predict that the impact will be much more severe next year.

The bank report, in effect, deals with minimum costs because it presumes that the camp population will stop at nine million. Bank officials, the sources say, acknowledge that all their estimates would have to be revised if the refugee influx did not stop.

In any case, costs will shoot up next year because of a delayed impact. According to the sources, bank officials say that the impact on development this fiscal year is cushioned by large food stocks and an excess of labor and administrative resources. However, these cushions will diminish next year and in some cases disappear, bank officials reportedly predict.

CAMPS MAY INCREASE

Moreover, the debt service on foreign loans is increasing, which will leave less foreign aid for development next year. On top of this, bank officials are said to feel that as time goes on, most of the refugees now living with friends and relatives will—because of the burden on their hosts—eventually move into the camps.

The report is understood to praise the Indian Government for the job it has done in caring for the refugees.

The burden of the report is that the problem was thrust on India and that the world community should not expect New Delhi to bear the bulk of the costs. Diplomatic observers here, however, are doubtful that there will be an increase in foreign aid of the necessary magnitude. Some, in fact, think that foreign interest in the refugee problem will wane as the months go by and the situation remains unchanged.

[From the New York Times, Sept. 23, 1971]

BENGALI REFUGEES SAY SOLDIERS CONTINUE TO KILL, LOOT, AND BURN

(By Sydney H. Schanberg)

KUTIBARI, INDIA, September 21.—The latest refugees from East Pakistan report that the Pakistani Army and its civilian collaborators are continuing to kill, loot and burn despite the central Government's public avowals that it is bent on restoring normalcy and winning the confidence of the Bengali people.

The dozens of refugees interviewed by this correspondent today, all of whom fled into India from East Pakistan in the past week, describe the killing of civilians, rape and other acts of repression by the soldiers, most of them West Pakistanis.

As the refugees talked in their overcrowded, half-flooded camps in and around this Indian village about four miles from the border and 60 miles northeast of Calcutta, the sound of shelling could be heard from the frontier. It was impossible to tell whether the shells came from the Pakistani Army, the Indian border forces or the so-called liberation forces of Bangla Desh (Bengal Nation), the name the Bengali separatist movement has given to East Pakistan since the attempt to repress the movement began in March.

Most of the refugees interviewed came from the region of Faridpur, the family home of Sheik Mujibur Rahman, jailed leader of the Bengalis.

NEARLY ALL ARE HINDUS

The refugees said that although general living conditions were very difficult in East Pakistan, they would have stayed had it not been for the killings. Nearly all the latest arrivals are Hindus, who said that the military regime was still making the Hindu minority its particular target.

They said the guerrillas were active in their areas and that the army carried out massive reprisals against civilians after every guerrilla raid.

Nira Pada Saha, a jute trader in Faridpur District told of a reprisal against a village near his that had sheltered and fed the guerrillas. Just before he fled five days ago, he related, the army struck the village, first shelling it and then burning the huts.

"Some of the villagers didn't run away fast enough," he said. "The soldiers caught them, tied their hands and feet and threw them into the flames."

There were about 5,000 people in the village, most of them Hindus, Mr. Saha said, and not a hut is left.

OTHERS DO "DIRTY WORK"

According to the refugees, the army leaves much of the "dirty work" to its civilian collaborators—the razakars, or home guards—it has armed and to the supporters of right-wing religious political parties such as the Moslem League and Jamaat-i-Islami, which have usually backed the military regime.

The collaborators act as intelligence agents and enforcers for the army, the refugees say, by pointing out homes and villages and people who have helped the guerrillas. Often, the refugees added, the collaborators make arrests at random and for no reason.

"The razakars and the others come into a village and pick just any house," said Dipak Kumar Biswas, a radio repairman from Barisal District. "Then they arrest whatever able-bodied young man is in that house and hand him over to the army. We don't know what the army does to them. They never come back."

The refugees said that despite reprisals and police-state activities, local people were continuing to provide food, shelter and information to the guerrillas.

Makhan Lal Talukdar, a rice farmer, said he fled a few days ago after some razakars swooped down on the crowd gathered at the weekly bazaar and opened fire. Six people were killed, he said, and many wounded.

REFUGEE FLOW GOES ON

Mr. Tulakdar crossed into India with his family of eight but had to leave his father behind in hiding because he was too old to make the trek.

About 15,000 people from his area fled to India after the bazaar incident, Mr. Tulakdar said. Some 20,000 to 30,000 refugees pour

into India every day, joining the millions—the latest estimate is 8.6 million—already here.

The Pakistani President, Agha Mohammad Yahya Khan, has urged the refugees to return, promising them assistance, and he has offered amnesty to the guerrillas.

The promises only evoke bitter laughter from the refugees. "We fled to save our lives," said Rajendra Das, another farmer. "They are still killing us. We will not go back until there is complete independence."

Though rice is somewhat short in the refugees' areas, with the price up 40 per cent as a result, other foods are said to be plentiful. However, many people are going hungry, the refugees said, because they lack money and jobs.

Economic life has been badly disrupted since the army began its assault. Particularly hard hit have been the farm laborers and those who do menial labor on Government public-works projects most of which have been halted.

[From the New York Times, Sept. 24, 1971]

STATE DEPARTMENT SAID TO SEEK $250-MILLION MORE FOR BENGALS

WASHINGTON.—The State Department was reported today to be planning to ask Congress for an additional $250-million for relief of Pakistani refugees in India and for rehabilitation programs in East Pakistan.

Qualified informants said that under the State Department's proposal, the money would be voted by Congress directly to the President and would be divided evenly: $125-million to assist the Indian Government in caring for 8,500,000 refugees in camps in that country, the remaining $125-million for the Government of Pakistan.

Meanwhile, Senator Edward M. Kennedy, Chairman of the Judiciary Subcommittee on Refugees, introduced legislation calling on the United States to provide $400-million for refugee relief in India.

CHARGES "GENOCIDAL ACTS"

The Massachusetts Democrat, who visited refugee camps in India last month, said that "nearly a million more East Bengalis have found it necessary to flee inhuman conditions and truly genocidal acts of their Government" since his visit. The 8,500,000 figure in the State Department's proposal is the Indian Government's estimate of the total of East Pakistani refugees who have fled into neighboring India.

Estimates prepared by the Agency for International Development are said to predict that the number of refugees who will go from East Pakistan to India will reach 12 million in coming months. Officials of the agency are reported to have estimated the cost to the Indian Government of caring for the refugees this fiscal year, ending June 30, at $830-million.

The $250-million proposal would substantially increase the amount proposed by Representative H. B. Frelinghuysen, Republican of New Jersey, in an amendment to the foreign aid bill now before Congress. Mr. Frelinghuysen, a member of the Foreign Affairs committee, proposed $100-million, which was voted by the full House. Similar legislation is now pending before the Senate Foreign Relations Committee.

U.S. AID TOTALS $80-MILLION

Since March 25, when President Agha Mohammad Yahya Khan ordered the Pakistani Army to suppress a movement for political autonomy in East Pakistan, the United States has provided $80-million through the United Nations for relief of refugees in India and $137-million for "humanitarian" relief in East Pakistan.

[From the New York Times, Sept. 30, 1971]

REFUGEE CHILDREN IN INDIA: "THOUSANDS" DIE

(By Sydney H. Schanberg)

CALCUTTA.—Large numbers of East Pakistani refugee children are dying every day from malnutrition and the diseases that accompany it, and tens of thousands are seriously malnourished and facing death.

Accurate mortality figures are not available because officials in the Indian refugee camps do not keep them separately for children, but a spot check of several camps by this correspondent makes it clear that the deaths of children in the critical group, ages 1 to 8, number at least in the hundreds every day. Some foreign relief officials believe the toll is even higher.

"Thousands are dying," said Alan Leather, an experienced field worker for Oxfam, the British-based relief organization, "and I think tens of thousands will die unless a large-scale child-feeding program is begun immediately."

NEW PROGRAM APPROVED

Such a program, called Operation Lifeline, has just been approved by the Indian Government—after two months of hesitancy and bureaucratic wrangling. Its effectiveness will depend on how quickly it is put into full operation, and many observers think this will take one or two months.

The pitiful scenes of suffering children are the same in all the teeming camps that house most of the nine million Bengalis who have so far fled to India to escape the Pakistan Government's six-month-old military repression in East Pakistani.

Infants lie dying on cots in sweltering makeshift field hospitals, their skin stretched taut across their wasted frames. Their numbed mothers stand over them, fanning them with cloth or cardboard, or trying to put some food in their mouths, which they immediately vomit.

"Will he live?" a visitor asked about one such skeletal child less than two months old, who was too weak to move or cry. "There is no chance," said an Indian nurse. The mother's eyes agreed.

MALNUTRITION WIDESPREAD

Many of the children were malnourished when they arrived in India, for malnutrition is widespread even in normal times in East Pakistan, just as it is in the Indian border states into which the refugees have poured.

But the degree of malnutrition in the camps—aggravated by overcrowding, poor sanitation, fouled water and the weakened condition of the refugees after their long trek—is much worse than that usually seen on the subcontinent.

A field report by a team from the prestigious All India Institute of Medical Sciences found that nearly 50 per cent of the refugee children under the age of 5 are suffering from "moderately severe or advanced malnutrition," caused by protein and vitamin deficiencies.

The malnutrition is almost always accompanied by other infections and diseases, such as diarrhea, dysentery and bronchial pneumonia, it said. Many of the children are wasted by three or four diseases at once.

The report said: "Even minor infections would tip the scales in such deprived children, and unless urgent remedial measures are taken, substantial loss of infant and child population may occur quite apart from developmental retardation that is bound to afflict this group widely."

REPORT 2 MONTHS OLD

Though the report is largely credited with prodding the Indian Government into action, it was handed to the Government over two months ago. The report said that there were 300,000 children "at the edge of a precipice (where) any acute infection can prove fatal in a majority of them." Calling for an emergency program of supplementary feeding with proteins and calories, the report said that "time is of the essence."

Other nutrition experts have also used the figure of 300,000 children in danger, and that was when the refugee population was considerably smaller.

At present, with about 30,000 new refugees crossing into India every day, there are about 1.7 million children younger than 8 years, and these are only the ones in the camps. Nearly one-third of the nine million refugees are living outside camps with friends and relatives.

In addition, the camp population includes more than 500,000 pregnant and breast-feeding mothers, who also need supplementary feeding.

TWO-PART PROGRAM

The Operation Lifeline program for these more than two million sufferers, which was recommended by the Medical Institute report, will have two distinct parts.

The first, which is called Alpha and is designed to be largely preventive, aims to set up 1,000 or more feeding stations in the camps to provide milk powder and high-protein foods for the bulk of the critical group "as a measure for preventing those children who are in the early stages of nutritional deprivation and are beginning to falter, from getting into graver forms of malnutrition." Some Alpha stations have already opened.

The second part, which is not yet functioning, is a curative program for the hard cases. It is designed to handle about 125,000 children. The goal is to set up 500 nutritional therapy centers as adjuncts to camp hospitals, where seriously malnourished children will receive intensive, in-patient care for as long as one or two months as a lifesaving operation.

UNICEF TO HELP

The supplies for the entire program will be provided by UNICEF, which will buy them with foreign relief funds donated through the United Nations. But the project will be run by others—Alpha, by the Indian Red Cross with the help of voluntary relief agencies, and Beta, by the Indian Government's Ministry of Rehabilitation.

Wrangling between the ministry of Rehabilitation and the Health Ministry over which should run Beta was one of the reasons for the delay in the program.

The major reason for the delay, however, was the Government's reluctance to launch such a comprehensive supplementary feeding program only for the refugees, when the local population—though not quite as ravaged—was suffering from similar problems.

When the situation in the refugee camps worsened, largely because of the monsoon floods, the pressure on the Government mounted and it finally approved the program. Relief officials are said to have assured the Government that seriously malnourished local children will not be turned away from the Beta centers.

The Indian state of West Bengal, which has absorbed about 7 million of the 9 million refugees, is a year-round disaster area on its own—the home of perhaps India's deepest poverty.

TENSIONS INCREASE

Local people have already been complaining loudly about the amount of the refugees' free food rations, which are more than most of West Bengal's poor can afford to buy. Tensions seem to be growing between local residents and the refugees.

For example, although there are not enough doctors to handle all the medical problems in the refugee camps, there are proportionately even fewer for some of the people in the backward areas of West Bengal and the other border states.

The infant mortality rate in these areas is

almost as high as that in the camps. In some West Bengal districts one-quarter of the children die before they reach the age of 5.

The problem in the refugee camps may be worse than it seems. Whatever statistics exist—and they are meager—come from the camp hospitals. But many infants are dying in the dark of their flimsy huts, and their parents do not report the deaths, for to do so would be to lose one food ration.

Also, it is a tradition among Bengali villagers that when a child falls ill with fever or diarrhea, he is given a thin mixture of sago and barley water and all solid food withheld—which is tantamount to giving a malnourished child less food at a time when he desperately needs more.

The misery in the camps may deepen when winter arrives. At least three million blankets are needed, and only a few have arrived.

Also, if food shortages worsen inside East Pakistan, the refugee influx may increase. Officials expect that, with East Pakistan's border districts largely emptied by the earlier refugee flow, most of the new refugees will be coming from the interior and that after traveling the longer distances, they will arrive in an even weaker condition than the nine million who preceded them.

Most of the refugees who have been coming across the border for the last several weeks are from districts in the interior.

"A lot of them arrive in an irreversible state—a condition of complete collapse," said a doctor in a children's ward at a camp near Calcutta. "There' s nothing we can do for them."

[From the New York Times, Oct. 6, 1971]

BENGALI REFUGEES STIRRING STRIFE IN INDIA

(By Sydney H. Schanberg)

CALCUTTA, INDIA.—With a reported 30,000 East Pakistani refugees crossing into India daily to join the millions already here, tensions are building in the overcrowded refugee camps and between the refugees and local people.

India's relief operation has been under immense strain for months, ever since people began to flee the Pakistani Government's military action aimed at crushing the Bengali independence movement in East Pakistan. Since the military action began in March, according to the Indians, some nine million refugees have come here; Pakistani officials put the figure much lower.

As the pressure of numbers grows ever greater, the cracks in the relief operation are really beginning to show.

There have been clashes and brief riots in which several refugees have been killed by the police or by local people. Indian officials and newspapers have been playing down the incidents in an effort to cool tensions, but officials acknowledge that the situation is serious and could become explosive.

The severest test may come shortly if food shortages in East Pakistan cause an even greater increase in refugees.

West Bengal, the politically unstable Indian border state that has absorbed the bulk of the refugees, is urgently pressing the central Government to move large numbers of them to other states. The Government has been talking for several months about moving refugees out of the border states, but so far only about 200,000 of the nearly seven million said to be in West Bengal have been transferred.

Not only is dispersal difficult because of limited transportation facilities, but the refugees, virtually all Bengalis, do not want to leave an area where they are culturally and linguistically at home. Other states, moreover, do not want them.

The reasons for the tensions in the border states—West Bengal, Assam, Meghalaya and Tripura—are many. Refugees complain that camp officials are not giving them their full rations. In some camps, refugees charge that officials are illegally selling relief supplies on the black market.

Local Indians, meanwhile, are complaining that they cannot afford to buy the amount of food the refugees are getting free. Refugees and local people clash over the scarce firewood for cooking; fights have also occurred when refugees strip food from orchards.

REFUGEES WORK CHEAP

Refugee pressures have driven some food prices up, while wage rates have dropped, particularly for unskilled field hands, as the refugees have entered the labor market—despite a Government prohibition—and have offered to work for extremely low pay.

Leftist political parties have begun exploiting the discontent of both the refugees and the local people. Some of the clashes have reportedly been fomented by extremists.

Local discontent was increased by the extremely severe monsoon floods in West Bengal this year, which are just beginning to subside. Many refugee camps were inundated, but the flood's impact was much more widespread, disrupting the lives of millions of flood victims, many of whose homes were washed away, are protesting because they are getting less relief food than the refugees and because the refugees are also getting shelter and some medical care.

INDIAN EFFORT IS PRAISED

Some Indian officials, though by no means a majority, have asked privately why foreign relief workers are making such a fuss about conditions in the refugee camp when the local population is nearly as badly off.

Of the approximately 1,000 camps along India's 1,350-mile border with East Pakistan, the best are no more than tolerable and the worst are muddy sinkholes where death has a stronger grip than life.

With the massive refugee influx, conditions were bound to be bad. Foreign diplomats here have praised the Indian relief effort and have expressed doubts that their own countries could have performed as well.

This is no solace to refugees who have to wash their clothes in muddy ditches, walk miles for a few scraps of firewood and drink water fouled by the floods and by generally unsanitary conditions.

Although the cholera epidemic rampant in June has been largely controlled, the death rate is still high from other diseases—malnutrition, dysentery, pneumonia.

No one knows how many refugees have died. The Indian Government is said to issue deliberately low death figures, apparently in the belief that the true figures would reflect badly on its relief program. But unofficial estimates put the toll at least in the tens of thousands. The very old and the very young have been the chief victims.

FOREIGNERS ARE BARRED

Foreign relief workers—including doctors and nurses—have been barred from working in all camps except the Salt Lake camp on the edge of Calcutta—a "demonstration" camp with nearly a quarter of a million refugees. Visiting foreign officials and dignitaries are taken to the Salt Lake camp.

The official reason given for barring the foreigners from all the other camps was that enough local people were available for the relief jobs and that the foreigners posed special problems of housing, food and translators. According to reliable sources here, the real reason is that the Government does not want foreigners observing Indian assistance to the guerrillas of the East Pakistani independence movement, many of whom operate from border sanctuaries in India.

The Indians could use every trained relief worker available, foreign or local. Some of the foreigners have had wide experience in Biafra and similar crises. Virtually every camp is short of trained people, particularly doctors.

"The physical condition of the refugees is so grave," said an Indian doctor at the Salt Lake camp, "that what you really need to save them is more doctors and nurses and facilities than normal—in other words, the highest standard of intensive care."

HUNDRED TRUCKS LIE IDLE

Other flaws as well have appeared in the relief operation. More than 200 new trucks purchased by UNICEF for carrying relief supplies have been lying idle for more than a month on a road in the heart of Calcutta. The Government says that roads have been severed by the floods, making it impossible to deliver the trucks to the border areas. But part of the reason, it is said, was the Government's failure to plan and arrange for drivers and mechanics before the trucks arrived by ship in Calcutta.

In most camps, the refugees reportedly are not getting the full rations listed by the Government, although this is largely due to supply and transportation problems, aggravated by the floods.

There have been sporadic reports of black-market activities by camp officials and also of bill-padding and kickbacks by contractors hired to erect refugee camps. But there has been no evidence of widespread corruption. In fact, foreign observers have been surprised at how little graft has crept into an operation of this magnitude.

RICE SHORTAGE FEARED

The greatest strains on the administration may be yet to come. No end to the refugee influx is in sight. Winter will soon be here, and the existing shelter, clothes and blankets are inadequate. Moreover, the three million refugees who have been living outside the camps, with friends and relatives, are beginning to seek admission to the camps in large numbers because their hosts are finding it difficult to support them.

West Bengal officials fear a rice shortage this winter because of flood damage.

The social pressures, too, are critical. Although the people of West Bengal are sympathetic to the East Pakistani independence movement and as a result have shown considerable tolerance to the refugees, the bloom has definitely worn off.

In many border areas, nearly all the schools have been closed and turned into refugee shelters, and the hospitals as well have been turned over almost entirely to refugee care. Local people are growing particularly angry that their children are being denied schooling because of the refugees.

Refugee children are also getting no schooling, except for a few classes set up by private charities and conducted by refugee teachers. It is Indian policy not to establish any comprehensible education or work programs for the refugees. The Indian position is that the refugees must return to East Pakistan eventually—even though it is clear that many of them will not—and that such programs would give them a feeling of permanence.

TRY TO KEEP BUSY

"A big educational scheme would undermine our whole concept," said P. N. Luthra, a retired army colonel who supervises the relief program for the central Government from Calcutta. "We want to keep them leaning toward their own homeland."

Many of the refugees try to keep themselves busy by weaving straw mats and baskets and by making fish traps out of bamboo strips. They then try to sell them to earn a few rupees to buy fruit or clothing or other things they are not receiving in their relief dole.

Some refugee families, to make a little money, put aside part of their rice ration and sell it below the market price.

Still, unproductive idleness pervades most of the refugee camps, and officials know this could mean trouble before long.

"They just can't sit there indefinitely," said one foreign diplomat. "It's intolerable. Something's got to be done."

A CHALLENGE FOR THE PRESIDENT

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. VANDER JAGT. Mr. Speaker, John Lear, the science editor of Saturday Review, seems possessed of insights on water pollution problems that are of great significance to the American people.

I would like to include in the RECORD a recent editorial by Mr. Lear on this subject and hope it will receive the widest possible attention:

ENVIRONMENT AND THE QUALITY OF LIFE

A CHALLENGE FOR THE PRESIDENT

Does President Nixon really want America's polluted rivers and lakes to be cleaned up once for all?

The question was put to him indirectly last month by the leading Democratic obstacle to his hopes for re-election in 1972, United States Senator Edmund S. Muskie of Maine.

The Senator personally said or did nothing evocative of the challenge. But the environmental subcommittee he chairs within the Senate Public Works Committee reported out on the sixth day of August, for the full committee's approval, a bill proclaiming the first set of clear and sharp priorities ever laid out for action toward ending pollution of the nation's waterways.

The top priority fixed by the subcommittee is "recycling of pollutants and the reclamation of water, including confined and contained disposal on land of pollutants so they will not migrate to cause (or will limit to the maximum extent attainable) water or other environmental pollution." In unlegislative English, this means that wherever possible human sewage effluent must be turned away from its present outfall in rivers and lakes, impounded for appropriate periods of time in treatment ponds inland, and then released to irrigate barren soils with fertilizing spray.

As a second priority (to be applied where soil conditions are not conducive to land disposal of sewage), the Senate bill calls for "the best available treatment of pollutants before discharge into receiving waters."

Together these two priorities say that at the present time there is no requirement in law that the best available scientific knowledge and technological skill be put to use to clean the country's waterways and keep them clean.

As now worded, the laws on the books provide only for a system of federal tax subsidies that pays for biological treatment of sewage at a rate of $1-million for every hour of the standard forty-hour work week the year round, but does not remove from sources of public drinking water a host of disease-carrying viruses, nitrates hazardous to human health, or organic substances known to cause cancer.

This old and expensive but inefficient and haphazard regime would be ended by the bill Sentor Muskie's subcommittee has approved. The text of the legislative draft specifies that no federal money would be given to states, municipalities, or other government agencies that failed to meet the two designated priorities by July 1, 1973.

To make sure that the old pattern is broken, the Senate subcommittee bill applies federal subsidies for sewage disposal to acquisition of land for treatment ponds and irrigation acreage as well as to the sewer pipes, pumps, electric power generators, and assorted equipment heretofore eligible.

Prints of the proposed Senate bill are now circulating. They have aroused a sharp reaction in the Environmental Protection Agency. Much of the planning for disposal of sewage on land would have to be done on a regional basis, and the federal government agency with the greatest experience in such planning is the United States Army Corps of Engineers. The enthusiasm with which the Corps built flood control dams in the past enraged many conservationists who have since come into prominence. These men have the sympathy of Russell Train, chairman of the White House Council on Environmental Quality, which is responsible for framing the policies that EPA pursues.

If President Nixon decides to stand behind the opposition to the water pollution control priorities of the Muskie subcommittee, he may find himself aligned not only against the Democratic majority of the Senate but a bipartisan coalition in the House of Representatives as well.

The House Committee on Public Works is chaired by John A. Blatnik, Democrat of Minnesota. He has been making enthusiastic speeches about "the Muskegon project." This enterprise, which has been described in these pages ["Reviving the Great Lakes," *SR*, November 7, 1970], is a precedent-setting venture in land disposal of sewage. Five regional applications of its principles now are being studied by the Corps of Engineers. "In our new legislation [that is, the House counterpart of the Muskie subcommittee bill], we intend to foster innovations such as this," Blatnik has said. "Bill Harsha of Ohio, the ranking minority [Republican] member of the Public Works Committee and a strong champion of environmental protection, shares my enthusiasm. . . . We are approaching the . . . problem on a completely nonpartisan basis because there is no place for political gamesmanship in our national effort to preserve the waters that must sustain all of our lives."

AMERICAN POW'S IN VIETNAM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. RHODES. Mr. Speaker, last week we were all elated over the news that the Vietcong had released Staff Sgt. John C. Sexton, Jr., after more than 2 years as a prisoner of war. Nevertheless, even in this moment of thanks, we were reminded of the continuing plight of other Americans being held prisoner by the North Vietnamese.

Sergeant Sexton reported that he had seen other U.S. POW's in the Vietcong's jungle camps; men whose identities we cannot confirm, men whose families still suffer the mental anguish of wondering if their son, husband, or brother is alive or dead, in good health or poor. Very little information has been released from Hanoi on the prisoners, and generally only when it suited their own personal propaganda purposes.

On March 26, 1964, Capt. Floyd Thompson was captured in South Vietnam and became the first American prisoner of war in Southeast Asia. That was 7 years and 200 days ago. Since then over 1,600 American servicemen have been listed as missing in action.

I sincerely hope that our release yesterday of the North Vietnamese lieutenant we had held prisoner will be the reciprocal spark that can ignite the good faith release of all our POW's.

The prisoners and their families have surely suffered enough. It is both pointless and inhumane to continue to use these individuals as pawns for propaganda purposes.

BACKGROUND INFORMATION ON PHASE II

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. KYL. Mr. Speaker, I believe that background information on phase II of the economic stabilization program should have the widest possible distribution and therefore I include the following material in the RECORD at this point:

THE POST-FREEZE ECONOMIC STABILIZATION PROGRAM

The objective of the post-freeze program is to hold down the rate of inflation and to bring about a condition in which reasonable price stability can be maintained without artificial and abnormal restraints. To achieve the second part of the objective requires that the rate of inflation be held down for a long enough period to suppress the inflationary momentum that had been built up. The expectation of inflation must be replaced by the expectation of price stability. The legacy of contracts and customary practices which assume continuing inflation, and make inflation continue, must be left behind. This takes time, more time than a freeze can last, and it requires therefore that the program be durable.

If the program is to be durable, it must appeal to the American people as basically fair. Arbitrariness and inequity will be tolerated briefly for an important purpose, as it is being tolerated during the freeze. But this will not last for long. Therefore, more concern for fairness is required, even though perfect fairness is difficult to attain. Also, people will be more ready to accept the policy as fair if those whom they identify with their interests have a role in making the policy. This calls for a more participatory program than was needed, or even possible, during the freeze.

The durability of the program requires that it should not exact too great a toll from the economy. One implication of this is that the price, wage, and rent standards must be sufficiently flexible to avoid pressures that stop production or distortions in the price-wage structure that seriously impair efficiency.

These requirements in turn mean that the ambitions and standards for inflation restraint must not be too rigorous. Many of the adjustments required for the sake of equity and production will be upward, and since it is at least administratively difficult to get many prices down, these adjustments will be more feasible within an average price level that is initially rising somewhat, even though at a much reduced rate.

Finally, the system will not last if its administration is too burdensome, either in budgetary costs or in interference with the everyday lives of the citizens.

Therefore, the post-freeze program, to achieve its objectives, must give more attention to equity and economic efficiency, must be more participatory, must not initially demand zero inflation and, even though for some of these reasons it will be more complex, it must not involve a vast and intrusive

bureaucratic machinery. On the other hand, the first requirement is to hold down the rate of inflation, and none of these other conditions can be allowed to dominate that.

The basic problem, therefore, is to satisfy these requirements within a program that will effectively control inflation. The decisions embodied in the post-freeze program are designed to do this. In seeking a solution to this problem, the President consulted widely with representatives of all sectors of the economy. The President and other officials of the Administration met with approximately 600 representatives of nearly 300 organizations including representatives of labor, business, the financial community, the housing industry and consumer groups.

1. The Cost of Living Council proposes an interim goal of a 2 to 3 percent inflation rate by the end of 1972, about half of the pre-freeze rate, which would be a great step toward price stability but not so rigid as to preclude adjustments needed for equity and efficiency.

2. Major decision-making responsibilities will be exercised through a tripartite pay board and a public-members price commission, but overall supervision of the program, on behalf of the President, is maintained by the Cabinet-level Cost of Living Council.

3. Reliance is basically placed on voluntary compliance, but legal penalties are available where necessary.

4. The program covers the economy comprehensively, but closet surveillance is confined to a limited, critical part of the economy.

5. Organization and staff are sufficient to maintain adequate control of the program and the staff is almost entirely drawn from other government agencies.

6. Effective restraint of interest rates, dividends and windfall profits is provided for the sake of equity, but with sufficient flexibility to avoid serious impairment of economic growth.

These underlying characteristics of the post-freeze program are described more specifically in the following pages.

THE GOAL OF THE PROGRAM

The primary goal of the post-freeze program is to continue reduction of the rate of inflation. The wide support of the American people for the freeze has shown that this is the goal of the American people. The post-freeze program is a system by which the American people can achieve their goal. The success of the program, as the President has emphasized, will depend upon the continued support of the people.

More specifically, the Cost of Living Council proposes as the goal for the program to reduce the annual rate of increase of the cost of living to 2 to 3 percent by the end of 1972 and to continue reduction thereafter. This interim goal for the end of 1972 would be an inflation rate about half of the rate that prevailed in 1971 before the freeze. To reach this goal will require that a large proportion of all prices rise by less than 2 to 3 percent, that many not rise at all, and that some decline. The Council will exercise its functions in the program with a view to achieving this goal and urges all participants in the program to accept this common task. Its attainment will be a great cooperative victory over inflation.

It should be recognized that the freeze itself builds up the necessity for a number of adjustments in costs and prices which, occurring in a short period after the freeze, may create a temporary bulge in the rate of inflation. However, this need not be a significant deviation from the path to the longer-run goal.

THE LEGAL FOUNDATION

The legal basis of the post-freeze program is the Economic Stabilization Act of 1970, the legislation upon which the freeze also rests. This Act grants authority to the President to issue and enforce regulations over prices, wages and rents to control inflation. The present Act will expire on April 30, 1972. The President will ask the Congress to extend the Act for one year until April 30, 1973. He will also ask for the inclusion of stand-by authority to control interest rates and dividends, although it is not expected that the use of this authority will be necessary because of the continued success of the current program of voluntary restraint.

ORGANIZATION AND OPERATIONS

A comprehensive structure is required to assure that the administration of the economic stabilization program will be carried out equitably and effectively. This structure will be developed by drawing upon existing personnel and expertise in the Federal Government and applying the lessons learned during the wage-price freeze. It will include separate units to establish guidelines and to decide specific cases, including appeals and exemptions.

The organization structure is designed to go into effect quickly and to permit the exercise of discretion as the need for restraint varies. The system will continue to place heavy reliance upon voluntary compliance but will also involve reporting requirements, selective compliance reviews, and the use of sanctions where necessary. The organization will be nation-wide, with units at both the regional and local levels to make the program responsive to the needs of the American people.

The overall structure is shown on the attached organization chart. Each of the organizational units is described below.

The Cost of Living Council

The Cost of Living Council will continue to function during the post-freeze period of the economic stabilization program. The President has delegated to the Council responsibility for establishing policies and goals. The Council has demonstrated its effectiveness and will continue to provide broad policy guidance. It will also insure the coordination of the different parts of the program, advise the President of the progress made toward the achievement of goals, and make recommendations to the President for any modifications that might be necessary to enhance the effectiveness of the program. The Council reports directly to the President.

As in the past, the Council will be chaired by the Secretary of Treasury. Also serving on the Council will be the Chairman of the Council of Economic Advisers, the Secretaries of Agriculture, Commerce, Labor, and Housing and Urban Development, the Director of the Office of Management and Budget, the Director of the Office of Emergency Preparedness, and the Special Assistant to the President for Consumer Affairs. The Executive Director of the Cost of Living Council will be an ex officio member of the Council.

The Cost of Living Council will not be involved in the day-to-day administration of the post-freeze program. It will develop anti-inflation goals and review the standards promulgated by the Pay Board and the Price Commission. However, the Council will *not* hear appeals on specific cases from the Pay Board and the Price Commission. The Council will initially prescribe the application of pre-notification and reporting requirements to specified economic units for both prices and wages, and will review any adjustments in coverage proposed by the Pay Board or the Price Commission. Although the primary responsibility for compliance will be carried out through the Pay Board and Price Commission, the Council may recommend the invocation of sanctions provided by the Economic Stabilization Act if this becomes necessary to obtain compliance with the program.

The Council will have a small professional staff which will be headed by an Executive Director who will also be a Special Assistant to the President. The Executive Director will help to insure the implementation of the policy decisions of the Cost of Living Council and will provide the secretariat for the Council. He will also analyze major issues, promote the effective coordination of different parts of the program, design a system that will assure the effectiveness of the program and inform the public.

Tripartite pay board

The attainment of equitable, noninflationary wage and salary adjustments is essential to the success of the economic stabilization program. To develop general standards and review specific requests for adjustments, the President will establish a tripartite Pay Board. The legal powers of the Board will be exercised by its Chairman. All elements of compensation including wages, salaries, and fringe benefits will be subject to regulation through the Pay Board. The Pay Board will develop overall standards for wage and salary increases and will selectively review major labor settlements which have a major impact on national wage developments.

The membership of the Pay Board will include five representatives of labor, five representatives of management, and five members representing the public. All members will be appointed by the President. A public member will be designated Chairman of the Pay Board. The Chairman will serve on a full-time basis.

The Board will formulate standards for wage adjustments to achieve the goals and objectives of the program. It may deal with disputes over wages, calling on the Federal Mediation and Conciliation Services as appropriate.

The Pay Board will give maximum latitude to the exercise of free collective bargaining. However, after agreement has been reached in a major bargaining unit the Board will analyze and review the economic provisions of the contract to see that they are consistent with the wage guidelines. Where the contract terms are inconsistent with the guidelines, the Board will consider other actions to secure compliance. The Board will have the authority to recommend the invocation of the sanctions provided by the Economic Stabilization Act if the voluntary compliance of labor and management cannot be attained.

A special body will be created within the Pay Board to deal with the special problems of executive compensation in a manner consistent with the treatment of other employee compensation and with the goals of the post-freeze program. The Construction Industry Stabilization Committee, established previously, will continue to operate within the standards issued by the Pay Board.

The Board will have a small staff headed by an Executive Director to analyze proposed major contracts and reports concerning other significant bargaining developments. It will also consider requests for exemptions from the general wage guidelines.

Price Commission

A Commission of distinguished private citizens will be established to administer the price and rent aspects of the post-freeze program. The legal powers of the Commission will be exercised by its Chairman. The Commission will formulate and issue standards governing price and rent adjustments. It will also hear appeals and consider requests for exemptions or exceptions. It will identify windfall profits and bring about price reductions where the operation of the stabilization program results in such windfall profits.

The Commission will consist of seven public members appointed by the President. The President shall designate one of the members of the Commission to be Chairman, who

shall serve on a full-time basis. General guidelines and procedures established by the Commission will be subject to review by the Cost of Living Council. However, the decision of the Commission on individual appeal cases will be final and not subject to appeal to the Cost of Living Council.

A Rent Board, within the Price Commission, representing landlords, tenants and other interested parties, will provide advice on standards and procedures of rent restraint and will assist in mobilizing voluntary compliance with the standards. Special attention will have to be given to avoiding interference with housing construction or the deterioration of service.

The Commission will have an Executive Director and a staff to assist it in the conduct of its duties. If voluntary adherence to the guidelines and standards issued by the Commission cannot be obtained, the Commission will have the authority to invoke the sanctions provided by the Economic Stabilization Act.

Standards for prices, wages and rents

The Tripartite Pay Board will formulate standards of permissible employees compensation (including wages, salaries and all fringe benefits) to carry out the purposes of the program. The Price Commission will promulgate standards of permissible prices, including rents. The Cost of Living Council will review these standards for consistency with the anti-inflation goal. If either the Pay Board or the Price Commission is unable to develop the continuing standards in time to take effect at the end of the freeze, it may propose interim standards. In the event the Board or Commission do not develop interim standards by November 13 the Cost of Living Council will issue such interim standards.

The Price Commission will be expected to take profits into account in the standards that it sets for prices. It is especially charged with developing standards and procedures for bringing about price reductions when the operation of the program would otherwise yield windfall profits.

Application

The standards for prices, wages and rents formulated by the Pay Board and the Price Commission (or if necessary by the Cost of Living Council as an interim measure) will apply to the entire economy, except, as sectors may hereafter be excluded by the Council. As during the freeze, raw agricultural products will be excluded.

Certain economic units (firms or collective bargaining units) that are of critical importance for the control of inflation will be required to notify the Board or the Commission in advance of proposed wage or price increases. The Board or the Commission will review the proposed increases for conformity to the standards that have been announced, including whatever provisions have been made for exceptions, and may disallow or defer a proposed increase.

Other economic units that may be individually of less critical importance, or for whom advance notice is not practicable, will be required to report promptly on their prices, costs, profits, employee compensation or such other matters as may be specified. On the basis of these reports, and other information that may be required on individual cases, the Board or Commission may order action to assure compliance with the standards.

The behavior of prices and wages in the remainder of the economy, comprising the largest number of economic units, will be monitored by less frequent reporting, by spot-checks and by investigation of complaints.

Sanctions for enforcing price, rent and wage standards

The program will depend basically upon voluntary cooperation to assure compliance with the standards prescribed. However, the remedies and penalties provided in the Economic Stabilization Act will be available for use as necessary to prevent violations. These measures may be recommended by the Board, the Commission, the Council, or on delegation, by the field staff.

Service and Compliance Administration (Internal Revenue Service)

A national system of regional and local service and compliance centers will be established to support the administration of the post-freeze program. This system will draw primarily on the resources of the Internal Revenue system. The local and regional centers will provide information to the public, investigate complaints, conduct independent monitoring activities, and review requests for exemptions, exceptions, or other adjustments in accordance with guidelines and standards issued by the Price Commission and the Pay Board.

The Service and Compliance Administration will be headed by a senior official of the Internal Revenue Service. The Service and Compliance Administration will carry out its duties under the policy guidance and control of the Price Commission and the Pay Board. Operationally, the Administration will report to the Executive Director of the Cost of Living Council who will be responsible for the effective functioning and coordination of the system.

The Service and Compliance Administration of the Internal Revenue Service will have approximately 360 local service and compliance centers in the Internal Revenue Service district and subdistrict offices. The centers will be principally responsible for enforcement in the nonreporting sectors. The field centers will provide initial review of reports from the post-reporting sectors and collect data for the analysis of cases arising in the prenotification sector. Investigations, complaints, and requests for exceptions and exemptions will be handled by the service and compliance centers. The heads of these centers will be delegated the necessary authority to make initial determinations which will be subject to appeal to the Board or Commission.

All enforcement cases will be handled by the Department of Justice after initial investigation by Service and Compliance Administration personnel. Referrals of enforcement cases for legal remedies would require the approval of the cognizant board or commission.

The staff of the centers will require an estimated 3,000 people, although adjustments may be made in the light of experience. Almost all of these personnel will be located in the field where they may be of service to the public. The field offices will have specialized personnel in the labor and housing areas. Some of these personnel may be supplied by other agencies of the government which have special expertise in these fields.

INTEREST AND DIVIDENDS

The Commitee on Interest and Dividends will formulate and execute a program for obtaining voluntary restraint on interest rates, subject to review by the Cost of Living Council. In the conduct of this program the exceptional fluidity of the money markets and the variety of credit risks will have to be recognized and care taken not to drive credit from housing or other critical areas.

The Committee will continue the voluntary program for the restraint of dividend payments, subject to possible changes of standards and coverage, subject to review by the Cost of Living Council. The voluntary program has been highly effective during the freeze period.

The President will ask for amendments to the Economic Stabilization Act to provide stand-by authority to impose mandatory control of interest rates and dividend payments. However, the use of this authority is not expected to be necessary.

The Committee will be chaired by the Chairman of the Federal Reserve Board. It will include the Secretary of the Treasury, the Secretary of Housing and Urban Development, the Secretary of Commerce, the Chairman of the Federal Home Loan Bank Board, and the Chairman of the Federal Deposit Insurance Corporation. The Committee's activities will be supported by a limited staff.

Medical costs

Costs of medical care have been a dramatically rising part of the family budget. The application of the restraint program to them presents special difficulties because of the lack of standardization of the product and for other reasons. Therefore a Committee on the Health Services Industry will be established to advise the Cost of Living Council on ways to apply the standards of the program in this area and to enlist the full voluntary cooperation of the industry in restraining cost and price increases. The Committee may also advise the Pay Board and the Price Commission. The Committee will include representatives of the medical professions and related occupations, hospitals, the insurance industry, other supporting industries, consumer interests and the public. The establishment of this Committee does not limit the applicability of the standards of the program to this industry.

State and local government cooperation

State and local government employment and payrolls are a particularly fast-growing part of the modern economy. The taxes and user charges levied by these governments are an important element in costs and prices. Some of the agencies of State and local government may have a role in carrying out the program. And the leaders of State and local government command attention and respect in their areas which enable them to help mobilize the citizen cooperation which is needed for the program's success.

For all of these reasons a Committee on State and Local Government Cooperation will be established to advise the Council, assist the Board and the Commission and to stimulate voluntary cooperation, by both the State and local governments and by individual citizens. The Commitee will consist of representatives of these governments and of their employee organizations, appointed by the President.

Expanded Productivity Commission

The Productivity Commission was established to make recommendations to the President concerning the means for stimulating economic growth and improving the productivity of American industry and labor. This group consists of representation from labor, industry, the public and the Federal Government. To assist the Cost of Living Council and the other agencies that will be administering the post-freeze program, the Productivity Commission will be expanded by the addition of representatives of agriculture, and State and local governments. The Commission will consult with the Cost of Living Council on the contributions of productivity to the economic stabilization program. Specific analyses and recommendations of the Productivity Commission will be designed to assist the Cost of Living Council in its efforts to assure economic growth and stability.

Interrelationships of the agencies involved in Post-Freeze Stabilization program

The principal responsibility for the development of standards and the consideration of individual cases will be vested in the Pay Board and the Price Commission. These boards will develop equitable standards consistent with the overall goals set by the Cost of Living Council, and will review cases with the aim of reducing inflation and promoting equity among the various sectors of

the economy. The Cost of Living Council will be responsible for the effectiveness of the overall program and adherence to the goals established by the Council for the President. The Council staff will monitor and support the activities of the Service and Compliance Administration. The Committee on Interest and Dividends will carry out a program of voluntary restraint with respect to these payments. Advice on the special problems of the health services industry and state and local governments will be supplied by special committees.

Duration and termination of the Post-Freeze program

No time limit is being set for the post-freeze program. The objective is to end it as soon as possible, but it will be kept in operation until its removal is consistent with continued price stability. Controls of particular sectors may be removed or relaxed when that action is consistent with the general objectives of the program and will assist the transition to price stability without extraordinary restraints. A Task Force of the Cost of Living Council will be established with a continuing responsibility to recommend steps to assure that the program is not unnecessarily prolonged.

Status of the freeze

The freeze continues to be in effect until November 14. Adjustments during this period are permitted only to the extent that they are in conformity with the rulings of the Cost of Living Council. Administration of the freeze will continue until November 14 in the same manner as prior to the President's announcement of post-freeze plans. Rulings with regard to base period prices and the like will be taken as the basis for working out adjustment procedures by the Board and the Commission that will be applicable during the post-freeze program.

DR. PETRAS DAUZVARDIS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. DERWINSKI. Mr. Speaker, I was saddened recently to learn of the death of Dr. Petras Dauzvardis, consul general of Lithuania, in Chicago.

Dr. Dauzvardis was born in the little village of Pakamanciai, Lithuania, on November 16, 1895. He immigrated to the United States and began his studies at Valparaiso University. In 1922 he enrolled in Georgetown University where he earned his degree in law. In 1925 he was appointed Vice Consul of New York, and 12 years later he was transferred to Chicago as Lithuanian consul. In 1961 he was given the title of consul general.

Dr. Dauzvardis never forgot his heritage and was extremely effective in serving the cause of Lithuanians throughout the world. During the Soviet seizure of Lithuania, which was one of the great tragedies of the World War II era, it was primarily because of Dr. Dauzvardis' efforts and courageous actions that Lithuanians were not subjugated by the Soviets. To those who cherish freedom, he was well known because of his reaction to Soviet attacks, as well as his truly able and unyielding fight against all Soviet and Communist-front organizations. He was a constant defender of Lithuania in the Metropolitan press and on the speakers' platform, with many of his speeches being recorded in the CONGRESSIONAL RECORD.

Dr. Dauzvardis was an outstanding leader, and a vigorous spokesman for the cause of Lithuania and freedom. His death is a tremendous loss to the Lithuanian community which he served so faithfully for 25 years.

THE PHASE II GUIDELINES NIXON DID NOT PROPOSE

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. McFALL. Mr. Speaker, Dr. Gardner C. Means, the distinguished economist, before the opening of the 92d Congress in December 1970 met with my colleague, Congressman JOHN MONAGAN and me, and offered some excellent suggestions for new legislation to cope with spiraling inflation and runaway wages and prices.

Those suggestions were incorporated in legislation that Congressman MONAGAN and I later introduced on January 29, 1971, and identified as H.R. 2505 designed to create an Emergency Guidance Board to limit inflation by establishing and seeking adherence to a set of voluntary price and wage guidelines

Later, we reintroduced this bill which was cosponsored by approximately 60 of our colleagues.

Up until that time, the administration was on record as being opposed to controls or guidelines in any form. It is heartening to know that the administration has reversed its position and phase II appears to take on much of the intent of H.R. 2502.

Dr. Means authored a most interesting article appearing in the August 10 issue of the Washington Post entitled "The Phase II Guidelines Nixon Did Not Propose."

Mr. Hobart Rowen, the financial editor of the Post, noted in an October 5, 1971, article II of the latest proposals offered by Dr. Means:

First. A wage guideline that would bar wage and salary increases that exceed the combined increase in productivity plus living costs from the first half of 1971.

Second. A profits margin guideline that would bar increases in profits per unit of production in the same base, except for cost of living adjustments.

Mr. Speaker, I am inserting the August 10 article written by Dr. Means at this point in the RECORD:

THE PHASE II GUIDELINES NIXON DID NOT PROPOSE

(By Gardiner C. Means)

There is grave danger that Phase II of the President's anti-inflation program will fail because its primary focus is on the wrong problem. It is based on the assumption that the major source of inflationary pressure lies with labor and that profits are a positive force, except in occasional "windfall" cases. This confuses the role of profits and their contribution to inflation.

The fact is that greater profits made by increasing production at the same profit margin contribute to recovery. But greater profits made by increasing profit margins contribute to inflation.

In the last six months, the inflation push has clearly been primarily from a widening of profit margins. According to the National Income Accounts published by the Commerce Department, total compensation to employees per physical unit of gross national product by nonfinancial corporations remained constant. In the same period, profit margins per unit of production for these corporations increased by more than 6 per cent. Thus, for this period wages in industry only kept pace with increases in productivity and did not initiate inflation, while the widening of profit margins did.

The President confirmed that wage increases have not been the primary source of inflation in his Thursday night speech when he said that the big wage gains of the last six years "have practically all been eaten up by rises in the cost of living." Yet in those six years labor productivity increased by 11 per cent. If wage rates only kept pace with the cost of living, labor would be deprived of its share of the increase in national productivity.

In addition to the role of profit margins, the current inflation is being fueled by a curious paradox. Labor maintains that wage rates have not kept pace with combined increases in productivity and living costs and assumes that this is because profit margins are too high. Management holds that profit margins are low and assumes that this is because wage rates are too high. The paradox lies in the fact that both are right and that each is wrong in blaming the other. Wage rates have not kept pace with the combined increase in productivity and labor costs, and profit margins are low by historical standards—though this is for special reasons to be explained later. This belief by each side that its share of income is unreasonably low feeds the current "administrative" inflation, which has nothing in common with the classic inflation stemming from excess demand; it results, rather, from the market power of big business and big labor to increase prices and wages in private decisions or in collective bargaining.

A GUIDELINE PLAN

Certainly there is a need to limit both inflationary wage gains and inflationary profit margin increases. But curbing profit margins, I believe, is the more important, and the harder to accomplish.

In this regard, the most notable aspect of Mr. Nixon's address was that it left unanswered the question of what the specific guidelines will be for limiting these increases. This may explain in good measure why the President's plan thus far has been generally well received: It does not tackle what are, economically and politically, the most difficult decisions, the ones on which the program will fundamentally succeed or fail, the ones that may seriously antagonize one side or the other. These decisions are to be left to the members of the pay and price boards.

The guidelines they shape must be designed to resist not only the inflationary pressures generated as fiscal and monetary policies seek to restore full economic activity, but also to overcome the inflationary tendencies which the first Nixon game plan failed to check. They also must strike a balance between simplicity and perfection, and in the immediate recovery period simplicity should dominate.

For this purpose, two basic guidelines would serve, except for hardship cases requiring special adjustments:

Wage and salary increases should not exceed the combined increase in national productivity and living costs as measured from

a base period, say the first half or all of last year.

Profit margins per unit of production should not exceed the level in the same base period, except for adjustments in the cost of living (i.e. a decline in the buying power of money).

These guidelines, if followed, would bring to labor the full benefits of increased national productivity plus adjustment for living costs. Any adjustment for a previous lag in wages or for other inequities would come under hardship rules. The profit guideline, meanwhile, would allow management to pass on all legitimate cost increases and allow profits per unit to rise with the cost of living. But, apart from hardship cases, increased total profits would come from expanded production rather than from increased profit margins.

The inclusion of a full cost-of-living adjustment would produce some spiraling, but this would be quickly self-limiting because of the importance of fixed costs and because cost-of-living rises due to agricultural prices would diminish with the approach to full employment. If agricultural prices, for example, rise as they would with expanded demand, they would trigger a lesser percentage rise in wages, because agricultural prices account for only a percentage of the cost of living. The wage rise would then trigger a still smaller rise in prices, because wages are only part of business' cost. Since industrial prices, in turn, are only a part of the cost of living, they would trigger a smaller rise in wages again. And so the spiral would continue to diminish. Such spiraling could be reduced, of course, by including only part of the living-cost increase in the guidelines.

HARDSHIP CASES

If there were no hardship cases and all wage and price decisions were current, the application of these guidelines could be relatively simple. The appropriate board could announce periodically the changes from the base period in national productivity and living costs, and companies and unions could calculate the limits on wage and salary increases and in profit margins. In connection with other costs, this would allow management to set prices consistent with the guidelines. If these guidelines were adhered to, the pricing actions of labor and management would make no net contribution to inflation, and the objective of holding the line while employment and economic activity expand would be achieved.

But these basic guidelines would produce inequities if there were initial inequities in the base period and might produce inequities through the overly simple profit-margin guideline. Important inequities would require hardship adjustment lest they make the guidelines program break down. The guidelines for dealing with hardship cases should also be clearly stated to avoid lengthy and repetitive administrative negotiations.

Two general principles should guide adjustments in hardship cases:

No adjustment should be made for minor hardships. All hardships cannot be eliminated in the short period of the recovery program. The guidelines should not allow any adjustment where a correction for hardship would amount to less than, say, 5 per cent of the wage or profit margin involved.

Where substantial hardship would be involved in a strict adherence to the guidelines, adjustment should be made, but only part of the hardship should be corrected, particularly where it is of long standing.

In the immediate recovery period, the program cannot be expected to go far in correcting inequities in the system of wage rates and profit margins. In case of substantial hardship (more than 5 per cent of the wage rate or profit margin), the hardship allowance should be figured on the basis of the excess over 5 per cent. If the hardship arises during the period of the program because of its simplicity, the entire excess should be allowed. If it results from a low level in the base period, only a portion of the excess, say 20 per cent, should be allowed in any one year.

WORKER HARDSHIPS

The application of the hardship principles to wages and salaries would center on hourly pay in the base period. In general, but probably with many exceptions, employee pay has not kept pace with the historic rise in national productivity and living costs.

A considerable discrepancy developed during the four-year period of the Kennedy guideposts when the cost of living rose by 5 per cent; those guideposts allowed adjustment for increasing productivity but not for cost-of-living rises. Labor adhered so closely to the wage guidepost that the labor cost per unit of production for nonfinancial corporations did not rise at all; for manufacturing enterprises it actually went down. Some of this setback has since been overcome, but some lag still remains.

The board should take a normal period of years prior to the Kennedy guideposts and report the estimated rise in employee pay from that period to the base period. Where compensation has lagged well behind this average, the hardship guidelines should call for some adjustment.

The other major type of wage hardship would arise where, in the base period, employee pay in one activity was clearly out of line with pay for other similar activities. If the difference were substantial, the guidelines should allow some adjustment, provided the pay for the comparable activity was not substantially out of line in the opposite direction by the historical measure.

In all wage and salary guidelines, employee compensation should be defined to include fringe benefits, should apply to hours actually worked, and should apply to management as well as nonmanagement employees.

The application of the hardship principles to profit margins is complicated by the paradox already mentioned that both employee pay and profit margins appear to be low. The reason for the lowness of wage rates has already been indicated. The lowness of profit margins in the base period is quite another matter. It arises primarily from three sources.

THE PROFIT FICTION

In part, it is a result of changes in the handling of depreciation, and to this extent is a fiction so far as the guidelines are concerned. Over the years, charges for depreciation have been shifted away from a straight line to an accelerated basis so that a larger proportion of the capital invested in new plant and equipment is recovered through depreciation charges in the early years of their lives. The depreciation benefits of $3.5 billion a year put into effect last Jan. 1 are a continuation of this process. As a result of this single change, accounting profits before taxes would be $3.5 billion less even if gross profits before depreciation and taxes were the same. Over a longer period the shift of income from profits to depreciation would be very much greater.

This in part explains why profit margins look so low. Capital is taking part of its compensation in the form of tax-exempt depreciation, not taxable profit. This means that in any comparison of profit margins at different times for guideline purposes, whether for the basic guideline or for hardship adjustments, the same methods of calculating depreciation (including depletion) must be used or an adjustment made for the difference.

The second reason that profit margins have tended to be low is the increased role of interest payments in the compensation to capital. In the last fifteen years, interest costs per unit of physical output produced by nonfinancial corporations have increased more than fivefold. Part of this comes from the doubling of interest rates, but more comes from a great increase in the proportion of industrial capital that is derived from debt rather than equity sources.

The very substantial increase in the ratio of debt to equity means that a larger proportion of the compensation to capital comes in the form of tax-exempt interest rather than taxable profits. But the fact that corporate management chooses to finance with debt rather than stock does not provide any justification for higher prices. Rather, it means that profit margins per unit of production should be lower. If two companies are alike in all respects except that one has no debt and no interest costs while the other has obtained half its capital by borrowing and therefore has substantial interest costs, there is no reason why consumers should pay the extra cost of interest in higher prices or why, at the same prices, the interest should come out of wages. Rather, the interest should come out of profits and the profit margin should be less. Therefore, in measuring the stability of a company's profit margins or its average margin as compared with the base period, the basic profit guideline and the provisions for hardship adjustment should require an adjustment for any substantial shift in the debt-equity ratio.

The less important problem presented by the increase in interest rates raises the issue of whose income should be lower because interest rates have risen. Should the extra cost be borne by consumers, wages or profits? Though a perfect set of guidelines would resolve this problem, it is sufficiently small so that any inequities involved in disregarding it in calculating changes in profit margins from the base period and in making hardship adjustments will be small, especially if the effort to reduce interest rates is successful.

LOW OPERATIONS FACTOR

The third major explanation for low profit margins is the relatively low rate of operations. This problem tends to differ among companies, depending on how they have reacted to diminished sales and increased overhead costs in the recession from mid-1969. Some companies administer prices to keep profit margins relatively constant in a recession, hoping to average out their profits over the cycle. Others price to widen profit margins in a recession and make more nearly the same total profits, despite variations in sales. Still others reduce, or are forced to reduce, profit margins in recession.

A perfect guideline program would take these differences into account, but this would appreciably complicate the profit guideline. For the immediate recovery program, it may be preferable to neglect this factor in administering the basic guideline but to take it into account with respect to hardship cases. This would require a discount from actual profit margins in measuring the hardship where the margin had been increased in recession and an addition in measuring the hardship where the margin had been reduced.

One further subject needs mentioning. If there had been a substantial change in the ratio of capital to labor used in production, the ratio of the pay to employees and compensation to capital should shift in favor of the latter. It is well established that, even in constant dollars, the dollars invested per worker have been increasing. But this is not the important factor in a guideline program. What is important is whether the value of capital per worker has increased relative to the value of labor per worker. In the last ten years, real wage rates per hour in manufacturing went up approximately 30 per cent and the real capital used per man-hour went up in about the same magnitude. Thus there has been no substantial change in the ratio between the value of labor and the value of capital used in production. This factor would, therefore, not need to be taken into consideration.

EMERGENCY BOARD

All managements and unions with significant market power should be encouraged to obey the guidelines during the emergency. But the formal effort to obtain adherence should be limited to the few hundred big corporations which constitute two-thirds of industry and whose market power vests them with a major public interest. The President has indicated that his program will be aimed at a limited, critical segment of the economy, but he has not spelled out the exact extent of his approach.

An example of such a limitation is given in H.R. 2502, which proposes to create an Emergency Guidance Board to limit inflation by establishing and seeking adherence to a set of voluntary price and wage guidelines. Its powers would apply only to (1) corporations with capital assets in excess of $500 million, (2) corporations which supply more than 30 per cent of any market of substantial volume, and (3) any corporation with capital assets in excess of $100 million or supplying more than 10 per cent of any market of substantial volume where the board determines such inclusion to be necessary to carry out the purposes of the act.

Such a limitation in legal scope would, at the outset, allow some 300 big corporations to be brought within the program immediately, thereby covering more than half of the nation's industrial capacity. As experience was gained, other companies could be brought under the program to the extent required by the anti-inflation objective, leaving smaller companies outside.

Labor adherence should not be difficult to achieve, provided labor is thoroughly sold on the need for the guidance program, believes in the essential fairness of the guidelines, and feels that the profit margin guidelines will be enforced on management. There are three major reasons for this expectation. First, labor adhered remarkably closely to the Kennedy guideposts even though they were unfair to labor. Second, management will tend to use the labor guideline in resisting excessive demands. And, third, the anti-inflation program outlined here will include a tax on corporations applicable to any excessive increase in profit margins, except as approved by an anti-inflation board for hardship.

Only in one situation should any union have to make reports to an antiinflation board. Unions should be free to strike. But before any union bargaining with one or more of the corporations subject to the powers of the board could strike it should be required to file a substantial economic justification for the pay increases and other terms for which the strike call was being issued, with evidence that the strike demands were consistent with the wage guidelines or in what ways they exceeded those lines. The board could then publish the justification and review it. If it found that the demands were excessive it could make this conclusion public. Such a process would not abridge the right to strike but could bring public opinion to bear.

THE PROFIT PROBLEM

The problem of obtaining management adherence is more difficult. Under the four years of the Kennedy guideposts, the compensation to capital per unit of production for nonfinancial corporations went up 25 per cent, while the compensation to employees remained practically constant and even declined a little. On average, almost all of the extra compensation to capital came from raising prices.

The difficulty stems from two major sources. First, there is no strong consumer organization to bargain with management on profit margins comparable to management in bargaining on wages. Second, it is much more difficult to bring about a reduction in prices when costs per unit go down than it is to prevent an increase in price when costs per unit do not go up.

Advance notice and economic justification for an intended price increase and a review by an anti-inflation board could contribute greatly to securing adherence. The board should have the legal power to require all corporations under its authority to file with it any planned price increases for any significant product or line of products, say 30 days before the increase is consistent with the profit-margin guideline.

The board could then publish the justification and review it. If it found that the proposed price increase was not warranted, it could make this conclusion public. Such a process could considerably temper any tendency to raise prices. It would not, however, have any effect in limiting an increase in profit margins when costs per unit have gone down, since only price increases would be reported.

An effort to apply a reporting technique where costs go down would be much more difficult and cumbersome. A price increase is a positive event easily reported by those corporations proposing to raise prices. But cost reductions are not so simple; monitoring them would require that practically every corporation file a report on costs. This would overwhelm an administering agency.

A MARGIN TAX

To deal with this difficulty and also to curb price increases, some had proposed that an excess-profits tax be imposed. The President correctly ruled out such a step. An excess-profits tax would be counterproductive because once a corporation was making the allowable profits, the inducement to expand its production further and hire more workers would be diminished.

A much more effective tax would be to tax unjustified increases in *profit margins*. Each corporation would be required to report to the Treasury its total sales and its total profits after taxes in the base period. It would also report its total sales and total profits after taxes in a current period. If the ratio of profits to sales had increased, this would be prima facie evidence of a rise in profit margins. Unless this evidence was rebutted by evidence of a hardship accepted by an anti-inflation board or by a change in product mix, the profits arising from the increase in ratio would be heavily taxed.

Where the board finds that a constant margin would create a severe hardship and accepts a higher profit margin as consistent with the guidelines, the Treasury would be required to use the adjusted profit margin in calculating an increase. Similarly, where the product mix has been changed because of a change in the degree of integration or for some other reason, some adjustment should be made. If the change in mix arises from differences in the products of different subsidiaries, its effects could be eliminated by allowing corporations to report their margins for each subsidiary separately. Only these exceptions for hardship and product mix should be allowed. Otherwise the simple figures should be used.

In the decision on the rate to be charged on taxable increases in profit margins, account must be taken of the imperfection of the guidelines. If the guidelines were perfect and all hardships were adjusted for, it would be appropriate to tax away all profits resulting from increases in the adjusted profit margins. But because some legitimate increases in margins cannot be taken into account without greatly complicating the administration of the program, some lesser proportion, say 50 per cent, should be taken. This would provide a significant deterrent to unwarranted price increases and a clear incentive to price reductions where costs were lower. It would not be counterproductive but would, rather, focus the making of profit on expanding production and employment at a constant profit margin.

The main objective of the guidelines proposed here would be to provide employees of major corporations with the gains from national productivity that are their due without having them taken away by a rise in living costs, and to give management the prime inducement to make profits by producing more, not by increasing profit margins. If followed, they would not prevent all inflation during the recovery period. There would be the limited inflation resulting from the rise in classically competitive prices such as those for farm products and some industrial raw materials, but this source of inflation would cease once full employment was reached. There also would be some price increases due to the adjustment of hardship cases. Finally, there would be the probability of some price increases among the small and medium-sized companies and services not subject to classical competition. At the same time, an expansion of demand through fiscal and monetary measures could expand production and employment with only a minor proportion diverted to inflation.

WILLIAM J. POWERS

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. MONAGAN. Mr. Speaker, the Waterbury, Conn., Republican recently commented editorially "The death of William J. Powers, national service officer for disabled veterans for a quarter of a century, saddens all veterans." This is true.

Bill Powers devoted most of his adult life to working with and for disabled veterans and while his principal territory was Connecticut he was a frequent visitor to Washington, D.C., where he enjoyed a wide circle of friends and associates in veterans' affairs.

The death of Bill Powers is a personal loss to me for I knew him as a friend and often looked to him for guidance in the development of veterans' legislation and in the adjudication of veterans' claims which came to his office and to mine.

Many friends and admirers extending well beyond the veterans' circle mourn the passing of Bill Powers. I attach here a brief editorial eulogy which appeared in the Waterbury Republican of October 5, 1971:

WILLIAM J. POWERS

The death of William J. Powers, national service officer for disabled veterans for a quarter of a century, saddens all veterans. Mr. Powers was highly knowledgeable about all phases of veterans' affairs, and put his know-how to practical work.

For a man whose livelihood came from helping veterans, Powers never wrapped himself in the American flag in a pseudo effort to gain recognition as a patriot. He accomplished the same recognition by doing his work quietly, unassumingly and efficiently, thereby performing a far greater service to his country and reflecting even more credit upon himself.

Mr. Powers was elected to the Board of Education and served two terms. He picked the wrong year to try to advance politically. He never permitted his political interests to interfere with his unbiased handling of the problems of any veterans.

POLISH-AMERICANS HIT ETHNIC SLURS, PRAISE THEIR CULTURE IN ADS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. PUCINSKI. Mr. Speaker, the Wall Street Journal this morning carried an excellent article by its Detroit correspondent, Greg Conderacci, on a new positive campaign to acquaint the people of America with the rich culture of Polish Americans.

Mr. Conderacci has performed a notable public service by calling attention to a campaign being financed by Philadelphia industrialist Edward J. Piszek to put Poland's culture into proper perspective.

Mr. Piszek gives living meaning to America's ethnicity. His effort demonstrates there is no conflict in being a loyal, proud, dedicated American and still be proud of one's ethnic ancestry.

As principal sponsor of the ethnic studies bill now working its way through Congress, I want to particularly thank Mr. Piszek for his unselfish and generous contribution to better understanding among America's ethnic groups.

I am pleased to include in the RECORD today Mr. Conderacci's excellent article describing in detail Mr. Piszek's campaign of enlightenment.

Mr. Conderacci's article follows:

[From the Wall Street Journal]

POLISH-AMERICANS HIT ETHNIC SLURS, PRAISE THEIR CULTURE IN ADS

Was Copernicus Trying to Tell Us Something? Yes, and It's Far From a Joking Matter

(By Greg Conderacci)

ORCHARD LAKE, MICH.—Have you heard the story about the Polish millionaire who spent $500,000 to help stamp out Polish jokes?

It's no joke.

It's "Project: Pole," an effort to place a half-million dollars worth of pro-Polish advertising in newspapers across the country.

"Polish jokes should set up in a man a determination to prove they're not true," says Edward J. Piszek, president of Mrs. Paul's Kitchens Inc. of Philadelphia and the man bankrolling the campaign. "In a positive way, it's an answer to the jokes—instructively. You eliminate the opportunity to originate the joke by proving it's not true."

So today a pilot campaign, in the form of a half-page advertisement, will appear in Detroit newspapers with the headline: "The Polish astronomer Copernicus said in 1530 that the earth revolved around the sun. What was he trying to tell us?" The answer, Mr. Piszek says, is that Polish-Americans are every bit as good as any other Americans.

SECOND-CLASS CITIZENS?

Mr. Piszek's problem is not only that he has to convince the other Americans. He has to convince the Polish-Americans, too. Henry J. Dende, editor and publisher of the Polish-American Journal, a national newspaper based in Scranton, Pa., says Polish-Americans face such a publicity crisis that Project: Pole is "a necessity."

"You have to go through a daily newspaper with a magnifying glass to find anything with a Polish theme," he says, and because Polish-Americans don't read much about themselves "they relegate themselves to second-class citizens." He contrasts meager media coverage of Pulaski Day to coverage of Columbus Day and St. Patrick's Day. "We can't even get a big story in the paper when 250,000 Poles march in New York," he asserts.

To make matters worse, most Polish references in the media are bad, he says. "I watched a television program the other night in which the phrase 'dumb Polack' was used seven times, I counted them. I don't mind an ethnic joke now and again, but why do they have to beat us over the head with it?"

Poles who emigrated to the United States weren't representative of all Poles in Poland says Project: Pole's director, Father Walter J. Ziemba. "The Polish peasant immigrant—poor, deprived, ambitious, independent, courageous—came from a dismembered nation with no political identity and without opportunity for education. All he knew were his prayers and his songs. When he came to this country he couldn't tell people about Poland's 1,000-year history. So now Project: Pole must tell him these things," he says.

The Copernicus ad is only the first of a series designed to educate Polish and other Americans in Polish history. Famous Poles—Joseph Conrad, Marie Curie, Chopin—are featured. One ad proclaims: "Before there was a United States there was a Poland."

Project: Pole is the first campaign of its kind, Father Ziemba says, adding that the campaign will be a sustained effort for "at least a year." In Detroit, at least 12 to 16 ads will run in daily papers. Washington, D.C. Hartford, Conn.; Philadelphia, Buffalo, and Chicago, also will be targets of Project: Pole, he says, and about 29 Polish newspapers across the country will begin carrying Project: Pole ads this week.

ART AND IMAGINATION

Father Ziemba, the friendly, bespectacled president of Orchard Lake School here, a tiny private Catholic college and seminary he likes to call "the Polish Notre Dame," says he hopes people will read the Copernicus ad and say, "Hmmm, I didn't know Copernicus was Polish." He says he also hopes people will clip the ad's coupon and send for a) "Poland," a "magnificent art book" ($6), or b) "The Imagination of Poland," a "48-page colorful booklet" that details Polish achievements (50 cents), or c) a poster that "shows at a glance the great men and women of Poland" ($1).

The money goes to Mrs. Paul's, a frozen-food processor owned by Mr. Piszek's family, to defray some of the cost of the campaign. Mr. Piszek says he expects to get about $200,000 of his money back—"unless it turns out to be a total turkey."

Most Polish leaders are enthusiastic about Project: Pole. "I think the Polish-American community will welcome it," says Aloysius A. Mazewski of Chicago, president of the Polish-American Congress.

But not everybody is sold on Project: Pole. One prominent Polish-American, who asks not to be identified, says the project probably will fail "because you can't sell culture the way you sell fish. Project: Pole is just an attempt on the part of the Polish community to get something into the media that's favorable. The Negro has stopped the harassment of the media, but Rowan and Martin are still free to malign the Poles on television. I fervently hope Project: Pole works, but I'm not very confident of its success."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 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?

INTERNATIONAL MONETARY AND FINANCING PROBLEMS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. HANNA. Mr. Speaker, it is an accurate if unpleasant fact that we in the United States face an international crisis in world trade at the same time as we have a national emergency in our domestic economy. We are also forced to conclude that the two are inseparately entwined. What bothers me is that whereas the domestic situation is as difficult as it is challenging, the international problem is one very little understood and to most, completely baffling.

Whether we like it or not, we must take time to become more intelligently informed and more worldly in our awareness. Granted that such effort is taxing, it is likewise imperative. Our basic problems are not confined to the U.S. borders. The solutions will not be found in an approach limited to our parochial concerns.

Being ever alert to contributions which might serve our interests in better understanding, I was pleased to come upon a recent presentation by Dr. Alfred Schaefer, chairman of the board of the Union Bank of Switzerland. The good doctor addressed a group of businessmen, Government officials, and the news media here in Washington on October 6. Dr. Schaefer heads the largest of the Swiss banks and what he had to say, I feel, will be of interest to my colleagues in the Congress. Dr. Schaefer talked about the very things we are discussing in the Congress, which include the price of gold and the Eurodollar market. He also made some suggestions of how he felt the world's monetary problems might be solved. He agrees that the United States should reduce her international commitments and that it was time for other nations to pull their share of the load.

I enjoyed reading the following address and I hope my colleagues will also:

INTERNATIONAL MONETARY AND FINANCING PROBLEMS AS VIEWED BY A SWISS BANKER

Swiss bankers are devoting close attention to the current monetary problems, for Switzerland's importance as an international center of finance does not rank far behind that of New York and London. Swiss banks transact about one quarter of the Euromoney market's estimated 60 billion dollar volume. In addition, the Swiss banks have a capacity which enables them to place 20 to 40 per cent of all international Eurocurrency loans with their own customers.

As a consequence of such close financial ties with other nations, Switzerland is directly affected by international monetary dislocations. For the first time since 1936 the parity of the Swiss franc has had to be al-

tered. On May 10, 1971, the Swiss authorities revalued the franc by 7 per cent, thus taking the step which the United States is now asking of other industrial nations. Nevertheless, after the temporary suspension of the dollar's convertibility into gold, the Swiss National Bank deemed it advisable to abstain for awhile from intervening on the foreign exchange market and to enact administrative measures to curb the influx of foreign currencies. Under the pressure of events, Switzerland was therefore compelled to renounce the very things to which it had bent its efforts for many years: namely, fixed exchange parities.

The uncertainty that reigns throughout the western monetary world today affects Switzerland quite acutely.

Uncertainty, however, produces the worst counsel. Its removal is the most urgent task confronting us today. To devise at short notice an entirely new monetary system scarcely seems reasonable. It would be far more purposeful to build upon an arrangement which has proved its efficacy for around 25 years. The Bretton Woods Agreement—and particularly the introduction of free convertibility in 1959—contributed substantially to the fact that between 1950 and 1970 world exports increased nearly fivefold (from 57.2 billion to 279.3 billion dollars).

SHOULD THE PRICE OF GOLD BE RAISED?

The maintenance of the Bretton Woods system means that gold must retain its role as the principal monetary reserve asset. As a generally acceptable, freely negotiable tangible item, gold appears—at least to European nations—as the best foundation for a currency and the most neutral standard of value, for it cannot be brought into existence arbitrarily by a state or an international organization. Too great a discrepancy between the price of monetary gold and that prevailing on the free gold market would undermine confidence in the Bretton Woods system. A modest increase in the official gold price from its present 35-dollar-an-ounce level to a maximum of 40 dollars an ounce would not alter the international monetary system. Such a correction would stimulate gold production, reduce gold hoards and enrich national monetary reserves. The resultant advantages for South Africa and Russia would be of marginal importance compared to the strengthening of confidence such a step would produce and the benefits the western monetary system would derive from it.

In its role as the chief reserve medium—at least in terms of volume—the dollar is dependent on the economic and monetary policies of the United States and on the world's confidence in this currency. Should this confidence be shaken, the dollar will not be as accepted without restrictions as it has been in the past. However, the dollar as a reserve asset or as a means of intervention cannot be replaced by other currencies or by an artificial reserve medium—at least not over the short or medium term. Without full convertibility special drawing rights would represent not much more than uncovered bank notes. It is therefore of primary importance today to restore the world's faith in the key currency. This would be possible only if the United States, as banker to the world, considerably reduces the deficit in its balance of payments, and this in turn will require not only efforts on the part of the United States, but also the sympathetic collaboration, particularly in terms of burden sharing, on the part of other nations, which they can certainly be expected to do.

CONFIDENCE IN THE DOLLAR IS VITAL

A considerable improvement in the U.S. payments balance could be achieved if America were to combat inflation at home in order to maintain its competitive position on international markets, trim its military outlays in Southeast Asia, if the other nations were to assume a share of America's military costs abroad and be prepared to adjust their exchange rates—which they have actually done to a large extent—in recognition of the United States' contributions to the welfare of the free world. European nations could grant the United States medium-term loans denominated in their own currencies, so that the United States could buy back the dollars in excessive supply at the central banks, thus further easing the situation. It would be unrealistic to expect the U.S. balance of payments to achieve complete and rapid equilibrium. In view of the substitution of U.S. exports by the production of goods in subsidiaries abroad——America's foreign investments totaled about 77 billion dollars in 1970, with 2–3 billion dollars in profits being reinvested annually—it is unlikely that in the future we shall again witness export surpluses of 5 billion dollars or more in the U.S. trade balance.

The measures I have cited could suffice to pare the U.S. payments deficit to such an extent that the world's confidence in the dollar would be restored. The United States as the world's banker could afford an annual deficit averaging 1–3 billion dollars—but not much more over a long period of time. The most recent steps taken by the United States have come late. Today, Europe's economy is clearly approaching a period of economic slowdown. Foreign trade contributes considerably more to the G.N.P.s of European nations than in the case of America. For the U.S.A. exports presently constitute 4%, for France 12%, West Germany 19%, Switzerland 25%, and the Netherlands 35%. The susceptibility of the European economy to crises in confidence and to the danger of recession is correspondingly greater. Today—more than ever—Europe therefore requires stable monetary conditions, the sound foundation of fixed parties and convertible currencies.

THE THREAT OF THE EUROMARKET

The restoration of stable monetary conditions and, in particular, faith in the dollar is also of decisive importance to the largest of the globe's money markets, the Euromarket. Today, the Euromarket has attained such vast proportions—assisted unfortunately by the central banks—that substantial risks are entailed. The initial lender frequently has neither any knowledge of the purpose of the credit nor of the identity of the final borrower, and must fear that, as a consequence of the long chain of transactions, the maturity of the loan is lengthened, making long out of short. This violation of the golden rule of finance could have very serious consequences for the monetary sector if everybody's nerves continue to be jangled. Any market is only as strong as its weakest link.

If due to uncertainty or mistrust the principal investors withdraw a considerable volume of their capital from the Euromarket, a chain reaction could be initiated that would set the entire credit structure to teetering. The decision of the principal central banks to refrain from supplying the Euromarket with funds exceeding the present engagement of an estimated 11 billion dollars is obviously correct—even though it unfortunately came very late. On the other hand, comprehensive control of the Euromarket, which is advocated in some quarters, is as dangerous as the excesses made possible by the uncontrolled bloating of the market. Restrictions can do more harm than good to faith in the free enterprise system.

At this point I would like to say a few words about the subject of so-called currency speculation. Naturally, there are speculators who seek only profit and engage in activities which has no commercial basis. However, if for example a businessman sells forward the future proceeds of an export transaction because he anticipates an up-valuation of his national currency, he is not speculating but merely protecting himself from losses that might be caused by parity changes.

Flows of capital from one currency into another are not only an expression of a somewhat excessive world-wide liquidity and an all-too-high international credit pyramid, but above all an expression of fear and mistrust in our monetary system which is based on confidence. Monetary measures alone, however, do not suffice to restore stability and confidence in a world where the belief in expansion and technological progress has been a credo for an entire generation. Nor are they adequate in a world where the number of people who admonish and warn of suicidal excess are dwindling, for the generation that witnessed in the thirties how close our social structure came to collapsing is gradually retiring from the stage. Conservative virtues such as the largest possible extent of self-financing and the conservation of earning power should today still constitute the pillars supporting an economic system which is aware of its responsibility to the general public. In the consumer society of the past decades, thinking in terms of profit has clearly taken backseat to thinking in terms of growth. Profitability, however, is the chief basis for technological progress and the most natural measure of a company's usefulness. Cash flow and the formation of reserves are steadily eroded by inflation. When the rate of inflation is 6–7%, companies can retain their net worth only by making appropriate allocations each year to reserves.

WHAT CAN WE DO?

With floating currencies, the international economy cannot make long-range calculations, especially not in the realm of monetary transactions and capital movements. A foreign exchange market two-tiered into commercial and financial currencies with all of the related control mechanisms is not feasible as a solution. Intervention only serves to conceal the symptoms of monetary illness but does not attack its causes.

What free enterprise needs today is a return to fixed parities and to the clear-cut rules needed by our monetary system. By widening trading bands within reasonable limits, small rate corrections can be made without altering parities. Measures taken against inflows of speculative funds are useful, but serve only to combat the superficial aspects of the real problems. Public announcements and discussions—whether in parliament or among experts—usually trigger sizeable and dangerous monetary movements. In monetary policy, too, only remedies in the interest of all have lasting value. Although world history hardly revolves around the concept of gratitude, the United States has a moral right to advocate burden sharing, whereby drastic monetary corrections can be virtually avoided.

Technically speaking, even the wealthiest "landowner" can go bankrupt if he finances his steadily increasing investments on a short-term basis abroad—and in all fairness he cannot very well ask to be relieved of all the risks connected with what might almost be regarded as the building of a business empire by unilateral revaluations of his creditors. The monetary corrections which appear necessary today are relatively minor and have to a large extent already been made by means of floats and the revaluation of certain currencies. If the United States would make the conciliatory gesture of a modest devaluation, time would be gained for a calm assessment of the possibilities for a new monetary system, and such a step could avert the clearly discernible threat of recession in Europe. In all likelihood it would also pave the way for a return to confidence in the dollar and would restart the flow of capital and gold into the United States. For psychological reasons and in the interest of restoring confidence in our monetary system, it would surely not be farfetched—independent of

currency realignments—to give serious consideration to a modest, general and equal increase in the price of gold that would bring it in line with free market quotations.

Intervention, trade wars and barriers, controls and oscillating exchange rates would return us to a situation reminiscent of the Middle Ages. We need a convertible dollar. The United States, whose G.N.P. accounts for nearly half the combined output of the entire western world, has made it possible for the Bretton Woods system to function for a quarter of a century. By contributory action, America should today clear the path for the continuation of the fruitful association among those nations adhering to the free enterprise system—otherwise this system will suffer extremely serious psychological, political and material damage.

THE F–14—A DESPERATELY NEEDED WEAPONS SYSTEM

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1971

Mr. GROVER. Mr. Speaker, after each of our major foreign military involvements over the years has come a wave of emotional pacifism and isolationism which has invited if not abetted or contributed to the terrible war to follow.

With most of our conventional weapons systems approaching mass obsolescence it is frightening to see the repeat performance of the unilateral disarmers now on stage.

In this light, let us examine and respond to some of the allegations made on September 23, 1971, by Senator WILLIAM PROXMIRE in a press release concerning the F–14, a weapons system desperately needed by our military as a deterrent in the decade of the seventies.

The exchange of views follows:

PRESS RELEASE EXCERPT

Senator William Proxmire (D-Wis.) said in a speech prepared for delivery in the Senate Thursday that "a recent Pentagon study convincingly shows that the Navy's present F–4 fighter, modified only with leading edge slats, could out perform the F–14A at all speeds likely to be encountered in a dogfight."

The facts

The Navy is unaware of any internal or Office of the Secretary of Defense Staff study that convincingly shows the F–4 aircraft with slats superior to the F–14A in any of the performance parameters that comprise a superior "dog" fighter. The Navy Fighter Study analyses, concurred in by the Naval Air Systems Command, conclude the F–14A is significantly superior to the F–4 with slats in energy maneuverability (Ps), sustained turn (g's), turn radius, rate of climb, and acceleration.

PRESS RELEASE EXCERPT

Proxmire said that in introducing an amendment, co-sponsored by Senator Vance Hartke (D-Ind.), to terminate the F–14 program. Proxmire hopes to replace the F–14 with a new light fighter similar to the plane the Air Force plans to build as a complement to the F–15.

The facts

It seems strange indeed that Senator Proxmire proposes to *replace* an F–14 with a new light weight fighter but is perfectly willing to agree that a light weight fighter can merely *complement* the F–15. Numerous studies in the past several years have failed to uncover a light weight fighter design that could fulfill the requirements for Navy fighter missions.

PRESS RELEASE EXCERPT

"It has always been recognized that the F–14's small wing area would give it less hard turn capability than a number of existing aircraft, including the Russians' Mig-21," Proxmire said. "And its acceleration potential has always been dependent on successful development of the advanced technology 'B' engine.

The facts

In reality the F–14A has a larger wing area than any of the airplanes mentioned by Senator Proxmire.

Turn capability is a function not only of wing area, but of the lifting ability of the wing when all factors are considered, e.g., area, weight and lift capability, the F–14 actually has a better hard turn capability than practically any airplane flying today including the proposed F–15. The variable geometry wing on the F–14 allows the airplane to achieve extremely high lift coefficients which directly contributes to a low effective wing loading.

The F–14A accelerates 58% faster than the F–4J from Mach 0.8–1.8 at 35,000 feet. Acceleration of the F–14B will be improved over the F–14A by a factor of two.

PRESS RELEASE EXCERPT

"Now that the 'B' engine has been dropped from official Navy plans, the F–14 does not measure up at all well in dogfight maneuverability. It is a Tom Turkey, not a Tomcat.

The facts

The F–14B engine has *not* officially been dropped from Navy plans for the F–14. Development of the F–14B is continuing and when fully developed and qualified the decision to incorporate in the F–14 will be reviewed. Historically when better performance can be achieved in a tactical aircraft the capability has been incorporated. To quote one example; the F–4B differs from the F–4J in increased performance in the radar and increased thrust in the engines. Every objective analysis to date has concluded that the F–14 is a highly maneuverable and extremely effective air superiority fighter.

PRESS RELEASE EXCERPT

"The Air Force F–15 will have sizable advantages both in hard turn capability and in acceleration.

"In fact, a recent Pentagon study convincingly shows that the old F–4 itself, modified only with leading edge slats, could outmaneuver the F–14A.

"An F–4 with slats would be quite carrier compatible. And with these inexpensive slats, which could be deflected to improve turning performance and retracted to prevent drag during acceleration and climb, *all* models of the F–4 would be able to both out-turn and out-accelerate the F–14A—by as much as 10 per cent for the most suitably equipped F–4 models.

The facts

It is to be expected that the F–15 like the F–14 will be capable of out performing Soviet threat aircraft.

Previously addressed in response to paragraph one of Senator Proxmire's press release.

Navy flight tests of an F–4 equipped with slats proved that a simple installation was not satisfactory for use in a carrier approach, although combat maneuverability and flying qualities were enhanced. A more complex and costly design is currently being studied. The time required for test and retrofit as well as the significant cost increase associated with the installation detracts from its attractiveness. Even under optimum assumptions as to slat operation, the F–14A can always out turn and out accelerate the F–4.

PRESS RELEASE EXCERPT

This is admittedly a small margin, but it is of devastating significance when we are thinking about replacing the F–4 with the F–14's costing more than three times as much per plane.

The facts

Cost must be related to mission success. The advanced capabilities of the F–14/AWG–9/PHOENIX weapon system provide the only means of assuring success on future air superiority missions. Effectiveness and need must be the measure to determine value of the requisite investment. We could purchase the World War II F–6F for far less dollars than the F–4J requires, increase the quantity of aircraft in the Navy inventory, but not be effective against the current and projected threat.

A similar comparison can be made between the F–4J and the F–14. The F–14 will meet the threat; the F–4J will not, regardless of the quantities procured. We are forced to spend more money per unit to attain needed performance levels. There is no known substitute way to accomplish the stated missions against the anticipated fighter, interceptor, and cruise missile threat.

PRESS RELEASE EXCERPT

It could prove equally devastating, in another way, if we relied on the F–14 as our front-line Navy fighter against Soviet Mig–21 successors which the F–4 itself will not be able to handle.

The facts

The statement is academic since there is no authoritative evidence that supports the Mig–21 being a superior aircraft to the F–14A. All analysis to date, including a NASA assessment, conclusively indicates the F–14A is superior to the known and projected Soviet "DOG" Fighter aircraft. This coupled with weapons flexibility of the AWG–9, PHOENIX, SPARROW, SIDEWINDER and Gun capability of the F–14A provides the only fighter that can meet the Navy requirements in the 1970–80 time frame.

PRESS RELEASE EXCERPT

I recognize that official Navy studies of the F–4 and the F–14 reach somewhat different results. But the Navy refuses to take slats into consideration. And it refuses to compare the two planes over all parts of their respective flight envelopes and with the latest measurement techniques. Yet even the Navy studies show marginal F–14 advantages.

The facts

An in-depth evaluation of a fixed slat installation on the F–4 has been completed. Further investigation of a carrier suitable operational slat is ongoing with the McDonnell Aircraft Company.

The Navy has compared the maneuvering performance of the F–4 with and without slats and has yet to determine if a significant improvement is possible with an operational slat installation due to the excessive weight of the installation.

The Navy has been extremely interested in improving the capabilities of the F–4J and has certainly taken the lead by the improvements made in the cockpit and Fire Control systems.

PRESS RELEASE EXCERPT

The F–14 will have such poor maneuverability in large part because it will be weighted down with the same complex avionics and air-to-air missiles which have been countermeasured, outmaneuvered, and often barred from use for the last five years in Southeast Asia.

The facts

The Navy F–14 is designed for air superiority. There has been no compromise in air superiority performance because of the fleet air defense capability. The air superiority mission requires dogfighter performance superior to the threat at distances compatible with the Navy attack aircraft to be escorted.

The F–14 air superiority fighter is a weapon

system that can shoot down long-range multi-raid aircraft and missiles as well as engage enemy fighters in close-in combat. Weight-reducing microminiaturization of avionics, balanced with airframe and engine design, has eliminated performance penalties formerly associated with multi-mission fighters. In the F–14 one percent of the aircraft weight makes it possible to use Phoenix, Sparrow, Sidewinder, Agile, a gun and air-to-surface weapons. A large part of that weight is in removable pallets not used for the Dogfight configuration.

Navy performance estimates of the F–14A and F–14B have been substantiated by an independent National Aeronautics and Space Agency assessment made at the request of Dr. John S. Foster, Jr., Director of Defense Research and Engineering. It was further concluded the multi-mission performance estimates were attainable without degrading the pure fighter capability.

An important item in the initial Navy specification for the Phoenix Missile was the requirement to operate in the severest Electronic Countermeasures (ECM) environment.

Contractor and Navy tests have been made on the entire Phoenix Missile and elements within the missile, using projected 1980 ECM threats and experimental ECM devices specifically conceived to defeat the missile's circuits. The weapon successfully copes with all these ECM techniques.

PRESS RELEASE EXCERPT

In fact, its main dogfight weapon will be a new $100,000 per copy version of the Sparrow missile, earlier versions of which in Vietnam have proven one-quarter as effective against enemy aircraft as our fighter planes' cannons and guns, while costing 200 times as much per firing or 800 times as much per kill.

The facts

The new SPARROW costs $60,000 per copy under the present Navy program. Also the F–14 with its mixed weapon load (SPARROW, SIDEWINDER, and Guns) and superior fire control system allow the Pilot and Missile Control Officer to select the proper and most effective weapon for each particular situation thus increasing the overall kill probabilities.

PRESS RELEASE EXCERPT

The Senate should follow the lead of the House and deny further funding for the F–14.

And the Navy should follow the lead of the Air Force and develop a new light weight fighter which could put the F–14 to shame.

As the Air Force program demonstrates, a new light weight fighter could have 80–100 per cent better acceleration and turn capabilities than the F–14A.

And even if it came in at double the $2.5 million per copy now estimated for such a plane, we could still afford to buy it in the numbers which combat might realistically require.

The facts

The Navy has studied lighter and simpler fighter designs, but has yet to find one which shows any potential of being superior in the total combat arena.

While many individual, special purpose aircraft could be designed to cope with each threat, at each altitude, at each speed while using an optimum weapon for each engagement, it is obvious that an aggregate of such types would be far more costly than the F–14. If a better solution exists, it has yet to be proposed to the U.S. Navy.

Data on the light weight Air Force fighter mentioned by Senator Proxmire has not been made available to the Navy. However, if that airplane out turns and out accelerates the F–14 by 80–100% it must be a highly specialized type optimized for fighting other "dog fighters" and cannot be a balanced weapons system designed to meet the agreed threat most likely to be encountered in performing Navy missions in all parts of the world.

SENATE—*Wednesday, October 13, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of Creation and of providence, watch over this good land won through peril, toil, and pain. Spare us the things which destroy—the hostile thought, the violent act, the unbrotherly attitude. Nourish us in the things which enrich—the kindly deed, the generous act, the disciplined conduct, the industrious habit. Help us to bring an anodyne to the world's ills—to be our brother's brother before we become our brother's keeper.

Grant us so to live that we may hear the Lord of Life say, "Come and receive the kingdom which has been prepared for you ever since the creation of the world. I was hungry and you fed me, thirsty and you gave me drink; I was a stranger and you received me in your homes, naked and you clothed me; I was sick and you took care of me, in prison and you visited me—whenever you did this for one of the least important of these brothers of mine, you did it for me."

In the Master's name we pray. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on October 8, 1971, the President had approved and signed the act (S. 2260) to amend further the Peace Corps Act (75 Stat. 612), as amended.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that Mr. BELL has resigned as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The message announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 456. An act to exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States;

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act;

H.R. 10738. An act to provide for the regulation of the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists, in the District of Columbia, and for other purposes; and

H.J. Res. 208. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 916) making further continuing appropriations for the fiscal year 1972, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H.R. 456. An act to exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States;

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 10738. An act to provide for the regulation of the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H.J. Res. 208. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 12, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.