to the Committee on Post Office and Civil Service.

By Mr. RODINO:

H.R. 11812. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. JAMES V. STANTON (for himself and Mr. SEIBERLING):

H.R. 11813. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.J. Res. 969. Joint resolution to establish a Commission on Philippine Guerrilla Recognition; to the Committee on Veterans' Affairs.

By Mr. ROYBAL:

H.J. Res. 970. Joint resolution relating to the publication of economic and social statistics for Spanish-speaking Americans; to the Committee on Post Office and Civil Service.

By Mr. HALPERN:

H. Con. Res. 460. Concurrent resolution requesting the President to proclaim April 1 of each year "National Cancer Awareness Day"; to the Committee on the Judiciary.

By Mr. HANLEY:

H. Con. Res. 461. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself and Mr. LINK):

H. Res. 707. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. HEINZ:

H. Res. 708. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

283. The SPEAKER presented a memorial of the Legislature of the State of Minnesota, relative to extending the income tax benefits given married persons to single persons, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BENNETT:

H.R. 11814. A bill for the relief of Claude V. Alcorn and 21 others; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 11815. A bill for the relief of Kim Hyun Hei; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

154. By the SPEAKER: Petition of Foreign Service Post 1857, Veterans of Foreign Wars, Oklahoma City, Okla., relative to U.S. payments to the United Nations; to the Committee on Foreign Affairs.

155. Also, petition of Benjamin Remsen, Jersey City, N.J., relative to foreign policy; to the Committee on Foreign Affairs.

156. Also, petition of John F. Orth, Prospect, Conn., relative to redress of grievances; to the Committee on the Judiciary.

157. Also, petition of David W. Wion, Leavenworth, Kans., relative to impeachment of a judge; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SOLDIER LENDS A HAND

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HAGAN. Mr. Speaker, in these days when stopping a passing motorist on the highway to assist another traveler in distress is becoming increasingly difficult, it is worthy of note when one stops, helps, saves a life, and risks his own. This was the commendable role of Dennis F. McCranie, 22 Delmar Circle, Savannah, Ga., on September 20, 1971.

Sp4c. David Luke, a Fort Stewart soldier, lost control of his truck carrying several hundred gallons of gasoline on I-16 near Savannah. The truck overturned and caught fire. Luke managed to escape from the cab, but collapsed on the ground with his clothing on fire. McCranie was passing in the opposite lane. He stopped his truck and rolled Luke to a nearby pool of water and extinguished the flames, burning his own hands severely. He then ran back to his company truck and radioed his company dispatcher for help. He stayed with Luke until an ambulance arrived a few minutes later.

Luke was rushed to the Tuttle Army Hospital at Hunter Army Airfield in critical condition, with second and third degree burns over 90 percent of his body.

Lending a hand is nothing new for McCranie, who 2 months ago helped free a truckdriver pinned in his cab following a collision on Highway 17, south of Savannah.

An article follows:

SOLDIER BURNED IN FUEL BLAST

(By Don Rhodes)

A 21-year-old Ft. Stewart soldier escaped from the fiery wreckage of a two-and-a-half-ton Army fuel truck Monday afternoon after the truck went out of control and over turned on I-16 near Dean Forest Road, police officials reported.

SP4 David Luke of the 102 Quartermaster unit at Ft. Stewart was listed in critical condition at Tuttle Army Hospital at Hunter Army Airfield Monday night. He was being treated for second and third-degree burns covering 90 per cent of his body.

A passing motorist, identified as Dennis McCranie of 22 Delmar Circle, was credited by police with rolling the burning soldier into a small pool of water and extinguishing the soldier's burning clothes.

As a result of the accident, the eastbound lane of traffic was backed up for about two miles for at least two hours, police said.

The accident occurred about 1:25 p.m. Monday as the soldier was driving to Hunter Army Airfield the two-and-a-half-ton truck from Ft. Stewart. Two six-foot long tanks with "several hundred gallons" of JP-4 Army gasoline were on the truck's rear section, authorities said. "Luke apparently ran off onto the left side of the highway where he travelled 426 feet," the State Patrol said.

"He must have thought he had control of the truck and attempted to turn right back onto the Interstate."

BURSTS INTO FLAMES

The truck overturned on the driver's side and slid 59 feet before it burst into flames, travelled another 78 feet on its side and came to rest partly on the expressway and partly on the emergency ramp.

McCranie, the rescuer told police he saw Luke climb from the passenger side of the vehicle and collapse onto the ground.

McCranie said he rolled the soldier down an embankment and into a pool of water.

McCranie then went to a company truck he was driving and radioed his company dispatcher to call the police and send an ambulance.

As the soldier was transported to Hunter in the ambulance, a Medivac helicopter from Hunter landed on I-16 in an attempt to aid other possible victims, but no other injuries were reported.

Garden City Fire Dept. members arrived at the scene and sprayed water on the burning wreckage until Hunter Army firefighters arrived and sprayed foam to extinguish the blaze about an hour later.

An Army "Crash Recovery" wrecker towed off the charred remains of the truck about 4 p.m.

Dozens of Army enlisted men and several high-ranking officers were at the scene, along with state and county police from seven motor units.

"There's no doubt about it that Mr. McCranie did a very courageous act," said State Patrolman J. S. Underwood Monday. "He should be commended for his quick response in helping that soldier."

HIS AIM: TO "LEND A HAND"

"My first reaction was to stop and lend a hand."

That's how 50-year-old Dennis F. McCranie described his thoughts Monday after he went to the aid of a Ft. Stewart soldier who jumped from a burning Army truck on I-16 Monday afternoon.

But lending a hand is nothing new for McCranie, who two months ago helped free a truck driver pinned in the cab following a collision on Highway 17 at the Newport River bridge south of here.

Referring to Monday's crash, McCranie, of 22 Delmar Circle, said he was driving a company truck in the opposite lane when he saw SP4 David Luke lose control and crash.

SCOOPS WATER

When Luke leaped from the burning truck and collapsed—his clothes on fire McCranie rolled the 21-year-old soldier down a hill into a shallow ditch, where he scooped water on him until the flames were out.

McCranie then ran back to his company truck and radioed his dispatcher for help. He stayed with Luke until an ambulance arrived a few minutes later.

A pair of burned hands are his souvenirs of the incident.

The burns are not major. In fact, McCranie drove to a doctor for treatment himself.

Asked about the help he gave, McCranie is modest: "Had he not gotten out himself, I couldn't have saved him."

McCranie, a field service man for Tri-State Tractor Co., diagnoses and repairs machine troubles in the area.

During World War II, he saw action with the Navy on an LST in the Pacific and was with the U.S. Army in Korea.

ILENE GOLDMAN TESTIFIES ON THE USE OF PHOSPHATES IN DETERGENTS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. KOCH. Mr. Speaker, there is much controversy on whether to use or not to use detergents which contain phosphates. More research is apparently still necessary before a viable detergent will be found that will be both safe to use and free of pollutants.

On October 29, Congressman REUSS held hearings in his Subcommittee on Conservation and Natural Resources on this subject. Ilene Goldman, who is cochairman of an organization entitled "Consumer Action Now, Inc.," presented excellent testimony before this subcommittee on the use of phosphates. I would, at this time, like to include a copy of her speech in the RECORD:

TESTIMONY OF ILENE GOLDMAN, COCHAIRMAN OF CONSUMER ACTION NOW

Chairman Reuss and members of the subcommittee, we thank you for the opportunity to share our views with you. It seems that communication in the long run may be the key to this entire controversy.

First let met explain the activities of Consumer Action Now. I think this will help to clarify our tremendous concern over the detergent issue. We are not scientific experts. We are an environmentally concerned consumer group.

Our prime function is to try to educate the public while educating ourselves about any number of environmental problems of today. We attempt to do this through extensive research. We have the aid of scientists, both industrial and ecological. We use any source that can provide us with valid information. We write, phone, or visit any willing informant—and some who aren't so willing. Then, through a monthly newsletter, we pass along this information to our readers.

Our first "action project" was the posting of a detergent phosphate countposter in some of the leading supermarket chains in New York City. The response of the public and the media was enormous.

We knew immediately how anxious people were to help in the environmental crisis.

Trying to keep the phosphate posters updated in the months that followed would have been comical if it had not been so frustrating. It seems redundant to even capsule the ups and downs of such efforts since the turmoil in this area is past as well as very current history.

The plight of industry has been fairly well spelled out by experts. I would, however, like to tell you of a few experiences of the housewives caught in the midst of all of this.

CAN has twenty ladies, dedicated to finding information about products safe for their home as well as their environment. Most of us are mothers. We don't want our laundry products to be the cause of the possible death of a few children or the death of a few lakes. So we are looking.

Each of our members tried one or more of the no-phosphate detergents as they came on the market. Nothing startling to report. Some liked some—some liked others.

Then one of our mothers spent a fairly uncomfortable night with her son. She sat beside the bath tub that he sat in . . . soaking in baking soda . . . to relieve the red, itching rash that covered his body from chin to toe. This was one of the mothers who had tried Ecolo-Gy. Two other mothers had less severe, but similar experiences with this product.

CAN was now aware of the hazards of metasilicates on a first hand basis. Proper testing had obviously not been done on this product. The government or the manufacturer should have done more extensive testing. This should be a law. The consumer should not be the guinea pig.

We had no other dramatic misfortunes while we used the no-phosphate detergents. Still, it is uncomfortable to think of bringing home a highly caustic substance, such as carbonates, to clean the clothes. However, our fears show something of an inconsistency. Probably most homes are equipped with bleaches, dishwasher powders, drain cleaners, and furniture polishes that are extremely toxic.

We are careful with these toxic products, because we have been educated to know they are toxic. Housewives can be taught.

Few of us would choose a caustic product if there were viable alternatives. We want to protect our families, but we also want to protect our waters.

If there is not general agreement over how much of a villain detergent phosphates are in the eutrophication process. there is at least general agreement that phosphates *are* a contributing factor.

And if there is some dispute about the percentage of our waters that are being effected at all, there is at least general agreement that some of our lakes have already been so affected as to have died an unnatural death.

Phosphates are a part of the problem. Improper sewage treatment is part of the problem. Carbon is part of the problem. Nitrogen is part of the problem. Fertilizers are part of the problem. Human waste is part of the problem. If we keep enumerating parts of the problem, we could all go crazy.

At least cutting down on phosphates in detergents might be the starting point toward a solution. It is something the manufacturer can do. Buying low or no-phosphate products is something the consumer can do. We all want to feel that our help is needed. We all want to help.

Recently . . . the surgeon general's statement led us into a total state of confusion. And I'm afraid that is where most of us remain. I can barely get my children to school on time because of the number of people who stop me to ask what they should be using in their washing machines. Worse still . . . many don't ask. They just throw up their hand and say that they are going back to their old detergent, high in phosphates or not.

Lever Brothers and Colgate Palmolive, two of the three leading detergent companies, have brought all of their products down to an 8.7 level of phosphorous. The cleaning at this level apparently is acceptable. If Procter and Gamble and all the smaller companies came down to the 8.7 level, the detergent phosphorous entering our waterways would be cut by 25%.

It is a beginning. Proper sewage treatment is at best two or three years away. Perhaps 5 to 10 times that where no sewage treatment plant now exists. This will be an expensive and lengthy process, and a very necessary one.

But we can't wait. According to the Nader Task Force Report on water pollution, one-third of the U.S. population has no sewage treatment at all. A large portion of detergent phosphates end up in ground water, lakes and streams.

From 50 to 70% of the phosphorus in municipal sewage is contributed by detergents. Detergents are said to be responsible for from 30 to 70% of the total phosphorus load on lakes and streams.

So if proper testing takes time and proper sewage treatment takes time, it would seem logical to cut down the phosphate content in existing products immediately. That seems neither drastic nor hysterical. In fact it seems sane and necessary.

New York State will have such a law effective as of January 1st. We are definitely in favor of this.

With all of the information and misinformation around, many of our CAN members have been most comfortable in simply using soap and washing soda. It provides no wash day miracles, but those seem to be at a premium at this point in time.

Of course, there are problems with soap, too. Apparently soap effects the flame retardent finish on fabrics. New flame proofing finishes are being researched.

Also soap does an adequate job in soft water areas, but not in hard water areas.

Soap use to be more effective when our clothes went through the wringer in our old machines. The curd, or combination of soap and minerals, was wrung out of the clothes, rather than being spun back through them. Our updated machines are built to accommodate our updated phosphate detergents.

CAN members use a low phosphate detergent from time to time. This seems to help the machine and rid our clothes of any residue. It is one temporary solution.

It would probably be very helpful for every housewife to know the hardness of the water in her area. Many are uninformed about this. Public service announcements could quickly educate people about the water type in their locality. The Soap and Detergent Industry could further help by including instructions for the use of their products in soft, medium, and hard water areas.

The consumer should also be made aware that fewer or no phosphates are necessary for good cleaning in soft water areas.

Consumers should urge the training of qualified people to run the Provisional Algal Assay Procedure test on the waters near them. If no eutrophication is occurring, their alternatives may be different.

The fact is that there may not be just one answer to the detergent dilemma.

We have been told repeatedly by the Soap and Detergent Industry that it is not only difficult, but virtually impossible to manufacture and distribute one product with a varying phosphate content.

So there may have to be more than one solution. Variety may be the spice of life. It may also be necessary to the survival of our very finite planet.

Since I have just used the word eutrophication, I would like to pause a moment to talk about words and their meanings.

As a part of each of our newsletters, we try to simply define terms used in that issue. Some ecological words and catch phrases are thrown around so freely these days. I think many of us find ourselves using terms that we've incorporated into our vocabularies before we really know what they mean. So I would like to make clear what I do mean when I use the word eutrophication.

The Soap and Detergent Industry has made a distinction between eutrophication and pollution. They are partially correct in doing so. Natural eutrophication is a very slow transformation of land bound water areas into swamp, marsh and solid land.

Cultural eutrophication is a very much speeded up process caused by nutrient rich wastes reaching a lake from municipal and industrial sources. In the eyes of industry, this is still a natural process, and not to be considered pollution.

This is a matter of semantics.

An excess of any natural component in the growth process is a pollutant. Excess, by definition, is an abnormal quantity. As such it disturbs the natural or normal balance of the eutrophication process.

As I mentioned in the beginning, communication may be the key to finding a solution. Anything . . . and this includes word play . . . done at this late date to camouflage or further cloud what is going on in our environment or

in the laboratory test tubes, renders the greatest possible disservice to the consumer.

Since we're defining terms, let me make it clear that the word consumer is intended to include each and everyone of us. Terms such as Government officials, or industrial spokesmen, leave out a vast majority of people. In fact, most collective nouns do. However, whether we like it or not . . . we are all consumers. And as consumers, we must be informed.

So, it would seem, we are back to consumer education. How do we achieve it?

The most obvious and immediate answer is proper labeling. Maybe industry is correct in saying that the consumer will be confused by too much information on the box however, in all fairness, it is possible to have a label be informative without being confusing. Surely the consumer would be no more confused than he or she is by all the contradictory statements flying around at the present time.

At least then, he could read and evaluate for himself.

President Nixon has stated his firm belief that the consumer has a right to know, and a right to choose.

The right to choose has always been accepted in our competitive society. The right to an informed choice may be a comparatively new thought, but an essential one.

Our second constant plea is for proper testing . . . no matter how difficult or time consuming. In fact, our awareness of these difficulties in testing makes us a bit timid about demanding immediate substitutes for phosphates. We might get them. And without proper testing, we don't want them.

Six billion pounds of anything in one year's time which will find its way into our grounds and waters is a formidable consideration. Care must be taken.

With our growing population and decreasing supply of natural resources, we can't tolerate even one major mistake.

In closing, let me just summarize a few thoughts.

It is the consumer's right to have a choice of thoroughly pre-tested products. This should be an informed choice. Informed through proper labeling.

A proper label should contain:

1. A complete list of all ingredients in order of their abundance in the product.

2. A measure of potential health hazards should be clearly stated.

3. Instructions as to what to do if the product is improperly used.

4. Proper instructions as to the products use according to the softness or hardness of the water.

5. "Keep out of reach of children" should be printed in bold letters, as it should be on all toxic cleaning products.

This information should be present on all cleaning products.

There should also be a conscientious consumer education program. This could be done through the aid of advertising, community education, and school programs.

At the same time, government and industry must continue to search for every possible solution. Proper sewage treatment, which I've only touched on, must be pursued and perfected.

Child proof packaging must be further researched.

We must all seek answers and stop all the buck passing and finger pointing. The responsibility lies with all of us—government, the press, industry, and the consumer. What we owe to each other is a high standard of clear communication of information and views.

We owe this committee a debt of thanks for making such an exchange of ideas possible through these hearings.

CAN is putting out a card on 100% recycled paper that simply reads . . . "Treat the world as though it were your home." It is. And we must.

Thank you for listening.

EMPRISE CORP., OF BUFFALO, N.Y., NOW LINKED TO THREE DIFFERENT ORGANIZED CRIME FAMILIES

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. STEIGER of Arizona. Mr. Speaker, Emprise Corp. indicted by a Federal grand jury along with Detroit and St. Louis Mafia family figures earlier this year is now found to have had a long time financial relationship with a New Jersey Mafia leader, Gerard Catena. The State of New Mexico has found Emprise unfit to operate a race track in that State. The State of Arkansas, by order of a majority of their racing commission, has ordered Emprise to divest itself of its holding in a dog track in that State largely because of their associations with organized crime figures and dishonest testimony before the commission.

It would certainly appear that both of these States are correct. Other States had better look at Emprise's holdings in their area.

The company referred to in which Emprise and Catena were involved is engaged in the manufacture of slot machines in the Chicago area. The following will document the Catena relationship with Emprise:

ITEM 4—SEC LETTER OF MAY 29, 1968

In June, 1963, the then owners of the Lion Manufacturing Corporation (the family of the late Raymond T. Maloney) sold substantially all of the assets of that company, together with name and business goodwill to a new corporation which had been formed for the purpose of making such acquisition. The new corporation (originally known as K.O.S. Enterprises, Inc. and immediately after the acquisition as Lion Manufacturing Corporation) was formed by a group which came together through the action of Mr. O'Donnell who, as an employee of the former owners (Maloney interests), became aware that the business was available for purchase, following the death of Mr. Maloney, who had founded the company in the early 1930's. Mr. O'Donnell contacted several parties who, because of their business operations in the vending industry, were aware of the Lion operations.

As a result of these contacts and ensuing discussions, the acquisition transaction took place. Record and beneficial ownership of the new corporation and related information is set forth in the following paragraphs:

1. At the outset (June, 1963), the record ownership of the new Lion Corporation ("Lion") was as follows:

Name and number of shares	
William T. O'Donnell	250
Sam W. Klein	333
P. J. Prince	333
Emprise Corporation	334
Barnet Sugerman	250
Abe Green	250
Irving Kaye	250
Total	2,000

2. Promptly after the formation of Lion, all shares were transferred, of record, to Emprise Corporation, as voting trustee. Such transfers were made to implement a collateral security arrangement in favor of Emprise, based upon the guarantee by said company, of a bank loan to Lion of approximately $1,000,000, the proceeds of which were utilized in the purchase transaction.

3. Each of the original shareholders paid $100 per share for the shares issued to each of them, or a total of $200,000, the balance of the purchase price being funded by the aforementioned bank loan.

4. At the outset, Messrs. Green and Sugerman entered into a separate agreement with Mr. Gerard Catena, copy of which is attached, declaring that Mr. Catena was entitled to beneficial interests in one-third of the shares held by Messrs. Green and Sugerman. According to information furnished by Mr. Catena's accountant, Mr. Catena bore his proportionate share of the initial purchase price. Accordingly, beneficial ownership differed, at the outset, from record ownership in respect of these three parts as follows:

Record	
Green	250
Beneficial	
Green	166⅔
Sugerman	166⅔
Catena	166⅔

5. Between 1963 and 1966, the following changes in stock ownership (record and beneficial) took place (through transfer of voting trust certificates, while the aforementioned voting trust was in effect):

A. Mr. Frank Prince sold his 333 shares to Emprise and Sam Klein, in equal amounts. The price paid for such shares was an aggregate of $50,000.33. The approximate date of such transaction was April 1964.

B. Barnet Sugerman died and his beneficial interest was acquired by Messrs. Green and Catena, in equal amounts, in June, 1964. The purchase price for the shares was $17,500, borne equally by said purchasers, which payment was made by the assumption of a bank debt in such amount owed by the late Mr. Sugerman (copy of agreement attached). The record ownership of such shares were to remain with Mr. Green, who was to continue acting as Mr. Catena's nominee. Inasmuch as the voting trust still continued, no official transfer of the shares was made to Mr. Green.

C. By agreement dated July 2, 1965, Mr. Catena sold total prices of $175,000 (copy of agreement attached). Under the terms of the agreement, the seller acknowledged that the shares would be sold through Mr. Green, as the record owner, to Mr. William T. O'Donnell, but Mr. Catena's sales agreement is directly with Mr. Green. The shares were thence acquired by Messrs. O'Donnell, Green and Kaye in approximately equal amounts, so that their aggregate beneficial holdings became virtually identical. Mr. O'Donnell's purchase of the 250 shares was for the equal accounts of himself, Messrs. Green and Kaye, and each has borne their respective portions of the purchase installments due under the July 2, 1965 agreement.

D. On or about January 1, 1966, the original voting trust of all the shares was terminated and share certificates were issued to O'Donnell (500), Kaye (250) and Green (250). The O'Donnell certificate reflected the additional 250 shares he had acquired from Catena, via Green, which shares were subsequently divided between O'Donnell, Kaye and Green so as to bring their shares interests into approximately equal status. The 500 share interest of Sam Klein continued to be subject to the voting trust by reason of separate agreement between Klein and Emprise.

E. The Sam Klein voting trust agreement with Emprise was concluded concurrently with the redemption, by Lion, of the 500 shares then owned beneficially by Emprise (i.e. 333 shares originally owned, plus 167 acquired by Emprise from Prince). This took place in April, 1966 and the price paid to Emprise for said 500 share interests was $245,000.

F. At the conclusion of the voting trust, the share ownership (record and beneficial) of Lion, by reason of (i) the foregoing transactions, (ii) the declaration of trusts for their children, on or about January 1, 1966, by Messrs. Klein and Kaye and (iii) the distribution of certificates out of the voting trust, was as follows:

Name and number of shares—Record and beneficial	
William T. O'Donnell	333
Sam W. Klein	300
Abe Green	334
Irving Kaye	(a) 233
Sam W. Klein, Trustee	200
Irving Kaye, Trustee	(a) 100
Total	1,500

(a) Although Kaye's trust declaration for his children was dated 1/1/66 the transfer of shares into a separate trust account took place in July 1967.

G. At the time of the original acquisitions of interests in Lion:

a. Emprise Corporation was owned by Mr. Louis Jacobs of Buffalo, New York who was and is believed to still be the principal stockholder of Sportservice Corporation.

b. Barnet Sugermen was then a partner with Abe Green in numerous vending machine and other businesses, in many of which Mr. Catena held interests.

c. Frank Prince was a major shareholder of Universal Match Corporation.

H. The present addresses of the present principal stockholders of Bally are set forth in the company's prospectus in Registration Statement No. 2-23537. The current addresses of Emprise, Jacobs, Catena and Prince will be forwarded to the staff as soon as obtained.

BANNING DDT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HUNGATE. Mr. Speaker, the recent Environmental Pesticides Act passed by Congress highlights the fair balance we seek to strike between man and nature.

The following articles from the Christian Science Monitor of October 30, 1971, indicates the difficulties by reminding us that the World Health Organization still refuses to ban DDT, and it is the world's largest user of it. Once again, the world's problems do not always bring self-contained simplistic solutions.

The article follows:

BANNING DDT

Very soon—perhaps within a week, almost certainly by spring—the Environmental Protection Agency must come up with a decision on the continued use or total banning of DDT in the United States.

Administrator William D. Ruchelshaus has been forced to the wall in making a decision on the difficult and emotion-charged issue by a court order, stemming from a suit filed by the Environmental Defense Fund.

It will not be an easy decision to make. The known environmental hazards of DDT to wildlife, caused by its distribution upwards through the food chain, and its as yet unproven but highly suspect impact on human beings, make strong case for a total ban. Yet DDT remains the most effective insecticide for combating certain crop-eating and disease-carrying pests. This accounts for the fact that the World Health Organization has refused to ban it, and remains the world's largest single user of the chemical.

Given the deep division between honest and impartial experts, and balancing the needs of the food-rich and healthy United States against the poverty-, hunger-, and disease-prone populations of the developing countries, the present situation reflects the current state of the art of pest control.

But that state must be improved. The United States of all countries can best afford to forgo the use of a highly questionable chemical. At the same time, it should take the lead in researching out solutions leading to the ideal of a balanced farm ecology in which toxic pesticides play no part. Until this end is attained, the poor developing nations will feel forced to go on using DDT or other chemicals with Jekyl-Hyde properties.

OPPOSITION TO FEDERAL CHILD CARE MOUNTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. RARICK. Mr. Speaker, as American citizens learn about the insidious child development programs, more voices of protest are raised. I insert in the RECORD at this point a few of many statements of opposition which I received in this weekend's mail:

NOVEMBER 8, 1971.

Congressman JOHN RARICK,
House Office Building,
Washington, D.C.

DEAR SIR: The following telegram was sent to President Nixon on October 22, 1971:

"We, delegates to the Archdiocesan Council of Catholic Women Convention now in session, representing 40,000 women in the Archdiocese of Seattle, beg you, Mr. President to please veto the child care bill.

"(Signed by over 250 delegates' names.)"

A copy of each delegates' name could be sent, if you wish. This wire was sent from the Sea-Tac Holiday Inn at about 2:00 p.m. The delegates are all Presidents of all Catholic Church Guilds in every parish throughout Western Washington. We felt that if the truth were known about this bill, the opposition would be much greater; but we have had a virtual news black-out concerning this in the Seattle area.

Our thanks to you for all your efforts on behalf of the U.S. We pray for your (and ours) success in this effort.

Sincerely,

MRS. JOSEPH E. REGAN,
Vice-President, North-Central Deanery, ACCW.
SEATTLE, WASH.

[From the Everett (Wash.) Herald, Nov. 11, 1971]

ASKING VETO

The Silver Lake Community Women's Club has sent a telegram to President Nixon imploring him to veto the bill.

This bill threatens to destroy parental authority and the family way of life.

There are too many dangerous loopholes, particularly concerning child development, child advocacy, and federal subsidizing.

Telegrams are speedy—that is what is needed now!—Wire your President.

Silver Lake Community Women's Club,
Mrs. Sue Milliken,

SILVER LAKE COMMUNITY WOMEN'S CLUB,
MRS. SUE MILLIKEN,
Acting Secretary.
MRS. HONEY BROWN,
Publicity Chairman.
EVERETT.

[Friends of Michigan Schools, Lansing, Mich., Oct. 27, 1971]

HOW MUCH IS $2 BILLION

I remember back in World War II when the U.S. Senate was passing billions of dollars of appropriations with machine-like regularity for the armed forces and they got to a minor bill on an appropriation for the purchase of army mules. Many hours were spent discussing the price that should be paid for a good Missouri mule. In other words, the Senators were discussing something they understood and their minds were able to comprehend. With the amounts increasing every year, the problem of comprehension becomes more acute.

How much is 2 billion dollars? The following illustration will give you some idea:

President Nixon has asked the Congress to repeal the excise tax on automobiles and this will result in a savings of about $200 on the cost of a new car. It is predicted that 10,000,000 cars and trucks will be sold in 1972. $200 per vehicle figures out to be $2,000,000,000. S 2007, which is an appropriation bill to extend the Economic Opportunity Act of 1964 for 7 more years, is up for consideration by the U.S. Senate next week. Title V of the OEO Act of 1964 is amended to read as follows:

STATEMENT OF FINDINGS AND PURPOSE

SEC. 501 (a) The Congress finds that—

(1) Millions of children in the Nation are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years;

(2) Comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of the Nation's children and should be available as a matter of right to all children regardless of economic, social and family backgrounds....

WHAT WILL THIS PROGRAM COST?

For the purpose of providing training, technical assistance, planning, and such other activities as deemed necessary to implement this Title V, there is appropriated $100,000,000 for the fiscal year ending June 30, 1972. For the purpose of carrying out this program there is authorized to be appropriated $2 billion for the fiscal year ending June 30, 1973. Every time you see a freight train load of new cars or a semi load on the expressway, I hope you will be reminded that it will take all of the excise tax at $200 per car sold in the United States to pay for this new program. Remember this is only the beginning—it is estimated that within a few years the cost may soar to as much as $10 billion annually! According to a confidential HEW study, "A day-care center that ministers to children from its sixth month to its sixth year will have more than 8,000 hours to teach him values, fears, beliefs, behavior and eventually it is an enormously powerful influence over what the child will become."

LEGISLATIVE EMERGENCY MEMO, CINCINNATI, OHIO, OCTOBER 1971

With only 24 hours notice, and without benefit of a printed committee report, normal procedures in handling legislation were bypassed; the House approved by the vote of 186 to 183, the Comprehensive Child Development Act, as an amendment to H.R. 10351, which originally was limited to continuing programs first authorized by the Economic Opportunity Act, 1964. Not one person appeared opposing the bill, though highly qualified witnesses applied. Of the 183 members of the House who voted against this Child Control Act, 134 are Republicans, including Minority Leader, Ford, and only 21 Republicans voted for it. Clearly the President's party has spoken against this measure, giving President Nixon excellent ground to veto the entire bill.

For more information read "The Child Advocates: What Do They Really Want?" Speech by Congressman John Rarick in the House of Representatives, and we're indebted especially to Congressman John G. Schmidt, California, for these facts quoted from his Weekly News Report:

"The most important fact about the comprehensive child development programs authorized by this bill, is not the power given to the agencies that will run them, but the purposes that are set for them. The bill lists 13 separate purposes for which Federal "Child Development" funds may be used, including (in addition to basic day care) "comprehensive physical and mental health, social and cognitive development services, especially designed health, social and educational programs, including after-school, summer, weekend, vacation, and overnight programs . . . medical, psychological, educational, and other appropriate diagnosis, and identification of visual, dental, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers, utilization of child advocates, to work on behalf of children and parents to secure them full access to other services, programs, or activities intended for the benefit of children."

All of this refers primarily to children under the age of six, and all of it is to be carried out by the government, in conformity with policies laid down by a new Office of Child Development in the Department of Health, Education, and Welfare, which this bill would create. The potential for abuse should be obvious, simply from reading the list of purposes. No facet of a child's life is omitted. The intention is clearly to put government in place of the parent. Surely our faith in God and individual responsibility for life, liberty, and the pursuit of happiness demands that we wire President Nixon to veto this bill. Political Opinion wires cost only $1.25 for fifteen words. Call 721-2640, or write—(Here's a sample:)

"President Richard M. Nixon . . . the White House . . . Washington, D.C. Urgently request presidential veto comprehensive child development legislation concurring with 134 Republican Congressmen."

MARGARET S. KLING (Mrs. J.),
Republican Precinct Chairman.
CINCINNATI, OHIO.

ALERT—PARENTS INVOLVED IN LEGISLATIVE ACTION, EL PASO, TEX.

You may never have to place your child in a government controlled child care facility. But, what about your grandchildren? While the government isn't likely to force children to be placed in child care centers, all the signs point to *coercive* measures that the government can use. For instance:

1. There will be the coercion of a tax break: **The 1970 Report to the President on the White House Conference on Children, page 284 suggests: ". . . alteration of tax schedules to provide tax relief to families who have children in developmental care."**

2. There will be the financial necessity: **The cost of providing child care and developmental services is estimated to be in the trillions of dollars—financed by your taxes,** which means that many mothers will have to work (thus, putting their children in child care facilities) not just to pay for luxuries, but to help provide the necessities of daily living. **Dr. Urie Bronfenbrenner, a Head Start founder, has suggested that indeed, it may be necessary for the taxpayers to settle for lower stock dividends or just one car so government child care can be financed.**

3. **Your child may suffer the stigma of being "different." If a mother does not place her pre-school child in a child care facility,** by the time that child is old enough for first grade the child may, as a result of having missed "enrichment programs" or "group experiences" be decidedly different to the extent that he may be considered "culturally or emotionally disadvantaged" or just plain "retarded" or otherwise stigmatized.

If nothing else will convince you, consider this quote from the 1970 Report to the President of the White House Conference on Children, page 278:

"A daycare program that ministers to a child from six months to six years of age has over 8,000 hours to teach him values, fears, beliefs and behaviors."

Whose values will be taught. Yours or the government's?

Whose beliefs will be taught. Yours or the government's?

Who and what will your child be taught to fear?

What will be taught as proper behaviors?

If you do not have children, your taxes will still help pay the fantastic expense of the total child care and development planned by the federal government. ***One way or another, no one will remain untouched.***

Over 100 bills relating to child care/child development are pending. Some have already been introduced into Congress and these bills are moving quickly, both in the House and the Senate. S. 2007 has already been passed by the Senate. Write or wire your Senator or Congressman and let them know how you feel about government controlled child care. Make your letters brief, to the point and polite.

[Letter to the Editor of Seattle Times, Oct. 20, 1971]

CHILD CONTROL IS HERE

It just needs the President's signature—An OEO Amendment bill, S2007, passed by both the House and Senate, contains sections of enabling legislation which will remove final authority of parents over children and place such authority at the federal level.

This act guarantees every child shall have the 'right' to develop to his 'maximum' potential and even provides an advocate in every neighborhood who will intervene in family situations whenever he should deem it necessary to guarantee the child's 'rights' be protected.

It establishes councils at the local level which will determine policy relating to the educational, physical, medical, psychological, mental health, social, and cognitive development of all children. Diagnosis, identification and treatment of barriers to a child's development are now to be a matter of federal concern. The means of implementing such services, such as funding, designing a program of daily activities to cover every aspect of a child's life from infancy are included in the provisions.

It specifically "provides that children in the area served *will in no case be excluded* from the programs operated pursuant to this part because of their participation in non-public preschool or school programs or because of the intention of their parents to enroll them in non-public schools when they attain school age."

Urge President Nixon to veto this and any other legislation designed to remove authority of parents over their children. This is expected to be on his desk in the next day or two. Send your messages at once.

CONNIE BAMESBERGER.
SEATTLE.

[Newsletter of the Republican Club for Business and Professional Women of Greater Kansas City, Mo.]

ASK FOR PRESIDENTIAL VETO

The Federal Child Control Act passed the Senate Sept. 9th and the House Sept. 30th. This is one of the most dangerous pieces of legislation to come before Congress. The Bill lists 13 separate purposes in which Federal "child development" funds may be used, including (in addition to basic day care).

Comprehensive physical and mental health;

Social congenitive development services;

Specially designed health, social and educational programs;

Medical, psychological, educational and other appropriate diagnosis of visual, dental, hearing, speech, nutritional, and other physical, mental and emotional barriers to full participation in child development programs;

Utilization of child advocates to work on behalf of children (under the age of 6) to secure all these services.

The Senate Bill, S2007 was pased as an amendment to the extension of the Office of Economic Opportunity Act.

The House Amendment, HR10351, passed 186-183, thus winning by only 3 votes.

There is little hope of significant changes in the child care-advocacy-child development legislation. The Bill can be kept from becoming law now by a Presidential veto. So, please wire President Nixon and urge him to veto S 2007 and HR10351.

Of 183 House members voting against the Bill, 134 were Republicans, including Republican minority leader Gerald R. Ford. Of 186 voting for the Bill, (House) only 21 were Republicans. So the President's party is largely opposed to this Federal Child Control legislation.

Now that we have the thoughts of the children controlled by the present school system, think what a catastrophe it will be when the socialists take over the control of the children altogether.

Wire now: "President Nixon I urge you to vote against bills S2007 and HR 10351."

[Newsletter of September to October 1971, Parents of New York United (PONY-U, Inc.) P.O. Box 20, Clarence, N.Y.]

As we start our third year of publishing this newsletter, the Social Planners are steamrolling ahead to implement what they feel will be the ideal society. Congress has already passed Child Advocacy Bill (S-1414) and S-1512 which provides for a national network of pre-school child day-care centers, as amendments to S-2007. Now they will go to the President for his signature. This bill provides federal funds for "experts" to determine the "needs" of all children on a nationwide basis. "Experts," such as the highly influential educator Paul Brandwein from the Center for the Study of Instruction in Sciences for Social Sciences, who believes that children under the influence of the home are mentally ill and come to school "wounded" and must be "healed" by the teacher. We urge you to send a Public Opinion Telegram to the President as soon as you receive this newsletter and request, "Please veto Bill S-2007 which includes amendments S-1414 and S-1512" and sign your name.

"The hand that rocks the cradle rules the nation." Historically this was so in America. Conversely, in totalitarian countries, the government rocked the cradle and ruled the people dictatorially and mercilessly.

Congress is currently confronted with several legislative proposals in a variety of forms, all seeking to turn control over the lives of our children to the Federal Government. S-2007 is the start in the program to federalize America's children.

In the five volumes of testimony not *one* person appearing at the hearing on S-2007 opposed the bill. No group of concerned parents or taxpayers' groups was invited to testify.

Now that the Federal Government has gotten its political iron foot inside the door of the local school house, the provisions of the various bills for child development programs extend progressively toward the day when the Federal Government assumes complete control over children commencing at birth and our schools become child development experimental laboratories.

PPBS (Program, Planning & Budgeting

System)—The New York State Education Department has already adopted this system, and schools throughout the state have started various degrees of implementation. For those who missed the accounts in our newsletters last year, let us give you a brief resume.

PPBS is a computer retrieval system and, as such, it is designed to account for a product. As used in education, that product will be the knowledge and behavior of a child or teacher, or administrator. It is based on a pre-determined concept, a "goal" and objective Goals and objectives are the specifications which the product must meet. If it does not meet the specs, it is recycled until it does. The key here is that in order to adjust the cycling to effect the desired concept, everything which affects the product (knowledge and behavior) must be correlated to all the other imputs to determine the proper controls to add.

PPBS programs already verify this point. The programs, for instance, not only are reference to matters directly relating to studies, but also to environment, including but not limited to, social, political, economic, religious, familial, background, and so forth. All of these points of information are fed into the computer, and are stored in its memory, available for retrieval at any time.

Engineered change is a fundamental premise of the "Progressive Educationists" to use teachers and administrators as "social engineers" and "change agents". Honest educators and traditional teachers who refuse to go along with this experiment in mind control, which is the target of PPBS, will be recycled and eliminated if they do not forget about course credits and grade point averages to become social engineers and behavioral motivators. Subject matter will be forgotten altogether and replaced with clinical counseling to develop fully functioning individuals whose main purpose for being in school, apparently, will be to learn to acknowledge traits which inhibit flexibility. During the past several months there has been a mounting campaign to abolish tenure for teachers. Computers will identify effective teachers, and by "effective" it is clear that they mean teachers who adapt. It is not hard to guess what will happen to the traditional teacher who, without tenure, is inclined to resist.

Nor is it hard to guess what will happen to your child if the computer decides that the home and parents are hindering the Social Planners "desired behavioral objective" if the President signs into law the child advocacy and national day-care centers.

[Iowans for Moral Education, Box 114, RR3, Washington, Iowa]

WHOSE CHILDREN? YOURS OR THE STATE'S?

There are groups and individuals, both in and out of Government circles, who are and have been working to promote programs that will create a *drastic* and *fatal change* in the United States of America!!! These people—many socialistic minded (the next step is communistic)—are working to control and mold the minds and lives of the children and youth of this nation. In order to accomplish their goal, namely "control of the total child", the Christian home and family must be undermined!!!

A U.S. Department of Health, Education, and Welfare news release, dated June 8, 1971, states: "Two HEW agencies are combining their resources and funds to *test a new concept, known as child advocacy,* that is expected to increase public awareness of the *social, educational,* and *emotional needs of children.*

"The *two agencies involved* in the pioneering venture are the Office of Education's Bureau of Education for the Handicapped, and the Health Services and Mental Health Administration's National Institute of Mental Health.

In a joint announcement today, U.S. Commissioner of Education Dr. Sidney P. Marland, Jr., and NIMH Director Dr. Bertram S. Brown, said the two agencies will fund six innovative child advocacy demonstration projects, totalling $656,000.

"These projects," said Dr. Marland, "while serving to develop child advocates, have as their ultimate goals promoting and improving the total community resources and the delivery of services for the emotional, social and educational development of all children within their target neighborhoods."

"The six grants selected from 33 applications submitted to the Joint Planning Committee for Children-made up of representatives from NIMH and OE—were awarded to:

Central City Community Mental Health Center, Los Angeles, California.

Prince Georges County Public Schools, Upper Marlboro, Maryland.

Learning Institute of North Carolina, Durham, N.C.

Philadelphia Urban League, Philadelphia, Pa.

Dade Wallace Center, Nashville, Tenn.

Mexican American Neighborhood Civil Organization, San Antonio, Texas.

"The child advocacy concept is an outgrowth of the Joint Commission on Mental Health of Children. It again came to public attention during the *White House Conference on Children,* held last December. . . ."

NOTE.—"The child advocacy concept is an outgrowth of the Joint Commission on Mental Health of Children." An advocate is a "counselor/intercessor," (between parent and child, school and child, etc.).

To the "uninformed" or "indifferent" this may sound "well and good". However, what are the purposes and proposals of the above mentioned Joint Commission? What effect will the "many and well laid plans" of these "social, socialistic planners" have upon your life, the life of your child or grandchild, niece or nephew, friend; their/your faith in the Eternal God; what effect will these plans have on their/your/our freedoms and nation?

The children and youth of this nation are called an "industry" by the Commission. (God says, "Children are an heritage of the Lord . . ." Ps. 127:3)

Some individuals with good intentions, who have a real concern for the well being of children, have said, "Some children need an advocate." The question must be answered, "Whose children need an advocate?" Again we look to the Commission's recommendations.

"Systems must therefore be developed which (1) have access to all the children, so that they are known and their development monitored; and (2) provide a pattern of services in which are available the settings, comprehensiveness and continuity of care for infants, children, and their families even when their parents cannot arrange for or get the necessary care themselves. To be truly effective, this requires a *universal monitoring system* so that at least we know where all the children are and which ones are not getting to private or public services."

Throughout the country, parents are being influenced to enroll their pre-school children in nursery schools of various names. In Washington, D.C. babies 18 months to 3 years old are attending school for 10 hours a day, 5 days a week. This is an experimental school however this type of school is desired by the social planners for all the children in the U.S.

In the Final Report of the Joint Commission on Mental Health of Children, Inc., we find some interesting statements:

"Schools originally were intent on the development of the mind as a primary mission. *The body and spirit were the responsibility of the home and the church.* As these two institutions decline in influence, the schools are required to assume more responsibility for the education of the "whole" child. . . . *"Schools must begin to provide adequately for the emotional and moral development of children* as well as for their development in cognition or thinking. . . . "The school, as the major socializing agency in the community, must assume a direct responsibility for the affective and value components of child development equal to its concern for cognition. . . . *"The chief instrument to achieve the reorientation called for above is through the creation of Boards of Child Advocacy. . . . "They should all, however, reach aggressively into the community, send workers out to children's homes, recreational facilities* and *schools. . . .*

"They should assume full responsibility for all education in the community as opposed to schooling—including pre-primary education, parent education, and community education. . . . "Every child and youth in America", "from conception through age 24", are to be included.". . . the report speaks of ". . . meeting the needs of the *total* child in the community." . . . They recommend that, "Congress and States should initiate legislation to stimulate development of pre-primary education to serve *all* children . . ."

More than 100 national child development and advocacy measures (bills), under various names, have been introduced in Congress. Some Congressmen have been led to believe the proposed plans are not compulsory, however even a cursory reading of the bills and recommendations of the Joint Commission, as revealed in this summary (*not* taken out of context), shows the intent to include "all the nation's children". These are far reaching proposals which must be *discontinued.* It is interesting to note that the Congressmen introducing these bills consistently (90–98% of the time) vote for socialistic legislation that undermines our Republic and Constitutional Government. Organizations involved in the research prior to introduction of many of these bills, and groups promoting them are also found to be consistently oriented toward socialistic philosophies. This alone should raise serious questions in the minds of those who might be inclined to believe child advocacy is a good plan. It seems strange when so many men (fathers) are without jobs that so many "do gooders" are working so hard for Child Care—Child Advocacy programs—to put children in "away from home schools"—so mothers can work. The question needs to be asked and answered truthfully, "What's wrong with mothers staying home and raising their children in their own homes?" More jobs would then be available for fathers. Our nation became the most progressive, productive and free nation on earth when this procedure was followed.

If these child development-advocacy measures are implemented our children will become literally "wards" of the state—"The state's children", called just that in Sec. 1177 of S. 1414, a Bill to amend the Social Security Act by providing for the establishment of a Child Advocacy Program.

A young mother asked this question, "Do any of you remember the film "Hitler's Children"? I remember seeing that film when I was about 13 and it stuck in my mind because it was so horrible. Young people were separated from parents and placed in indoctrination schools. There was no religion and hard core young adults, who would kill their mother if she dared to be against their cause, were muscle for the corrupt rulers. Women were placed in dorms for the sole purpose of bearing children for the cause. The men were in the military and allowed to visit every so often, there were no families. Any opposition was exterminated. When I saw that film I was so thankful and proud that my country was not like that, that I had parents I could believe in. I could pray to God and have a say in my future. But the country has changed and I'm not so proud

any more, because it's become corrupt and is destroying all the true values that are left."...

With the ever increasing use of the term "Mental Health" in every area of our society, one begins to wonder who determines the mental health of the psychiatrist, psychologist, educators, etc., who are saying others than themselves are mentally ill. Indeed, these individuals who are trying to impose their mentality and "humanistic hang-ups" on the children and parents of this nation are in reality the mentally-spiritually ill!!! As the young mother, a former college student, quoted previousy, states, "The educators, who have human faults, are saying that they are more intelligent than the parents and should teach our children everything they need to know. As far as I am concerned all the college degrees in the world will not make an individual intelligent. All it means is that he has read literature and comprehended it well enough to pass a test. It doesn't mean that he has good common sense compassion toward his fellow man, good morals, or love for his country... All through the Bible parents, not educators, are told to teach their children. The Bible also says that parents will be held responsible for their children before God, not before educators. I honestly believe that parents who sit back and hand their children over to such practices as these will be held accountable before God on judgment day."

An increasing number of persons (as they become informed) are becoming alarmed at the proposals for social change which are departing from Biblical morality and Judaic-Christian principles. A concerned Congressman writes: "You certainly have reason to be alarmed over the proposed legislation for day care centers, the child advocacy system, and the degrading PPBS, PEP, and PACE programs. I am striving to help my constituents keep informed of these insidious attempts to turn our free country into a totalitarian socialistic one.... My only suggestion to you is to inform your local, state, and national public officials and at election time try to elect pro-American officials..." (Letter dated June 23, 1971)

Remember!! These programs are funded by tax money and could be stopped if the voters work against and vote against every elected official who supports these socialistic programs!! Souls of children are at stake!! Dear readers, it is time to seek some old paths—God is alive!! His Word as revealed in the original writings is True and must be followed for true Peace of Mind—real mental health. God says, "Stand ye in the ways, and see, and ask for old paths, where is the good way, and walk therein, and ye shall find rest for your souls." Jer. 6:16. "For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life." John 3: 16. God also says in II Chron. 7:14, "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways, then will I hear from heaven, and will forgive their sin, and will heal their land."

[From the Newport Harbor Ensign (Corona del Mar, Calif.), May 27, 1971]

DAY CARE IS CHANGE AGENT

(This is a continuation of the March 9 speech given at the Harbor Forum meeting by Dr. Joseph Bean, former member of the Glendale unified school district board. He is describing the program of John Dewey and his colleagues to use public schools to change society and the economic system into collectivism.)

(By Dr. Joseph Bean)

Another matter which Americans should be following with concern is the rapidly developing reality of the school for children 2 to 5 years of age. In the opening days of his administration in 1969, President Nixon established the Office of Child Development, out of which grew plans for the construction of a large number of day care centers for the child under kindergarten age of five. These centers are planned not only for children whose mothers work but for all children from two to five.

As noted earlier, the people working in these government programs want to have access to the child at this early age, before he has had a chance to learn the wrong things from his parents. The maladaptive behavioral patterns developed at home can thus be prevented, they contend. This eliminates the necessity of the unlearning process when the child enters regular school.

By the time he reaches kindergarten, his thought processes will have been directed away from traditional values and the child will not need sensitivity training at a later age. This will save everyone a lot of trouble. Whereas child care centers in the past have been custodial or baby-sitting facilities, the new centers will be learning centers. The NEA states that when the centers begin to operate on a wide scale, educators will assume a formal responsibility for children when they reach the age of 2.

As was to be expected, when the White House Conference on Children and Youth met in Washington last December, one of the important matters to come before the conference was the establishment of these child care centers. Great urgency was assigned to the program. It would cost between 6 and 10 billion dollars a year to operate the centers, and I do not know how many billions for construction.

A system of child advocates will probably be established this year, with one advocate to represent children at the national level, one at each state level, and one for each community. The advocates would be responsible for policy-making and enforcement for all persons under 21, and the system would guarantee every infant 7 new rights which we will not take time to enumerate here. The advocate would stand as "protector" between parent and child.

There is more and more being said about developing the kibbutz (and this word is used) for American children, and the idea already has the backing of some congressmen. As in the communal settlement in Israel, the kibbutz house here would take the child at an early age, even at birth in some instances, and the child would be reared by the state. Elizabeth Koontz, president of the NEA in 1968 and named head of the new network of child care centers by President Nixon, is pushing for the establishment of this sort of arrangement for children. The kibbutz has the backing of numerous influential people.

[From the Piedmont-Oakland (Calif.) Bulletin, Sept. 15, 1971]

THE FAMILY—A NEWLY DISCOVERED EVIL?

"The American home," Professor Ashley Montagu of Rutgers University said recently, "is an institution designed for the systematic creation of mental illness in children."

We'd like to think that Prof. Montagu was kidding, but we can't be sure. The fact is that there are more than a few so-called child experts and other far-out planners who are seriously urging the complete break-up of the family, with the children to be taken from their homes and raised and educated by the Government to achieve "full child development."

Now this view is not merely an abstract subject for conversation in certain intellectual circles, it has been incorporated in more than 100 bills now before Congress including H.R. 6748 recently approved by the House Education Subcommittee. And most of this legislation has the blessing and support of the U.S. Department of Health, Education and Welfare.

One of the key proposals is the plan to establish government-operated day care centers for children (ages six months to six years) of working mothers. But the plan does not stop there. It envisions the eventual control and "development" of all children along lines which the vast army of social planners in Washington feel are necessary to make the average child acceptable to his peers. Such training would also—not incidentally—prepare the rising generation to accept more and more socialist controls and a "new kind of society."

George Orwell's "Big Brother" government of "1984" may come sooner than that!

Aside from the destruction of normal family ties which Federal child control would bring, one of the dangers of such control is the continuing desire of certain physicians and scientists to experiment with children. A little publicized regulation appearing in the "Federal Register," Aug. 30, 1966 by the Food & Drug Administration of the Department of Health, Education and Welfare, under the title, "Consent for Use of Investigational New Drugs on Humans; Statement of Policy," Section 130.37(a) reads: "... the act provides that regulations on use of investigational new drugs on human beings shall impose the condition that investigators obtain the consent of such human beings or their representatives, *except where they deem it not feasible or, in their professional judgment, contrary to the best interests of such human beings.*" (Emphasis added).

The exceptions certainly open the door for possible abuses. And there have been charges of such abuses. For instance, several years ago New York State Senator Seymour Thaler declared that municipal and state hospitals in New York City were performing medical experiments on indigent patients without their consent. He also said that Willowbrook State Hospital on Staten Island "took 500 mentally retarded children, 3 to 9 years old, and injected them with a live hepatitis virus because officials wanted to start a hepatitis research program."

How accurate the senator's charges were we don't know, but the important thing is that human beings, and children especially, should never be put in a spot where they could become the guinea pigs for the experimenters and the social planners. Yet, this is what much of the legislation now before Congress would make possible.

Write your congressman to oppose these child "advocacy" schemes, or if you're not a letter writer and you agree with the views of this editorial, clip it out and mail it to him. It could help to prevent a government takeover of the younger generation.

[From the Piedmont-Oakland (Calif.) Bulletin, Aug. 4, 1971]

FEDERAL CONTROL OF CHILDREN?

There is deep and increasing concern over the many proposals now before Congress to establish "child advocacy" laws which would, in effect, provide a sort of ombudsman to represent juveniles against their parents, their school and even the courts whenever these children claim abuse, neglect or other unjust treatment.

The principal danger with "child advocacy" laws is that they would tend to drive a wedge between parent and child instead of serving to unify the family. They would also substitute State control more and more for parental authority.

Admittedly, there are parents who are not fit to be parents and under existing laws in acute cases children are removed temporarily or permanently from their control. But whatever faults might be corrected through injecting more State control into the home, the school and courts would certainly be outweighed by the mischief it would create.

Any law or practice that would be of genuine benefit to children deserves support. But experience shows that government at any

level is not equipped to take over the duties of parents or to dictate in detail just how children shall be raised.

The basic question is whether government shall be allowed to become the "big brother" to every person under 21 (and eventually over 21) and have virtually full control over the "minds and bodies" of America's youth.

Recently, national columnist Paul Scott pointed out that part of this developing struggle over the control of children centers around the establishment of federally financed child day care facilities for working mothers.

On the face of it, such centers might well serve a constructive purpose in enabling the working mother to have good care for her offspring while supporting, or helping to support, her family.

Ah, but there's a catch! The plan as conceived at the White House Conference on Children held late last year is not merely to keep tykes happy while mama is away but to undertake "full child development" from the time the babes enter at six months until they leave at six years of age.

Who will dictate what kind of "development" there will be? Lest you think we're overly suspicious, Columnist Scott notes that among the "powerful forces at work both within and outside of Government" supporting federally-financed child centers are those who "want to create a new world that accepts new types of families beside the traditional nuclear family, consisting of father, mother, and offspring living together. The new life style would include communal group marriages, single unwed parent families, and even homosexual families with children."

Then there is the statement by Dr. Edward P. Zigler, head of the Department of Education and Welfare's Office of Child Development who said of the proposed day care centers: "Bringing these children together at an early age of life (first six years) is one of the best ways to achieve socio-economic integration." And, we might add, to train them along lines which the social planners and experimenters deem, in their great wisdom, to be best for the youngsters, their parents and the country as a whole.

Finally, there is the question of money to finance such massive programs. Dr. Zigler says it would cost only $400 million the first year but by 1974 it would cost $12 billion annually.

To us, that seems a mighty fancy price to pay for something that would certainly cause far more harm than good.

[From the National Laymen's Digest (Wheaton, Ill.), Sept. 15, 1971]

YOUR CHILDREN ARE THE TARGET

Leaders of the Communist Party of the United States are on record in the official party publications as having called for the federal government of the United States to appropriate fantastic sums of money for relieving mothers of the responsibility of raising their children and for putting their children in "Day Care" Centers so that the psychiatrists, psychologists and "molders of the new citizen" can work on the kids, from 1 year of age on up.

Now comes the shocker! A spate of bills have been introduced into both the House of Representatives and the United States Senate by the usual liberal legislative coterie calling for the exact same thing, with the initial appropriation to be at least 10 billion dollars and then increasing, year after year, to astronomical sums! "Day Care," or "Child Care," centers are to be built in every sizeable city in the U.S. and staffed by "professionals" who will help erase all the "prejudices" of the little tots which might have been instilled in them by their ignorant parents and prepare them for the brave new perfect society which the brain-twisters promise to bring in, worldwide.

Such "care," it is also stated, will allow the mothers who are now on "welfare" to take jobs, supposing of course, that all the welfare mothers" *want* to work instead of getting a federal handout! Even mothers who don't need to work can take advantage of this State training so as to release them for other things. Some of the advocates also mention that some mothers just aren't capable of raising children correctly, and, therefore, should turn the children over to the experts. A White House Cabinet post for the top federal administrator of these programs has even been suggested. He or she will be known as the Child Advocate.

[The Tacoma (Wash.) News Tribune, Oct. 21, 1971]

BIG BROTHERITIS

Working women, members of Women's Lib and other groups have been advocating a system of child care centers, subsidized by the Federal Government, to free them from the restrictive life of small children at home. Congress is well on the way toward granting them their wish.

It would not hurt, however, for all parents, including the advocates, to take a look at the fine print. The House of Representatives already has passed its version of the program, providing for the establishment of Child Development Programs, Child Development Councils, and a model Federal Government Child Development Program.

If that does not cover everything, the bill also would establish National Child Advocacy Projects, a sort of neighborhood trouble finder.

These various projects would have much to say about the early lives of young children, including their "mental, physical and social examination, diagnosis, identification and treatment." The neighborhood advocacy offices would be empowered to advise, recommend and take "such actions as may be appropriate" regarding a child or his family.

America is going through some profound social changes, but is it ready to abandon the family and its concept of parental responsibility? Is it going to hand this responsibility over to the state? Provisions such as those Congress has under consideration would take a long step in that direction.

[From the Western Sun (Everett, Wash.), Oct. 1, 1971]

NEWS & COMMENT

(By Willis Tucker)

The first piece of legislation that will see our future generations become "children of a federal clerk" was passed in the House yesterday and we can't help but believe it was the beginning of doomsday for individual freedom.

If these seem like strong sentiments, they should be, for anytime the rearing, caring and education of your child in its most impressionable age is left to a maid hired by the federal government, we are in deep trouble.

In the first place, mothers should be home with children from 0 to 6 years of age. They need their mothers for the zillion things that only mothers can do. Like love. If we must spend $20 billion (yes, friends, $20 billion—and that's only a start) a year, it would be far better to pay the mother who is destitute to stay home rather than pay her—in effect—for going to work and leaving her child with a stranger.

This program will cost billions of dollars a year for the rest of our lives, increasing each year as delegation of parental authority and responsibility becomes easier to live with psychologically.

But this is only the beginning. There are dozens of similar bills now floating around the House just waiting for our Congressmen to give them the formal blessing. We are still puzzled at why it takes so many bills with different numbers and different titles—and different sponsors—to fill the need for federal babysitting services. Frankly, it smells to high heaven and the cost is in equal proportion to the stench.

Representative ——— of Oregon gave the weakest argument of all for the child care measure: "This is not a takeover," she said. "This is quite different. It gives children of working mothers . . . a place to go where somebody does care."

Mrs. ———, and any woman, should know that nobody can ever replace a child's mother. Not even a carefully selected federal clerk. Or perhaps it would be appropriate to say, especially a federal clerk.

MICHIGAN STATE LEGISLATURE PROPOSES AMENDMENT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the secretary of the Senate of the State of Michigan, Beryl I. Kenyon, has forwarded to me a copy of Senate Concurrent Resolution No. 172 adopted by the Michigan Legislature on October 28, 1971, which applies to the Congress for a convention to propose as an amendment to the Constitution of the United States the following article:

No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin.

A copy of this resolution is also being sent to each of the legislatures in the several States. Under the procedure provided in article V of the Constitution, when two-thirds of the State legislatures make similar applications to the Congress, a convention is then called to propose such an amendment. If it is then approved by legislatures or conventions in three-fourths of the States, the amendment is ratified.

I commend Michigan Senate Congressional Resolution 172 to the attention of my colleagues, many of whom share deep concern over the question of the busing of schoolchildren:

SENATE CONCURRENT RESOLUTION NO. 172

(Offered by Senators Bowman, McCauley, Gray and Lodge)

A concurrent resolution applying to the Congress for a convention to propose an amendment to the Constitution of the United States

Resolved, By the Legislature of the State of Michigan, That said Legislature, hereby and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

ARTICLE ———

No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin; and be it further

Resolved, That this application by the Legislature of the State of Michigan constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained

in this resolution before January 1, 1974, this application for a state application shall no longer be of any force or effect; and be it further

Resolved, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the Legislature of the State of Michigan interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendmetns on the same or different propositions; and be it further

Resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from this State and to each House of each State Legislature in the United States.

Adopted by the Senate, October 27, 1971.

Adopted by the House of Representatives, October 28, 1971.

BERYL I. KENYON,
Secretary of the Senate.
T. THOS. THATCHER,
Clerk of the House of Representatives.

THE LITTLE WHITE HOUSE STILL DRAWS THOUSANDS

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HAGAN. Mr. Speaker, after more than two and a half decades, the Little White House at Warm Springs, Ga., still draws thousands of visitors from over the world.

The death of Franklin D. Roosevelt came at a critical hour in America's history. He had led his country longer than any man. The news of his death shocked the world.

It is no wonder that already this year 41 countries have been represented among the thousands of visitors. The Little White House memorial is well operated and is a credit to the memory of a great President.

Mr. Speaker, I would like to bring to your attention and that of my colleagues an article on this subject which appeared in the Savannah Morning News on November 1, 1971. The article follows:

FDR SITE TOURIST MAGNET

Warm Springs.—Tourists from 41 foreign countries included Roosevelt's Little White House in their tour of America this year. Almost a thousand guests from overseas visited the shrine at Warm Springs.

Georgians continue to lead the list of visitors to the late president's home. Of the 128,557 persons who toured the house and museum, almost one-third were from Georgia. Next came Alabama with about one-third as many as Georgia, then Florida, Tennessee, Ohio, North Carolina and South Carolina, in that order.

All 50 states had residents to sign in at the Little White House. Visitors also came from the District of Columbia, Puerto Rico, the Canal Zone and Canada.

Tourists often spend the major part of the day at the Roosevelt home and museum and about the grounds, reported executive director Frank W. Allcorn Jr. Visitors since the Shrine opened in 1943 now exceed 2,360,000.

Roosevelt's Little White House is located 70 miles south of Atlanta on Ga. 85-W and U.S. 27-A. 38 miles north of Columbus. It is open from 9 a.m. until 5 p.m. each day.

DECISION OF THE U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT, COMMONWEALTH OF MASSACHUSETTS, AGAINST MELVIN R. LAIRD

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HARRINGTON. Mr. Speaker, tomorrow we will be voting on an amendment to the appropriations bill requiring an orderly withdrawal from military involvement in Southeast Asia. Last month, the First Circuit Court of Appeals invalidated a Massachusetts statute challenging the war in Vietnam on constitutional grounds. The statute claimed that the war violated the constitutional requirement that Congress declare war. The court, with all three judges of the circuit court in agreement, held that Congress in fact had legitimated the war by repeatedly appropriating funds for it. With this pronouncement by the highest court yet to rule on the question of the war, it is no longer possible for Members of this House to claim that their vote for the appropriation can be divorced from the question of the legitimacy of the war itself. I urge all of my colleagues to read this opinion written by a former Member of this body who can hardly be accused of unfamiliarity with its processes—and to keep it in mind when they vote on the Boland amendment.

The court opinion follows:

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT

(No. 71-1177)

COMMONWEALTH OF MASSACHUSETTS, ET AL., PLAINTIFFS, APPELLANTS, VS. MELVIN R. LAIRD, ETC., DEFENDANT, APPELLEE

COFFIN, *Circuit Judge.* The question sought to be raised in this action is whether the United States involvement in Vietnam is unconstitutional, a war not having been declared or ratified by the Congress. Plaintiffs seek a declaration of unconstitutionality and an injunction against the Secretary of Defense barring further orders to duty in Southeast Asia of Massachusetts inhabitants if within ninety days of a decree the Congress has not declared war or otherwise authorized United States participation.

The individual plaintiffs are residents of Massachusetts and members of the United States forces who are either serving in Southeast Asia or are subject to such service. They allege that their forced service in an undeclared war is a deprivation of liberty in violation of the due process clause of the Fifth Amendment. The Commonwealth of Massachusetts is a plaintiff pursuant to an act of its legislature proscribing military service by its inhabitants in the conduct of extra-territorial non-emergency armed hostilities in the absence of a Congressional declaration of war and directing its Attorney General to bring an action in the Supreme Court, or in the event of a final determination that such action is not one of which that Court has original jurisdiction,[1] an action in an inferior federal court to defend the rights of its inhabitants and of the Commonwealth. M.G.L.A. c. 33 app., § 26-1.

The complaint, alleging active engagement by the United States in Indochina in armed hostilities "for the last six years," traces the familiar and unhappy history of escalation since 1950: assistance to the French, the first American casualties in 1959, the accumulation of 23,000 "military advisors" by 1964, the Gulf of Tonkin Resolution in the same year, and the subsequent exponential increase in air strike sorties, troops, casualties, and expenditures. The complaint repeatedly alleges the absence of a Congressional declaration of war or ratification. The Commonwealth alleges damage both as a sovereign state and as *parens patriae,* citing the deaths and injuries of its inhabitants, consequential loss of their prospective civic and tax contributions, increased claims of dependents, additional burdens on its economy, disadvantage to its absentee voters, mass demonstrations, and damage to its public's morale. It also asserts its interest in "maintaining the integrity of the Constitution" which is allegedly impaired in that "one branch, the executive, has exercised war-making powers, which the Commonwealth and its sister states had agreed would be exercised only by Congress."

The district court dismissed the complaint, relying on the alternate grounds that the controversy was not justiciable and that, if justiciable, continual Congressional legislation in support of the Vietnam war was implied sufficient authorization. 327 F. Supp. 378 (D. Mass. 1971).

As to threshold matters, we reject respondent's claim that subject matter jurisdiction is lacking. As we understand the argument, it is partly a restatement of arguments against justiciability. What remains is the contention that, since the substantiality of plaintiffs' constitutional claims is challenged, there is lack of subject matter jurisdiction, citing *Powell* v. *McCormack,* 395 U.S. 486, 514 n. 37 (1969). No such doctrine can be drawn from *Powell;* the contrary was made clear in *Baker* v. *Carr,* 369 U.S. 186, 199 (1962), i.e., that only if a claim is absolutely devoid of merit or frivolous could dismissal for lack of jurisdiction be justified. Nor do we find any merit in the claim that the individual plaintiffs, particularly those serving in Southeast Asia, lack standing. *Berk* v. *Laird,* 429 F. 2d 302 (2d Cir. 1970).

We do not see, however, that Massachusetts achieves any special status as a protector of the rights of its citizens, solely as United States citizens, and not as a sovereign with unique interests. *South Carolina* v. *Katzenbach,* 383 U.S. 301 (1966). *See also,* Note, *The Supreme Court as Arbitrator in the Conflict Between Presidential and Congressional War-Making Powers,* 50 B.U. L. Rev. 78, 79 n. 9 (Special Issue 1970). The traditional rationale is that the federal government is "the ultimate *parens patriae* of every American citizen," 383 U.S. at 324. This admittedly seems inappropriate in a suit challenging the constitutionality of a war waged by the putative *parens.* Suffice it to say that some of the plaintiffs are properly before us.

While the challenge to the constitutionality of our participation in the Vietnam war is a large question, so also is the question

Footnotes at end of article.

whether such an issue is given to the courts to decide, under the circumstances of this case. The Supreme Court has thus far not ruled on the latter issue in this context. Other federal courts have differed in their rationales.[2] Scholars have probed "the political question" and have found it just as much an impenetrable thicket as have the courts.[3]

In our own search for a principled resolution of the question of the appropriateness of our deciding the merits, we seek first to understand the theory of the complaint, then to identify the appropriate legal standard, and finally to apply that standard to the issue raised.

The Massachusetts statute, pursuant to which plaintiffs bring this action, is based on the simple proposition that participation by the United States in hostilities other than an emergency is unconstitutional unless "initially authorized or subsequently ratified by a congressional declaration of war according to the constitutionally established procedures in Article I, Section 8, Clause 11th, of the Constitution."[4] M.G.L.A. c. 33 app., § 26.1. The complaint expands this theory by recognizing that constitutionality could be achieved by a "constitutional equivalent" for a declaration of war or by specific ratification of executive actions.

In any event, despite some language charging the executive with exercising the "war-making powers" of Congress, the thrust of the complaint is not that the executive has usurped a power—the power to declare war—given to Congress. There is no claim that the executive has made any declaration. The charge is, rather, that since hostilities have long since transcended a response to an emergency, both Congress and the executive have acted unconstitutionally in sustaining the hostilities without a Congressional declaration of war. In effect the relief sought by the complaint is to order the executive to "get out or get a declaration from Congress."

Plaintiffs have understandably devoted considerable attention to the criteria of justiciability catalogued in *Baker* v. *Carr*, 369 U.S. 189 (1962).[5] In assessing what have been termed the "prudential" and "functional" factors,[6] they assert that there are judicially discoverable standards for determining whether hostilities in Vietnam require a declaration of war; that no nonjudicial policy determination is required—only a determination of authority; that no lack of disrespect to coordinate branches will be shown, but, rather, respect for the Constitution; that circumstances do not require unquestioning adherence to a political decision already made; and that, with a court acting as final arbiter, there is no risk of embarrassment from multifarious pronouncements.

We are not so sanguine that these factors can be so easily disposed of. Perhaps they impose no insuperable obstacle to principled decision in the case of long-continued, large-scale hostilities. But, once given the principle that a plaintiff may challenge the constitutionality of undeclared military operations, a court must be prepared to adjudicate whether actions are justified as emergency ones needing no declaration, or have gone beyond this bound. In the latter event the court must adjudicate whether Congress has expressly or impliedly ratified them. Workable standards, fact finding, the prospect of conflicting inferior court decisions, and other factors might well give pause to the most intrepid court.

We do not, however, rely on these factors. Partly we feel that to base abstinence on such pragmatic, if realistic, considerations is not desirable unless so clearly dictated by circumstances that it cannot be mistaken as abdication. Moreover, on a question so dominant in the minds of so many, we deem it important to rule as a matter of constitutional interpretation if at all possible. Finally, and of course most pertinently, we derive recent guidance from the Supreme Court's approach in *Powell* v. *McCormack*, 395 U.S. 486 (1969), giving dominant consideration to the first decisional factor listed in *Baker* v. *Carr*, *supra*. This is the inquiry "whether there is a 'textually demonstrable constitutional commitment of the issue to a coordinate political department' of government and what is the scope of such commitment." 395 U.S. at 521.

To this critical factor of textual commitment, plaintiffs devoted one paragraph of their lengthy brief. They construed the issue as "judicial assessment of executive action in Vietnam against a constitutional standard." So phrased, the issue is of course, by definition, committed to the judiciary. Were the issue to be so defined, the Court in *Powell* v. *McCormack, supra,* would have spared itself much difficulty by stating simply that the issue was "judicial assessment of the action of the House in expelling a member against a constitutional standard."[7] In short, to any issue of challenged authority could be affixed the phrase "judicial assessment", and, by the affixing, the criterion of textual commitment eradicated. While the Court in *Powell* finally was able to pose the issue before it in substantially similar terms, it was only after a very lengthy discussion concluding that there had been no textual commitment of the unlimited power of expulsion to the House, and that none of the other factors of non-justiciability listed in *Baker* v. *Carr, supra,* applied.

These observations do not spare us the task of trying to identify the scope of the power which has been committed to a coordinate branch in this case. The complaint at one point alleges that the executive has usurped the war-making power of Congress but more generally alleges that, the executive errs only in proceeding to make war without Congressional declaration or ratification. This very ambiguity underscores the fact that the war power of the country is an amalgam of powers, some distinct and others less sharply limned. In certain respects, the executive and the Congress may act independently. The Congress may without executive cooperation declare war, thus triggering treaty obligations and domestic emergency powers. The executive may without Congressional participation repel attack,[8] perhaps catapulting the country into a major conflict. But beyond these independent powers, each of which has its own rationale, the Constitutional scheme envisages the joint participation of the Congress and the executive in determining the scale and duration of hostilities. To Congress is granted the power to appropriate funds for sustaining armies. Article I, Section 8, Clause 12th. An analogous power given to the President is his power as Commander-in-Chief to station forces abroad. Article II, Section 2. *Johnson* v. *Eisentrager*, 339 U.S. 763 (1950). Congress has the power to concur in or to counter the President's actions by its exclusive authority to appropriate monies in support of an army, navy and air force, Article I, Section 8, Clause 12th,[9] and by granting letters of marque and reprisal. Article I, Section 8, Clause 11th.

While the fact of shared war-making powers is clearly established by the Constitution, however, and some of its elements are indicated, a number of relevant specifics are missing. The Constitution does not contain an explicit provision to indicate whether these interdependent powers can properly be employed to sustain hostilities in the absence of a Congressional declaration of war. Hence this case.

The brief debate of the Founding Fathers sheds no light on this.[10] All we can observe, after almost two centuries, is that the extreme supporters of each branch lost; Congress did not receive the power to "make war"; the executive was given the power to repel attacks and conduct operations; the Congress was given the power to "declare" war—and nothing was said about undeclared hostilities.

Under these circumstances, what can we say was "textually committed" to the Congress or to the executive? Strictly speaking, we lack the text. Yet it "[d]eciding whether a matter has in any measure been committed by the Constitution to another branch of government, or whether the action of that branch exceeds whatever authority has been committed, is itself a delicate exercise in constitutional interpretation", *Baker* v. *Carr, supra,* 369 U.S. at 211, surely our task is more than passing. We must have some license to construe the sense of the Constitutional framework, wholly apart from any doctrine of implied powers inherent in sovereignty, *cf. United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 315–18 (1936).

We observe, first, that the Founders' silence on the subject of hostilities beyond repelling attack and without a declaration of war was not because the phenomenon was unknown. In The Federalist No. 25, Hamilton, in opposing a proposed prohibition on raising armies in time of peace, described the effect of such a prohibition in these words: "As the ceremony of a formal denunciation of war has of late fallen into disuse, the presence of an enemy within our territories must be waited for, as the legal warrant to the government to begin its levies of men . . . ." The Federalist No. 25, at 156 (Mod. Lib. ed.) (Hamilton)

Secondly, we note that the Congressional power to declare war implies a negative: no one else has that power. But is the more general negative implied—that Congress has no power to support a state of belligerency beyond repelling attack and short of a declared war? The drafters of the Constitution, who were not inept, did not say, "power to commence war". Nor did they say, "No war shall be engaged in without a declaration by Congress unless the country is 'actually invaded, or in such imminent Danger as will not admit of delay.'" (Language from Article I, Section, 10, proscribing states from engaging in war.) Nor did they resort to other uses of the negative as they so often did elsewhere. *See, e.g.,* Article I, Section 9. And the "declare" power was not, like the "judge" power of the House of Representatives, Article I, Section 5, in a context limited by another specific provision, such as that specifying the three qualifications of a Representative. *See Powell* v. *McCormack, supra.*

Finally, we give some significance to the fact that in the same "power to declare war clause", Article I, Section 8, Clause 11th, there is the power to grant letters of marque and reprisal. Were this a power attendant to and dependent upon a declared war, there would be no reason to specify it separately. Indeed, it was first broached by Gerry as a matter not included in the "declare" power. 2 Farrand 326. Nevertheless, this is a power to be invoked only against an enemy. It is clear that there can be an "enemy", even though our country is not in a declared war. *Bas V. Tingy, 4 U.S.* (4 Dall.) 37 (1800).[11] The hostilities against France in 1799 were obviously not confined to repelling attack. This was an authorized but undeclared state of warfare. *See also, Prize Cases,* 67 U.S. (2 Black) 635 (1862).

As to the power to conduct undeclared hostilities beyond emergency defense, then, we are inclined to believe that the Constitution, in giving some essential powers to Congress and others to the executive, committed the matter to both branches, whose joint concord precludes the judiciary from measuring a specific executive action against any specific clause in isolation. *Cf. Oetjen* v. *Central Leather Co.*, 246 U.S. 297, 302 (1918).[12] In arriving at this conclusion we are aware that while we have addressed the problem of justiciability in the light of the

textual commitment criterion, we have also addressed the merits of the constitutional issue. We think, however, that this is inherent when the constitutional issue is posed in terms of scope of authority.

In the circumstance where powers are interrelated, Mr. Justice Jackson has said that:

"When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference, or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law." *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 637 (1952) (concurring opinion).

We need not go so far as to say that in a situation of shared powers, the executive acting and the Congress silent, no constitutional issue arises. Here the complaint itself alleges the escalation of expenditures supporting United States efforts in Vietnam from $1.7 billion in 1965 to over $30 billion annually today, and a total expenditure over the past decade of $110 billion. Whether or not such appropriating and other actions of the Congress during the past six years can be said to amount to an "equivalent" of a declaration, or express or implied ratification is an issue we do not reach. At the very least, the complaint reveals a prolonged period of Congressional support of executive activities.

All we hold here is that in a situation of prolonged but undeclared hostilities, where the executive continues to act not only in the absence of any conflicting Congressional claim of authority but with steady Congressional support, the Constitution has not been breached. The war in Vietnam is a product of the jointly supportive actions of the two branches to whom the congeries of the war powers have been committed. Because the branches are not in opposition, there is no necessity of determining boundaries. Should either branch be opposed to the continuance of hostilities, however, and present the issue in clear terms, a court might well take a different view. This question we do not face. Nor does the prospect that such a question might be posed indicate a different answer in the present case.

Affirmed.

FOOTNOTES

[1] The Supreme Court denied leave to file a similar complaint, Justice Douglas contending in dissent that Massachusetts had standing and that the matter was justiciable. *Massachusetts* v. *Laird*, 400 U.S. 886 (1970). Since the disposition does not purport to decide the case, it technically does not qualify as a "final determination" as required by the Massachusetts statute. We do not deem this fact relevant to the proceedings before us.

[2] The spectrum of analysis is indicated by the positions taken vis-a-vis the "political question" in the following cases: *Luftig* v. *McNamara*, 373 F. 2d 664, 666 (D.C. Cir.), *cert. denied*, 389 U.S. 934 (1967)—"plainly the exclusive province of Congress and the Executive"; *United States* v. *Sisson*, 294 F. Supp. 511 (D. Mass. 1968)—evidence, policy considerations, and constitutional principles beyond normal judicial expertise; *Velvel* v. *Johnson*, 287 F. Supp. 846 (D. Kan. 1968)—activities of government "under the direction of the President, fall within the political question", 287 F. Supp. at 850; also, committed to both branches, *id.* at 852; also, "decisions of basic national policy, as of foreign policy, present no judicially cognizable issue", *id.* at 853; *Davi* v. *Laird*, 318 F. Supp. 478 (W.D. Va. 1970), "clearly demonstrate commitment . . . to the legislative branch", *id.* at 482, and to the other "political branches", *id.* at 484; *Berk* v. *Laird* [I], (E.D. N.Y. 1970) (unreported)—issue committed to Commander-in-Chief; *Berk* v. *Laird* [II], 429 F. 2d 302 (2d Cir. 1970)—orders to fight are generally justiciable, the judicially discoverable standard being some mutual participation of Congress and the executive, but would be political question if standards lacking to judge adequacy of participation; *Berk* v. *Laird* [III], 317 F. Supp. 715 (E.D. N.Y. 1970)—"Congressional authorization here is sufficiently 'explicit' to satisfy constitutional requirements", *id.* at 730, but method of authorization is a political question; *Orlando* v. *Laird* [I], 317 F. Supp. 1013 (E.D. N.Y. 1970)—"reality of the collaborative action . . . required by the Constitution has been present", *id.* at 1019; *Orlando* v. *Laird* [II], F. 2d (2d Cir. April 20, 1971), *cert. denied*, October 12, 1971—standard is some mutual participation, sufficiency of participation is not foreclosed by political question doctrine, but choice in form between a Congressional declaration and war-supporting legislation is a political question, courts having no standard by which to judge. *Contra*, *Mottola* v. *Nixon*, 318 F. Supp. 538 (N.D. Cal. 1970)—this is an issue of "plain constitutional interpretation", *id.* at 551, from which courts ought not "shy away on 'political question' grounds", *id.* at 550.

[3] For overview, see Note, *The Supreme Court as Arbitrator in the Conflict Between Presidential and Congressional War-Making Powers*, 50 B.U.L. Rev. 78, 83–84 (Special Issue 1970). For analysis in terms of "classical", "prudential", and "functional" views, see Scharpf, *Judicial Review and the Political Question: A Functional Analysis*, 75 Yale L. J. 517 (1966). For an exposition of the "classical" view, see Wechsler, *Toward Neutral Principles of Constitutional Law*, 73 Harv. L. Rev. 1 (1959) and for critical comment on *Powell* v. *McCormack*, 395 U.S. 486 (1969), see Note, *The Supreme Court, 1968 Term*, 83 Harv. L. Rev. 1, 62–77 (1969). *See generally*, Monaghan, *Presidential War-Making*, 50 B.U.L. Rev. 19 (Special Issue 1970); Note, *Congress, The President, and The Power to Commit Forces to Combat*, 81 Harv. L. Rev. 1771 (1968); Velvel, *Undeclared War and Civil Disobedience*, (1970).

[4] The Congress shall have power . . . to declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water."

[5] Those factors were "a textually demonstrable constitutional commitment of the issue to a coordinate political department; or lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multi-farious pronouncements by various departments on one question." 369 U.S. at 217.

[6] *See* Scharpf, n. 3 *supra*.

[7] Similarly, the plaintiffs' theory does not account for the failure of the Court in *Luther* v. *Borden*, 48 U.S. (7 How.) 1 (1849) to pose the issue as "judicial assessment, against a constitutional standard, of failure of Congress to guarantee a republican form of government."

[8] 2 Farrand, *The Records of the Federal Convention of 1787*, 318 (1911).

[9] *See also*. Note, *The Appropriations Power as a Tool of Congressional Foreign Policy Making*, 50 B.U.L. Rev. 34 (Special Issue 1970).

[10] It was, from the skeletal report in Farrand [(2 Farrand, 318–319)], less than encyclopedic in its coverage. The sequence of deliberations was as follows: (1) the draft constitutional provision, allowing the Congress "to make war" was moved; (2) Pinkney opposed, saying the Senate was better suited for expedition and wisdom than both houses jointly; (3) Butler, for the same reasons, thought the power should be in the President; (4) then Madison and Gerry moved to change "make" to "declare", "leaving to the Executive the power to repel sudden attacks"; (5) Sharman [sic] thought the existing wording "stood very well", permitting the executive "to repel and not to commence war" and feeling that "declare" would "narrow" the power given to Congress; (6) Gerry interjected that he "never expected to hear in a republic a motion to empower the Executive alone to declare war"; (7) Elseworth [sic] said it should be more easy to get out of war than into it—but added that war "is a simple and overt declaration, peace attended with intricate and secret negotiations"; (8) Mason was against giving the power of war to the Executive or to the Senate; he was "for clogging rather than facilitating war; but for facilitating peace". 2 Farrand 318–319. The Journal records a first vote of 5 to 4 against changing "make" to "declare" and a second vote of 8 to 1 for making the change. 2 Farrand 313. One member was persuaded to vote for the change by the argument that "make" might be understood to mean "conduct", which was an executive function. Butler then moved to give Congress the power "to make peace"; this failed 10–0 Farrand 319.

[11] Justice Washington stated that "If [a war] be declared in form, it is called solemn, and is of the perfect kind . . ." but that "hostilities may subsist between two nations, more confined in its nature and extent being limited to places, persons and things; and this is more properly termed imperfect war. . . ." 4 U.S. (4 Dall.) at 40.

[12] "The conduct of the foreign relations of our Government is committed by the Constitution to the Executive Legislative—'the political'—Departments of the Government, and the propriety of what may be done in the exercise of this political power is not subject to judicial inquiry or decision." 246 U.S. at 302. *Cf. Hamilton* v. *Dillin*, 88 U.S. (21 Wall.) 73 (1874). "[W]hatever view may be taken as to the precise boundary between the legislative and executive powers in reference to [trade with the Confederacy during wartime] there is no doubt that a concurrence of both affords ample foundation for any regulations on the subject." 88 U.S. (21 Wall.) at 88.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 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?

GOLDEN JUBILEE IS MARKED BY MSGR. DONATO G. VALENTE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. DULSKI. Mr. Speaker, I was honored to be present Sunday, November 7, as a long time friend of mine, Rt. Rev. Msgr. Donato G. Valente, marked the 50th anniversary of his ordination to the priesthood.

Most of Monsignor Valente's priesthood—34 years—has been spent at St. Francis of Assisi Roman Catholic Church in Buffalo. During this period, he supervised construction of a new church, a school, a convent, and a rectory. These accomplishments are true reflections of his priestly dedication and leadership.

At the Golden Jubilee Testimonial Dinner for Monsignor Valente the principal remarks were made by Most Rev. Pius A. Benincasa, D.D., Auxilary Bishop of the Buffalo Diocese. The general chairman of the affair was Michael A. DiVincenzo with Michael A. Marchiolo serving as toastmaster.

Mr. Speaker, as part of my remarks I include an article by Mrs. Matthews in the Buffalo Courier-Express, also a parish biography of Monsignor Valente:

[From the Buffalo Courier-Express]

PRIEST TO MARK JUBILEE

(By Anne McIlhenney Matthews)

The Golden Jubilee of a great Buffalo priest will be celebrated with auspicious ceremonies Nov. 7. He is the Rt. Rev. Msgr. Donato G. Valente of St. Francis of Assissi Church on Schiller St.

He is one of the last two representatives of a wonderful Buffalo family. The father, Michael, came over from San Fele, as a laborer in 1881, with his wife and four children. He worked hard "at everything" says his son, Herman, who has done the same.

They lived in Beaver Alley and Scot St., then they moved to Hogan's Alley in "the Hooks" and then to a flat in Maiden Lane. About 1903–04 they moved to Busti Ave. (now Front Ave.) Four more children had been born . . . Father Don in March 11, 1893. As his big brother Herman says: "He was a real regular boy. He got into all kinds of trouble in grammar school."

Expelled by the principal, he went to Canisius High School and had a change of career and image. He decided to become a priest and enrolled in the Jesuit order and went to St. Andrews-on-Hudson.

The rigors of this order were too much for the frail lad and after five months he was sent home. He enrolled in Canisius High School and College and after graduation went to St. Bonaventure for grooming as a secular priest.

During all this Father Valente made the Hall of Fame at Canisius as a baseball player, and last year he was the recipient of the Peter Canisius Medal.

Msgr. Valente came from a poor but valorous family and earned his way through the priesthood via a loan from the Diocese which he paid back. For 10 years he assisted Rt. Rev. Msgr. Joseph Gambino at the Holy Cross Church at Maryland and Seventh and then he served throughout the depression in Falconer. Since that time he has been at the St. Francis of Assisi Church.

All of his sisters and brothers born in Italy are deceased—Mrs. Mary B. Tauriello, Anthony V., Dr. Frank V. and Dr. Victor V.

Of the four children born in Buffalo only two survive, Msgr. Valente and his brother Herman of Blue Hill Springville (summers) and Longboat Key, Florida (winters). James V. a brother, and Sister Mary St. Francis a nun of the order of the Good Shepherd are both deceased. Msgr. Valente is 78 years old.

Herman, the only surviving brother, is noted as a "squire" in Springville. His cabin home is a rendezvous for many well-known Buffalonians during the summertime. A fabulous cook, he is known as "Mister Frigidid" in Springville. This is a dish with basic thin-sliced potatoes, garlic and seasonal vegetables. Sometimes he accompanies it with dandelions and ham in the spring, and steak and corn in the fall.

Usually Herman retires to Florida at the first frost. This year he will delay his trek south until after the golden jubilee of his brother. In remembering the early days of his family in Buffalo Herman recalled as typical the career of his doctor brother.

"It wasn't easy," he said. "But lots did it. He just had four jobs before school opened, stores, furnaces, etc. We all did!"

A PARISH BIOGRAPHY OF RT. REV. MSGR. DONATO G. VALENTE

There have been many milestones in the life of Donato G. Valente. This one—the completion of fifty years of service in God's Priesthood—must be for him one of the greatest and most fulfilling.

His beginnings are well known to his parishioners and other friends. Born in Buffalo on March 11, 1893, son of Michael and Mary Josephine (Caputi) Valente, he and seven other children in the family managed to survive a childhood filled with hard work and loving discipline. Donato's youth was spent in many schools, because the family moved about quite a bit. Because of the lack of parochial schools at that time, he attended Public School No. 3 (Perry Street), No. 2 (Lower Terrace), and No. 1 (Seventh Street), in that order, surprisingly.

In September 1909, Donato registered at Canisius High School on Washington Street.

"It was my first experience in a Catholic school," he said, "the first time in an all boys school, the first time I wore a new suit, and the first time I ever made a spiritual retreat. All these things coming together at the same time made an extraordinary impact on my life."

During his high school years, Donato pitched on the Canisius Baseball Team, and after graduation, he entered the Jesuit Order at Poughkeepsie on the Hudson. The date was July 31, 1913, the feast of St. Ignatius Loyola. He wanted to be a priest like his teachers. But, after a few months, homesickness and the fear of unworthiness caused a nervous breakdown and he was forced to return home.

In 1914, he enrolled at Canisius College and again played on the baseball team. He received his Bachelor of Science degree in June 1918.

AN EARLY ORDINATION

In September 1919, he began his theological studies at St. Bonaventure Seminary—now Christ the King Seminary—where he applied himself wholeheartedly to his vocational training. Ordination Day came earlier than he expected—November 5, 1921—mainly because at the time the Diocese of Buffalo was in dire need of Italian-American priests. There were 21 in his class, ordained by the late Bishop Turner. (Today, only three remain, and Monsignor Valente is the oldest.) He was the first Italian-American priest born and educated in Buffalo for the Buffalo Diocese.

He was 28 years old, and his first assignment was to his home parish, Holy Cross Church, on Buffalo's west side, where he served for ten years.

In October 1931, in the midst of the depression, he was appointed pastor of Our Lady of Loretto Church in Falconer, New York. "Many factories were closed," he recalls, "and the collection averaged $15 on Sundays." This assignment lasted until June 30, 1936.

On July 1, 1937, he became pastor of St. Francis of Assisi Church in Buffalo, where he is today and where he will soon complete 35 years of service to the parish and to the community as well. His accomplishments are numerous and outstanding. After only five years at St. Francis, he succeeded in erasing a long-standing debt of over $26,000 which had been a burden to his predecessors for many years. The church and school, however, were extremely old at this point and soon would have to be replaced. (Incidentally, St. Francis of Assisi parish was then the only Italian parish in the City of Buffalo that supported a parochial school.) After paying the mortgage on the old property, the people expected a new church, but the late Bishop O'Hara ordered Father Valente to build a new school first. This was done at a cost of $200,000 and dedicated by Bishop O'Hara on September 10, 1950.

CONVENT HAS PRIORITY

Now, the parishioners expected a new church. But the Bishop intervened again, this time on behalf of the nuns who were commuting back and forth from the convent in Williamsville each day in all kinds of weather. And so the convent was built next, completed in 1952, at a cost of $90,000. Also, during this period, the parish was acquiring neighboring properties (six houses and a few lots) to make room for the new church and rectory.

The year 1959 was an especially eventful one. The cornerstone for the new church and rectory was laid and, as was inevitable, on January 5th, Father Valente was elevated by Pope Pius X to the dignity of Domestic Prelate with the title of Right Reverend Monsignor.

In May 1961, St. Francis of Assisi parish had a new church and rectory at a cost of $522,000.

Throughout the years, Monsignor Valente also spread his talents in other directions and his zealous work earned him various honors.

On September 28, 1949, Bishop O'Hara appointed him Spiritual Director of Holy Name District 8, and he continues in that post to this day.

On June 16, 1963, Canisius High School awarded him an Honorary Diploma as a Golden Jubilarian, at the high school's graduatioin exercises. It was presented to him by Father Donald L. Kirsch, S.J., who was then President and Rector.

CANISIUS HALL FAME

In April 1967, he was admitted and inscribed in the Baseball Hall of Fame at Canisius College for the years 1915–17.

Monsignor Valente is a past member of the Canisius High School and Canisius College Board of Governors; Life Member of the Di Gamma Honor Society of Canisius College; Perpetual Member of the Jesuit Seminary Association; Perpetual Member of The So-

ciety for the Propagation of the Faith; and Perpetual Member of St. Mary of the Angels Aid Society.

He is an eighteen year member of the Founders Club of Canisius High School. (The purpose of the Founders Club is to promote and actively support, endow and maintain by financial means and otherwise, the new Canisius High School of Buffalo, with its long history of educational achievement under the guidance and direction of the members of the Society of Jesus and pursuant to its charter from the Regents of the State of New York.)

This year, on June 13, Monsignor Valente was presented with the Peter Canisius Award, the school's highest award, for "outstanding services and devotion to Canisius High School." It was presented by Father Vincent P. Mooney, S.J., President and Rector of the school. Very few people have had this honor conferred upon them.

Monsignor Valente is now 78 years old. There is no doubt he will continue to earn new laurels as the years go by through his tireless service to God and to his fellow man.

The parishioners of St. Francis of Assisi recognize that they have been blessed with a spiritual leader of the highest calibre. They are, therefore, grateful to God for this opportunity to extend to Right Reverend Monsignor Donato G. Valente sincere congratulations on the occasion of his Golden Jubilee in the Priesthood, and to wish him many more years of continued good health and happiness in God's service.

OFFICE OF EDUCATION PROGRAMS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. PEYSER. Mr. Speaker, the Office of Education has prepared an excellent list of its programs which I would like to make available to the Members of the House in the hope that it will provide a useful index in their work with the Office of Education.

The list follows:

GROUP I: FOR CONSTRUCTION

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
1. Public schools	School Aid to Federally Impacted and Major Disaster Areas (P.L. 815).	Aid school districts in providing minimum school facilities in federally impacted and disaster areas.	$20,040,000	Local school districts	OE's Division of School Assistance in Federally Affected Areas.
2. Community colleges, Technical institutes.	Higher Education Facilities Act—title I.	Construct or improve academic facilities.	10,320,000	Public community colleges and technical institutes.	State commissions.
3. Other undergraduate facilities.	Higher Education Facilities Act—title I.	Construct or improve academic facilities.	32,680,000	Undergraduate institutions other than the above.	State commissions.
4. Interest subsidization, undergraduate and graduate facilities.	Higher Education Facilities Act—title III.	Loan assistance to construct or improve higher education facilities.	29,010,000	Public and private nonprofit institutions and building agencies.	OE—HEW Regional Offices.
5. Vocational facilities	Appalachian Regional Development Act of 1965.	Construct vocational education facilities in the Appalachian region.	24,000,000	State education agencies in Appalachian region.	OE's Division of Vocational and Technical Education.
6. Vocational schools	Vocational Education Act of 1963, as amended.	Construct or improve area vocational education school facilities.	(See II-6)	Public secondary and post-secondary schools providing education in five or more fields.	State boards of vocational education (information from OE's Division of Voc.-Tech Education).
7. Public libraries	Library Services and Construction Act—title II.	Aid construction of public libraries	9,500,000	State library administrative agencies.	OE's Bureau of Libraries and Educational Technology.

GROUP II: TO INSTITUTIONS AND AGENCIES FOR PROGRAMS, INSTRUCTION, AND ADMINISTRATION

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
1. School maintenance and operation.	School Aid to Federally Impacted and Major Disaster Areas (P.L. 874).	Aid school districts on which Federal activities or major disasters have placed a financial burden.	$592,580,000	Local school districts	OE's Division of School Assistance in Federally Affected Areas.
2. Strengthening instruction in critical subjects in public schools.	National Defense Education Act—title III.	Strengthen instruction in 10 critically important subjects.	47,750,000	Local school districts	State education agencies.
3. Strengthening instruction in nonpublic schools.	National Defense Education Act—title III.	Loans to private schools to improve instruction in critical subjects.	250,000	Nonprofit private elementary and secondary schools.	OE's Division of State Agency Cooperation.
4. School library resources and instructional materials.	Elementary and Secondary Ed. Act—title II.	Support provision of school library resources, textbooks, and other instructional materials.	90,000,000	Local education agencies	State education agencies.
5. Supplementary centers	Elementary and Secondary Ed. Act—title III.	Support supplementary educational centers and services.	[1] 146,248,000	Local education agencies	State education agency or OE's Division of Plans and Supplementary Centers.
6. Vocational programs	Vocational Education Act of 1963, as amended.	Maintain, extend, and improve vocational education programs; develop programs in new occupations.	486,658,455	Public schools	State boards of vocational education (information from OE's Division of Voc.-Tech. Education).
7. Occupational training and retraining.	Manpower Development and Training Act of 1962, as amended.	Provide training programs to equip persons for work in needed employment fields.	140,000,000	Local school authorities (public, private nonprofit).	State vocational education agency (information from OE'S Division of Manpower Development and Training).
8. Desegregation assistance	Civil Rights Act of 1964	Aid school boards in hiring advisors training employees, and providing technical assistance on school desegregation.	8,700,000	School boards and other agencies responsible for public school operation.	OE's Division of Equal Educational Opportunities.
9. Teacher institutes (desegregation).	Civil Rights Act of 1964	Improve ability of school personnel to deal with school desegregation problems.	[2] 7,300,000	Colleges and universities	OE's Division of Equal Educational Opportunities.
10. Group projects abroad for language and area studies in non-Western areas.	Mutual Educational and Cultural Exchange Act, and P.L. 83-480 (in excess foreign currency countries).	Promote development of international studies.-	[3] 3,190,000	Colleges, universities, consortiums, local and State education agencies, nonprofit education organizations.	OE's Institute of International Studies.
11. Institutional cooperative research abroad for comparative and cross-cultural studies.	P.L. 83-480	Promote research on educational problems of mutual concern to American and foreign educators.	[4] (See II-10)	Colleges, universities, State departments of education.	OE's Institute of International Studies.
12. Modern foreign language graduate fellowships.	National Defense Education Act—title VI.	Enable U.S. institutions to assist graduate students training to be teachers or other specialists in foreign language and area studies.	[2] 6,000,000	Colleges and universities with language-area studies programs or summer programs of intensive study.	OE's Institute of International Studies.
13. Consultant services of foreign curriculum specialists.	Mutual Educational and Cultural Exchange Act and P.L. 83-480 (in excess foreign currency countries).	Support visists by foreign consultants to improve and develop resources for foreign lanaguage and area studies.	160,000	Colleges, consortiums, local and State education agencies, nonprofit education organizations.	OE's Institute of International Studies.
14. Language and area centers.	National Defense Education Act—title VI.	Support foreign language and area centers at U.S. institutions of higher education.	6,940,000	College sand universities	OE's Institute of International Studies.
15. Educational Personnel Training and Development.	Education Professions Development Act (P.L. 90-35).	Support to broaden and strengthen training of teachers and other educational personnel.	59,700,00	State and local education agencies, colleges, and universities.	OE's Bureau of Educational Personnel Development (limited applications will be accepted due to continuation costs of ongoing programs).
16. Special programs serving schools in low-income areas.	Education Professions Development Act (P.L. 90-35).	Train and retrain persons for career ladder positions and staff in urban and rural poverty schools and introduce change in the ways in which teachers are trained and utilized.	74,100,000	State and local education agencies, colleges, and universities.	OE's Bureau of Educational Personnel Development (limited applications will be accepted due to continuation costs of ongoing programs).

Footnotes at end of table.

GROUP II: TO INSTITUTIONS AND AGENCIES FOR PROGRAMS, INSTRUCTION, AND ADMINISTRATION—Continued

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
17. Media Specialists	Education Professions Development Act—Parts C and D.	Train specialized personnel for State or local instructional media support.	$1,800,000	Institutions of higher education, State and local education agencies.	OE's Bureau of Libraries and Educational Technology.
18. Projects in environmental education.	Environmental Education Act—(P.L. 91-516).	Develop environmental awareness through education programs.	3,514,000	Colleges, universities, and post secondary schools, local and State educational agencies, research organizations and other public and and private nonprofit agencies, institutions and organizations.	OE's Environmental Education Program, office of Priority Management.
19. Institutes, short-term training programs, and special projects.	Education Professions Development Act—part E.	Train teachers, administrators, and specialists serving or preparing to serve in higher education.	5,000,000	Colleges and universities	OE's Division of College Support.
20. National teaching fellowships and professors emeritus.[3]	Higher Education Act of 1965—title III.	Strengthen the teaching resources of developing institutions.	[3] (See 11-61)	Developing institutions nominating prospective fellows from established institutions and retired scholars.	OE's Division of College Support.
21. Research training	Cooperative Research Act—(amended by ESEA—title IV).	Develop and strengthen programs for training educational research personnel.	3,500,000	Education agencies and public and private institutions and organizations.	OE's National Center for Educational Research and Development.
22. Information and recruitment grants.	Education of the Handicapped Act—title VI-D (P.L. 91-230).	Improve recruiting of personnel and dissemination of information on educational opportunities or handicapped.	[2] 500,000	Public or nonprofit agencies, organizations, private agencies.	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.
23. Educational broadcasting facilities.	Public Broadcasting Act of 1967, as amended.	Aid in the acquisition and installation of broadcast equipment for educational radio and TV.	13,000,000	Nonprofit agencies, public colleges, State broadcast agencies, education agencies.	OE's Bureau of Libraries and Educational Technology.
24. Training for library service	Higher Education Act of 1965—title II-B.	Increase opportunities for training in librarianship.	2,000,000	Colleges and universities	OE's Bureau of Libraries and Educational Technology.
25. Public library services	Library Services and Construction Act—title I.	Extend and improve public library services, institutional library services and library services to physically handicapped.	46,568,000	State library administrative agencies	OE's Bureau of Libraries and Educational Technology.
26. Interlibrary cooperation	Library Services and Construction Act—title III.	Establishment and operation of cooperative networks of libraries.	2,640,500	State library administrative agencies	OE's Bureau of Libraries and Educational Technology.
27. College library resources	Higher Education Act of 1965—title II-A.	Strengthen library resources of junior colleges, colleges, universities, and post-secondary vocational schools.	11,000,000	Institutions of higher education and combinations thereof and branches of institutions of higher education.	OE's Bureau of Libraries and Educational Technology.
28. Undergraduate equipment grants (including CCTV).	Higher Education Act of 1965—title VI-A.	Improve undergraduate instruction	12,500,000	Institutions of higher education including vocational and technical schools and hospital schools of nursing.	OE's Bureau of Libraries and Educational Technology.
29. Student loans—matching funds.	National Defense Education Act—title II.	Loans to post-secondary institutions unable to meet program's matching obligations.	2,000,000	Accredited educational institutions (including business schools and technical institutes).	OE's Division of Student Financial Aid.
30. Cuban student loans	Migration and Refugee Assistance Act.	Provide a loan fund to aid Cuban refugee students.	4,800,000	Colleges and universities	OE's Division of Student Financial Aid.
31. College work-study	Higher Education Act of 1965—title IV-C.	Provide part-time employment for post-secondary students.	[5] 401,000,000	Colleges, universities, vocational and proprietary schools.	OE's Division of Student Financial Aid.
32. Educational opportunity grants.	Higher Education Act of 1965—title IV-A.	Assist students of exceptional financial need to go to college.	[6] 175,300,000	Institutions of higher education	OE's Division of Student Financial Aid.
33. Talent Search	Higher Education Act of 1965—title IV-A, as amended by the Higher Education Amendments of 1968—title I-A.	Assist in identifying and encouraging promising students to complete high school and pursue post-secondary education.	5,000,000	Institutions of higher education and combinations of such institutions, public and private nonprofit agencies, and public and private organizations.	OE's Division of Student Special Services.
34. Upward Bound	Higher Education Amendments of 1968—title I-A.	Precollege program for young people from low-income backgrounds and inadequate high school preparation.	32,669,000	Institutions of higher education and secondary or post-secondary schools capable of providing residential facilities.	OE's Division of Student Special Services.
35. Student special services	Higher Education Amendments of 1968—title I-A.	Assist low-income and handicapped students to complete post-secondary education.	15,000,000	Accredited institutions of higher education or consortiums.	OE's Division of Student Special Services.
36. Follow Through	Economic Opportunity Act of 1964.	Extend gains into primary grades of deprived children in Head Start or similar pre-school program.	60,060,000	Local education or other agencies nominated by State education agencies in accordance with OE and OEO criteria.	Application by invitation only.
37. Programs for disadvantaged children, including neglected and delinquent children in local institutions.	Elementary and Secondary Ed. Act—title I (amended by P.L. 89-750).	To meet educational needs of deprived children.	1,372,315,840	Local school districts	State education agencies.
38. Program for migratory children.	Elementary and Secondary Ed. Act—title I (amended by P.L. 89-750).	To meet educational needs of children of migratory farm workers.	61,075,497	Local school districts	State education agencies.
39. Programs for children in State institutions for the neglected and delinquent.	Elementary and Secondary Ed. Act—title I (amended by P.L. 89-750).	Improve the education of delinquent and neglected children in State institutions.	19,296,851	State parent agencies	State education agencies.
40. Programs for Indian children.	Elementary and Secondary Ed. Act—title I (amended by P.L. 89-750).	To provide additional educational assistance to Indian children in federally operated schools.	12,094,000	Bureau of Indian Affairs schools	Bureau of Indian Affairs, Department of Interior.
41. Bilingual education	Elementary and Secondary Ed. Act—title VII.	Develop and operate programs for children aged 3-18 who have limited English-speaking ability.	34,880,000	Local education agencies or institutions of higher education applying jointly with local education agencies.	State education agencies and OE's Division of Plans and Supplementary Centers.
42. Dropout prevention	Elementary and Secondary Ed. Act—title VIII.	Develop and demonstrate educational practices to reduce the number of children not completing school.	10,000,000	Local school districts in low-income areas and with high percentages of dropouts.	State education agencies and OE's Division of Plans and Supplementary Centers.
43. Programs for the handicapped.	Education of the Handicapped Act—title VI-B (P.L. 91-230).	Strengthen educational and related services for handicapped children.	37,450,000	State education agencies	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.
44. Media services and captioned film loan program.	Education of the Handicapped Act—title VI-F (P.L. 91-230).	Provide cultural and educational services to the handicapped through films and other media.	6,000,000	Groups of handicapped persons, nonhandicapped groups for training purposes.	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.
45. Deaf-blind centers	Education of the Handicapped Act—title VI-C (P.L. 91-230).	To develop centers for children and parents.	7,500,000	State education agencies, universities, medical centers, public or nonprofit agencies.	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.
46. Programs for the handicapped in State supported schools.	Elementary and Secondary Ed. Act—title I (P.L. 89-313, amended).	Programs for children in State operated or supported schools for the handicapped.	48,998,483	State education agencies	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.
47. Early Childhood centers for handicapped children.	Education of the Handicapped Act—title VI-C (P.L. 91-230).	Develop model preschool and early education programs for handicapped children.	7,500,000	Public agencies and private nonprofit agencies.	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.

See footnotes at end of table.

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
48. Regional resource centers to improve education of handicapped children.	Education of the Handicapped Act—title VI-C (P.L. 91-230).	Develop centers for educational remediation of handicapped children.	$3,550,000	Institutions of higher education, State and local education agencies, or combinations within particular regions.	OE's Bur. of Ed'n. for Handicapped, Division of Research.
49. Adult education	Adult Education Act of 1966, as amended.	Provide literacy programs for adults.	61,134,000	State education agencies	OE's Division of Adult Education Programs.
50. State administration of ESEA title I programs.	Elementary and Secondary Ed. Act—title I (amended by P.L. 89-750).	To strengthen administration of ESEA title I.	16,650,000	State education agencies	OE's Division of Compensatory Education.
51. Strengthening State education agencies.	Elementary and Secondary Ed. Act—title V.	Improve leadership resources of State education agencies.	33,000,000	State education agencies and combinations thereof.	OE's Division of State Agency Cooperation.
52. Planning and evaluation	Elementary and Secondary Amendments of 1967—title IV.	Improve State planning and evaluation of Federal programs.	3,825,000	State education agencies	OE's Division of State Agency Cooperation.
53. State administration	National Defense Education Act—title III.	Strengthen administration in State education agencies.	2,000,000	State education agencies	OE's Division of Plans and Supplementary Centers.
54. Incentive grants	Elementary and Secondary Ed. Act—title I (amended by P.L. 91-230).	Encourage greater State and local expenditures for education.	9,301,820	State education agencies who exceed the national effort index.	OE's Division of Compensatory Education.
55. Special grants to urban and rural school districts with high concentrations of poor children.	Elementary and Secondary Ed. Act—title I (amended by P.L. 91-230).	Improve education of disadvantaged children.	25,192,500	Local school districts	State education agencies.
56. Cooperative education programs.	Labor-HEW Appropriation Act of 1970.	Support for planning and implementation of cooperative education programs.	1,700,000	Colleges and universities	OE's Division of College Support.
57. State administration of HEFA program.	Higher Education Facilities Act of 1963.	Help States administer programs under HEFA—title I.	3,000,000	State commissions that administer program.	OE's Division of Academic Facilities.
58. Facilities comprehensive planning.	Higher Education Facilities Act—title I.	Help States plan higher education construction programs.	(See 11-57)	State commissions that administer program.	OE's Division of Academic Facilities.
59. To endow agriculture and mechanic arts colleges.	Bankhead-Jones and Morrill-Nelson Acts.	Support instruction in agriculture and mechanic arts in the land-grant colleges.	12,600,000	The 69 land-grant colleges	OE's Division of College Support.
60. Strengthening community service programs.	Higher Education Act of 1965—title I.	Strengthen higher education capabilities in helping communities solve their problems.	9,400,000	Colleges and universities	State agencies or institutions designated to administer State plans (information from OE's Division of University Programs).
61. Strengthening developing institutions.	Higher Education Act of 1965—title III.	Provide partial support for cooperative arrangements between developing and established institutions.	51,850,000	Accredited colleges and universities in existence at least five years.	OE's Division of College Support.
62. Cuban refugee education	Migration and Refugee Assistance Act.	Help school systems meet the financial impact of Cuban refugee education.	15,500,000	School districts with significant numbers of Cuban refugee school age children.	OE's Division of School Assistance in Federally Affected Areas.

GROUP III: TO INDIVIDUALS FOR TEACHER AND OTHER PROFESSIONAL TRAINING AND FOR STUDENT ASSISTANCE

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
1. Occupational training and retraining.	Manpower Development and Training Act of 1962, as amended.	Train unemployed and underemployed persons in all sections of the Nation.	(See II-7)	Persons referred by State employment services	Participating institutions (information from OE's Division of Manpower Development Training).
2. Media specialists	Education Professions Development Act—Parts C and D.	Train specialized personnel for State or local instructional media support.	$1,800,000	Prospective and/or experienced school media, specialists, administrators, and teacher trainers.	OE's Bureau of Libraries and Educational Technology.
3. Desegregation training grants.	Civil Rights Act of 1964	Improve ability of school personnel to deal with desegregation problems.	[2] (See II-8)	Teachers and other personnel of public schools.	Participating institutions (information from OE's Division of Equal Educational Opportunities).
4. Personnel training to educate handicapped children.	Education of the Handicapped Act—title VI-D (P.L. 91-230).	Prepare and inform teachers and others who educate handicapped children.	33,945,000	State education agencies, colleges, universities, and other appropriate nonprofit agencies.	OE's Bur. of Ed'n. for Handicapped, Division of Training Programs.
5. Physical education and recreation for the handicapped.	Education of the Handicapped Act—title VI-D (P.L. 91-230).	Training physical education and recreation personnel for the handicapped.	[2] 700,000	Public and other nonprofit institutions of higher education.	OE's Bur. of Ed'n. for Handicapped, Division of Training Programs.
6. Special programs for children with specific learning disabilities.	Education of the Handicapped Act—title VI-G (P.L. 91-230).	Services, training, and research for children with specific learning disabilities.	2,250,000	State education agencies, colleges, universities, and other appropriate nonprofit agencies.	OE's Bur. of Ed'n. for Handicapped, Division of Training Program.
7. Research training	Cooperative Research Act (amended by ESEA—title IV).	Improve training for educational research personnel.	(See 11-21)	Institutions training research personnel.	Information from OE/NCERD, Division of Manpower and Institutions.
8. Fellowships for higher education personnel.	Education Professions Development Act—part E.	Training persons to serve as teachers, administrators, or educational specialists in higher education.	5,044,000	Institutions of higher education with graduate programs.	OE's Division of University Programs
9. Adult education teacher training grants.	Adult Education Act of 1966, as amended.	Improve qualifications of teachers of adult education courses.	[2] (See II-49)	Teachers and teacher trainers of adult education courses.	Participating institutions (information from OE's Division of Adult Education Programs).
10. Educational Development	Mutual Education and Cultural Exchange Act.	Provide opportunity for educators to observe U.S. methods, curriculum, organization (elementary, secondary, higher).	560,018	Educators from abroad (administrators, teacher trainers, education, ministry officials).	OE's Institute of International Studies.
11. Teacher exchange	Mutual Educational and Cultural Exchange Act.	Promote international understanding and professional competence by exchange of teachers between U.S. and foreign nations.	[7] 39,900	Elementary and secondary teachers, college instructors, and assistant professors.	OE's Institute of International Studies.
12. Technical assistance training grants.	Act for International Development of 1961.	Provide specialist training to foreign educators and strengthen education and economy in developing nations.	[3] 3,500,000	Foreign nationals from countries with which U.S. his biolateral technical assistance agreements.	AID Mission with the concurrence of the local education ministry (information from OE's Institute of International Studies).
13. Modern foreign language graduate fellowships.	National Defence Education Act—title VI.	Enable U.S. institutions to assist undergraduate and graduate students training to be teachers or other specialists in foreign language and area studies.	(See II-12)	Graduate students in approved language and area studies programs; undergraduates in approved summer intensive language programs.	Participating institutions (information from OE's Institute of International Studies).
14. Fellowship opportunities abroad.	Mutual Educational and Cultural Exchange Act, and P.L. 83-480 (in excess foreign currency countries).	Promote instruction in international studies through grants for graduate and faculty projects.	[4] (See II-10)	Faculty in foreign languages and area studies.	Institutions of higher education at which applicants are enrolled or employed (information from OE's Institute of International Studies).
15. Cuban student loans	Migration and Refugee Assistance Act.	Aid needy Cuban refugee college students to finance their education.	(See 11-30)	Cubans who became refugees after January 1, 1969.	Participating institutions (information from OE's Division of Student Financial Aid).
16. Student loans	National Defense Education Act—title II.	Provide for low-interest loans to college students.	286,000,000	College students	Participating institutions (information from OE's Division of Student Financial Aid).
17. Educational opportunity grants.	Higher Education Act of 1965—title IV-A.	Assist students of exceptional financial need to go to college.	(See II-32)	College students of exceptional financial need.	Participating institutions (information from OE's Division of Student Financial Aid).

Footnotes at end of table.

GROUP III: TO INDIVIDUALS FOR TEACHER AND OTHER PROFESSIONAL TRAINING AND FOR STUDENT ASSISTANCE—Continued

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
18. Graduate fellowships	National Defense Education Act—title IV.	Increase the number of well-qualified college teachers.	[8] $26,910,000	Prospective college teachers working toward doctoral degrees.	Participating institutions (information from OE's Division of University Programs).
19. College work-study	Higher Education Act of 1965—title IV-C.	Provide part-time employment for post-secondary students.	(See II-31)	Post-secondary students	Participating institutions (information from OE's Division of Student Financial Aid).
20. National teaching fellowships and professors emeritus.	Higher Education Act of 1965—title III.	Strengthen the teaching resources of developing institutions.	[9] (See II-20)	Highly qualified graduate students or junior faculty members from established institutions and retired scholars.	Participating institutions (information from OE's Division of College Support).
21. Training for library service	Higher Education Act of 1965—title II-B.	Increase opportunities throughout the Nation for training in librarianship.	2,000,000	Prospective and/or experienced librarians and information specialists.	Participating institutions (information from OE's Bureau of Libraries and Educational Technology).
22. Media services and captioned films training grants.	Education of the Handicapped Act—title VI-F (P.L. 91-230)	Improve quality of instruction available to deaf persons.	[2] (See II-44)	Persons who will use captioned film equipment.	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.
23. Interest benefits for higher education loans.	Higher Education Act of 1965—title IV—B.	Provide interest benefits for student loans through commercial lenders.	196,600,000	Students in eligible institutions of higher and vocational education.	Participating lenders (information from OE's Division of Student Financial Aid).
24. Fellowships abroad for doctoral dissertation research in foreign language and area studies.	Mutual Educational and Cultural Exchange Act.	Promote instruction in international studies through grants for graduate and faculty projects.	1,000,000	Prospective teachers of language and area studies.	Participating institutions (information from OE's Institute of International Studies).

GROUP IV: FOR RESEARCH

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
1. Education research (Basic, applied, and regional research).	Cooperative Research Act (amended by ESEA—title IV).	To expand knowledge about teaching and learning and improve educational practice.	$7,000,000	Colleges, universities, education agencies, private or public groups, or individuals.	National Center for Educational Research and Development.
2. Educational research (Development Activities).	Cooperative Research Act (amended by ESEA—title IV).	To develop educational alternatives which will resolve major problems in education.	9,000,000	(Same as IV-1)	OE's National Center for Educational Research and Development.
3. Dissemination	Cooperative Research Act (amended by ESEA—title IV).	Provide for dissemination of educational information and improved practices to the educational community.	7,600,000	(Same as IV-1)	OE's National Center for Educational Communication.
4. Experimental schools	Cooperative Research Act (amended by ESEA—title IV).	Study feasibility of major educational reforms in total setting.	15,000,000	(Same as IV-1)	OE's Experimental Schools Program.
5. Anacostia school community project.	Cooperative Research Act (amended by ESEA—title IV).	(Same as IV-4)	2,250,000	(Same as IV-1)	OE's Experimental Schools Program.
6. Nutrition and health	Cooperative Research Act (amended by ESEA—title IV).	Pilot studies coordinating health services and education.	2,000,000	Local education agencies	OE's Office of Nutrition and Health.
7. Foreign language and area research.	National Defense Education Act—title VI.	Support research on improved instruction and materials development in modern foreign languages and area studies.	1,000,000	Colleges and universities, public school systems, professional organizations, individuals.	OE's Institute of International Studies.
8. Libraries and Educational Technology.	Cooperative Research Act (amended by ESEA—title IV).	Library and information science research and demonstration.	2,750,000	Colleges, universities, school districts, State governments, other nonprofit groups.	OE's Bureau of Libraries and Educational Technology.
9. Institutional support	Cooperative Research Act (amended by ESEA—title IV).	Conduct research on the major areas of continuous concern in education and develop and test educational innovations until ready for classroom use.	33,000,000	Colleges, universities, agencies, and organizations.	OE's National Center for Educational Research and Development.
10. Vocational education research.	Vocational Education Act of 1963, as amended.	Improve vocational education	9,000,000	Education agencies and private institutions and organizations.	OE's National Center for Educational Research and Development.
11. Vocational research (Special projects).	Cooperative Research Act (amended by ESEA—title IV).	Improve educational preparation for careers.	18,000,000	Education agencies, public and private institutions and organizations, and individuals.	OE's National Center for Educational Research and Development.
12. Handicapped research and demonstration.	Education of the Handicapped Act—title VI-E (P.L. 91-230).	Promote research and demonstration on education of the handicapped.	15,455,000	State education agencies, local school districts, nonprofit private organizations, public groups.	OE's Bur. of Ed'n. for Handicapped, Division of Research.
13. Special programs for children with specific learning disabilities.	Education of the Handicapped Act—title VI-6 (P.L. 91-230).	Develop model centers for the improvement of education of children with specific learning disabilities.	(See III-6)	State education agencies, colleges, universities, and other appropriate nonprofit agencies.	OE's Bur. of Ed'n. for Handicapped, Division of Research.
14. Overseas research in language and area studies in non-Western areas.	Mutual Educational and Cultural Exchange Act, and P.L. 83-480 (in excess foreign currency countries).	Promote development of international studies through grants to institutions for support of group or individual (faculty and Ph.D. dissertation) research.	(See II-10 and III-24)	Colleges, universities, consortiums, local and State education agencies, nonprofit educational organizations.	Participating institutions (information from OE's Institute of International Studies).
15. Physical education and recreation for the handicapped.	Education of the Handicapped Act—title VI-E (P.L. 91-230).	To do research in areas of physical education and recreation for handicapped children.	300,000	State or local education agencies, public or nonprofit private educational or research agencies and organizations.	OE's Bur. of Ed'n. for Handicapped, Division of Research.
16. Career education community project.	Cooperative Research Act (amended by ESEA—title IV).	Demonstrate career education	2,000,000	Colleges, universities, agencies, institutions.	OE's National Center for Educational Research and Development.

[1] At least 15 percent for handicapped.
[2] Programs which include educational personnel training.
[3] Includes $3,000,000 in appropriated excess foreign currencies, $190,000 from Higher Education.
[4] Taken from a total $3,000,000 in appropriated excess foreign currencies.
[5] Includes $156,400,000 for academic year 1971-72 (supplementing $1,000,000 from the 1971 appropriation) and $244,600,000 for 1972-73.
[6] Includes $10,000,000 to augment 1971 funds for academic year 1971-72. The remaining $165,300,000 is for 1972-73.
[7] Includes funds contributed by foreign governments on a cost-sharing basis.
[8] Continuation costs only; no new fellowships approved for fiscal year 1972.
[9] Appropriated in previous years.

HELLER: EXPANSION A MUST

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HANNA. Mr. Speaker, on Thursday last I brought to the House's attention what I considered to be salient observations on the administration's current economic policies. Specifically, I found unwarranted the fears that a new inflationary pressure would result from a modest expansionary effort.

While I supported this observation with an analysis of the role played in inflation by the Federal deficit and a less than full employment economy, others have found the administration's reticence equally disturbing for different, although related, reasons. I offer at this point for this body's careful and dispassionate consideration an article from yesterday's Washington Post by Walter Heller which elucidates but another of these vital points:

HELLER: EXPANSION A MUST

(By Walter Heller)

(NOTE.—Dr. Heller, former Economic Council chairman under Presidents Kennedy and Johnson, wrote the following article at the request of The Washington Post. He presently is professor of economics at the University of Minnesota).

Conventional economic wisdom associates stimulation of demand with an increase in inflationary pressures. The fear of these pressures has perhaps stayed the hand of the White House in its new economic program. Why else would it have accompanied its bold wage-price and international monetary initiatives on Aug. 15 with such a weak-kneed program of fiscal stimulation?

The wait-and-see attitude at the Federal Reserve Board may also reflect a fear of rekindled excess demand inflation—wait and see if that $100 billion year really develops without moving from a supportive to an aggressive policy of monetary expansion.

The traditional answer to the "take-it-easy, inflation-is-just-around-the-corner" approach to economic expansion is based on the existing $70 billion GNP gap, 6 per cent unemployment, and 73 per cent operating rates in manufacturing. With this much slack, and no bottlenecks in sight, rising demand will express itself in rising output, more jobs, and higher incomes, not in higher prices.

At a time when excess demand is $70 billion away—a time when it will take three consecutive annual $100 billion advances in GNP just to catch up once more with our economic potential—bold fiscal and monetary expansion carries little risk of inflation.

But to argue that economic slack will keep expansion from being converted into inflation is essentially a passive or negative argument. Less well understood is the positive argument that, given reasonably effective wage-price restraint in Phase II, strong expansion will actually help subdue inflation. Strong expansion will generate the rising productivity that provides the vital grist for the mills of the Price Commission and the Pay Board in grinding out more moderate price and wage yardsticks as Phase II progresses.

Rising demand and rising output in today's slack economy quickly translate into rising output per man hour. Overhead costs are spread thinner. As more units of output are produced with the same machinery, equipment and plant, and without a corresponding increase in payrolls, average unit costs of output will fall.

Left to themselves, producers would be sorely tempted to capture most of this productivity surge in higher profits and higher wages, sharing little of their gains with consumers. The genius of an effective incomes policy, of successful Phase II wage-price restraints, will be to nudge business and labor into sharing their gains with consumers and thus convert rising output into receding inflation.

Within broad limits, the more rapidly output rises, the larger will be the productivity advance that the Price and Pay boards have to play with, i.e., to use in setting tough standards for prices and wages without unduly squeezing business profits and labor earnings.

For example, if productivity advances at a 4 per cent clip in 1972, the Pay Board's 5½ per cent yardstick for average pay advances would imply an increase in average unit labor costs of 1½ per cent. But if recovery lags and productivity crawls ahead at only a 2 per cent rate, a 5½ per cent wage standard would imply a 3½ per cent increase in unit labor costs, thereby making it far more difficult for the Price Commission to clamp a tight lid on prices.

On the more optimistic assumption of a 4 per cent productivity advance, converted into a tighter price yardstick and a consequent easing of inflation during 1972, the Pay Board would have less cost-of-living catch-up to build into its 1973 yardstick. It could then lower the 1973 pay standard a notch toward the 3 per cent trend growth in productivity.

In short, since productivity is the name of the game, rapid expansion is vital to the success of Phase II. And, in turn, success in Phase II will translate into more consumer and investor confidence and hence a stronger expansion.

Another vital interlock of expansion is with our international monetary and trade negotiations. On one hand, a successful reordering of exchange parities and a relaxing of trade barriers can make an important contribution to sound economic recovery. But again causation runs the other way as well. How can we expect our trading partners to bear the economic brunt of more expensive exports to us and cheaper imports from us unless we soften the blow by vigorous expansion of U.S. demand?

Given the current softness of many foreign economies, negotiations that will cut their exports and boost their imports are generating great unease and trepidation. To create an atmosphere within which our trading partners can come half way or even more, we must be able to assure them that vigorous U.S. economic expansion will offset much of the adverse trade effect of renegotiated parities and lowered trade barriers.

In other words, U.S. negotiators have to be able to hold out the prospect of a strong favorable income effect as a short-run offset to the negative price effects of U.S. initiative.

Given these imperatives, both the Price Commission and the Pay Board, not to mention our international monetary and trade negotiators, should exact a firm "do-all-possible" pledge from the administration and the Federal Reserve System to assure speedy economic recovery in 1972. With much of the economy other than autos and housing still listless, the President should be calling on the Congress to step up the temporary tax relief in the bill which is now before the Senate.

The Senate should sharply enlarge personal income tax relief. Without compromising federal revenues in the longer run—when they will be needed for high-priority social uses and for the renewed battle against demand inflation when we reach full employment—a temporary tax reduction—for example, a "recover tax credit" of perhaps $100 per married couple—should be enacted for 1972.

This would add another $5 billion to disposable income, thus energizing consumer spending and putting some of our grossly underutilized industrial capacity (roughly a quarter of our manufacturing capacity is idle today) back to work.

Side-by-side with this action, the Congress should declare a moratorium on further payroll tax increase. What economic sense does it make to cut income and automobile taxes to stimulate the economy and then let $7½ billion in new payroll tax hikes in 1972 ($3 billion already in the law plus $4½ billion on the way via H.R. 1) to nullify much of the stimulative effect?

For better balance in the tax bill and to protect the revenues for the longer pull, the Senate should drop the depreciation liberalization (ADR's) completely and limit the 7 per cent investment credit to a two- or three-year period.

In short, bolder expansionary policy is not only the fastest way to generate the jobs we desperately need, boost labor earnings and profits, and create incentives to increase capital spending for new capacity—but given reasonable vigilance in our price and wage boards in Phase II, it will also be an effective engine of disinflation.

THE 1971 QUESTIONNAIRE RESULTS: SEVENTH DISTRICT OF MICHIGAN

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. RIEGLE. Mr. Speaker, every year I send a congressional questionnaire to every person in the Seventh Congressional District of Michigan in order to learn where my constituents stand on the issues. I have just finished compiling the results of this questionnaire and have included these findings in my latest newsletter. With your permission, I would like to insert my newsletter into the CONGRESSIONAL RECORD at this point so that all concerned citizens in America will know how the people of Michigan's Seventh District feel about many of our pressing problems.

CONGRESSMAN DON RIEGLE REPORTS TO YOU

THE ECONOMY—NO. 1 PRIORITY

FALL 1971.

It is clear that the economy has been in trouble for the last three years. People out of work, rising prices, a worsening balance of payments—were some of the danger signs that indicated that drastic action was required.

Many of us in the Congress have long argued for a change in our national economic game plan. An end to the Vietnam war—a reduction in federal spending—some direct government action on prices and wages—were some of the recommendations designed to help.

On August 15th, President Nixon—in a major change of policy—announced a new economic game plan. It included the 90-day freeze on prices and wages—a surcharge on imports—the recommended removal of the auto excise tax—and other major changes.

Clearly emergency action of this kind was urgently needed. Something had to be done. Despite some reservations—it was time for unity.

Under these circumstances I have supported the President's actions. I have pledged my support to the basic goals the President has outlined—and I have supported the two specific actions the President has already taken—the 90-day freeze—and the postponement of pay increases for government employees. I have since received this letter from the President.

"THE WHITE HOUSE,
"*Washington, D.C., October 4, 1971.*

"DEAR DON: I want you to know how much I appreciate the support you have given for the objectives of our new economic policies by your vote against House Resolution 596, which would have disapproved the deferral of federal pay increases.

"Your responsible action on the floor today advances economic stability and is in the overriding public interest.

"With best personal regards,
"Sincerely,
"RICHARD NIXON".

Looking ahead at Phase II—many things are not yet clear.

The next step is for all segments of our economy—consumers, labor and management—to participate equally in working out fair and voluntary principles of control which everyone can respect. The best way to stop inflation is not with permanent bureaucratic controls imposed from the top, but with everyone sharing equally in the responsibilities and sacrifices voluntarily—with no group or individual asked to carry an unfair burden.

Congress, representing the people, will have to work with the President to insure that all points-of-view and approaches are heard. This general outline for Phase II is only the first planning step. Now it becomes everyone's responsibility to weigh his own personal interest, together with the national interest. If we fail to work out a mechanism that is fair for everyone, it will not work for anyone. I am committed to the joint effort of developing that mechanism.

Two items of particular interest:

EXISTING AUTO CONTRACTS

My own initial opinion is that the existing auto contracts—with previously negotiated wage improvements—meet the price/wage stabilization criteria set forth by the President. Auto wage and price increases—percentage wise—have not been the primary cause of inflation in the country. It is my hope that the cost-of-living council will find the existing contracts acceptable.

AUTO EXCISE TAX REPEAL AND AUTO IMPORTS

If the auto industry is to remain healthy—both for job holders, shareholders and customers—it is essential that the unfair 7% auto excise tax be removed. Also, while foreign cars have been allowed to flood the U.S. market, American built automobiles are today prevented from competing in foreign markets—because of hidden taxes and other unfair tariff-type barriers. If foreign autos are going to be sold in the U.S. without interference—then American autos must be free to compete the same way in other countries.

INVITATION EXTENDED

You are invited to an Open House at your new local Congressional office Saturday, Nov. 27, 9 a.m. to 3 p.m., 432 N. Saginaw Street, in the Metropolitan Building, Office No. 300—Right across from the Durant Hotel and our previous office at 425 Detroit Street. Congressman Riegle and his staff will be there to meet with you, to handle any problems or questions you may have, to explain all the services of the office, and to welcome your suggestions for how this office can better serve you and our community. Coffee, cider and donuts will be served.

Lt. Dehlin came to Washington to express to me his strong feelings about both the futility of U.S. involvement in Vietnam and the poor treatment received by some of our injured veterans in military hospitals. The Vietnam war is not over yet. While the U.S. is slowly withdrawing troops, the killing goes on—and we are still spending 10 to 15 billion dollars there *this year*. It's time to set a final date for American withdrawal—so we can stop the killing and waste—and free the American POW's and MIA's. Recently in the House—192 members voted to set a final withdrawal date—we only need 26 more votes to stop this unjustified war. I will continue to do everything in my power to help end this war.

FIGHTING DRUGS

The drug problem in America is far more serious than most people realize—and it's getting worse. There is an urgent need to understand this problem—and find answers that work.

How bad is the problem

There are an estimated 1200 drug addicts in the Flint area—some 18,000 in Michigan—some 350,000 in the U.S.

Drug-related crimes cost us over $8 billion each year.

The average heroin user must spend $30 a day on his "habit"—often he must resort to crime to get these funds.

As many as 30% of our troops in Vietnam have been estimated to be using hard drugs.

What has been done so far

For too long the hard facts about drugs have been swept under the rug. We have relied too much on law enforcement crackdowns—which deal with the surface of the problem—but not the underlying causes and effects. This has put law enforcement in the unworkable position of trying to solve a problem—that is beyond their resources and scope.

Hard drug addiction is a sickness—and it takes medical and psychological help to deal with it. The best way to stop drug addiction is by preventing it from starting in the first place. All of us can and must do more to help our young people find jobs and meaning in their lives so they do not try escaping reality with drugs. For too long, we failed to realize that drug abuse is often the result of degrading social conditions, and a sense of personal uselessness. When life offers hope and meaning—few people turn to drugs.

We must change our approach—by offering to help the drug addict overcome his addiction—treating his problem in a way that can solve it. If we fail to do this—drug addicts not only may turn to crime to support their addiction—but their lives and human potential will be wasted. And then everybody loses.

There has also been a lack of coordination in tackling the drug problem. It has been a collective failure—shared by all. For too long, drug abuse has been viewed as a disconnected set of problems—drug production—smuggling — addiction — rehabilitation — prevention, etc. This finally reached such a ridiculous extreme that nine different Federal agencies and ten different Congressional committees were involved with drug problems.

Finally, we are beginning to wake up to the true nature and extent of the problem. These important steps are now underway:

Here at home

Several important—and effective—drug abuse programs are underway in our area. Many local people have provided outstanding leadership in tackling this problem—and building programs that work.

If you need help—advice—or wish to volunteer your own services, please contact:

Genesee County Regional Drug Abuse Commission—acts as a coordinating body for drug information and funding sources, with a membership consisting of such community organizations and interest groups as the Mott Foundation, the Board of Education, SODAT, Rubicon House, Inc., and many others. They can be reached at 232–1181.

Rubicon House, Inc.—Flint's first comprehensive resident therapeutic community for heroin addicts, fashioned after Odyssey House in New York. 238–0483.

Sirna Center—the only methadone center in Genesee County, an outpatient center which provides methadone and group therapy. 238–2721.

SODAT—an out-patient treatment center using no medication, with two facilities—one in Flint and one in Grand Blanc. 235–0202.

UP, Inc.—a youth drop-in center. 238–4639.

RAP House—a crisis intervention center using group and individual counseling by paraprofessionals, in Fenton. 629–5354.

NATIONAL

$202 million are being authorized for drug programs in 1972 compared to $68 million in 1969. ($72 million for law enforcement, $88 million for rehabilitation treatment, $19 million for education and training, and $23 million for research.)

I believe we must drastically increase this amount, especially in the areas of assisting local rehabilitation and treatment programs, research, public education and prevention. Right now we are spending less money for drug treatment in one year than we spend in Vietnam in three days.

The President has proposed—and I support—a coordinated assault on the problem beginning with a Special Action Office in the White House that would develop overall strategy, goals, priorities, and evaluate performance.

A LOCAL-FEDERAL PARTNERSHIP BRINGING OUR TAX DOLLARS BACK HOME

Many of our local programs and service organizations have a working or a financial relationship with the federal government.

This is one way that our tax dollars come back to where we live and work—often local people are in the best position to determine how to use these resources to serve our community.

Our Congressional Office works closely with community programs and groups to help insure maximum cooperation in this local-federal partnership. While the leadership and hard work is done on the scene by local people, our office works to provide program information, technical assistance in working with federal agencies, status reports, counseling on grant applications, and a voice in legislation that might affect our local programs.

Here are some of the projects which we have been involved with over the past year.

Genesee Regional Drug Abuse Commission: aided in obtaining tax exempt status.

Community Learning Program, Model Cities: participated with citizens, staff, and consultants in community learning seminars.

Minority Business Enterprise: arranged technical counseling through Small Business Administration to explain programs and participation.

Region V Crime Commission (Genesee, Lapeer, Shiawassee): clarifying Congressional intent that suburban and rural areas not be excluded from allocation of funds through Law Enforcement Assistance Administration.

Lapeer Housing Commission: an additional 30 units for senior citizen housing from Dept. of Housing and Urban Development.

GLS Comprehensive Health Planning Council: A grant of $32,500 from HEW for the development of comprehensive health care plan.

SODAT: A grant of $248,753 from the National Institute of Mental Health to expand drug treatment program.

Michigan Carpentry Contractors Association (Detroit): A grant from Dept. of Labor for pre-apprenticeship training program.

237 Homeownership Counseling Program: successfully fought battle to keep this program from being cancelled within Appropriations Committee.

235 Housing Program: fought to get investigation and follow-up by Dept. of HUD and Congressional Committees of problems raised by citizens, school and community officials, homeowners, builders, etc.

Sewage Treatment: grants for Davison, Flint, Columbiaville, North Branch, Flint Township, Grand Blanc, Fenton, Grand Blanc Township, Mt. Morris Township, Vienna and Thetford Townships.

RESULTS OF SPRING, 1971 QUESTIONNAIRE

The economy

The most urgent problems:	*Percent*
Inflation	34
Gov't Spending	30
Taxes	21
Unemployment	11
Prices	7
Wages	4
Interest rates	2

Are the Administration's economic policies clear to you?

Yes	22
No	58
Not sure	21

Are these policies working?

	Percent
Yes	8
No	58
Not sure	33

What action should be taken to help the economy?

Wage and price controls across the board	35
Reduced interest rates and expanded money supply	26
Wage/price controls for selected industries	15
Informal government pressure and voluntary restraints on wages/prices	14
Tax deductions for business to invest and expand	12
Deficit spending for government	5
Increase government spending	2

Do you expect to save more or spend more compared to last year?

Save more	18
Spend more	48
About the same	35

ECONOMIC PREDICTION FOR 1971 AND 1972

[In percent]

	Good	Fair	Poor	Not sure
1971	11	49	34	6
1972	25	33	23	18

REVENUE SHARING

Government should give federal tax revenue to state and local governments with no strings attached:

	Percent
Not sure	13
Agree	30
Disagree	58

	Excellent	Good	Fair	Poor
Alternatives to revenue sharing:				
Raise State and lower Federal taxes	20	31	18	32
Clear guidelines on how to spend the shared revenue	25	33	20	22
Full Federal funding of welfare programs	29	23	13	34
Confidence in Government ability to spend money wisely:				
Federal Government	3	17	36	45
State government	3	22	37	37
Local government	6	22	28	44

Opinion on revenue sharing

Will decrease responsibility of state and local government:

	Percent
Agree	32
Disagree	44
Not sure	24

Won't make any difference—

Agree	28
Disagree	47
Not sure	25

THE DRAFT

End draft, convert to volunteer army, except in times of a declared war:

Agree	63
Disagree	30
Not sure	7

Favor a year of national service for all young men:

	Percent
Agree	64
Disagree	28
Not sure	8

Favor a year of national service for young women without children:

Agree	44
Disagree	45
Not sure	11

ENVIRONMENT

Are you willing to accept strong penalties for violating pollution restrictions:

Yes	89
No	5
Not sure	6

There should be strong penalties for corporations and private organizations who pollute:

Agree	93
Disagree	3
Not sure	3

Consumers should be willing to pay price increases resulting from antipollution expenses:

Agree	54
Disagree	36
Not sure	10

All levels of government should help clean up the environment even though this may mean higher taxes or cutting services:

Agree	56
Disagree	31
Not sure	13

Education and voluntary restraints are better than tough regulations:

Agree	33
Disagree	51
Not sure	15

Set up an Environmental Trust Fund using federal tax revenues:

Yes	61
No	22
Not sure	17

CITIZENS' VOICE

In addition to our political parties, are new Citizens' groups needed to give a more effective voice in government?

Strongly needed	58
Slightly needed	24
Not needed	18

Would you be willing to participate (time, energy, and money) in a new Citizens' group?

Yes	30
No	31
Not sure	39

HEALTH AND MEDICAL CARE

Problems and Priorities:

Cost of health care	54
Availability of doctors	18
Services for the poor and needy	14
Quality of health care	6
Adequacy of medical insurance	6
Adequacy of medical facilities	3

Who should be covered by a new national health plan?

Only the poor and needy—

Yes	37
No	62

The average working American who can afford some but not all of the costs.

	Percent
Yes	66
No	34

Everyone regardless of need—

Yes	32
No	67

Who should pay the cost of national health insurance?

Citizens should pay cost through higher social security taxes.

Yes	38
No	62

The Federal Government should pay out out of general income taxes.

Yes	55
No	45

Everyone should contribute to their premiums according to their ability to pay.

Yes	71
No	29

Should the government regulate doctor and medical fees?

Yes	62
No	38

Should those covered by the National Health Insurance be willing to accept an available or assigned doctor at a public clinic?

Yes	59
No	41

SOUTHEAST ASIA AND THE VIETNAM WAR

Do you favor a withdrawal of all U.S. troops from Vietnam by the end of this year?

Yes	70
No	30

Are you satisfied that President Nixon is keeping his campaign promise to end the war?

Yes	32
No	49
Not sure	19

How soon should our troops be withdrawn from Vietnam?

By the end of this year	63
Mid 1972	14
End of 1972	14
1973 or later	13

Should Congress terminate the President's power to use U.S. air support in Cambodia and Laos?

Yes	47
No	53

Should Congress declare war on North Vietnam?

Yes	17
No	83

Should Congress permit the President alone to determine how the war is to be conducted?

Yes	15
No	85

SUPERSONIC TRANSPORT (SST)

Should the U.S. spend $290 million on the SST?

Yes	12
No	76
Not sure	12

HOW WOULD YOU ALLOCATE THE MONEY IN OUR NATIONAL BUDGET? WOULD YOU SPEND MORE, LESS, OR THE SAME ON EACH OF THE FOLLOWING?

Budget area	Billions	We should spend (percent)— More	Less	Same
Defense	$77.5	6	73	21
Vietnam	15.0	5	81	14
ABM program	1.3	26	43	31
Military pay raises	3.9	44	27	30
Atomic Energy Commission	1.9	18	40	43
Foreign aid	4.0	3	77	19
Environment	3.6	72	6	22
Water quality	1.1	77	3	20
Air quality	.2	75	4	21
Natural resources	4.2	65	6	29
Land management	.83	53	14	33
Recreation	.62	45	19	37
Peace Corps	.07	21	34	45
Space research	3.2	13	60	27
Manned flights	1.3	12	64	24
Health programs	16.0	43	13	39
School lunch	.56	32	29	39
Food stamps	2.0	20	53	27
Medicare-medicaid	12.4	43	17	41
National Institutes of Health	1.7	45	14	41
Cancer research	.01	74	4	22
Civil rights	.46	19	48	31
Housing and community development	$4.4	25	44	31
Transportation and commerce	10.9	20	27	54
Highway program	4.9	29	21	50
Air transportation	1.8	12	47	42
Post office	1.3	21	27	53
Education and manpower	8.8	55	13	32
Elementary and secondary education	1.8	58	10	33
Higher education	1.1	43	20	37
Vocational and adult education	.49	53	14	33
Poverty—OEO programs	1.0	28	39	32
Social security	34.2	49	10	41
Veterans' benefits	11.0	34	9	57
Anticrime	.7	76	4	20
Department of Labor	7.2	12	39	49
Department of Agriculture—Farm program	9.5	21	42	37
General Government costs—Agencies, etc	4.9	3	66	32
Executive department—Presidency	.07	3	56	41
Judicial—Courts	.14	22	42	36
Congress	.41	4	53	43
Interest on national debt	19.6	17	36	47
Revenue sharing with States	5.0	51	21	29

RIEGLE VOTES IN CONGRESS

Bill	Riegle vote	House action
Increase social security benefits	Yes	Passed.
Cut of funds for SST	Yes	Do.
Lower voting age to 18	Yes	Do.
Stop sending U.S. troops to Vietnam after Dec. 31, 1971	Yes	Defeated.
Allocate more funds ($728,000,000) for education	Yes	Do.
Increase funds for the space program	No	Passed.
Prohibit new military expenditures in Vietnam and Southeast Asia after January 1972	Yes	Defeated.
Strike out $3,000,000 for homeownership counselinlg	No	Do.
Withdraw al U.S. troops from Vietnam within 9 months subject only to return of U.S. POWs	Yes	Do.
Emergency Employment Act—create public servi,ce jobs for the unemployed	Yes	Passed.
Establish drug treatment program for Vietnam soldiers	Yes	Do.
Authorize funds for new medical schools associated with Veterans' Administration	Yes	Do.
Add $82,400,000 for vocational rehabilitation	Yes	Do.
Add $64,000,000 for child welfare services	Yes	Defeated.
Prohibit the establishment of detention camps	Yes	Passed.
Comprehensive child development program	Yes	Do.
Equal Opportunities Act continuation	Yes	Do.
National Legal Services Corporation Act	Yes	Do.
Postponement of Federal employees pay increases until July 1972	Yes	Do.
Constitutional amendment for equal rights for women and men	Yes	Do.

YOUR CONGRESSIONAL ACTION LINE

Military

I heard on the radio that a General's helicopter was shot down in Vietnam—and I think my son was the pilot. The broadcast said there were a few survivors. Can you help me find out whether my son is still alive?

We called headquarters at the Pentagon and in less than one-half hour received a call back saying that her son was alive and well.

Veterans

I was forced to miss some work this year due to recurrence of a World War II injury. I have lost my job—my wife is seriously ill—and the Veterans Administration refuses to provide legitimate compensation.

After contacting V.A., a full review was made of his case and the V.A. determined that the man indeed deserved full unemployment compensation which he is now receiving.

Medicare

For eight months I have been applying for reimbursement of my 1969 and 1970 claims but have received no answer. I need the money for my current medical bills. Can you help me?

We contacted Medicare, and within one month total payment of $341 for '69 and '70 was received.

Nursing home

My husband is in a nursing home, classified as skilled care. He's not well enough to move, but they say he has to leave because we can't pay the higher fees. What can I do?

After talking with the nursing home, his caseworker and the State, we found that the controversy involved a disagreement between the State and the nursing home over the higher rate. We arranged for the patient to stay in the home at the new rate, with Medicaid covering the balance.

Immigration

I want to adopt an orphan Korean boy who is at a baby's home in Seoul, but am running into years of obstacles and red tape.

By working through the State Dept., the Visa Office, the American Embassy in Seoul, and the Christian Children's Home—and by introducing a private bill to the House Judiciary Committee, the boy was finally able to come to Flint this October.

Social security

Tragedy has hit my family and I am worried about our seven children. I have back and heart trouble, which has kept me out of work for two years and in the hospital for 110 days. Also, my wife is sick and can't find work due to the depressed economy in Flint. Both the state and the federal Social Security offices have turned down my request for help.

We personally took all of the facts and documentations directly to the Commission of Social Security in Baltimore and requested a field investigation, which proved that this family was eligible for disability compensation. They immediately received their rightful benefits.

MEETING WITH YOU PERSONALLY

I will continue a regular schedule of visits to every area of Genesee and Lapeer Counties so that you can reach me personally. Please come if you have a government-related problem, wish special information, or want to talk about the issues. I look forward to seeing you.

I will send you a post card in advance letting you know when and where I will be in your area. Our schedule in recent months included the following:

Spring: West Flint, Flint and Mt. Morris TWP, Lapeer, South Flint, Burton TWP, Northeast Flint, Genesee and Burton TWP.

Summer: Davison, Goodrich, Otisville, Grand Blanc, Athens, Central Flint, Swartz Creek, Linden, Flushing, Clio, Montrose.

Fall: Mt. Morris, Lapeer, Fenton.

IMPROVING HOMES FOR SENIOR CITIZENS

Earlier this year Congressman Riegle joined Congressman David Pryor of Arkansas and Congressmen Charles Diggs and John Conyers of Michigan in conducting hearings in Detroit on conditions in Michigan's nursing homes and homes for the aged. Similar hearings were held this year in Dallas, Kansas City, Philadelphia and the District of Columbia.

Congressman Riegle and his colleagues heard testimony from private citizens, representatives of the Michigan Nurses Association, UAW leaders, senior citizens councils and many other concerned groups. Some conclusions from the Michigan hearing included:

The conditions and problems in Michigan's nursing homes are no different from conditions in similar facilities around the nation.

The need exists for increased inspections of such facilities along with stricter licensing provisions.

The present capacity of these homes in Michigan is inadequate to meet the full needs of our senior citizen population.

The public has had difficulty getting all the facts and examining the conditions of many homes.

As a result of the hearings, the House Subcommittee on Governmental Operations is now conducting hearings on the problems of the aged in the United States. Congress may soon consider legislation co-sponsored by Congressmen Pryor, Riegle, and others, which would establish a select committee of the House to make a complete investigation of all matters pertaining to senior Americans and then bring these facts to the public. Also the Administration is taking action—through HEW and the Social Security Administration—to improve the quality of nursing homes by evaluation and certification of state agencies and local facilities. On Oct. 5, HEW Secretary Elliot Richardson said:

"The Federal Government will not support nursing homes which cannot properly assure the health, comfort, and dignity of older people who can no longer be taken care of at home."

HEW notified six nursing homes—including two in Detroit—they are being dropped from the Medicare program Oct. 25, with state withdrawal of Medicaid payment expected to follow.

"With the addition of six extended care facilities terminated today, a total of 25 have been dropped from the Medicare program since the beginning of the year. Another 362 withdrew from the Medicare program voluntarily during the same period, many because they could not, or would not, upgrade to meet Medicare quality standards. An additional 58 facilities upgraded after being notified of impending termination action.

"The enforcement of Medicare quality

standards in fiscal year 1971 included more than 4,900 completed surveys of extended care facilities, the investigation of over 1,000 complaints, and in excess of 8,000 visits of facilities to correct deficiencies and improve services provided. In addition, there were 250 direct Federal surveys of extended care facilities to check on the quality of the State agency findings and enforcement followup."

WHO ARMED PAKISTAN?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. SCHMITZ. Mr. Speaker, the Armed Forces Journal of November this year had two extremely interesting articles concerning recent events in Pakistan. In order to make this material available for the review of my colleagues I would like to insert both articles into the RECORD at this point. The first is by Brooke Nihart and the second by Col. Robert D. Heinl, Jr.

The articles follow:

WHO ARMED PAKISTAN?

(By Brooke Nihart)

Chicom small arms and light crew-served weapons were responsible for over 90% of the Bengali dissident casualties, The Journal has learned from reliable diplomatic and intelligence sources. This revelation is in dramatic contrast to the automatic assumption on the part of many Americans and foreigners alike that, since the U.S. gave and sold weapons to Pakistan from 1954 to 1965, American weapons were used to put down dissenting Bengalis in East Pakistan. The facts, which American politicians and journalists didn't bother to check, or, if they checked, did not choose to use, reveal quite the opposite.

The facts of military aid to Pakistan—what part of U.S. aid has been used in East Pakistan, and what weapons actually have been used in the killing of an estimated over 200,000 dissidents—will come as a surprise to Americans, especially as the public has been subjected to a drumfire of half truths and plain misinformation from some of their elected representatives on Capitol Hill and from their daily newspapers. Washington insiders, alluding to the old "China Lobby," are beginning to refer to an "India Lobby" as the source of much of the sound and fury.

The facts of the matter seem to be these:

After the 1965 Indo-Pakistani War the Pakistan Army was completely re-equipped with Chinese rifles, machineguns, and mortars, and the West German G3 assault rifle. The Chinese weapons furnished included the AK47 assault rifle, the RPD light machinegun, and 60mm and 82mm mortars. The Chinese built a factory in East Pakistan to produce ammunition for these weapons, and for logistical reasons the troops in East Pakistan are armed with them. The German-built G3 factory is in West Pakistan, as are the other ammunition factories. These are the types of weapons that inflict most of the casualties in low-level conflict such as the insurgency in East Pakistan.

The only American-made arms in East Pakistan were 30 to 40 M24 light tanks and 16 F-86 jet fighters, although the latter may have been among those CF-86s bought from West Germany. These were used against the dissidents *only during the first three or four days* of the counter-action. The tanks were mainly used in shows of force, although on one occasion some shelled the university in Dacca, undoubtedly causing a number of casualties. The jet fighters were seen taking off armed with rockets and returning with the rockets expended.

The M24 light tank was developed in WWII. It weighs 20 tons, is armed with a lightweight 75mm gun, and is protected by about one inch of armor. It was built by Cadillac and Massy-Harris in 1944. About 124 were delivered in Pakistan in 1955, and the 50 or so remaining are kept running by cannibalizing and adapting spare parts from commercial sources. No spares have come from the U.S. government for years.

The F-86, North American Aviation's venerable Sabre jet which swept the Korean skies clear of MiG-15s in 1951-53, was delivered to Pakistan prior to 1959. The PAF still operates about eight 16-plane squadrons of F-86s, or a total of 128. Over half of these, however, are Canadian CF-86s obtained from West Germany. Spares initially were provided under the Pentagon's Foreign Military Sales program, but the F-86 has been so long out of USAF inventory that most spares now are procured from commercial suppliers and from surplus dealers both in the U.S. and abroad, as most air forces equipped with F-86s have been disposing of them.

When the Pakistan Army was ordered, on 25 March, to put down the East Pakistani separatist movement, they did so with enthusiasm and apparently excessive and wanton use of force. Over 200,000 deaths have resulted. But even this grisly toll out of a population of 70-million can hardly be termed "genocide," as the victims' Indian coreligionists And Washington's "India Lobby" were overquick to charge.

The two divisions of Pakistani Army troops in the East were reinforced by two additional divisions, deployed without heavy equipment from West Pakistan. They came by ship and by air—eight PAF C-130Bs received some years before under the Military Aid Program (MAP) and nine Boeing 707s (seven owned, two chartered) of Pakistani International Airlines (PIA), a commercial carrier.

After the 1947 Partition of the Indian Sub-Continent, Pakistan's Army was equipped with a variety of British weapons, from small arms to tanks and artillery. The small arms are now used by police and paramilitary groups, while any tanks and artillery remaining are used by reserve formations.

After joining SEATO/CENTO in 1954, Pakistan was re-equipped with U.S. armor, artillery, and aircraft—M24 light tanks, M47/48 medium tanks, a few M59 and M113 armored personnel carriers, 106mm recoilless rifles, 105mm/155mm/8-inch howitzers, F-86 fighters, eight F-104 fighters, and a few B-57B light bombers.

At the time of the 1965 Indo-Pakistani War all U.S. MAP aid was stopped. MAP was resumed in the spring of 1966 under an informal U.S. policy, but only for spare parts for non-lethal equipment. No end-items of military equipment were provided.

In April 1967 a formal policy was established by the U.S. Permitted was the purchase for cash or by credit arrangements of spare parts of *all* equipment and ammunition. The U.S. announced its willingness, on a case-by-case basis, to negotiate the sale of *non-lethal* end-items to Pakistan. Under this policy the eight C-130B transports and some training aircraft were sold. The policy is still in effect.

Since the 1965 cut-off of U.S. arms, Pakistan has gone to France, Germany, China, and the Soviet Union for arms. France has provided Mirage IIIE jet fighters, Alouette III helicopters, and four *Daphne*-class submarines. Germany sold the mentioned CF-86 jet fighters, Cobra anti-tank guided missiles, and G3 assault rifles and a factory to make them.

After the U.S. arms cut-off in 1965, Mainland China filled the arms vacuum with 225 T-59 medium tanks, 122mm howitzers, 70 or more MiG-19 jet fighters, mortars, and small arms. Not to be outdone by its rival, China, the Soviet Union about 1967 sent Pakistan 150 T-54/55 medium tanks, 20 PT-76 light tanks, and 200 130mm guns.

In 1970, partly to offset Chinese influence through its arms supply and partly as a gesture of support to the liberalizing Pakistani government, the U.S. decided on a "one-time exception" to its non-lethal equipment policy. The offer was on a cash-and-carry, full-price basis. In the deal were to be 300 M113 armored personnel carriers, 14 Northrop F-5 jet fighters to replace a like number of obsolete and inoperable F-104s, seven B-57s to replace a like number lost through non-combat attrition, and four maritime patrol aircraft of a type which was never determined. The offer was realistic on the part of the U.S., as Pakistan had over $250-million in foreign exchange reserves at the time, while the price for these weapons, so greatly desired by Pakistan, was but $80-million. However, Pakistan wanted the sale to be on credit. The U.S. said, "No deal," and *none of these weapons were delivered* to Pakistan, contrary to some popular belief both here and abroad.

MAP STOPPED?

The foregoing facts as developed and reconstructed by The Journal demonstrate that essentially and for all practical purposes—especially counter-insurgency—U.S. military aid to Pakistan ended in 1965 at the time of the Indo-Pakistani War. Beyond that point U.S. military aid has been largely non-lethal—training items, spare parts to keep weapons and equipment operational in support of CENTO/SEATO goals, and some defensive items such as anti-tank ammunition to defend against India's superior tank force.

Meanwhile, it has been Russia and China who have poured armaments into Pakistan for their own political advantage. These included both mid-intensity war weapons such as tanks and jet fighters as well as low-intensity war or counterinsurgency weapons such as small arms.

Coincident with the outbreak of armed dissidence in East Pakistan in March, the U.S. government on 25 March stopped all military aid to Pakistan. Two furors over alleged violations of the ban in June and October were compounded of misunderstanding, misinformation, and partisan politics, and led to more credibility gaps among all involved.

The New York Times broke a story on 21 June that a Pakistani ship was about to leave New York with a military aid cargo and another had left in May, both apparently in violation of the ban. The cargo was alleged to contain eight aircraft and quantities of spares for military equipment. Other reports mentioned 2,000 rounds of ammunition.

As it turned out, the aircraft were, in reality, eight boxes of aircraft spare parts averaging 100 pounds per box. The words "spare parts" had been omitted on the bill of lading, but the weights should have been a tipoff that aircraft were not being shipped. The ammunition turned out to be .22 caliber Hornet, a light hunting cartridge used in pilots' survival kits to bring down small game for food.

The facts, according to official DoD sources, are these: In April, to implement the 25 March decision to ban further arms aid, DoD ordered military depots to administratively hold up any Pakistan military materiel shipments. State held up any further issue or renewal of export licenses. The net effect of these actions was embargo, although that emotional term was not used.

Meanwhile, $6.1-million worth of supplies, mostly spare parts and from commercial sources, had been licensed, contracted and/or paid for, and were in the pipeline—in trucks or railroad cars, in warehouses under control of shipping agents, or loaded into ships at dockside. Legally, these shipments belonged

to Pakistan, even though physically they may have been on U.S. soil, emphasized the DoD official.

In apparent disregard of domestic and international law, as well as the effects on U.S.-Pakistan relations, Senator Frank Church (D-Idaho) demanded that the President seize the Pakistani-owned goods in the U.S. and even have the Coast Guard seize the Pakistan-flag ships carrying the goods on the high seas.

The DoD official explained that, during this period, while Pakistani-owned property was allowed to leave the country, a diplomatic dialogue was maintained with Pakistan, with the U.S. urging restraint in the handling of her internal problems.

This diplomacy has paid off, the official said, and suggested the following had resulted:

General Tika Khan, the commander in East Pakistan and responsible for the initial blood bath, was removed.

Civilian government, under a Bengali, has been restored.

General amnesty for dissidents has been offered.

The doctrine of "mass responsibility" for dissident activity has been banned.

More recently, in October, Senator Edward M. Kennedy (D-Mass.) charged that the U.S. was continuing to deal with Pakistan for the supply of military materiel. He exhibited Pentagon "offer and acceptance" documents for nearly $10-million in spare parts for B-57s, C-130s, F-86s, F-104s, H-43 rescue helicopters, T-33 and T-37 jet trainers, and cartridges for explosive cutters of underwater mine mooring cables.

The materiel had little or no application to the type of low-level operations being conducted in East Pakistan, and indeed it was not intended to ship them until the "embargo" was eventually lifted, officials have stated. As State Department officials pointed out, none of the materiel could be exported without a State-issued license, which had not been requested or issued. Obviously, cognizant officers in the Services were going through the paperwork exercise necessary before any military aid transaction can take place, and in anticipation of aid resumption.

As a further result of the hue and cry over "arms" to Pakistan, the Senate Foreign Relations Committee in mid-October voted sanctions against Pakistan until the President reports that Pakistan is cooperating fully in attempts to stabilize East Pakistan and resettle refugees who have fled to India. The sanctions would include a cut-off of all military, economic, and other assistance and all arms export licenses.

As a counterpoint to the Senate action, which observers say merely exacerbates difficult relations with Pakistan and has little or no direct bearing on the plight of the East Pakistanis, reports from Karachi state that recently the Pakistani merchant ship *Sipsah* arrived with a cargo of small arms and ammunition from North Korea.

Of course, it is arms such as these, not spare parts for obsolete aircraft and explosive cutters for mine cables, that can be and are being used against dissidents. "But," as one Pentagon observer put it, "the Senators have no vote in Pyongyang and are not running against Kim Il Sung."

RUSSIA WIELDS TWO-EDGED SWORD IN THE INDO-PAKISTAN CRISIS

(By Col. Robert D. Heinl, Jr.)

Nothing better illustrates the ironic complexities of the tangled web of international military assistance than that Russia, India's great and good friend, is continuing to provide arms assistance to Pakistan, India's mortal enemy.

Like the United States, but from different motives, the USSR is giving military assistance to both sides and is blandly working both sides of the street.

It is, of course, well known that Russia is extending virtually unlimited arms aid to India, and that the United States is helping Pakistan (though on a scale disproportionate to the resulting uproar both in India and at home).

What is little known is that we are also sending small but vital amounts of military assistance to India, and that the Soviets are doing the same for Pakistan.

UNITED STATES GETS FLAK

The difference is that Russia is reaping solid political advantages for her large-scale, wide-open distribution of arms throughout the subcontinent, whereas the United States gets nothing but flak from all parties and predictably from world reservoirs of residual anti-Americanism.

Another difference in both cases is that of scale and kind.

Since the 1965 Indo-Pakistani War, Russia has become India's largest supplier of military equipment (more than $1.5-billion up to 1969 alone, unspecified greater amounts since).

On the other hand, however, when the Soviets opened their floodgates after 1965, the United States and Britain embargoed any kind of military supplies to either party, and only during recent years has this extremely tight restriction been even slightly relaxed.

SPARE PARTS

Today, the United States is providing India with limited quantities of mostly nonlethal automotive and aircraft spares.

Surprisingly, however, we are also giving India vitally needed artillery and aerial fuses—items exclusively lethal and certainly far more so than the small quantities of .22 caliber cartridges which provoked such an outcry when discovered among the recent U.S.-licensed much-vexed shipments to Pakistan.

On the other side of the lines, in Pakistan, both U.S. and Russian programs are small.

The main difference is that the USSR program will continue indefinitely until Russia finds it politically inopportune.

By contrast, U.S. shipments to Pakistan—not really a program at all—have consisted solely of nonlethal materials purchased and paid for in cash by Pakistan, appreciably before the outbreak, last March, of the East Pakistan crisis. No more have been authorized.

About 80% of what we permitted the Pakistanis to import comprises aircraft accessories and spares, the remainder mostly being automotive parts.

For her part, Russia continues to support the Mi-8 helicopter force she gave Pakistan in 1968 in what was widely read as a reward for then-President Ayub Khan's having closed down the secret U.S. communications-intelligence installation at Peshawar.

Russia is also providing spare parts for Pakistan's approximately 375 T-54, T-55, and T-59 Russian tanks (some acquired through China in earlier times) and her more recently acquired 20 PT-76 light tanks.

NEED RUSSIAN SPARES

Without Russian spares, Pakistan's armed forces, already hurt by maintenance and parts deficiencies, would find themselves in some difficulty.

Important as this is to Pakistan, Russia's contributions to India by comparison are momentous.

Just a year ago—to give a noteworthy example—India produced its first complete MiG-21, using factories established by the USSR.

The MiG complex, which started by putting together assemblies from Russia but has now gone to original production, consists of three plants: engines at Koraput, air-to-air missiles and electronics at Hyderabad, and airframes at Nasik.

The MiG-21 is India's air-superiority fighter. Today she has seven MiG-21 squadrons which include over 120 aircraft, some imported, and an increasing number homemade.

India's other Russian mainstay is the excellent Sukhoi 7B fighter-bomber.

Since 1969, she has received over 100 of the Mach 1.6 Su-7Bs which are now organized into five attack squadrons.

The Indian Army reportedly puts great hopes into the Su-7B to give it better air support than was received in the 1965 war.

For air defense, Russia has provided India with over 50 SA-2 surface-to-air missile (SAM) complexes, some of which are said to be sited for defense of the MiG factories.

At sea, normally operating from the Russian-built naval base at Vishakapatnam on the Bay of Bengal, India has what some officers call its Russian Navy.

This consists of four F-class 2,300-ton attack submarines complete with a trim new Russian tender, five *Petya*-class frigates, two LSTs, and (by rumor) six or more *Oha* coastal guided-missile boats.

In Kipling's day, the players were Russia and Britain. Britain has now retired to the sidelines, and the United States at present seems headed that way.

WHO WILL WIN

Russia is playing with greater determination than ever, and China—in Napoleon's phrase, the sleeping giant—is fully awake.

Who will win this game is hard to see. For the moment, as so often elsewhere, Russia seems ahead.

As for India and Pakistan—the nominal principals—and their tormented subcontinent, it is even more difficult to see them as anything but ultimate victims and losers.

BUSING OF SCHOOLCHILDREN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. DERWINSKI. Mr. Speaker, early in this session I cosponsored various measures which would have prevented busing of schoolchildren to achieve racial quotas.

Therefore, I wish to emphasize my support of the amendment included in the House version of the Higher Education Act, which prohibits busing of schoolchildren to achieve racial balance.

As all of us know, many parts of our Nation have witnessed the forced busing of schoolchildren many miles from their homes in order to achieve a racial balance, and have seen that this solution to the problem is not only expensive but is also unworkable. From the experiences a number of school districts within my congressional district have had with forced busing edicts, it is obvious to me that the interests of education are not served by arbitrary percentage rulings. Also, the effective administration of neighborhood schools has diminished, the children suffer from lack of educational benefits, and the vague social benefits to be derived from busing are questionable.

In addition, Mr. Speaker, I do not believe that the Justice Department, HEW, nor the courts have respected nor properly interpreted the intent of Congress

in this area. Specifically, I believe the Supreme Court has legislated in this field and that the Justice Department and HEW have been interested in prosecuting local districts rather than improving educational opportunities.

Mr. Speaker, I wish to emphasize again that had I been present on November 4 when this matter was on the floor of the House, I would have supported the amendment which would prohibit busing of schoolchildren.

PACKAGING/CONVERTING EXPOSITION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, the American packaging industry performs so well and so efficiently that many of us are not aware that a $26 billion industry is responsible for the forms in which our goods reach us every day.

This tremendous economic complex is gathering for an annual exposition, starting today in Atlantic City, and I think the event is well worth the attention of my colleagues.

In Atlantic City's Convention Hall, nearly 30,000 individuals from all 50 States and from 36 other countries are convening for an annual meeting and the Packing/Converting Exposition, presented by Packaging Machinery Manufacturing Institute.

This is being cosponsored by eight major trade groups—the Packaging Institute, Packaging Education Foundation, Fibre Box Association, National Flexible Packaging Association, Package Designers Council, Adhesive Manufacturers Association, National Paper Box Association, and the Glass Container Manufacturers Institute.

The technological and economic advances made by America in packaging the fruits of our dynamic economy—emphasizing protection, sanitation, distribution, convenience, and environmental protection—make a major contribution to the world's highest standard of living, which our people enjoy.

One important feature of this meeting will be publication of a review of the overall picture in solid waste disposal and the packaging industry's progressive programs in this vital ecological effort.

With our environment now one of our top domestic concerns, we should closely examine the results of this important industry study.

Sixty individual industries will be taking part in the week-long program in Atlantic City. On the program are major conferences on solid waste disposal and recycling—both prime environmental concerns—U.W. metrication, mechanics training for jobs and other current subjects.

Overall, Mr. Speaker, the convocation will be something in the nature of a report on the packaging industry's implementation of its dedication to social responsibilities. In our private enterprise system, this is economic statesmanship of the first order.

The program also has its international aspects, including discussions of how to develop food packaging systems for emerging nations. The conference has been officially designated by the Department of Commerce as an overseas promotional event.

Modern packaging provides sanitation, product protection, broad geographic distribution, freedom of product selection, convenience in use, out-of-season availability, and similar advantages—all for a better standard of life. As a current report on our progress in these fields, the November 15 packaging exposition adds up to a major consumer event.

UNHOLY POWER

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. GROSS. Mr. Speaker, the following is the text of an open letter which Mr. Hamilton A. Long, a retired lawyer of Philadelphia, has written to certain leaders in Congress in protest to the unholy usurpations and delegations of power to the executive branch of government.

Mr. Long, in addition to years of legal practice, is a veteran of both world wars and a writer in the field of constitutional law and philosophy.

His letter follows:

1. *All members of the Congress* (as well as all judges in the USA et al, totalling 10,000) *have just been mailed* a copy of my constitutional study entitled: *The Constitution Betrayed;* which proves the fraud on the Constitution perpetrated since the 1930's by all three Branches of the Federal government through wholesale usurpations of power—still increasing massively at present—in *domestic affairs. In this "Open letter,"* I desire to stress *foreign aid's* equal flouting of the Constitution's limits on Federal power and of the traditional American philosophy's basic principles, besides the aid program's other fatal defects—amounting to a calamitous fraud which can be remedied only by total termination of this monstrosity.

2. *The Constitution is supreme legally* over everybody and everything—especially over all things governmental and all public servants, sworn to obey and support it always. *Treaties* are entirely subject to the Constitution; are invalid (indeed non-existent in its eyes if inconsistent therewith)—likewise *Executive Agreements*—if conflicting with this basic law of the people. See, for example, *Reid v. Covert* 354 U.S.1; *The Federalist* no. 33 by Hamilton; Jefferson's *Manual of Parliamentary Practice,* Sec. 52; especially Hamilton's *The Federalist* no. 75 warning that The Framers intended in the Constitution to bar the danger inherent in allowing the President to have power alone to make international agreements; and Madison's letter to Jefferson in 1798 (*Letters and Other Writings,* Lippincott & So., 1865; v. 2, p. 140–141) stating:

"Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad."

Washington's *Farewell Address,* warning similarly, is too familiar to need quoting here. The contrary pretenses of demagogues, charlatans and other belittlers and violators of the Constitution and of traditional American principles are a stench in the nostrils of self-government.

3. *The traditional American policy*—embodied in the Monroe Doctrine's *two-sided* precept: that the USA would (a) *stay out of the Old World's* (Eurasia's) governmental affairs and endless wars while (b) *resisting Old World intrusion* into New World affairs governmentally—was thus phrased by Secretary of State (later President) John Quincy Adams in his July 4, 1821 address, when some were urging that the USA intervene actively in South America's struggles for freedom:

"Wherever the standard of freedom and independence has been or shall be unfurled, there will America's heart be, her benediction, her prayers. But *she goes not abroad* in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the *champion and vindicator only of her own.* She will recommend the general cause by the contenance of her voice, and by the benignant sympathy of her *example.* She well knows that by once enlisting under banners other than her own, were they even the banners of foreign independence, she would involve herself beyond the power of extrication, in all the wars of interest and intrigue, of individual avarice, envy and ambition, which assume the colors and usurp the standards of freedom. The fundamental maxims of her policy would insensibly change from liberty to force. . . . She might become the *dictatress of the world.* She would *no longer be the ruler of her own spirit.*" (Emphasis added)

America has indeed lost her own soul but not gained the world—through the Wilson, FDR, Truman, Eisenhower, Kennedy, Johnson, Nixon madnesses globally, Nixon's now extending into Cambodia hugely and Laos substantially with a build-up for the Israel-Mid-East trap to succeed that of Vietnam). All losses and no gains, judged by traditional Americanism, for Posterity's just heritage! To label as "isolationists" those who oppose this wrecking operation—destruction of everything for which America had traditionally stood, with the people "lied" into every foreign war by their leaders—and who support American tradition in this connection, is most vicious demagogy: the usual resort of those who are bankrupt morally and intellectually, perpetrating more lies, frauds.

4. *The British-American foreign policy of the USA,* since FDR's regime (see attached item) started using America's strength and youth (to be killed globally, inviolation of the Constitution's limitation of military purposes and uses of men and money to the *"common defense"* of the States of the Union) in a vain attempt to rescue, revive the British Empire—wrecked by this very global imperialism-militarism—resulted in World War II's giving the USSR potential dominance of all Eurasia and environs (Britain, Japan, North Africa); and the entire post-1945 U.S. foreign policy has been a mask to hide this hideous reality from the gulled American people. At the same time, the Kremlin has gleefully aided and abetted America's being thus self-gutted from within morally, spiritually, economically, politically—bled white by being over-extended globally—by the Kremlin "Tar-Baby tactic"; trapping Sucker Sam into playing Brer Rabbit to Moscow's Tar-baby globally. First Europe (NATO), then Korea, then Vietnam; and next the Mid-East due to British and BIG OIL interests and Israel's being treated as "The 51st State" of the USA (per article in N.Y. Times 6/5/71, page 29 former U.S. Minister David G. Nes). All anti-Constitution!

5. *The Constitution makes each and every such usurpation a nullity;* therefore there can be no morally or legally binding commitment of the USA, by their defaulting pub-

lic servants, under the label of treaties, or Executive Agreements, or under-cover deals, or otherwise, to this end. This is true of the fake "Doctrine" of every President from 1945 to date—rank usurpations.

6. *Foreign aid*, military and economic, is only a facet of foreign policy and suffers from all its inherent defects—notably anti-Constitution (see, for instance, *Annals* of the Congress for Jan. 10, 1794—Madison et al in House of Representatives—and Justice Joseph Story's *Commentaries on the Constitution of the U.S., 1833, Sec. 919*). Economic fallacies and falsities involved are too well known, widely publicized, to merit discussion here.

7. The writer is well known as a foe of the Kremlin and its Communist conspiracy in the USA—for instances, as author of U.S. House of Representatives Document 213 (1953) against Communist teachers; also in testimony before various Congressional committees over the years.

WIDOWS' STOCK PLIGHT INVESTIGATED BY SECURITIES AND EXCHANGE COMMISSION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Moneysworth consumer magazine recently published an article concerning two widows who—according to the article—were almost "Merrill-Lynched."

The story disclosed that two widows of the same economic income and level were given directly opposite and conflicting investment advice.

I called the matter to the attention of the Chairman of the Securities and Exchange Commission, who investigated the story and provided me with a report.

Because of the interest of my colleagues and the American people in this most important matter, I include my correspondence with Chairman William J. Casey, Chairman of the Securities and Exchange Commission—together with the article and report of the Commission—in the RECORD.

The correspondence and material follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., November 9, 1971.

Hon. JOE L. EVINS,
Chairman, Committee on Small Business, House of Representatives, Washington, D.C.

DEAR MR. EVINS: In response to your request, I am enclosing a report which was prepared by our Division of Trading and Markets concerning *Moneysworth* and Merrill Lynch, Pierce, Fenner & Smith, Inc. Please let me know if we can assist further.

Sincerely,

WILLIAM J. CASEY, *Chairman.*

MEMORANDUM PREPARED BY THE DIVISION OF TRADING AND MARKETS IN RESPONSE TO A LETTER FROM HON. JOE L. EVINS

Mr. Evins wrote to us about an article entitled "How Two Widows Nearly Got Merrill Lynched" which appeared in the May 3, 1971 issues of *Moneysworth*, a self-styled consumer newsletter. We regret that we were not able to respond to Mr. Evins sooner. The delay has been caused, in part, by our need to seek satisfactory answers to the immediate questions and to design safeguards which would prevent a recurrence of the problem.

Briefly stated, the matter about which Representative Evins wrote is as follows. Two employees of *Moneysworth* represented themselves as widows in quite similar circumstances and wrote to Merrill Lynch for investment advice.

The first "widow", a Mrs. Bates, asked for specific stock recommendations and directed her letter to the "Investment Advisory Service" at Merrill Lynch's main office. Mrs. Bates received a detailed response from Merrill Lynch's Securities Research Division which gave specific stock recommendations based upon "the outlook for the economy and (Mrs. Bates') personal investment goal." The second "widow", a Mrs. Fier, sent her letter to a Brooklyn, New York branch office of Merrill Lynch. She asked for general advice and stated that she did not want a salesman to call upon her. A registered representative sent Mrs. Fier a copy of the prospectus for Puritan Mutual Fund, together with a handwritten note which suggested that she convert her securities holdings into a professionally managed fund. The stock Mrs. Fier was asked to convert into mutual fund shares are identical with and in the quantities as the stocks Mrs. Bates was asked to consider buying. *Moneysworth* gave the matter front page attention in its May 3, 1971, edition.

The Commission's staff has held several in depth discussions with Merrill Lynch and it has examined phases of the firm's procedures relating to its portfolio analysis program. The firm has advised us that the action taken by the registered representative who serviced Mrs. Fier was in violation of its policy which provides that any correspondence to a customer must be typewritten on firm letterhead and reviewed prior to mailing by the manager or his deputy and that recommendations contained in the letters must be consistent with research opinions, factual and in good taste.

Merrill Lynch has advised us that it has admonished its employee in writing and that it has revised and recirculated to its branch managers the firm's policy concerning the handling of customer requests for advice and recommendations.

Our inquiry was not limited to the incidents reported in *Moneysworth* but included an additional examination of the firm's portfolio analysis program. As a result of this examination, we have communicated our views to Merrill Lynch that its program should be changed so that (1) it explains fully and fairly the different treatment that participants in the program receive depending upon the size of the portfolio to be analyzed and whether the analysis is made by branch office personnel or the firm's research department; (2) there are established adequate safeguards to assure that the objectives of the analyses are to prevent recommendations from being made for the purpose of generating commissions and (3) there are adopted adequate firm-wide supervisory procedures over the program to assure the accuracy of the advertising and literature promoting the program and to ascertain that the implementation and administration of the program are being carried out as represented.

We appreciate the opportunity to consider the matter in light of our statutory responsibilities and hope that we have been helpful.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., April 27, 1971.

Hon. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: Thank you for your letter of April 23, 1971, with which you enclosed the May 3d issue of *Moneysworth* and referred to an article concerning Merrill Lynch, Pierce, Fenner & Smith.

I have asked the staff to review this material and furnish me with a report as promptly as possible. I will write you again as soon as I have heard from them.

Sincerely,

WILLIAM J. CASEY,
Chairman.

APRIL 23, 1971.

Chairman WILLIAM J. CASEY,
Securities and Exchange Commission,
Washington, D.C.

DEAR CHAIRMAN CASEY: Please read, note and take appropriate action.

Report hereon will be appreciated.

With very best wishes, I am

Very sincerely yours,

JOE L. EVINS,
Member of Congress.

[From the Consumer Newsletter (N.Y.) Moneysworth, May 3, 1971]

HOW TWO WIDOWS NEARLY GOT MERRILL-LYNCHED

Merrill Lynch, Pierce, Fenner & Smith is the world's largest securities firm. It does an astronomical $125-billion a year in selling and buying securities, much of it for small investors. Merrill Lynch prides itself on its business with small investors. It claims to have over one million of them and spends $14-million a year in advertising to attract new ones.

Over the years, the single most effective means of attracting new customers, Merrill Lynch has found, has been to offer a free "portfolio analysis." Merrill Lynch runs ads in newspapers and magazines throughout the country offering to tell small investors whether they should hold onto or sell the stocks they own. If a change is deemed advisable, Merrill Lynch then "volunteers" to handle the transaction. These portfolio analyses purport to be scientfically conducted and are offered under the guise of a "public service." In its ads, Merrill Lynch crows about the probity of its portfolio analyses and about its lack of self-interest in conducting them. "Don't be surprised if we tell you that some of those dear old blue chips you've been holding for years are the best things in your portfolio," says a recent ad for Merrill Lynch in *Newsweek*, insinuating that its analyses are conducted with only the investors' interests—not Merrill Lynch's—in mind.

Is this really true? Are Merrill Lynch's portfolio analyses on the up-and-up? Or are they a crude, and perhaps even cruel, gimmick for drumming up business at the expense of the unsophisticated and unwary?

To find out, *Moneysworth* recently conducted the following experiment:

On November 8th, Dorothy Bates, *Moneysworth's* articles editor, sent a letter to Merrill Lynch as follows:

"Gentlemen: I would like your advice on investing some money. Recently my husband died and I received a little more than $50,000 when they sold his business. I'm 60 years old but I'm still working as a secretary. I'll probably retire in a few years and my friends tell me I can get more money if I put my money in stocks than if I leave it in the bank. When I retire, I'll be getting Social Security, but I'll probably need more to be comfortable. I would like to invest about $40,000 in stocks. Please tell me which stocks to buy.

On November 17th, Mrs. Bates received an elaborate, 1500-word reply from Joseph Reilly, of Merrill Lynch's "Portfolio Analysis Department, Securities Research Division." It discussed the general state of the economy and Mrs. Bates' specific needs. It ended with a recommendation that she buy the following securities: $10,200 worth of Addressograph-Multigraph bonds, 200 shares of Winn Dixie Stores, and 100 shares each of General Foods, J. P. Morgan, Ford Motor, and Peoples Gas. Total cost: $40,900. Mrs. Bates was told that she would later be contacted by a sales representative, and, indeed, she was.

On November 22nd, five days after Mrs.

Bates received her letter, Miriam Fier, *Moneysworth's* business director, sent a letter to Merrill Lynch as follows:

"To Whom It May Concern: I am a 58-year-old widow, currently employed as a bookkeeper. Some years ago, my husband died and left me with an estate that today is worth about $50,000. Of this, about $9,000 is in cash, and $41,000 in securities. Below is a list of the securities I own. I want to be sure that when I retire in a few years, I shall not be in financial need. I expect to be receiving Social Security. Do you advise me to sell the securities I now own? Or hold onto them? Or switch them for other securities?"

To the bottom of Mrs. Fieri's letter was appended a list of securities. They were the very same ones that a week earlier Merrill Lynch had recommended to Mrs. Bates.

Now note: The financial circumstances of both women were identical. Both were widows. Both were working. Both were about 60 years old. Both hoped to retire in a few years. Both said they would receive Social Security. Both had been left estates of the same size by their husbands. Both had the same financial objectives.

Note also that during the week intervening between the time that Merrill Lynch wrote to Mrs. Bates and the time that Mrs. Fier wrote to Merrill Lynch there was no significant change in the stock market or the national economy.

Now comes the acid test: What would Merrill Lynch tell Mrs. Fier to do?

On December 3rd, Merrill Lynch, through Walter Skerrett, sent Mrs. Fier an invitation to meet with him, a prospectus for the Puritan Mutual Fund, and the following terse note:

"Dear Mrs. Fier: My suggestion would be to convert your security holdings into a professionally managed fund."

Imagine! Merrill Lynch was telling Mrs. Fier to get rid of the very same securities that a few days earlier it had touted to Mrs. Bates as a sound investment!

Does this prove that Merrill Lynch, in its portfolio analysis program, is guilty of duplicity and perhaps even fraud? Or did *Moneysworth's* experiment result in a fluke? Frankly, we don't know. But we do know this: If Mrs. Fier had stuck with the securities that had been recommended for Mrs. Bates, Merrill Lynch's profit would have been zero. If she had switched, Merrill Lynch's profit (through brokerage fees and commissions) would have been $2,425.

Last December 2nd, Merrill Lynch's board chairman, Donald T. Regan, addressed the Rotary Club of Dallas. His subject was "Other People's Money." He moralized at great length about the responsibilities of stockbrokers in handling other people's hard-earned savings. Said he: "Members of the Wall Street community are handling, caring for, and giving advice about other people's money . . . We have special obligations. We have to make rules, and see that they are continuously carried out, for the protection of customers."

Moneysworth's editors say "Amen," and would, for Mr. Regan's sake, paraphrase Matthew XXIII, 14: "Woe unto you, hypocrites!, for ye devour widow's houses."

THE POLICE ROLE AND JUVENILE DELINQUENCY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. PICKLE. Mr. Speaker, in all the controversy and confrontation between young people and the police all over the world, it is easy to lose sight of an intensive, very important, and ongoing effort being made to find the best tools possible to deal with juvenile delinquent problems.

Richard W. Kobetz and the International Associations of Chiefs of Police have just completed what may well prove to be the definitive work in this field for some years to come—a book entitled "The Police Role and Juvenile Delinquency."

Mr. Kobetz not only lays out policy guidelines for police-juvenile operations in light of recent court rulings and new insights from continuing research, but also goes beyond this primary objective of the work.

He has delved into the nature and extent of the delinquency problem. He has summarized the progress of dealing with juveniles across the country. And, to give an added perspective to his readers, he has both traced the chronological development of police-juvenile relations and explored the future role of the police in dealing with this field.

The research and the book were made possible through a grant from the Health, Education, and Welfare Department—and on looking at the finished product, I think we can say that this was money well directed and well invested. This information will be most helpful in my district—the model cities program in Austin has recently initiated a juvenile probation program.

BROOKLYN COLLEGE PRESIDENT REVIEWS CURRENT POLITICO-SOCIO CLIMATE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. PODELL. Mr. Speaker, it is my pleasure to call to the attention of our colleagues to an address by Dr. John W. Kneller, president of Brooklyn College, Brooklyn, N.Y., to my congressional district advisory committee, of which Dr. Kneller is chairman, on September 30, 1971 in Brooklyn, N.Y.

I commend Dr. Kneller's profound and poetic thoughts to those searching for an understanding of the current politico-socio climate.

His address follows:

Nearly a year ago I had the privilege of speaking to you as our committee began its working season. Like most academics and school children, I persist in my belief that the year begins with fall, so I enjoy this continuity, this sense of having come full circle. But while I enjoy it, I do not trust it. Continuity is comfortable, but circles are closed. A year's passing does not necessarily mean we have done anything except survive.

I did not come back here tonight to say the same things I said a year ago, wrapped in different metaphors. I have reread the words I spoke, and I am dissatisfied with them, though I liked them at the time.

I think you can understand the process by which those words separated themselves from me and became a speech I would no longer give. It has to do with the shape of the year between—something to do with My Lai and with Attica; something to do with a recession that cocks its head when you say "depression." Something to do with the deaths of three of our children's superstars—at least two from drug overdoses. Something to do with the teetering budget on which the education of our children must balance; something to do with school buses in Brooklyn and school buses in Texas. It has to do with the Berrigans in the dock and with a subsidy for Lockheed and with words scrawled stark across a subway map: "man on moon! on earth your mama is hungry!" It has to do with the terrible, twisted truth of the Pentagon Papers at last spread out for people to read.

But it also has to do with the faces I pass on campus; with the face of Ramsey Clark speaking at Commencement last June, and people answering telephones to take pledges for sickle-cell-anemia research this fall. It has to do with Congressmen standing against the ABM, the SST, the draft, the war.

I am not the same person I was a year ago; I have changed in the changing climate of the world around me, and in the changing climate of the world in which I work. I have been touched by words I have read, faces I have seen; molded by music I have heard, ideas I have had. And I have tried to give myself to change in order to grow, but it is always a struggle.

To some extent we are at the mercy of the time we live in, and I am no exception. I am alive in a world that has begun at last to be conscious of its injustices; if only it had begun sooner! The deep and deadly meaning of racism, of war, of discrimination by religion and by sex, the waste of the earth—it has taken so much of my life to only partially understand these things. I am made impatient by my desire to have been born with that understanding, so that I could have spent my life on solutions instead. But evolution, whether social or personal, is a slow business, and I was not born with the excruciating consciousness of other people's sufferings. And when I did begin to know of them, I did not realize at first that my freedom from hunger and poverty and discrimination was simply luck; I did not know that I would have to work for those freedoms for others to feel human myself.

All I really know now is that we will get no further, we supposedly human beings, until we deal with the petty hatreds that divide us. As long as we are willing to leave someone hungry or in need, it doesn't matter who we are, or who the victim of our indifference is—we will stay bogged down right where we are, and I, for one, am getting pretty damned impatient with this stage of evolution. Not, mind you, that I have accepted it myself. My state of consciousness is not what I would want it to be. There are times when being my brother's keeper makes me too sanctimonious, or too pained. And then just when I really begin to feel I *am* my brother's keeper, I discover I have left out my sister. I get discouraged at the mistakes I make, but I don't see any other way to live life than to keep working to wipe out the arbitrary prisons of the mind that entrap so many, within and without.

My theme, then, is change. To me, change is the essence of education. Learning is not the process by which a block of ignorance or misinformation is replaced by a block of information. Learning is the process that changes human beings. To put it another way, the effectiveness of education is measured by the amount of change it brings about in human beings. Since change is taking place all the time, education is going on all the time whether we are aware of it or not. Education is often involuntary; it is often negative and harmful. Being beaten for a crime you did not commit, having your playmate's mother call her child away from your game together because you are the wrong color or religion—these are involuntary

educational experiences. Peddling herion, mugging a stranger, cheating on an examination—these are negative educational experiences, direct and powerful ones which have a crippling effect. The failure of education in our schools and colleges is attributable to the fact that they have remained bastions of self-perpetuating sameness and have ignored the powerful forces, positive and negative, voluntary and involuntary, that work relentlessly outside their walls.

The latest failure is, of course, Attica. Attica, with its graceful Greek name, redolent of man's ancient history and of the perishable nature of his past civilizations. Is it now the symbol of our decline? For me, the tragedy of our *Attica* is twofold. It is our failure to recognize that people and the world they live in will change and that our institutions must change with them or face extinction. It is also our failure to understand that education—voluntary or involuntary, good or bad—is taking place all the time in our prisons, whether we want it to or not. Our only hope is to substitute for the cruel devastating ordeal that is all we have to offer now in our prisons an education that is a liberalizing, humanizing experience. That is what prison means to me.

We have talked about prison reform for a long time. We have known that society takes revenge for alleged and actual crimes committed against it without reducing the number of those crimes or bettering the human condition. We have known for decades that our penal fortresses have made more criminals than free men and women. We have talked about penal reform, yet we have not demanded it. Will we now at last demand it over the bodies of the Attica dead—guards and prisoners alike?

The outlook is not promising. We tolerate silence—we even tolerate lies concerning what happened at Attica. Why? Why only two meals a day? Why only one shower a week? One change of underwear? Why the refusal to release a list of wounded, the refusal to allow doctors, lawyers, officials and relatives to communicate with prisoners? Why no information on those killed, while families suffered the cruelest uncertainty imaginable? Why the lies about the slit throats? Can we really expect reform without demanding answers to these questions and without really being willing to pay the price of reform not only in dollars but in action? The answer is not to build a special prison for 600 "troublemakers," the newest euphemism for politically active prisoners. We must tear down the Atticas of the country and get about the business of changing minds, changing institutions, changing ourselves.

Institutional change. It is this committee's reason for being. We have chosen, along with Congressman Podell, to try to make changes in the housing situation. In city planning and urban development; to work for court reform and for better legislation on the drug problem; to improve health care, within hospitals and outside of them; to study the welfare picture, and the treatment of the aged; to consider problems of taxation; to inform ourselves about ecology; to take a level look at business, labor, education. We have divided ourselves into committees to study these areas—and certainly we should add prison reform. We are to make the most informed recommendations we can to Congressman Podell, as we have done in the past. But we cannot stop there. We must make our recommendations to anyone who will listen, and to those who won't, and most of all we must make them to ourselves.

We must not tie ourselves to the dreary concept of what-has-always-been, or we will never be able to envision—much less make real—what can be, what should be, what must be, if we are ever to escape the endless, useless busy work of our lives, the constant preoccupation with method at the expense of people. Sometimes it seems to me that we have invented these unwieldy ways of doing things, these astonishingly inefficient and heartless bureaucracies, in order to shield ourselves from the frightening business of facing ourselves and discovering what we might be, if we dared to grow—if we dared contemplate what we might be without them.

It is hard. Just so long as we were not shot down at Attica, on trial for My Lai, just so long as there is blood when we need it, and important people we know when we need a favor, and money to pay for all the toys our children want; and for our cars, and appliances, and gadgets, just so long as no misfortune befalls us, we don't feel the urgency to change anything. We look away and if we see injustices, it is not our own furniture in the street. We are used to our old complaints; they have grown comfortable. We complain about future shock and busing. Those of us who are not businessmen or bankers can point out that it is a strange wage-price freeze that doesn't freeze profits and dividends too; those of us who are businessmen and bankers can explain why that would not be a good idea. Some of us maintain the belief that no really NICE person would ever be found in a jail or a welfare office or a public hospital or an old people's home or any of the other agencies so desperately in need of reform. And the world grinds slowly round and round, forever a closed circle, never a spiral.

Let us do more. Let us first change one institution in our own lives, prove we can still risk, still grow. Let those of us who talk about court reform, sit for one long evening on the hard benches in night court, and look at our neighbors there; let us see and feel the misery and anguish and injustice that multiplies itself across this country, night after night. If we are talking about city agencies, let each of us spend an entire morning sitting and watching what goes on in a welfare office, or a public clinic, or a medicaid application center, or an unemployment office, or any of the places we might spend huge chunks of our lives if we were a little less lucky. Let us go into homes for the aged, not as a publicized fact-finding team, but quietly, and spend more than a moment looking at those whose eyes will open and close forever on the same cracked dull wall. Are we to despise the old and the sick and the poor for being old and sick and poor? If not, we must not countenance the horrors they must live with.

Having studied, in your subcommittees, so many aspects of institutionalized life, you have a realistic idea of the problems and weaknesses inherent in each. You have concentrated on those which might be helped by legislation. But think now on how *you* might use your knowledge. Surely each of you sitting here is a part of at least one institution. Surely those institutions need changing. Surely you have the creativity and courage to change them. Imagine how the world would be if it matched your gentlest ideal; surely there is at least one bridge from here to there which you—you in particular—know how to build.

We cannot change the world unless we can change our country, and our only chance to change our country is to change its institutions. We will never do it unless we understand that the people who have built them, the people who staff them, the people who tolerate them, and the people who suffer because of them—are all ourselves.

Let us make issues real for ourselves, in our own lives; let us for once look at the people for whose sake have become issues. Let us not simply talk. Ecology, for instance, is a word. But in our lives, gasoline, detergent, recycled paper and tin cans are facts. Air and water are facts and becoming entranced with a word will not clean them.

Let us be sure we know what we are concerned with, beyond words; let us be sure we know why we are concerned. Why change is so urgent, why it is worth the discomfort it causes. The poor will always be with us, it has been said; but when will we be with the poor? Let us not shield ourselves from the pain of some of the more powerful kinds of learning. There were tears on the face of Robert Kennedy as he held a starving child on his lap in Appalachia; there were tears on the faces of the Vietnam veterans who left their medals on the steps of the Capitol; there were tears on the fact of Senator Michael Gravel when he read from the Pentagon Papers. Men do cry, when they are deeply human and deeply moved.

Most human beings cry; when they invest themselves in life with their whole hearts, and finally come to understand that behind the barricades of habit and words and we've-always-done-it-this-way are people, and the people are trapped. The first step is to realize that, and the second is to do something to free them, something to tear down the unresponsive grey walls of dead institutions, and build again with love and care and imagination. Too many never even reach the first step—never really recognize the humanity of all those people sitting silent, patient, in all those waiting rooms we have created, all those waiting rooms we tolerate because we ourselves need not sit in them. Let us not be numbered among those who will abandon the people who *must* sit in them, unseen, uncared for, robbed even of their names. If we have to force ourselves to be able to face them, then let us go and do it—and learn some of the things we would perhaps prefer not to know about ourselves.

How else will we ever leave the Berrigan trial behind with the Inquisition, My Lai with the Slaughter of the Innocents, Attica with the Black Hole of Calcutta? How else will we ever be able to accept each other and move towards the changing face of the unknown, which is not to be found on the moon, but in ourselves?

NUCLEAR POWER IN BRITAIN—A MORE TROUBLED VIEW

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HOSMER. Mr. Speaker, in his remarks in the other body on November 12, the senior Senator from Washington, at page S18391 of the CONGRESSIONAL RECORD, reflects a somewhat admiring view of nuclear power development in the United Kingdom. A somewhat more troubled view of the state of the nuclear power industry in Britain is reflected in an article by Nigel Hawkes appearing in that same day's issue of Science magazine. The article follows:

BRITAIN: NUCLEAR POWER INDUSTRY FACES CRITICAL CHOICE ON REACTOR

The British nuclear power industry is facing difficult days. For the umpteenth time in living memory, the Central Electricity Generating Board (CEGB)—the major electrical utility—is dithering over which type of power station to build next. The decision is important because it will determine the type of thermal nuclear station that will run alongside the fast breeder reactors in the last 20 years of the century. There is even a possibility, though a slim one, that the CEGB will abandon British reactors in favor of American designs.

The current state of indecision has it root in a dismal recor dof retarded growth

and a failure to compete with other nations that has afflicted the British nuclear industry for 15 years. In the mid-1950's the government announced an ambitious program of building power reactors, but the plan quickly became mired as a sluggish economy caused electric power demand to grow more slowly than predicted. The program ran afoul as well of fears that brisk development of nuclear power might result in severe unemployment in the coal industry. Then in the mid-1960's, the Atomic Energy Authority (AEA)—the counterpart of the U.S. Atomic Energy Commission—embarked on a second and equally ambitious program which found Britain building an advanced type of gas-cooled reactor that worked well enough but that turned out to be for more expensive, and far less attractive to foreign utilities, than had been hoped.

In a short-lived boom, Britain exported two nuclear stations in the mid-1950's, one to Japan and one to Italy. Since then, there have been 12 lean years without a single foreign sale, a situation made harder to bear by the nearly total domination of the world reactor market (outside the Soviet bloc) by American light water-cooled reactors. But to bow to the inevitable and import U.S. would be to throw away a massive investment technology (as the French are now doing) in research and development. It is unlikely that anybody is ready to do this yet.

Thus, at the present juncture, the CEGB's decision promises to have a duel impact on the British nuclear industry. Its choice of reactor will not only set the pace and direction of reactor construction in Britain, but it will also bear heavily on the salability of British reactors abroad.

While the CEGB makes up its mind, everything else stops. As a monopoly purchaser, its word is law; and until the nuclear companies know what that word is, they cannot plan ahead with any conviction. Meanwhile, the CEBG has an embarrassment of choice. It could decide to stick to the Advanced Gas Cooled Reactor (AGR), a British design that first won its way to the front in 1965 in (supposedly) open competition with U.S. designs. Another contender is the Steam Generating Heavy Water Reactor (SGHWR), which has been operating successfully in prototype form for 4 years, but which has never been built on a commercial scale. The High Temperature Reactor (HTR), developed jointly with other countries in the Organization for Economic Cooperation and Development, is a third and still more remote possibility. Finally, and for reasons that nobody can quite fathom, the U.S. light water designs are being carefully assessed for the first time since 1965.

The two companies responsible for building British nuclear stations are The Nuclear Power Group (TNPG) and British Nuclear Design and Construction. They are the only two survivors of the five consortia that were set up in the 1950's, when nuclear power was the new thing. By the late 1960's, there were only three; and then in 1968 the number was reduced to two, in a badly botched reorganization by Technology Minister Anthony Wedgwood Benn.

The two consortia are in the unfortunate position of having to build power stations designed by someone else. the AEA, which designed the stations, has exerted a strong but baleful influence over the industry right from the start. Nobody denies that it is a competent outfit, but it has always had to design reactors rather than sell them, and it has done little to strengthen the consortia.

The British still have two chances of producing a reactor that will sell overseas. One is the SGHWR, a neat design using a heavy water moderator, light water coolant and enriched uranium fuel in individual pressure tubes. The design seems safe, economical, and straightforward to build, and a 100 megawatt (Mw) demonstration reactor has been operating without trouble since 1967.

Several foreign utilities have shown interest in the SGHWR. For a while, it seemed possible that Finland would buy one, but the deal fell through. (As a measure of the state of British competition, it should be noted that Finland did buy a small, conventional reactor from the Soviet Union. This so far, is the only reactor sale the U.S.S.R. has made outside Eastern Europe.) Recently TNPG submitted a tender to the Australian utilities for an SGHWR at Jervis Bay. Eventually the decision to build the plant there was deferred, but not before the CEGB had managed to upset the sales effort by saying publicly that it preferred another system, the HTR. Since then, it has changed its mind again, and now simply says that it is "undecided."

Naturally enough, foreign utilities are suspicious of a system that does not have wholehearted support in its own country. If an SGHWR is to be exported, one will have to be built at home, the argument goes. The best chance of this may come from one of Britain's smaller utilities, the North of Scotland Hydro Board, which has sought tenders for a 660 Mw station. While the CEGB deliberations go on, that proposal hangs fire.

The second British chance to export is the fast breeder reactor. An experimental fast reactor has been operating at Dounreay in Scotland since 1959, and the prototype fast reactor (PFR) on the same site should be putting 250 Mw into the national grid next year.

So far, Britain's fast reactor effort has gone well. There have been no embarrassing incidents at the 14 Mw experimental plant (unlike the troubles at the Enrico Fermi plant on Lake Michigan), and the PFR is only a year behind schedule, not too bad for a completely new design. (The delay was caused by difficulties in fabricating the roof of the pressure vessel.) The PFR uses mixed plutonium and uranium oxides as fuel and is cooled by liquid sodium. The entire reactor and primary sodium circuits are contained within a single "pot," which has no penetrations below the level of the sodium; all external connections are made through the roof of the primary vessel, from which the rest is suspended. The primary sodium circuit through a heat exchanger, and the secondary circuit raises steam to drive the conventional turbines.

The AEA has tried hard to allay suspicions about the PFR's safety, insisting that the sodium is surprisingly easy to handle, and even has its own advantages. It does not expand on cooling, so it can, if necessary, be allowed to cool down right where it is in the pipes. Lengths of pipe can then be taken out for repair and even welded back into place with the solid sodium in situ. Any leaks that develop will be slow, because the sodium is not pressurized.

SELF-PERPETUATION PLUS

The PFR's fuel load is 4 tons of plutonium. Each year it will consume all of this, but at the same time will produce another 4 tons, plus a little more, in the breeder blanket around the reactor. In this region, uranium 238 is converted to plutonium by the flux of neutrons from the center of the core. Thus the PFR is a power station and a fuel manufacturing plant at the same time, and the physics is rigged so that it actually makes a little more than it consumes. At the end of 10 years or so, if the calculations are correct, this accumulated excess will be enough to start up another fast reactor.

Although the PFR is behind schedule, the AEA's confidence in it is unshaken. "We're into the finishing straight" says R. V. Moore, head of the AEA's fast reactor effort. "Testing and commissioning starts early next year and criticality is expected towards the end of 1972. We're not going to rush the start-up program."

Rush or not, the AEA is almost falling over itself in the effort to move quickly from the prototype to the first commercial fast reactor. "In the past the country hasn't done frightfully well in getting a smooth transition to the commercial phase," Moore admits. "We're determined to get over this. For the past 2 years, the electricity boards, the nuclear companies, and the AEA have been studying the problems involved in phasing in a program of fast reactor power stations. A strategic plan has been evolved and agreed which leads up to an option to build a 'lead' station, starting construction in 1974."

The crucial word is "option." This program, if it is followed, would actually involve selecting a site for the first commercial breeder next year, before the PFR is even on load, and awarding a hardware contract in 1974, after less than a year's PFR operation. For a completely new system, this might well amount to rushing the fences. "What we're saying is that we *could* order as early as 1974," a CEGB spokesman told *Science*. "That would mean we would be commissioning the first station round the turn of the decade."

While it might be in Britain's interest to get the fast reactor program going as soon as possible, this plan almost defies credibility. The first commercial station, when it is built, will be a 1300 Mw plant, with two 660 Mw turbines. Capital costs are expected to be the same as for the current generation of reactors—around $245 per kilowatt installed—but fueling costs should be halved and then reduced to a third of present levels within a decade. The AEA believes that it still has about a year's lead over the French *Phenix* and considerably more over U.S. efforts. The Soviet Union is a dark horse, but is not expected to be much commerical competition anyway.

Whether or not the planned program is followed is of rather academic interest to the two consortia. They need work much sooner than 1974 to keep their heads above water.

To confound the confusion even more, yet another reactor policy committee has been established by the Department of Trade and Industry, successor to Benn's Ministry of Technology (see *Science*, 2 July). Chairman of the committee is Peter Vinter, an official in the department, and his fellow members are CEGB Chairman Sir Stanley Brown and AEA Chairman Sir John Hill. The Vinter committee has the crucial task of injecting some sense into British reactor policy—but, as usual, it has no representative from either of the consortia.

Presumably one of the committee's purposes is to guide the CEGB's faltering hand in the choice of a thermal reactor system. In the way of these things, however, the study is being coordinated by the CEGB itself; thus the committee runs the risk of merely rubber-stamping CEGB decisions, a criticism levelled at its predecessor. An even worse danger is that of failing to agree—and there are precedents for this, too. In 1963, the Powell committee was unable to choose between the AGR and the U.S. designs.

Either way, the formation of the committee has so far done no good at all. While it deliberates, no decisions will be taken, no contracts awarded. So the consortia are even worse off—an ironic result, since one of the purposes of setting up the Vinter committee was (according to one account) to strengthen the industry.

HOW FIRM A FOUNDATION?

The present situation shows British administration at its very worst. The companies are being urged to sell reactors overseas, without knowing whether they have a firm home base from which to do so. The CEGB is vacillating, but is unwilling to accept direction from anybody else. The AEA, leading from the rear, is urging everybody else to build fast reactors.

And the Department of Trade and Industry, dedicated as it is to keeping out of industry's hair, is busy interfering in what ought to be private decisions between the CEGB and its suppliers.

Worst of all, what is almost certain to emerge is a policy of no-change. The chances are that the CEGB will continue to build AGR's. They are more expensive than rival systems, but it would be equally costly to switch over. It is very difficult to imagine the U.S. designs getting a foothold in the British market—because of the loss of face. There is also a feeling, though nobody is rude enough to say it publicly, that PWR's and BWR's are not as intrinsically safe as the British designs.

Unless the demand for electricity picks up, however, the industry may be forced to reorganize itself once again. In the future, the CEGB is likely to be ordering about 4000 Mw of new power stations a year, not all of them nuclear. This rate of ordering is certainly not enough to keep both consortia happy, unless they can pick up some overseas orders as well. If the two consortia are forced to merge—or if one drops out of the business—the final shape of the industry would be much as a House of Commons committee recommended back in 1967. The trouble is that it might be 4 or 5 years too late.

AMERICA CAN TAKE PRIDE IN TAIWAN'S ACHIEVEMENTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. CRANE. Mr. Speaker, in the light of the United Nations' decision to expel the Government of Taiwan from that body, it is interesting to note that few have taken the time or the trouble to reflect upon the achievements of that government and upon the tragedy we have witnessed for all of the free nations of the world, in which those achievements were rewarded only with the world's scorn and ostracism.

Mr. George Todt, president of the American Center for Education in Hollywood, Calif., and columnist for the Evening Outlook of Van Nuys, Calif., recently devoted a number of his columns to the question of China. He has visited Taiwan and brings to the subject a knowledge and concern which have been evident in very few of those who have seen fit to discuss this subject in recent days.

He points out that—

The Republic of China has become a great showplace for those nations which have met successfully the challenge of rising expectations among their people for a better life.

The United States extended extensive foreign aid to Taiwan for 14 years, from 1951 to 1965, and Mr. Todt notes that—

Nowhere else in the world was it used more effectively for the purposes actually intended by the American people. The uninterrupted and almost miraculous economic growth continued apace on the island even after the Nationalists voluntarily ended our aid.

Despite the record of the Nationalist Chinese, and despite the fact that the Communist government in Peking has repeatedly violated the United Nations Charter, the United Nations has cynically decided that Taiwan must give up its seat in the United Nations to that very Peking government. The fact that Peking has invaded India, committed genocide in Tibet, murdered millions of its own citizens, and has been declared guilty of aggression by the United Nations itself in Korea, seemed of little importance to the delegates assembled in New York.

It is not the friends of the United Nations, Mr. Todt reminds us, who have advanced the cause of Peking's entry and Taiwan's expulsion, but its enemies. He writes:

The U.N. Charter says that a new member must be devoted to peace; Red China is not so devoted by any stretch of the imagination. She is only devoted to exporting revolution and war.

Mr. Todt declares that "those who wish the U.N. well" would have served its best interests by "resisting the temptation to hug the Red Chinese leopard to their bosom—certainly, until this leopard has been made to change its spots."

I wish to share several of George Todt's columns with my colleagues, columns which are written before the fateful action by the United Nations, and insert them into the RECORD at this time:

[From the Evening Outlook, Nov. 24, 1970]

ADMISSION OF RED CHINA WOULD MOCK U.N.'S GOALS

(By George Todt)

"Make haste slowly."—Latin proverb.

Will Communist China be admitted to the United Nations next year? Last week's close vote seems to indicate that it will. And that's not good. It is a question, insofar as the United States is concerned, of "heads, you win—tails, I lose!"

Despite Red China's pretense throughout the years of not really being interested in a U.N. seat for herhelf—purely as a face-saving device—that fact is her Communist cohorts have carried on a relentless struggle in her behalf for 20 years.

The intrasigence of the Reds, their refusal to compromise their plans and the timelessness of their aims have paid them rich dividends. They simply stick together waiting for the flimsy facade of the so-called Western alliance to come apart at the seams. Just sweat it out!

Biggest indirect assistants to the Communist aims are Western businessmen who think of Red China only in terms of the fast buck. For favorable potential trade terms, they are willing to jeopardize national security.

Nicolai Lenin once chortled that the capitalists were so obsessed with desire to make money they would even vie for the bids for the hemp with which the Communists would hang them when they came to power. A grim joke, but he made his point.

It is true there are persuasive arguments for bringing Red China into the U.N.: The Peking governments speaks for 700–950 million people, perhaps a fourth of the population of the world; possibly, if Red China were in the U.N., she would mellow and become easier to handle; why not show how truly big we are and accommodate Red China even though guilty of the most reprehensible actions in the past?

But the world stage is not a dream world and it would be best to be practical in our examination of any wishful thinking, however well-intentioned, so let us examine the counter-arguments to such suggestions.

In the first place, there is much question of whether the dictatorship of Red China really speaks for the oppressed masses. Perhaps as many as 50 millions may have been purged—exterminated is a more descriptive word—because they dissented with the brutal, uncivilized pirates who usurped power in a bloody, military takeover beginning in 1949. There was no election.

If anyone honestly thinks Red China would mellow and become a reasonable, responsible partner upon entering the U.N., he ought to stand in the corner on his pointed little head. She would be dedicated instead to only one main objective: the downfall of the capitalistic, free enterprise United States. The reason: the balance of the Western alliance would fall into the Communist empire the next day without the firing of a shot.

The Western bloc of nations has enough trouble now holding their heads above water in the U.N. when contesting the adept Communist bloc and "third force" nations—some with only half a million population, but whose vote equals that of the United States anyway.

Put the power and prestige of Red China, which is unalterably opposed to the United States and her American way of life, on the side of those now opposing us—and it might be akin to laying our collective heads on the chopping block. Why do it?

Instead of paying blackmail to this international bandit, would it not be a better course of conduct on our part to insist that the membership standards of the U.N. not be lowered to a point so low even Red China could get in—but insist that the Red Chinese first reform and mend their ways before being given any possible membership consideration?

The U.N. Charter says a new member must be devoted to peace; Red China is not so devoted by any stretch of the imagination. She is only devoted to exporting revolution and war.

Those who wish the U.N. well will serve it best by resisting the temptation to hug the Red Chinese leopard to their bosom—certainly, until the leopard has been made to change its spots.

[From the Evening Outlook, Feb. 20, 1971]

U.S. OVERTURES TO PEKING FAIL TO BRING RESPONSE

(By George Todt)

As seen from the official American point of view, there is little doubt that Communist China continues to pose a potential threat to non-Communist countries wherever its power to subvert their governments effectively may be brought to bear.

However, the threat against her neighbors on the border is not considered as grave as in former years. This is due to the much-expanded strength of the Eastern Asiatic non-Communist nations and their increased ability to handle Red subversion on their own terms.

During much of the Great Cultural Revolution, just now ending, Peking had only a single ambassador abroad. Now there are close to 30 as the Reds attempt to put a better diplomatic foot forward. They are interested, understandably, in securing favorable trade agreements—which they are doing with some success—and an eventual seat in the United Nations.

There are many persons who welcome such diplomatic initiatives on the part of the Reds in fervent hopes, justified or not, that possibly the Peoples Republic has renounced the lunatic behavior and misguided philosophy of the Cultural Revolution and former times since the advent of Chairman Mao. There is, also, a large body of world opinion which holds that some of our more pressing problems defy solution unless the Red Dragon may be brought to the diplomatic conference table. There are reasons advanced for all seasons.

One of our thorniest problems yet to be resolved if Red China is to be seated ultimately in the United Nations revolves about the Republic of China on the Island of Taiwan. We are committed irrevocably by treaty

and bedrock moral principles to prevent a Red takeover of the Nationalists under our tried and tested ally, Generalissimo Chiang Kai-shek.

But that happens to be the name of the game, insofar as Peking is concerned. The supreme autocrat, Mao, insists that he will not condescend to join the U.N. any other way. It is a question of the irresistible force meeting up with the immovable object.

It should be noted, however, that we consider it in everyone's interest—despite any appearances to the contrary—that Red China should become more closely associated with necessary mutual attempts to solve vital problems of international concern.

The U.S. diplomats have tried sincerely to do their part in this direction and have met with Red Chinese ambassadorial delegations at Geneva and Warsaw more than 135 times since 1955, admittedly with impoverished results, if any. Peking has been suspicious of our intentions and motives. But lately there seems to have been some slight relaxation of their fanatical approaches to domestic and foreign policy. A breakthrough is unlikely but not impossible to achieve sometime later. Who knows?

At any rate, here is what we have done unilaterally to try to get the show on the road: (1) permitted noncommercial tourist purchase of up to $100 of Chinese goods; (2) relaxed restrictions relating to travel to permit almost anyone with a legitimate purpose to travel to mainland China on an American passport.

Also, (3) permitted unlimited tourist purchases of Chinese goods, enabling tourists, collectors, museums and universities to import Chinese products for their own accounts; (4) permitted American-controlled subsidiaries abroad to conduct trade in nonstrategic goods with mainland China.

Also, (5) announced selective licensing of American-made components and related spare parts for non-strategic foreign goods exported to China; (6) lifted the restriction on American oil companies abroad bunkering Free World ships bearing non-strategic cargoes to Chinese ports. Other steps are under consideration in the general area of contacts and trade.

Red China has not had the courtesy, generosity or good manners to reciprocate in the matter of concessions anywhere along the avenue of this decidedly one-way street of traffic.

Her negative kind of motto, in this instance, might best be summed up: "Your friends are my friends and my friends are MY friends."

So what's the percentage? What's new? What's in it for us?

[From the Evening Outlook, Feb. 23, 1971]

AMERICA CAN TAKE PRIDE IN TAIWAN ACHIEVEMENTS

(By George Todt)

Some insistent and strident voices in the United States habitually demand "instant accommodation" with the People's Republic of China, under various guises, but such is hardly possible at the present time. For we honor our commitments and obligations with our allies, strange as it may seem to unethical minds oriented merely to expediency and power politics.

We are bound by the terms of the Mutual Defense Treaty of 1954 with the Republic of China, presently based on Taiwan. We are committed to its defense, as well as the Pescadore Islands, but not necessarily other territories now under Nationalist control.

The 1955 joint resolution of the House and Senate authorizes the President to act in defense of such territories, however, if he considers such action "required or appropriate in assuring the defense of Formosa and the Pescadores"—or to assist the government of the Republic of China in returning to the mainland.

The last part provides for interesting speculation. Had we assisted Generalissimo Chiang Kai-shek back to the South China landing he once contemplated, could he have held on and created at least a buffer zone between Peking and Hanoi? What effect might it have had on the present Vietnam war in which we are heavily engaged today?

In the meantime, we have provided our ally generous military assistance and he has cooperated fully in making available to us needed bases and facilities on Taiwan to support American forces in Vietnam. The strategic importance of this area cannot be overestimated.

But even beyond this important factor, the Republic of China has become a great showplace for those nations which have met successfully the challenge of rising economic expectations among their people for a better life.

We extended extensive foreign aid to Taiwan for 14 years, from 1951 to 1965, and nowhere else in the world was it used more effectively for the purposes actually intended by the American people. The uninterrupted and almost miraculous economic growth continued apace on the island even after the Nationalists voluntarily ended our aid.

The combination of imaginative and effective government economic planners and administrators, joined together with the considerable talents of a hard-working people, create a potential for the further economic and social development of Taiwan to the stage of a modern industrial society.

The accumulated experience of Nationalist China with the problems of development now constitutes a valuable resource for the Asian community as a whole. She has expanded her active cooperation in development programs not only with the countries in Eastern Asia, but in Africa as well.

This kind of worthwhile cooperation with other nations has gained a great deal of newly won respect for the Republic of China.

Our close association in constructive economic matters, our shared interest in strenghtening the security and progressive development of the over-all East Asian region, together with our treaty commitments to the defense of Taiwan and the Pescadores, are the basic foundation of our close relationship with the Republic of China.

These considerations are also the basis of our support of the government of the Republic of China on the world stage. Despite divided opinions as to whether she may be the only legitimate government of all China—Nationalist and Communist together—there can be little informed doubt on the truly most important score.

And that is, quite simply, the record of accomplishment on Taiwan and the constructive role now being played on the international scene by the government and people of the Republic of China fully merit for her a rightful place in the world community of nations.

That is the official American position—belligerent Red China and Chairman Mao to the contrary, notwithstanding!

THE RIGHT TO LIVE—A MORAL ISSUE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HOGAN. Mr. Speaker, I recently participated in a Right to Life Day sponsored by the Maryland Human Life Committee, which included various speakers presenting medical, moral, religious, and political arguments against legalized abortion.

The speeches were uniformly excellent, and I insert in the RECORD an address delivered by the Reverend Robert T. Woodworth, chairman of Maryland Chance of a Life Time and Pastor of Open Bible Broadcasts, Inc. His address provides a cogent religious argument against abortion:

THE RIGHT TO LIVE—A MORAL ISSUE

(By The Reverend Robert T. Woodworth)

"All men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life."—U.S. Declaration of Independence

The Right to Life is a God-given right not to be abrogated by men nor laws. To all thinking theologians, political philosophers, and honest historians our American political philosophy has a strong religious and moral foundation. We are governed by laws rather than men; and it is the *law* that gives to all men the right to life, not men. In America the individual is more important than the needs of the state or the decrees of other men.

When we apply these principles to the right of the unborn to be born, it has a particularly moral and religious meaning. Abortion has been considered by many to be the narrow opposition of the Roman Catholic Church handed down by tradition; or precepts of the religious heirarchy. But evangelical and fundamental Protestants who maintain the Bible as the infallible authority in moral matters have also looked upon the termination of fetal life with repugnance.

The moral obligation in whether to abort or not to abort is that all efforts should be utilized to save the lives of *both* mother *and* child. No person may elect to terminate the life of another. Only the state, after due process of law, trial by one's peers, and conviction of a capital offense may legally or morally determine to take away the right to live. Even this is still undergoing serious scrutiny; and the enigma is that often the same persons who oppose taking the life of a convicted criminal, may also see nothing wrong in killing the innocent unborn who have had no moral choice to do good or evil. Or, as Dr. L. Nelson Bell has asked, "Has the willful murderer more rights than the unwanted child?" (*Christianity Today*, June 18, 1971) "An Alternative to Abortion." Dr. Nelson Bell is a former Presbyterian medical missionary, the father-in-law of Dr. Billy Graham. He writes with conviction: "As a physician and a Christian, one who can well understand the emotional agonies involved for parents and daughters, I urge all concerned not to accept what seems to be the easy way out, but to face up to the fact that a human life is involved—a life that cannot defend itself and is in no way responsible for its plight." Dr. Bell, executive editor of *Christianity Today* continues, "The consequences of sin cannot be avoided, but they must not be compounded by a further step in the wrong direction." As the doctor points out, there is a waiting list of childless couples who have waded through all the complex legal paperwork to adopt somebodys "unwanted" child. There is a Christian alternative to abortion.

In my statement before the Maryland Legislature which was reprinted in the *Congressional Record* ("Egypt, Rome, and Maryland," Feb. 26, 1971) I pointed out the Biblical history of infanticide at the births of Moses and Jesus—how the world might have lost the greatest law-giver and Savior of mankind. But some will argue that the differences is in killing infants already born alive between aborting babies not yet born. The argument is that the fetus up to six

months is not viable, not yet a person, therefore extinguishable as an appendix or adnoid.

Using the Bible as an authority, we can conclude that Almighty God does consider the unborn as a person. Job speaks of himself as having life and personality in the womb (*Job 10:18–19, 31:15*) The Psalmist talks of belonging to God from his mother's belly (*Psalms 22:9–10*). He speaks of being upheld by the Lord before birth (*Psalms 71:6*).

The wise man in *Ecclesiastes 11:5* concludes that as man does not fully understand embriology, or how a complex human is formed in the womb, neither can we know other works of God. The Prophet Isaiah speaks repeatedly of prenatal human existence. He says the Lord formed and made His Children and chose them still in the womb (*Isaiah 44:2, 24 49:5*). In another passage the Lord addresses man and called him *"a transgressor from the womb."* (*Isaiah 48:8*). The Prophet proclaims he was called by name in his mother's womb (*Isaiah 49:1*). And *Isaiah 66:9* asks about abortion, *"Shall I bring to the birth, and not cause him to bring forth? saith the Lord. Shall I cause to bring forth, and shut the womb? saith thy God."* Even the Prophet Jeremiah claims, *"The Word of the Lord came to me, saying, Before I formed thee in the belly, I knew thee; and before thou camest forth out of the womb I sanctified thee, and I ordained thee a prophet unto the nations."* (*Jeremiah 1:5*)

The angel spoke to the virgin Mary about life before birth (*Luke 1:31*). and when Mary visited her cousin Elizabeth the baby John leaped in her womb at the good news! (*Luke 1:41, 44*)

The Michigan State Supreme Court has recently ruled that the fetus is a person. The ruling written by Justice Thomas E. Brennan came just a few days before the Michigan House of Representatives voted on an abortion bill. Justice Brennan said, "If the mother can die and the fetus live, or the fetus die and the mother live, how can it be said there is only one life? The phenomenon of birth is not the beginning of life; it is merely a change in the form of life."

Reverend Charles Wesley Ewing, President of Evangelical Church Alliance and a resident of Michigan, commented in a letter to me, "The result of this ruling makes it possible for the estate of a baby stillborn because of an accident to sue for damages. But I think this gives us a strong argument against legalized abortion. The fetus is a person, a life of itself, and in destroying the fetus we are destroying a life."

The official journal of the California Medical Assn. (*Calif. Medicine*, Sept. 1970) says in an editorial entitled, "A New Ethic for Medicine and Society":

"The traditional Western ethnic has always placed great emphasis on the intrinsic worth and equal value of every human life regardless of its stage or condition. This ethic has had the blessing of the Judeo-Christian heritage and has been the basis for most of our laws and much of our social policy. The reverence for each and every human life has also been a keystone of Western medicine and is the ethic which has caused physicians to try to preserve, protect, repair, prolong and enhance every human life".

It is this Christian ethic that is being eroded and corroded today by those who would assume that awful responsibility for deciding who shall live and who shall die. Such genetic engineering has been the corrupting influence of cultures ruled by tyranical dictators in our generation in some other nations.

Abortion is summarily the termination of innocent life, and totally unethical and immoral. Certainly the divine injunctive against murder applies to the killing of a life already conceived, a separate human being with the right to live. The plea is for the chance for all God's creatures to live. The alternative is sin.

MORLAN W. NELSON

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, November 16, 1971

Mr. CHURCH. Mr. President, next month Idaho will lose a government employee who has served the State, and for that matter the Nation, with high competence and ability for 33 years.

He is Morlan W. Nelson, and he is retiring as supervisor of the Soil Conservation Service snow survey team. In Idaho, his talents are of great importance, for they involve the art of water supply forecasting; and water is the lifeblood of Idaho.

Earlier this month, the Messenger-Index of Emmett, Idaho, editorialized on Mr. Nelson and his contributions to Idaho:

As a professional snow man, he has brought the art of water forecasting to remarkably accurate practicality with minimum cost and maximum safety. As in other areas of his special interests, he has brought continuing scholarship to his profession, and he is said to know more about snow than any other man in the United States—probably more than most people would believe there is to know about snow.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

REMARKABLE SCHOLAR

One of the most remarkable men in Idaho will be retiring next month after 33 years with the Soil Conservation Service, and it is appropriate to recognize Morlan W. Nelson not only for his professional competence but also for his practical scholarship in other fields.

Nelson is the retiring supervisor of the SCS snow survey section. As a professional snow man, he has brought the art of water forecasting to remarkably accurate practicality with minimum cost and maximum safety. As in other areas of his special interests, he has brought continuing scholarship to his profession, and he is said to know more about snow than any other man in the United States—probably more than most people would believe there is to know about snow.

Nelson's interest in snow probably stems from wartime service as a ski troop instructor. His interests, however, and his scholarship are more far ranging. He is considered an outstanding American authority on birds of prey, and probably is more widely known as a falconer and trainer of eagles than as a snow survey supervisor.

As an indication of Nelson's scholarship, his interest in birds of prey led him to a study of ecological factors that might account for the gradual disappearance of the peregrine falcon, and this in turn led him to some revolutionary new discoveries about weather cycles of about two-century intervals associated with technical changes in the core of sunspots.

Never content with the merely superficial aspects of theory, Nelson did exhaustive research on his weather cycle ideas so thoroughly that it was published in book form by the University of Pennsylvania and subsequently corroborated by independent research based on his work throughout the world.

Thus in Russia, for example, Nelson might be best known not as a snow man or a falconer, but as an expert on weather cycles.

Among a few, Nelson probably is better known as an authority on old book bindings. This is a field to which he has brought great zeal as a scholar, and at his Boise home he has a marvelous collection of books many centuries old.

All these fields indicate a remarkable capacity to inquire and to learn. That is why Nelson probably will reach greater achievements in his retirement. He and his birds of prey are planning "newer and bigger" features for the environment through movie and television productions.

There is much more to be learned from Morland W. Nelson, for here is a scholar who will never stop learning.

AMENDMENT PROPOSED TO PARTIALLY REPEAL EQUAL-TIME REQUIREMENT

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. VAN DEERLIN. Mr. Speaker, at the proper time, during tomorrow's consideration of the various Federal election reform proposals, I intend to offer an amendment calling for the partial repeal of section 315—the so-called equal time provision—of the Communications Act.

The amendment would repeal the section 315 restrictions on coverage of presidential, vice presidential and Senate candidates. It also would requie a study by the Federal Communications Commission, to be completed no later than Jan. 3, 1973, to recommend further adjustments, including possible extension of the repeal to cover House candidates as well.

The text of the amendment follows:

AMENDMENT OFFERED BY MR. VAN DEERLIN TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS TO H.R. 11060

(Page and line references to Macdonald amendment)

Page 2, strike out line 18 and all that follows down through line 5 on page 3, and insert in lieu thereof the following:

"PARTIAL REPEAL OF EQUAL-TIME REQUIREMENTS; STUDY

"SEC. 103. (a)(1) The first sentence of section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: ', except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States, or a legally qualified candidate for the office of United States Senator, in a general election'.

"(2) The second sentence of such section is amended by striking out 'any such candidate' and inserting in lieu thereof 'any legally qualified candidate for public office'.

"(b) The Federal Communications Commission shall conduct a study to determine what safeguards may be necessary to assure reasonable access to broadcasting stations by legally qualified candidates for Federal elective office following the repeal of section 315(a) of the Communications Act of 1934 in the case of general elections for such offices. Not later than January 3, 1973, the

Commission shall submit its recommendations for implementing legislation to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Commerce of the United States Senate."

FEDERAL JUDGES ON TRIAL BY THEIR PEERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. RARICK. Mr. Speaker, experience teaches us that we must go to the source to find out the cause of the problem. If something goes wrong with the plumbing in our house, we seek the advice and aid of a plumber; we certainly do not expect a lawyer to know that much about the inner workings of a drainpipe.

Likewise, if we are convinced that a problem exists in our Nation's judicial system—and I am—we should go to a jurist for his opinions and his advice. In doing so, we certainly might find a solution to our problems.

Two recent articles from the liberal Washington newspapers carry interesting comments by various members of the legal profession—lawyers and fellow jurists—accusing their extreme liberal, left-wing, pseudointellectual brethren of "trying to 'wrench' far-reaching social changes without regard to the facts, the law or the principle of the separation of powers."

Judge Edward A. Tamm of the U.S. Circuit Court of Appeals, writing for himself and his colleague Judge Wilbur K. Miller, accused their colleague on the appeals court bench, Judge Skelly Wright, of practicing liberalism for the sake of liberalism, without regard to the law. Judge Tamm's comments are worth noting as an indication of what is essentially wrong with the American judicial system:

The practice of choosing the philosophically eclectic, rather than the established legal precedents, is unfortunately a pursuit of abstract liberalism for its own sake, rather than an adjudication of the law governing an individual case.

I include related news articles detailing the observations of American jurists on the problems confronting the judiciary at this point in the RECORD:

[From the Washington Star, Nov. 16, 1971]

TWO COLLEAGUES ASSAIL WRIGHT

(By Betty James)

Two judges on the U.S. Court of Appeals for the District have accused Judge J. Skelly Wright and other colleagues not named of trying to "wrench" far-reaching social changes without regard to the facts, the law or the principle of the separation of powers.

In a scathing opinion on the recording of deeds with racially restrictive covenants, Judge Edward A. Tamm wrote for himself and Judge Wilbur K. Miller:

"The practice of choosing the philosophically eclectic, rather than the established legal precedents, is unfortunately a pursuit of abstract liberalism for its own sake, rather than an adjudication of the law governing an individual case."

Wright dissented in the case, decided by the three-judge panel.

Wright is perhaps best known for his controversial decision on public schools in the District which have transformed public education here.

In another recent controversial decision of the court's liberal wing, a three-judge panel again delayed construction of the Three Sisters Bridge. The opinion in that case was written by Chief Judge David L. Bazelon.

Tamm wrote, in the deed case, "The dangerous illusion that the courts, upon the pretext of ruling upon a particular case, may articulate with great sympathy and understanding upon all of the social evils of the nation, is implausibly fashionable in some areas of judicial rulings, with a resulting horrible economy of law."

The rulings presumably are made more acceptable by using such euphemisms as civil rights, constitutional rights, discrimination and the public interest, regardless of whether the record contains factual data supporting the conclusion, Tamm said.

Of Wright's dissent, Tamm wrote, "The vigor of our dissenting brother requires us, reluctantly, to point out, respectfully, his unfortunate failure to distinguish between the facts in this record and the fluency of his self-created rhetoric upon which he bases his erroneous conclusion."

The suit in which the opinion was filed contended that the District recorder of deeds' actions in filing deeds with restrictive covenants was in violation of the 5th Amendment and the Fair Housing Act of 1968. Filed as a class action by the American Civil Liberties Union, the suit was rejected by District Court and again in the latest opinion.

Although the covenants are still attached to some deeds, they haven't been enforceable since 1948 when the Supreme Court outlawed them.

Tamm said the recorder of deeds isn't giving the approval of the state to the contents of deeds filed.

"The recorder, the cold steel safety deposit box of the real estate industry, merely preserves documents," he said.

He asserted: "We reach our decision somewhat reluctantly. . . . We firmly believe the legal result of this case to be correct. . . . This, however, is not to say there is no remedy for an unfortunate situation. It merely means the remedy sought is beyond the ken of the judiciary. . . . Restrictive covenants . . . do not find favor with this court."

Congress has the power to deal with the problem, Tamm said.

In his dissent, Wright declared that Congress already has passed a series of civil rights laws, including the fair housing legislation, that are applicable. Tamm said the thrust of the wording of the fair housing statute is toward advertising in the market place.

The same arguments that persuaded Tamm and Miller were found by Wright to be "lame excuses for denial of racial justice which the Supreme Court rejected long ago."

He declared, "The evils emanating from governmental acceptance of housing discrimination permeate our entire society. Generations of governmental participation in racial zoning have yielded a bitter harvest of racially segregated schools, unequal employment opportunity, deplorable overcrowding in our center cities, and virtually intractable racial polarization."

Defending himself against the charge of trying to "wrench far-reaching social changes" at the expense of separation of powers, Wright contended "under our law the judiciary, too, has the obligation of enforcing constitutional rights."

[From the Washington Post, Oct. 17, 1971]

THE BAZELON OPINIONS: NO ONE IS EVER NEUTRAL

(By Sanford J. Ungar)

On David Lionel Bazelon, the most powerful judge in Washington below the Supreme Court and the constant focus of controversy, nobody is neutral.

Says a prominent Washington lawyer: "I think that Bazelon is a first-rate craftsman in the way he analyzes and interprets legal theories and precedents. He is not given to careless or off-the-cuff decisions."

On the other hand, this is the view of one U.S. District Court judge: "I think that Bazelon is one of the worst things that has ever happened to the administration of criminal justice in Washington. I don't even read his opinions anymore."

The attorney, a leading civil libertarian, was commenting in the contexting of several recent decisions from the U.S. Court of Appeals for the District of Columbia with which he was pleased. In some of those, Chief Judge David L. Bazelon had been on the three-judge panel of the court.

The judge made his remarks to a reporter just as he received a copy of an appellate decision reversing a criminal conviction because of an alleged error on his part during the trial. Bazelon was a member of the panel.

But even without the exhilaration of victory of the humiliation of reversal, their observations would be characteristic for their lack of moderation.

A debate over Bazelon's judicial philosophy and his activist role, which has gone on intermittently almost since he first took the bench here in 1949, recently started up again.

In the last three months alone, he wrote or joined in appellate decisions that:

Held the D.C. government responsible, legally and financially, for the alleged misconduct of any police officer who might have been improperly trained or instructed.

Reversed the conviction of a narcotics offender because the trial judge would not admit testimony on the amount of heroin or cocaine required to satisfy an addict's daily habit.

Struck down almost everything the government had done to prosecute the 12,000 people arrested here last spring during the May-day antiwar demonstrations.

Ended use here of the "Allen Charge" traditionally employed to end deadlocked juries back for a decision on whether a defendant is guilty of a crime.

Ordered reconsideration of a lower court's ruling that the Atomic Energy Commission's plan for a major underground nuclear test on an Alaskan island complied with relevant laws and treaties.

Directed a complete review of the plans to build the Three Sisters Bridge across the Potomac River between Georgetown and Arlington, sharply criticizing a cabinet member and a congressman in the process.

During the same period, he also was active on a few other judicial matters.

Bazelon dissented angrily from a Court of Appeals opinion that affirmed the conviction of a juvenile whose records had been lost by the court considering the case.

To the dismay and public objections of some of his colleagues, he named a committee of the Judicial Conference of the District of Columbia to study the police and government response to the Mayday protests.

In another dissent, he accused his fellow judges of "sweeping (problems) under the rug" by deciding not to rehear a case involving the insanity defense in Washington before the full Appellate Court of nine judges.

All the while, of course, Bazelon remained a member of the committee on child development of the National Academy of Sciences

and of the advisory panel on legal research of the Battelle Memorial Foundation in Seattle.

He stepped down from his term on the national advisory council of the National Institute of Mental Health, but continued as a clinical professor of the legal aspects of psychiatry at the medical school of George Washington University and in a host of other—all unpaid—outside positions.

And, as he passed his 62d birthday last month, Bazelon showed no signs of slowing down or of regretting a single action he had taken.

Critics of the "Bazelon Court," as it is inevitably called, often turn first to the apparent frequency of the chief judge's appearance in major cases.

They contend that he rigs the selection of panels to sit on cases, keeping the best and most crucial ones for himself and his liberal colleagues, then writing the most important decisions.

Nathan Paulson, clerk of the Court of Appeals, insists, however, that cases are assigned among the appellate judges on a purely random basis, with the names of judges and the numbers of cases ceremonially drawn from plastic bowls and then matched as each of the eight annual sittings is set up.

Statistics compiled by Paulson for fiscal 1971 also indicate that each member of the court sat on about the same number of cases, between 115 and 125, and that opinions were evenly distributed as well.

Court observers and those who have worked closely with Bazelon during his 22 years on the bench are adamant that he does nothing that any other judge could not do, finding great issues in run-of-the-mill criminal appeals.

Even at the example of slowing down some appeals, he also has insisted on appointing a new lawyer at the appellate level who might uncover mistakes made by the one who originally represented the defendant at trial.

Bazelon is known for being tough on the trial judges whose work he reviews.

"He simply will not be swayed by the argument that the District judge tried hard or that he is a nice guy or that the case is an old one that doesn't matter much anyway," said one apostle of Bazelon last week.

To the argument that Bazelon was never a trial judge and therefore cannot understand the inherent problems in some cases, his defenders respond that this is a good thing, which maintains balance in appellate standards.

For the past year or so, Bazelon's leadership on the Court of Appeals here—because of its unusual jurisdiction over direct appeals from federal regulatory commissions, the most powerful of the 11 in the nation—has been increasingly challenged.

Few people expect the three conservative judges named by President Nixon to be in accord with Bazelon very often, but other, more surprising disputes have also appeared.

Judge Harold Leventhal, for example, considered a Bazelon ally from the moment he was named to the court by President Johnson in 1965, has publicly disagreed with the chief judge on a number of occasions, sometimes stating his reasons in writing even when not required to do so.

Among the 15 federal District judges over whom the Court of Appeals has jurisdiction, there probably are 15 different views of Bazelon.

Respecting judicial etiquette, none will discuss him on the record. The judge quoted above was willing to make it clear privately, however, that he considers some Bazelon opinions ridiculous. Another complained that his style is too harsh. But a third District judge stated flatly: "I think he's terrific."

Some observers contend that after years of criticism and the 1970 D.C. crime act, which gradually removes much of the Court of Appeals' criminal jurisdiction, Bazelon himself has become more cautious.

Judge J. Skelly Wright, whose opinions as a rule are more rhetorical and often go further, has gradually taken over leadership of the court's liberal bloc, they argue.

Regardless of who is more liberal, critics say, Bazelon is so activist that he permits a partisan political attitude to influence many of his decisions.

But one wistful supporter of Bazelon suggested that if the chief judge is making mistakes, they are in the opposite direction—that he is being too careful.

He cited Bazelon's vote with a unanimous appellate panel last spring against freeing Leslie Bacon, who was arrested here, and charged as a material witness in the bombing of the U.S. Capitol. Miss Bacon was sent in custody to testify before a federal grand jury in Seattle.

Only recently, the Ninth U.S. Circuit Court of Appeals in San Francisco, more bold than Bazelon and his colleagues on this point, ruled that Miss Bacon had been held illegally last spring.

In almost all of the recent controversial cases, they maintain, he merely has insisted that government agencies toe the line as spelled out in specific statutes.

The chief judge characteristically refuses to discuss his decisions in public.

But some legal scholars who have reviewed Bazelon's entire career insist that, despite popular usage of the term to describe conservative judges, he is the epitome of the "strict constructionist."

Sources close to Bazelon say that he set out some major guidelines of his current judicial philosophy, as it applied to civil and administrative cases, in a decision last January directing the Environmental Protection Agency to reconsider banning the pesticide DDT.

"Courts are increasingly asked to review administrative action that touches on fundamental interests in life, health and liberty," Bazelon wrote.

He proclaimed "a new era in the history of that long and fruitful collaboration of administrative agencies and reviewing courts." But in that new era, Bazelon warned, courts no longer will "bow to the mysteries of administrative expertise."

Others suggest that Bazelon's philosophy is more aptly summarized on the underside of a china turtle on his desk at the U.S. Courthouse.

"Consider the turtle," it reads. "He makes progress only when his neck is out."

MOORHEAD FOR HOUSE VERSION OF CANCER BILL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. MOORHEAD. Mr. Speaker, due to pressing business in my district, I was not able to be in the Chamber on Monday, when the House passed several bills under a suspension of the rules.

I would like to go on record as saying had I been present and voting yesterday, I would have voted for the House version of the Cancer bill and for the other bills which passed under a suspension of the rules.

ILLEGAL IMMIGRATION

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. McDONALD of Michigan. Mr. Speaker, numerous factors have been cited in the past year or so to explain the rising unemployment rate in the United States.

Some have attributed it to the winding down of the war. Others have cited sluggishness in the construction field or the adverse impact of cheap imports on American industry.

One factor that has received little attention is the growing tide of illegal immigration into the United States, particularly from Mexico and the Caribbean.

This added, illicit burden on the economy has brought us much cheap labor, perhaps as many as 2 million persons. But it has resulted in the loss of jobs by Americans and it has swollen our welfare rolls. Richard Starnes of the Scripps-Howard Newspapers recently wrote a well-researched indepth analysis of the problem of illegal immigration and what it means to the American economy. His article, which appeared locally in the Washington Daily News, and a column on the subject by the same writer should be read thoughtfully by every member of the House. Something must be done.

The article and column follow:

A SCRIPPS-HOWARD SPECIAL REPORT

(By Richard Starnes)

WASHINGTON, Nov. 8.—A growing torrent of illegal immigrants has all but overwhelmed the U.S. Immigration and Naturalization Service and has spread bitterness and demoralization through the ranks of the men who police America's borders.

Although a number of short-term causes of the influx have been identified—notably drought and depression in Caribbean and Latin American countries—some observers are alarmed that the first wave of one of the great migrations of history may actually be under way.

If that is happening, these sources say, dramatic and far-reaching changes affecting the way the United States guards its borders inevitably are in store.

Whatever the causes, the human wave of illegal aliens has reached crisis proportions. In a growing controversy where little agreement can be found, there is general agreement on this point among the Immigration and Naturalization Service (INS) and its critics.

During the 1971 fiscal year ending last June 30, INS enforcement personnel intercepted and turned back 412,000 persons who had succeeded in crossing the border illegally. This was 23 percent greater than the total for the previous year, nearly 60 per cent over the 1969 fiscal year.

But even though this army of illegal immigrants was turned back, there are likely between one million and two million illegal aliens remaining in the U.S., holding jobs, using welfare services, and every month sending unknown—but clearly enormous—sums to kin back home in their native lands.

Eighty five per cent of the illegal immigrants who are intercepted are Mexican. This fact causes dismay among students of immigration policies and problems, for the economic and social pressures sending this

human tide against undermanned U.S. borders seem destined to grow in the decades to come.

Mexico, with one of the highest birth rates in Latin America, annually is adding about two million persons to its job market. But it is creating fewer than 200,000 jobs a year, a circumstance inexorably leading to the classic solution of hungry people throughout history: Mass migration.

"The pressure is going to increase, increase and increase," one INS source emphasized. "We are the richest nation on earth and to the south we have a chronically depressed, under-developed, overpopulated country of 50 million that is separated from the United States by a badly undermanned border.

"And on the north, between the United States and Canada there is a 2,000-mile border that is virtually unguarded. In fact, there are more than 200 roads that cross the Canadian-U.S. border that have no inspection stations at all."

Another growing problem, and one likely to become worse as over-population and economic recession deepen in emerging island republics is illegal immigration from the Caribbean.

"In Trinidad, just for one example," an INS source noted, "there is unemployment upward of 200 per cent. No power on earth can stop a man or a woman in an economy like that from trying to find a better place. For all of them, the United States remains the promised land."

Much of illicit penetration of the U.S. borders from the Caribbean is done via Puerto Rico, a U.S. commonwealth with unlimited legal immigration to the mainland. Reaching Puerto Rico is easy from other Caribbean islands, and once there it is equally easy to assume Puerto Rican identity and hence gain easy entry to mainland America.

INS policy makers, while conceding the magnitude of the problem, insist that a huge expansion of immigration enforcement personnel will not solve it.

"I think we could have enough men to stand along the entire (Mexican-U.S.) border holding hands and not stop the influx," James Greene, INS chief of operations, says.

INS officials use words such as "hysteria" and "propaganda" to describe the growing alarm over illegal immigration, and Greene is blunt in saying "a good deal of it is generated by the unions."

The unions representing INS and Border Patrol personnel quickly admit they are doing so. Edward Kavazanjian, an INS criminal investigator for ten years and national liaison officer of the INS National Council of the American Federation of Government Employes (AFGE), is an outspoken critic of the present administration of INS. Among the charges he made during an interview:

Faced with an incredibly escalating problem, INS now has fewer enforcement personnel than ever before.

Illegal immigration across U.S. borders is "uncontrolled", principally due to "the general disintegration and disorganization of INS."

"Organized smuggling rings are now in full operation on both the Canadian and Mexican borders, relatively untouched by our feeble anti-smuggling efforts."

Systematic counterfeiting of immigration documents is widespread.

Guardedly, INS admits that some of these charges are true (although it stoutly disputes the magnitude of the problem). Where INS and its guardians in Congress differ sharply with critics of the Immigration Service is in the remedies that should be applied. Additional manpower, they insist, is not the answer.

"We would much rather see the economic incentive for illegal immigration removed," Greene declares. "Although it is now a violation of the law to smuggle, harbor or assist an illegal immigrant, it is not against the law to give him a job. We want to see that changed."

(This quirk in immigration laws led last month to an embarrassing episode for the Nixon Administration. In Gardena, Calif., INS agents raided a food packing plant owned by Mrs. Romana Banuelos, who is U.S. Treasurer-designate, and arrested 36 illegal aliens who were working there.

(Mrs. Banuelos, who was in the plant at the time, said she did not know illegal aliens were employed by her company, and charged the raid was "an attempt by Democrats to block my nomination as Treasurer of the United States." The White House quickly pointed out that there is no law against employing illegal aliens.)

INS refuses to speculate on the number of illegal immigrants now in this country, or on the number that may be employed. The unions, however, insist the number working exceeds one million, and extrapolates from that estimate the guess that each year these aliens are exporting hundreds of millions of dollars to Mexico and elsewhere, thus contributing to U.S. balance of payments problems.

Both AFGE and INS spokesmen are also bitterly critical of the Social Security Administration, which, they say, issues Social Security cards to any applicant without demanding proof of citizenship.

Also contributing significantly to the problem of illegal immigration is the foreign visitor who may enter the country illegally, as a tourist or a student, but who at the end of his legal stay does not return to his homeland but vanishes into the U.S. economy.

"When a visitor or student steps off the airplane," said one angry INS enforcement official, "we are required to grant him a six-month permit. We can't demand proof of ability to support himself, we can't even demand that he produce a return ticket home. Thousands of these legal visitors immediately violate the terms of their visas by going out and taking jobs away from American workers.

"And it is a mistake to assume they take nothing but menial work. We conducted raids on a number of Catskills (N.Y.) Borscht circuit hotels last summer and arrested 30 Brazilian illegal immigrants who were holding jobs as chefs and waiters paying $200 to $300 a week. One of them had $6,000 in the bank."

Another INS agent, in New York's woefully overburdened district office, noted bitterly that last month there was less than 5,000 available for detention and deportation of illegal immigrants.

"One of our criminal investigators arrested a man last week that he had been hunting for two years on a fraudulent passport charge. He was ordered by the District Inspector to release the man for voluntary deportation, presumably because there wasn't money enough to keep him locked up."

(Under "voluntary deportation" orders an alien is simply told to return to his homeland, usually within 30 days. But many do not, and INS rarely has the manpower to follow up the cases.)

Although Mexicans numerically constitute the overwhelming bulk of illegal immigrants, some INS officers are more concerned over the less numerous but potentially more troublesome problem by other nationals.

"Thousands of Communist Chinese seamen have jumped ship in Vancouver and Montreal," an INS official said, "and have been smuggled across the border. They're working now in the United States—and posing a potential threat to national security."

Rep. Richard C. White, D-Tex., whose district includes El Paso, a place where many INS and border Patrol personnel are stationed, has become a bitter critic of immigration policies, echoing union charges that the agency is understaffed and poorly managed.

In a blast at INS last month, White charged illegal aliens were taking jobs from U.S. citizens, were "undercutting American wages," overburdening relief rolls, and themselves being victimized by smuggling rings, unscrupulous employers, and "are often driven to law-breaking in order to make a living."

These conditions exist, White charged, "principally because the directors of the Immigration and Naturalization Service and Border Patrol have by dereliction of duty or by incredible ignorance failed to ask for sufficient funds from Congress . . ."

A few days later Rep. John J. Rooney, D-N.Y., who oversees INS funds in the House Appropriations Committee, came to the defense of the agency, declaring that Rep. White "expertly exaggerated" the situation. Rooney joined INS spokesmen in urging passage of a law making it a crime to give work to illegal immigrants.

"The present major incentive (to illegal immigration) is economic in nature," he said. "Employment (here) offers seven times the wages for equivalent work in Mexico. Employers in Texas find such help beneficial, because the workers are tractable, they will work for less than organized labor, and are not demanding as to fringe benefits and working conditions."

Rooney urged White and other critics of the illegal immigration and INS' role in halting it to join in support of a bill, now pending in House and Senate, which would prohibit hiring of aliens who are here illegally.

ON ENDING THE INFLUX

(by Richard Starnes)

An enormous increase in illegal immigration has led to an alarming breakdown in this country's ability to police its borders, and to intercept and deport aliens who are wrongfully in the United States.

An account by Scripps-Howard reporter Richard Starnes offers these dismaying figures:

In the 12 months ending last June 30, U.S. Immigration and Naturalization Service (INS) arrested and sent home some 412,000 illegal immigrants. But qualified observers estimate that between one million and two million more have eluded INS and have vanished into the U.S. economy.

Virtually all these illegal immigrants come here seeking work. Many take jobs at substandard wages and work under conditions approaching peonage. They are often exploited by unscrupulous employers, and, of course, they are afraid to seek redress in the law. A tremendous number of illegal immigrants send a sizeable percentage of their wages to kin in their native lands, adding significantly to the U.S. balance of payments embarrassment.

Illegal immigrants also contribute to the unemployment of American workers, particularly in unskilled areas where joblessness is most acute. In cities such as New York, Chicago and Los Angeles (three principal havens for illegal immigrants) these unfortunate men and women are a drain on welfare rolls and other social services.

INS tacitly concedes these facts, although it demurs at fixing any firm figure on the number of illegals remaining in the country. But—in a fashion wholly uncharacteristic of bureaucracy—the agency is resisting any substantial growth in its enforcement personnel. Its critics, a group which includes a number of veteran immigration officers, charge INS is a badly managed, barnacle-encrusted oldline bureaucracy with too few people and a bad case of paralysis.

The problem, moreover, seems destined to become worse. The bulk (85 per cent) of illegal immigration comes from Mexico, where the people live in a cruel vise of overpopulation, drought and poverty. In Mexico as well as elsewhere in Latin America, the pressure is bound to grow worse.

In its own defense INS makes two valid points.

First, it is obvious foolishness for the Government to issue Social Security cards to aliens who cannot legally take work in this country, and Congress should forbid the practice. It is not unduly burdensome to require proof of citizenship (a birth certificate would do) as a condition of obtaining a Social Security card.

Equally important, a gaping loophole in the immigration law must be closed. It is illegal for an American citizen to smuggle or to aid or harbor an illegal immigrant. And the alien who works without proper authority is breaking the law. But the American who hires an illegal immigrant breaks no law. This must be changed. A bill now in the Congress provides criminal penalties for employers who knowingly hire illegal immigrants, and it is a measure deserving support.

But even if these changes can be made, it seems plain enough that INS itself badly needs revamping and revitalization. Congress (which also has before it an omnibus immigration bill that it may get around to debating in a year or so) should give serious consideration to a broad investigation of INS, its policies and personnel, and its ability to deal with a grave national problem.

HUNGARIAN FREEDOM FIGHTERS DAY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. BEGICH. Mr. Speaker, on the 21st of October, William A. Eagan, Governor of Alaska, proclaimed October 23, 1971, Hungarian Freedom Fighters Day. This effort is one designed to express the people of Alaska's support of the spirit and drive for freedom shown by the people of Hungary during their revolution of 15 years ago that was to be later crushed by Communist totalitarianism.

It is the duty of the citizens of the United States, as the leaders of freedom in the world, to show their support for those struggling to throw off the oppressive chains of communism. We must keep the desire for self-determination and freedom alive in these people so they may someday attain the fundamental human rights deserving to all men.

The people of Alaska wish the people of Hungary to know that we, as Americans, support them in their desire for freedom.

I am inserting a copy of the proclamation for the inspection of my colleagues.

PROCLAMATION—HUNGARIAN FREEDOM FIGHTERS' DAY

The people of Alaska are sympathetic toward the efforts of the people of Hungary to free themselves from the chains of communist totalitarianism, and we, in America, are reminded of our commitment to the purposes of the Hungarian Revolution by the presence of nearly fifty thousand refugees within the borders of the United States.

October 23, 1971, will mark the 15th anniversary of the day that the people of Hungary won their freedom, later to be crushed. It is of crucial importance for us, as Americans, to morally sustain the hope and faith of the Hungarians, and all captive peoples in their eventual freedom.

The freedom loving people of Hungary look to the United States as the citadel of human freedom, to the people of the United States as leaders in bringing about their freedom and independence. It is incumbent upon us free citizens to appreciatively recognize that the people of Hungary, with those others who share their destiny, constitute not only a primary deterrent against a global war and further aggression, but also a prime positive means for the advancement of world freedom.

The people of Alaska wish to express their dismay over the denial of fundamental human rights and self-determination to the people of Hungary.

Therefore, I, William A. Egan, Governor of Alaska, do hereby proclaim Saturday, October 23, 1971, as Hungarian Freedom Fighters' Day and urge that all of our citizens pay special tribute to these loyal and brave people by studying the plight of Hungary and recommitting themselves to the just aspirations of the Hungarians.

COMMUNIST CHINA AT THE U.N.

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. CRANE. Mr. Speaker, prior to the admission of Communist China to the United Nations, those who opposed this step argued that were the Communist Chinese to join and participate in that organization they would do so on their own terms. They would not adhere to the Charter's declaration of human rights, nor would they agree to renounce the use of force. They would, it was argued, simply subvert that organization and turn it into a forum which might be used to foment violent revolution. It would no longer be, even in name, an organization devoted to peace.

While it may be too soon to make any definitive statement in this regard, the first formal statement at the U.N. by the representative of the Peking government seems to support fully the arguments set forth by those who opposed its admission.

Rather than state its dedication to peace, the chief Chinese delegate, Chiao Kuan-hua, declared that—

> The Chinese people are determined to liberate Taiwan and no force on earth can prevent us from doing so.

He stated that rather than peace,

> Countries . . . want liberation and the people want revolution. This has become an irresistible trend of history.

The Chinese delegate did not seek in any sense to temper his words. He accused the United States of "aggression" in Vietnam and with regard to the Middle East he stated that—

> The essence of the Middle East question is aggression against the Palestinian and other Arab peoples by Israeli Zionism.

Instead of arguing in behalf of a world at law, an ideal to which the United Nations is dedicated, the Chinese delegate expressed his support for guerrilla movements in Mozambique, Angola, Portuguese Guinea and South West Africa.

After reading the speech of Chiao Kuan-hua it seems that the Peking government is more dedicated than ever to the precept of Mao Tse-tung that "Power comes out of the barrel of a gun." How the United Nations will fare as an organization dedicated to peace while it includes in its number a nation which openly proclaims its support for violence is difficult to tell.

I wish to share Mr. Chiao Kuan-hua's speech with my colleagues, and request its insertion into the RECORD at this time.

[From the New York Times, Nov. 16, 1971]

TEXT OF POLICY STATEMENT BY CHINESE DELEGATE BEFORE GENERAL ASSEMBLY OF U.N.

UNITED NATIONS, N.Y.—Following is the text of the address delivered in the General Assembly today by the chief Chinese representative, after speeches by other delegates welcoming the Peking delegation to the United Nations.

CHIAO KUAN-HUA, CHINA

Mr. President, fellow representatives:

First of all, allow me in the name of the delegation of the People's Republic of China to thank you, Mr. President, and the representatives of many countries for the welcome they have given us.

Many friends have made very enthusiastic speeches expressing their trust in as well as encouragement and fraternal sentiments for the Chinese people.

We are deeply moved by this and we shall convey all this to the entire Chinese people.

It is a pleasure for the delegation of the People's Republic of China to be here today to attend the 26th session of the General Assembly at the United Nations and to take part together with you in the work at the United Nations.

ROLE AS FOUNDER IS RECALLED

As is known to all, China is one of the founding members of the United Nations. In 1949 the Chinese people overthrew the reactionary rule of the Chiang Kai-shek clique and founded the People's Republic of China.

Since then the legitimate rights of China in the United Nations should have gone to the People's Republic of China as a matter of course.

It was only because of the obstruction by the United States Government that the People's Republic of China was deprived of its legitimate rights for a long time and that the Chiang Kai-shek clique, long repudiated by the Chinese people, was able to usurp China's lawful seat in the United Nations.

This was a gross interference in China's internal affairs as well as a willful trampling on the Charter of the United Nations. Now such an unjustifiable state of affairs has finally been put right.

On Oct. 25, 1971, the current session of the General Assembly of the United Nations adopted by an overwhelming majority the resolution restoring to the People's Republic of China all its lawful rights in the United Nations and expelling forthwith the representatives of the Chiang Kai-shek clique from the United Nations and all the organizations related to it.

BANKRUPTCY OF POLICIES OF HOSTILITIES

This proves the bankruptcy of the policies of hostility towards the Chinese people and of isolating and imposing a blockade upon them. This is the defeat of the plan of the United States Government in collusion with the Sato Government of Japan to create two Chinas in the United Nations.

This is a victory for Chairman Mao Tsetung's revolutionary line in foreign affairs; this is a common victory for the people all over the world.

Upholding principle and justice the sponsor countries for the resolution—Albania, Algeria, Burma, Ceylon, Cuba, Equatorial Guinea, Guinea, Iraq, Mali, Mauritania, Nepal, Pakistan, the People's Democratic Republic of Yemen, the People's Republic of the Congo, Rumania, Sierra Leone, Somalia,

the Sudan, Syria, the United Republic of Tanzania, the Arab Republic of Yemen, Yugoslavia and Zambia—have made unremitting and fruitful efforts to restore China's legitimate rights in the United Nations.

Many friendly countries which supported this resolution have also made contributions to this end.

Some other countries have expressed their sympathy for China in various ways.

On behalf of the Chinese Government and the people I express heartfelt thanks to the government and the people of all these countries.

Twenty-six years have elapsed since the founding of the United Nations. Twenty-six years are but a brief span in human history. Yet, during this period profound changes have taken place in the world situation.

When the United Nations was first founded there were only 51 member states and now the membership has grown to 131.

Of the 80 members that joined later, the overwhelming majority are countries which achieved independence after World War II.

SEES A TIDE OVER 20 YEARS

In the past 20 years and more, the peoples of Asia, Africa and Latin America have waged unflinching struggles to win and safeguard national independence and oppose foreign aggression and oppression. In Europe, North America and Oceania, too, mass movements and social tides for the change of the present state of affairs are rising. An increasing number of medium and small countries are uniting to oppose the hegemony and power politics practiced by the one or two superpowers and to fight for the right to settle their own affairs as independent and sovereign states and for equal status in international relations.

Countries want independence, nations want liberation and the people want revolution. This has become an irresistible trend of history.

Human society invariably makes constant progress, and such progress is always achieved through innumerable revolutions and transformations. Take the United States, where the United Nations headquarters is situated. It was owing to the victory of the Revolutionary War of 1776 led by Washington that the American people won independence. And it was owing to the great Revolution of 1789 that the French people rid themselves of the yoke of feudalism. After mankind entered the 20th century, the victory of the 1917 Russian October Socialist Revolution led by the great Lenin opened up a broad path to freedom and liberation for the oppressed nations and peoples of the world.

The advance of history and social progress gladdens the hearts and inspires the peoples of the world and throws into panic a handful of decadent reactionary forces who do their utmost to put up desperate struggles. They commit armed aggression against other countries, subvert the legal governments of other countries, interfere in other countries' internal affairs, subject other countries to their political, military and economic control and bully other countries at will.

REVOLUTION SEEN AS THE MAIN TREND

Since World War II, no new world war has occurred, yet local wars have never ceased. At present, the danger of a new world war still exists, but revolution is the main trend in the world today. Although there are twists and turns and reverses in the people's struggles, adverse currents against the people and against progress, in the final analysis, cannot hold back the main current of the continuous development of human society.

The world will surely move toward progress and light, and definitely not toward reaction and darkness.

Mr. President and fellow representatives, the Chinese people have experienced untold sufferings under imperialist oppression. For one century and more, imperialism repeatedly launched wars of aggression against China and forced her to sign many unequal treaties. They divided China into their spheres of influence, plundered China's resources and exploited the Chinese people. The degree of poverty and lack of freedom suffered by the Chinese people in the past are known to all.

CAPABLE OF STANDING ON HER OWN FEET

In order to win national independence, freedom and liberation, the Chinese people, advancing wave upon wave in a dauntless spirit, waged protracted heroic struggles against imperialism and its lackeys and finally won the revolution over the leadership of their great leader, Chairman Mao Tse-tung, and the Chinese Communist party. Since the founding of the People's Republic of China, we, the Chinese people, defying the tight imperialist blockades and withstanding the terrific pressures from without, have built our country into a socialist state with initial prosperity by maintaining independence and keeping the initiative in our own hands and through self-reliance. It has been proved by facts that we, the Chinese nation, are fully capable of standing on our own feet in the family of nations.

Taiwan is a province of China and the 14 million people who live in Taiwan are our fellow-countrymen by flesh and blood. Taiwan was already returned to the motherland after World War II in accordance with the Cairo Declaration and the Potsdam Proclamation, and our compatriots in Taiwan already returned to the embrace of their motherland.

The U.S. Government officially confirmed this fact on more than one occasion in 1949 and 1950, and publicly stated that the Taiwan question was China's internal affair and that the U.S. Government had no intention to interfere in it.

UNITED STATES WENT BACK ON ITS OWN WORDS

It was only because of the outbreak of the Korean war that the U.S. Government went back on its own words and sent armed forces to invade and occupy China's Taiwan and the Taiwan Straits, and to date they are still there. The spreading in certain places of the fallacy that "the status of Taiwan remains to be determined" is a conspiracy to plot "an independent Taiwan" and continue to create "two Chinas." On behalf of the Government of the People's Republic of China, I hereby reiterate that Taiwan is an inalienable part of China's territory and the U.S. armed invasion and occupation of China's Taiwan and the Taiwan Straits cannot in the least alter the sovereignty of the People's Republic of China over Taiwan, that all the armed forces of the United States definitely should be withdrawn from Taiwan and the Taiwan Straits and that we are firmly opposed to any design to separate Taiwan from the motherland. The Chinese people are determined to liberate Taiwan and no force on earth can stop us from doing so.

Mr. President and fellow representatives, the Chinese people who suffered for a long time from imperialist aggression and oppression have consistently opposed the imperialist policies of aggression and war and supported all the oppressed peoples and nations in their just struggles to win freedom and liberation, oppose foreign interference and become masters of their own destiny. This position of the Chinese Government and people is in the fundamental interests of the peoples of the world and is also in accord with the spirit of the United Nations Charter.

The United States Government's armed aggression against Vietnam, Cambodia and Laos and its encroachment upon the territorial integrity and sovereignty of these three countries have aggravated tension in the Far East, and met with strong opposition of the people of the world, including the American people.

The Chinese Government and people firmly support the peoples of the three countries of Indochina in their war against U.S. aggression and for national salvation and firmly support the Joint Declaration of the Summit Conference of the Indochinese Peoples and the seven-point peace proposal put forward by the provisional revolutionary government of the Republic of South Vietnam. The U.S. Government should withdraw immediately and unconditionally all its armed forces and the armed forces of its followers from the three countries of Indochina so that the peoples of the three countries may solve their own problems independently and free from foreign interference; this is the key to the relaxation of tension in the Far East.

To date, Korea still remains divided. The Chinese people's volunteers have long since withdrawn from Korea but up to now the U.S. troops still remain in South Korea. The peaceful unification of their fatherland is the common aspiration of the entire Korean people. The Chinese Government and people firmly support the eight-point program for the peaceful unification of the fatherland put forward by the Democratic People's Republic of Korea in April this year and firmly support its just demand that all the illegal resolutions adopted by the United Nations on the Korean question be annulled and the "United Nations Commission for the Unification and Rehabilitation of Korea" be dissolved.

The essence of the Middle East question is aggression against the Palestinian and other Arab peoples by Israeli Zionism with the support and connivance of the superpowers. The Chinese Government and people resolutely support the Palestinian and other Arab peoples in their just struggle against aggression and believe that, persevering in struggle and upholding unity, the heroic Palestinian and other Arab peoples will surely be able to recover the lost territories of the Arab countries and restore to the Palestinian people their national rights.

The Chinese Government maintains that all countries and peoples that love peace and uphold justice have the obligation to support the struggle of the Palestinian and other Arab peoples, and no one has the right to engage in political deals behind their backs, bartering away their right to existence and their national interest.

The continued existence of colonialism in all its manifestations is a provocation against the peoples of the world. The Chinese Government and people resolutely support the people of Mozambique, Angola, and Guinea (Bissau) in their struggle for national liberation, and resolutely support the people of Azania, Zimbabwe and Namibia in their struggle against the white colonialist rule and racial discrimination. Their struggle is a just one, and a just cause will surely triumph.

The independence of a country is incomplete without economic independence. The economic backwardness of the Asian, African and Latin-American countries is the result of imperialist plunder. Opposition to economic plunder and protection of national resources are the inalienable sovereign rights of an independent state.

CHINA BACKWARD, BUT DEVELOPING

China is still an economically backward country as well as a developing country. Like the overwhelming majority of the Asian, African and Latin-American countries, China belongs to the Third World. The Chinese Government and people resolutely support the struggles initiated by Latin-American countries and peoples to defend their rights over 200-nautical-mile territorial sea and to protect the resources of their respective countries.

The Chinese Government and people resolutely support the struggles unfolded by

the petroleum-exporting countries in Asia, Africa and Latin America as well as various regional and specialized organizations to protect their national rights and interests and oppose economic plunder.

We have consistently maintained that all countries, big or small, should be equal and that the five principles should be taken as the principles guiding the relations between countries. The people of each country have the right to choose the social system of their own country according to their own will and to protect the independence, sovereignty and territorial integrity of their own country. No country has the right to subject another country to its aggression, subversion, control, interference or bullying. We are opposed to the imperialist and colonialist theory that big nations are superior to the small nations and small nations are subordinate to the big nations. We are opposed to the power-politics hegemony or big nations bullying small ones or strong nations bullying weak ones. We hold that the affairs of a given country must be handled by its own people, that the affairs of the world must be handled by all the countries of the world, and that the affairs of the United Nations must be handled jointly by all its member states, and the superpowers should not be allowed to manipulate and monopolize them.

The one or two superpowers are stepping up their arms expansion and war preparations and vigorously developing nuclear weapons, thus seriously threatening international peace. It is understandable that the people of the world long for disarmament and particularly for nuclear disarmament. Their demand for the dissolution of military blocs, withdrawal of foreign troops and dismantling of foreign military bases is a just one. However, the superpowers, while talking about disarmament every day, are actually engaged in arms expansion daily.

The so-called nuclear disarmament which they are supposed to seek is entirely for the purpose of monopolizing nuclear weapons in order to carry out nuclear threats and blackmail. China will never participate in the so-called nuclear disarmament talks between the nuclear powers behind the backs of the non-nuclear countries. China's nuclear weapons are still in the experimental stage. China develops nuclear weapons solely for the purpose of defense and for breaking the nuclear monopoly and ultimately eliminating nuclear weapons and nuclear war. The Chinese Government has consistently stood for the complete prohibition and thorough destruction of nuclear weapons and proposed to convene a summit conference of all countries of the world to discuss this question and, as the first step, to reach an agreement on the non-use of nuclear weapons.

PLEDGE ON NUCLEAR WEAPONS RESTATED

The Chinese Government has on many occasions declared, and now on behalf of the Chinese Government, I once again solemly declare that at no time and under no circumstances will China be the first to use nuclear weapons. If the United States and the Soviet Union really and truly want disarmament, they should commit themselves not to be the first to use nuclear weapons. This is not something difficult to do. Whether this is done or not will be a severe test as to whether they have the genuine desire for disarmament.

We have always held that the just struggles of the people of all countries support each other. China has always had the sympathy and support of the people of various countries in her socialist revolution and socialist construction. It is our bounden duty to support the just struggles of the people of various countries. For this purpose, we have provided aid to some friendly countries to help them to develop their national economies independently.

In providing aid, we always strictly respect the sovereignty of the recipient countries, and never attach any conditions or ask for any privileges. We provide free military aid to countries and peoples who are fighting against aggression. We will never become munition merchants. We firmly oppose certain countries trying to control and plunder the recipient countries by means of "aid."

AID TERMED VERY LIMITED

However, as China's economy is still comparatively backward, the material aid we have provided is very limited, and what we provide is mainly political and moral support. With a population of 700 million, China ought to make a greater contribution to human progress and we hope that this situation of our ability falling short of this wish of ours will be gradually changed.

Mr. President and fellow representatives, in accordance with the purposes of the United Nations Charter, the United Nations should play its due role in maintaining international peace, opposing aggression and interference and developing friendly relations and cooperation among nations. However, for a long period the one or two superpowers have utilized the United Nations and have done many things in contravention of the United Nations Charter against the will of the people of various countries. This situation should not continue.

We hope that the spirit of the United Nations Charter will be really and truly followed out. We will stand together with all the countries and peoples that love peace and uphold justice and work together with them for the defense of the national independence and state sovereignty of various countries and for the cause of safeguarding international peace and promoting human progress.

DAIRY IMPORTS

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. ABOUREZK. Mr. Speaker, whether one accepts the concept of import quotas or not, the fact remains that where such quotas exist, every effort should be made to plug up all possible loopholes. Since 1966, there has been a tremendous increase in dairy imports because importers have found ways of legally evading the various quotas which apply on many dairy import items. The Tariff Commission would hold hearings and presidential action would seek to close the loophole. But each time the importers would find some new means of evasion.

For example, in January 1969 a number of cheeses were placed under quota, but it was decided that any cheese in categories which cost more than 47 cents would be exempt. The idea was that these primarily represented specialty cheeses, which are not normally manufactured in the United States. But this had proven to be another loophole. By 1970 cheeses in this category accounted for 25 percent of all dairy imports and in recent months have been increasing in some instances by as much as 115 percent.

As a result of this, the President did ask the Tariff Commission to make recommendations on the problem. Hearings were held and on July 28 the Tariff Commission recommended to the President that the 47-cent price break be abolished and that a quota be established for various types of cheeses regardless of prices. Although this recommendation was made over 8 months ago, there has been no further action. In fact, importers have been expanding their imports on the assumption that when and if import quotas are imposed, they will be based on past import figures. Clearly, if imports are large, quotas will be large.

I would commend the President for asking the Tariff Commission to hold hearings and the Commission for doing so promptly. However, now that the recommendations have been made, I see no reason for the delay in implementing them.

CHILD DEVELOPMENT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. ARCHER. Mr. Speaker, I have been pleased recently to see among my colleagues a growing awareness of the hidden dangers within the OEO extension bill presently in House-Senate conference. I suspect many of my colleagues are still suffering under the delusions fostered by the schemers and supporters of this idea, namely, that it is a Federal day-care plan. Let me remind you that day care was provided for in H.R. 1. "Child development," on the contrary, is far, far more. In a recent article Stanton Evans, the editor of the Indianapolis News described it this way:

> Child development is conceived as embracing just about everything that has to do with the physical, mental, and emotional well-being of the child. Its benefits, moreover, are not to be limited to the welfare population or the working poor; they are explicitly intended to reach into every echelon of society, envisioning all American children as potential wards of government.

The very idea of the Federal Government telling parents how to raise their children is repugnant to me—and, I am confident, to American parents. Not only is it unnecessary; it is wrong. Government has no right to interfere with the natural workings of the family unit. Something is gravely amiss in our national priorities when the National Government worries more about rearing the children of decent families than about such natural and proper concerns of the Nation as national security and economic stability.

This "child development" is a multi-billion-dollar proposal—probably $10 billion in 2 years. How can we, gentlemen, even think of spending such immense sums for something not really necessary and probably a waste of the investment, or possibly even counterproductive of the investment, in that we may produce a generation of insecure and unloving Americans.

Mr. Stanton Evans' article deals more eloquently than I with the problems inherent in this legislation. I include his article from National Review Bulletin, in the RECORD at this point:

AT HOME

Bit by bit the other advocates of "social engineering" in Washington are building the

machinery required to convert America into a totalitarian society.

These are strong words but they are used with some deliberation. It has become apparent in recent months that certain theoreticians in the academic and political communities are out to achieve the most crucial goal of every totalitarian regime—to supplant the authority of the family with the power of the state, and to place the upbringing of children under the control of self-styled bureaucratic experts.

While it would be a wild exaggeration to say we are approaching the excesses practiced in Nazi Germany or the Communist nations, it is no exaggeration to say we are headed in the same direction. Running controversies over busing of schoolchildren, sex education and certain aspects of the population-control campaign reveal the pattern clearly. Plainer still is the recent drive for "child development" legislation which, carried to its logical conclusion, would intrude the power of the state into the most intimate concerns of family life. The "child development" label, in fact, is a misnomer; what we are dealing with might more aptly be described as "child control."

Bills have passed in both House and Senate which would increase and systematize federal intervention in the matter of raising children through a number of devices including "child development" programs and councils, and massive resort to day-care centers. In this pursuit, child development is conceived as embracing just about everything that has to do with the physical, mental and emotional well-being of the child. Its benefits, moreover, are not to be limited to the welfare population or the working poor; they are explicitly intended to reach into every echelon of society, envisioning all American children as potential wards of government.

Just how thorough this intervention is meant to be is suggested by the Senate committee report on the bill which says it would authorize the Federal Government "to involve itself in comprehensive physical and mental health, social and cognitive developmental services (including family consultation), specially designed programs (including after-school, summer, weekend and overnight programs); identification and treatment of physical, mental and emotional problems . . . ; prenatal services to reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation; . . . training in the fundamentals of child development for family members and prospective parents; use of child advocates to assist children and parents in securing full access to other services; and other activities."

To this end the Federal Government will solicit customers for day-care centers to watch over children, foster a network of child-development councils, local policy councils, a national center for child development, and a child-development research council. The Senate bill contained a further provision—frowned on in conference committee—for a system of "child advocacy" in which freelance trouble-shooters set up in local communities would be empowered to inquire into and take "appropriate" action concerning alleged problems of children. Just what "appropriate" action might consist of is a matter of interpretation.

The fundamental child development idea is that parents left to their own devices are incapable of raising children properly and that government must step in and supply the necessary expertise. Child developer Jacob Javits put the matter succinctly when he stated in the Senate: "We have recognized that the child is a care of the state. State law recognizes it. Federal law has recognized it in many affirmative programs. This is but the summation, the articulation, in a sophisticated way, of programs to deal with the care of children insofar as society is interested in a sound, healthy, educated and well-cared-for child."

In keeping with this view, the Senate bill itself says it is "essential that . . . such programs be undertaken as a partnership of parents, community and state and local government with appropriate assistance from the Federal Government." Just how all these levels of government got themselves dealt in as "partners" with parents in the matter of forming the emotional and psychological life of the child is not made clear. That it is and should be so is the starting assumption of people like Javits, who wants government "to see to the adequate development of the child, whatever may be his economic status, if that development is deficient."

Child-development types are particularly strong on getting hold of the child at as early an age as possible, the better to mold his psyche. One chilling quote to this effect appeared some months ago in a journal of the National Education Association, stating in a forecast for the Seventies that "as non-school preschool programs begin to operate, educators will assume formal responsibility for children when they reach the age of two. . . ." Again, the same general theme that has popped up in the controversy over busing.

The outlook for the family in all this is suggested by Dr. Urie Bronfenbrenner, a child developer and admirer of the kibbutzim in Israel, who states that "communal forms of upbringing have an unquestionable superiority over all others." He surmises that when the benefits of communal procedure are fully realized, the family "will dissolve within the context of the future social commune." So turn your calendars forward, everybody—1984 may be nearer than you think.

LANGUAGE OF HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, 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:

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 as 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.

CONGRESSWOMAN BELLA S. ABZUG TESTIFIES ON TREATMENT OF JEWS IN THE SOVIET UNION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mrs. ABZUG. Mr. Speaker, the Subcommittee on Europe of the House Committee on Foreign Affairs has been holding hearings on the treatment of Jews in the Soviet Union. The obstacles placed in the way of Soviet Jews who desire to retain their Jewish identity are many, and the pressure of American public opinion can do much to ease the situation.

The subcommittee was kind enough to invite me to express my views on the subject; in an effort to inform all of my colleagues about the situation in the Soviet Union. I include the text of my statement in the RECORD at the conclusion of my remarks.

The text follows:

STATEMENT TO SUBCOMMITTEE ON EUROPE ON TREATMENT OF JEWS IN THE SOVIET UNION

My testimony before this subcommittee of the House Foreign Affairs Committee is a natural consequence of a lifetime of involvement in the fight for human rights for all people. As a Congresswoman representing a district which in its diversity is a microcosm of New York. I am daily called upon to defend the human rights of a multi-ethnic constituency. As the only Jewish Congresswoman in the House, I am particularly sensitive to the serious problems facing the third largest Jewish community in the world—the three million Jews in the Soviet Union.

For Jews who have chosen to assimilate, there have been relatively few problems of employment and educational opportunities. But for Jews who seek to identify and live as Jews, with unrestrained access to Jewish-language and Hebrew-language cultural, religious and educational institutions, insurmountable obstacles have been placed in their way.

In the first three decades of the Soviet regime, the State supported a wide network of cultural and educational institutions and activities for Jews in Yiddish. Today, these institutions have, for the most part, been

dismantled. Only occasionally are Yiddish books published; a Yiddish literary magazine, Sovietish Heimland, appears monthly, and much of its edition of 16,000 is for export.

Soviet legal prohibitions on discrimination against religious, national and social groups are being flouted. The courageous assertion of Jewish consciousness by Soviet Jews continues to represent a remarkable phenomenon and is evidenced by the tens of thousands of young Jews who gather to sign and dance outside of the synagogues in various cities on Simchat Toral and other festivals.

Although ideologically the Soviet government is committed to atheism, formally it allows for freedom of religious worship. However, unlike other recognized religious bodies, Judaism is not permitted any central or coordinating structure, and publication of prayer books and Bibles is limited.

Jews who have sought to leave for Israel or to rejoin broken or scattered families elsewhere have encountered difficulty, harassment and imprisonment. It should be noted, however, that the Soviet Union has shown increasing evidence of its sensitivity to world opinion by easing some emigration restrictions.

During my visit to Israel recently, I was informed by government officials at an Absorption Center which provides temporary homes and training facilities for immigrants, that the number of Soviet Jews migrating to Israel has been stepped up to 1,000 per month. The expectation was that 12,000 a year would be coming from the Soviet Union, about 10,000 from the United States, with most of the others coming from Canada and Latin America.

Despite the apparent relaxation of immigration barriers by the Soviet government, many more Jews are waiting to be granted exit visas. Some are in prison or labor camps. A particularly tragic case is that of Silva Zalmanson, a young Jewish woman serving a 10-year sentence in a labor camp for allegedly participating in a plot to hijack a Russian plane. Mrs. Zalmanson is reportedly seriously ill with tuberculosis.

I have called on the Soviet government to show compassion in this case by immediately releasing this young woman and allowing her to emigrate to Israel, as appears to be her wish.

There remain, of course, millions of Soviet Jews who for many reasons will choose to stay in the Soviet Union. I feel a keen sense of responsibility to them as well. I therefore join my colleagues in urging the government of the USSR to permit its Jewish citizens the right to live as Jews and to preserve their cultural and religious heritages, or to leave for Israel or for any other country to which they wish to emigrate.

I welcome the announcement by Attorney General Mitchell several weeks ago that he intends to use his parole authority to admit as many Jews from the Soviet Union as are able to obtain exit visas and who wish to come here.

I would also like to direct the attention of this body to the very serious plight of thousands of Jews in Syria who face constant harassment and imprisonment just for being Jews. Twelve Jews were recently arrested for attempting to flee the country. Reports from Jews who have managed to escape to Israel have contained gruesome tales of torture, midnight raids upon Jewish homes, and the virtual house arrest of the Syrian Jewish population. I would hope that our government would speak out in their behalf and help them to seek refuge elsewhere.

My concern for the rights of Jews everywhere, in the Soviet Union, in Syria, in the United States, wherever they may live, requires me to condemn the terroristic acts of the Jewish Defense League, which is neither Jewish in its ethics nor anything but provocative in its actions. The JDL's demagogic misleader proves daily that he is less concerned with the plight of Soviet Jewry than he is with his oft stated attempt to rupture the detente that exists between our country and the USSR. His encouragement of terroristic and violent Acts has been a disservice both to the Jews in the Soviet Union and to the peace of the world. I am heartened by the fact that his group has been repudiated by every important leader and organization in the Jewish community, as well as by Premier Golda Meir and Ambassador Abba Eban of the State of Israel.

In conclusion, I join with the millions of people dedicated to human rights who are urging that Soviet Jews be granted all of the rights of full Soviet citizenship and be permitted the right to live as Jews or to emigrate.

THE URGENT NEED FOR CAMPAIGN SPENDING REFORM

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. PATTEN. Mr. Speaker, I was not surprised to discover that 91 percent of constituents who responded to my latest legislative questionnaire believe that an urgent need exists for campaign spending reform. No other question received such a high and overwhelming response.

Their deep concern is justified because most Americans are alarmed over the dangerous trend of having money—and not merit—determine who is to be elected to public office.

In the 1970 campaign, for example, out of the 15 major candidates running for the U.S. Senate in the seven largest States, 11 were millionaires. And according to recent estimates, spending in the 1968 campaign was 50 percent higher than in 1964—and 100 percent greater than in 1956.

Mr. Speaker, this trend toward "buying" public office must be reversed, for it not only discourages outstanding and meritorious candidates from running for public office, but also thwarts democracy itself.

That is why I cosponsored a bill on April 7, 1971, that would promote fair practices in the conduct of election campaigns for Federal elective offices.

Title 1 would amend the Communications Act of 1934 and limit campaign expenditures.

Title 2 contains amendments to the criminal code and calls for disclosure of Federal campaign funds.

And title 3 would provide tax incentives for contributions to candidates for Federal offices.

It is obvious to any realist that the Corrupt Practices Act of 1925 is not an effective or respected law and that it should be replaced with legislation that provides the reform so desperately needed in campaign spending and several other important areas.

Mr. Speaker, I strongly urge my colleagues to vote for a bill that will give candidates for public office the protection they deserve from those who believe that wealth alone qualifies them for public office. But even more important, I believe that Congress should pass legislation that will encourage not the wealthiest candidates to run for public office, but the best—in ability, in integrity, in leadership, in achievement, and in dedication.

I hope that we remember what Senator EDWARD M. KENNEDY said when he introduced the Campaign Financing and Lobbying Reform Act of 1971. A strong and consistent supporter of reform, Senator KENNEDY said:

> In an era where calls for reform are heard on many fronts, the call for reform of our election laws has gone strangely unheard. To me, however, this is where reform ought to begin, because if we cannot keep our democracy running and responsive, no amount of reform in any other area can succeed.

And I also hope that Congress remembers what today's New York Times editorial pointed out with such reason and truth:

> The integrity and responsiveness of democratic self-government are in doubt when money barricades the path to public office.

Mr. Speaker, we have the wisdom to know what is right. The question is: Do we have the courage to do what is right? I hope that we do, for more than Congress is being carefully watched this week by the American people—and perhaps the world. History will also be watching—and recording—our votes. And the conscience of every Member of Congress will be peaceful or troubled, depending on whether they vote for what is right, or for what is expedient.

I have great faith in the Congress and in the American people. I believe that Congress will do what is right and pass a strong, fair and necessary bill that will provide real campaign spending reform.

AEC CHAIRMAN JAMES R. SCHLESINGER DECLARES CANNIKIN NUCLEAR UNDERGROUND TEST SUCCESSFUL WITH NO EARTHQUAKES OR TIDAL WAVES RESULTING AND RADIATION CONTAINED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Chairman James R. Schlesinger of the Atomic Energy Commission recently gave a detailed report to the members of the Public Works Appropriations Subcommittee, of which I am honored to serve as chairman, concerning the Cannikin nuclear test under Amchitka Island in the Aleutians.

Chairman Schlesinger testified that the test was completely successful as anticipated, with full safeguards and safety insured. The 5-megaton explosion caused no tidal waves or earthquakes, as some alarmists had feared. Any radiation from the explosion was completely contained.

The Spartan missile warhead was proven as an effective instrument of national defense in the antiballistic missile system.

The AEC Chairman testified further that there was little—only minimal—damage to the environment and sug-

gested that fish in the area were not contaminated and thus safe for human consumption.

The hearing was extensive and covered all aspects of the nuclear test, and I am pleased to report that this report is most helpful and illuminating, assuring safety and security.

In this connection I place in the RECORD herewith my opening statement and excerpts from Chairman Schlesinger's testimony.

These statements follow:

OPENING STATEMENT BY REPRESENTATIVE JOE L. EVINS

We have called this special hearing for a special purpose.

As we open these hearings, we want to welcome the Chairman of the Atomic Energy Commission—Chairman James R. Schlesinger—the newly appointed Chairman of the AEC. We have asked Chairman Schlesinger to give us a report on the results and his analysis of the recent Cannikin nuclear explosion test under Amchitka Island in the Aleutians.

This 5-megaton explosion was 250 times more powerful than the Hiroshima explosion and did possibly involve some scientific and political risks.

Funds for the Cannikin test were appropriated by this Committee and thousands of concerned citizens have written letters and sent telegrams to this Committee, to the Congress, the White House, and the Atomic Energy Commission expressing apprehension over the test.

Further, Japan and Canada filed official protests against the test and the United States Supreme Court, by a vote of four to three, decided against postponement of the test.

While this Committee supported the fund request by the AEC and Department of Defense, a number of advisers had some qualms about this experiment—important though it is to our national defense.

This test involved the detonation of a warhead of the Spartan missile which is the primary weapon of the Anti-Ballistic Missile System of the United States.

Unfortunately, such tests seem necessary, in the view of many nuclear and defense scientists, as long as the nuclear arms race continues.

As we climb up the ladder of nuclear escalation, it seems that each rung must be tested.

Certainly it is the hope of many that it will not be necessary to step further up the high explosion test ladder.

We recognize that our Nation must defend itself against attack and must maintain its technological and defensive strength and superiority.

The only alternative would be an enforceable agreement between the United States and the Soviet Union limiting the production and deployment of nuclear weapons—and let's hope such an agreement can be achieved.

Mr. Chairman, we are aware of your public statements that this test was successful.

We understand there were no tidal waves or earthquakes of any appreciable proportion as a result of the Cannikin test.

The Committee will be interested in your further report and more detailed analysis of data and results of the test.

We will appreciate your statement on your conclusions following the test and your providing this Committee with a report first on this most recent test will be appreciated.

After this, the Members of the Committee may have further questions concerning other aspects of the Commission's programs—particularly with respect to the Calvert Cliffs Decision—and what actions are being taken by the Commission to implement this decision.

STATEMENT BY DR. JAMES R. SCHLESINGER, CHAIRMAN, U.S. ATOMIC ENERGY COMMISSION

Mr. Chairman, I am pleased to have this opportunity today to report to the Committee on three activities of the Atomic Energy Commission which recently have attracted considerable Congressional and public interest.

These areas are: the proof test of the Spartan warhead for our Anti-Ballistic Missile system which took place November 6 on Amchitka Island; the implementation of the Federal Court decision in the Calvert Cliffs case; and the work we are doing to carry out President Nixon's policy of commercial demonstration of a fast breeder reactor by 1980 to help meet the nation's needs for clean energy.

First, let me discuss the Cannikin test on Amchitka.

As you know, before that test was conducted there were a number of melodramatic statements concerning the possibility of Cannikin triggering a major earthquake, causing a tidal wave, or otherwise resulting in substantial environmental damage. Based on our extensive experience and our calculations, we were confident there would be no such disastrous consequences. I was present on Amchitka with my wife and two of my daughters when the Cannikin device was fired. Congressman and Mrs. Craig Hosmer also were there as was Congressman Orval Hansen.

I can report with pride that the Cannikin test appears to have been successful based on a quick look at the diagnostics, and we should now be able to introduce the Spartan warhead into the weapons inventory within the appropriate deployment schedule. From the environmental standpoint, damage was minimal. There were no large earthquakes, no tidal waves, no releases of radiation. To date there are no indications of any significant environmental impact beyond the area of the immediate test site, and none was anticipated.

As a matter of interest, it is possible that the nation may have received an unexpected benefit from the Cannikin test. Dr. E. R. Engdahl, a research physicist at the Palmer Seismological Observatory in Alaska, has stated the test may have provided information which will be useful in preventing spontaneous earthquakes. Dr. Engdahl has suggested that explosions such as Cannikin could be used to relieve stresses in the earth's crust, thus minimizing the chances of a buildup which would result in an earthquake. The matters merits further study by experts in seismology, both within the Commission and outside.

SENATOR BYRD AND FAP

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. DANIEL of Virginia. Mr. Speaker, on November 1, Senator HARRY FLOOD BYRD, who like myself is privileged to call himself a Virginian, addressed the Senate briefly on the subject of welfare reform or, as he so properly labeled it, "welfare expansion." Senator BYRD possesses the happy faculty of being able to reduce his comments to readily understood basic English; in this statement he has once more done this.

The rockbottom soundness of his thinking was not lost on the editor of the Richmond News Leader, who commented on Senator BYRD's statement Friday, November 5. I respectfully insert the editorial in the RECORD, so that my colleagues may be aware of this reaction to the Senator's forthright statement.

The editorial follows:

[From the Richmond (Va.) News Leader, Nov. 5, 1971]

SENATOR BYRD AND FAP

Virginia Senator Harry F. Byrd, Jr., is to be commended for taking a strong stand against the Nixon Administration's Family Assistance Plan.

In an eloquent speech on the Senate floor, Senator Byrd explained his opposition to FAP in terms that should impress even the most avid supporters of the plan. First, the Senator said, FAP lacks adequate work incentives. It would establish the precedent of a guaranteed annual income. It would cost $5 billion more a year in Federal funds than the present welfare system. The number of persons on welfare would increase from 14 million to 26 million. And last, the Department of Health, Education, and Welfare would have to hire 80,000 new employees to administer the program.

These are telling points against FAP, which parades as a welfare reform program. It does not reform, as Senator Byrd pointed out; it merely expands, continuing the trend of recent years. In fiscal 1962, the Federal government spent $2.7 billion on welfare; in the current fiscal year, it will spend around $14.2 billion. Under FAP, these costs would increase by some $5 billion, according to HEW estimates; quite likely the actual increase would be far in excess of $5 billion.

Beyond the matter of increased costs, which the Federal government certainly cannot afford, a number of other questions occur. Is the nation really willing to adopt a guaranteed income plan, even at the rate of $2,400 a year for a family of four? The record of the Social Security program suggests that in time the minimum would exceed reason, as Congress bowed to political pressures to provide more, ever more. By making the poor eligible for welfare benefits, FAP also would thrust dependency upon millions of Americans who have chosen to earn their own way.

The results of several studies suggest that the work incentives supposedly incorporated into FAP are not effective at all. FAP is no "workfare" plan, as the Administration suggests; it would encourage indolence and reward dependency. It would increase the vast bureaucracy of HEW, which already has too great a grip on the American public. It would commit the nation firmly to the concept of the welfare state, providing cradle-to-the-grave security. Even now, some sociologists say that the public has an obligation to support anyone whether he chooses to work or not, giving a hint as how FAP, if approved, would expand in the future.

Everyone agrees that the current welfare program is a mess and badly needs revision. Its slipshod administration cries out for thorough overhaul. But as Senator Byrd says, any program that would double the number of recipients and increase the costs by one-third or more hardly constitutes reform. The President has asked Congress, as a part of his economic policies, to delay the effective date of FAP until July 1, 1973, although some members of Congress hope to tack it on to an unrelated measure and make it effective sooner. Because of its many faults, FAP should not be postponed merely until the beginning of fiscal year 1974, but forever.

FEDERAL ELECTION REFORM

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. McKINNEY. Mr. Speaker, this week Congress will grapple with the reform of our Federal election laws. Traditionally the House floor has been the burial grounds for effective, enforceable election legislation. As a result, we are now reaping the benefits of 46 years of legislative loopholes and inconsistencies.

Let me for a moment run through some of the more salient points I have uncovered.

Ever since the Corrupt Practices Act was adopted in 1925, no—and I repeat—no candidate has ever been prosecuted for a violation. Now I do not wish to needlessly impugn the integrity of my fellows, but what kind of a hard hitting law do we have that in the last 46 years has not found one case of malfeasance.

Another fact you might find of interest: In the Nation's seven largest States in 1970, 11 of the 15 major candidates were millionaires. Now if this indicates a trend, I would just say that while I certainly applaud any man who can make a million dollars, I do not recall the Constitution recommending or mandating individual fiscal acumen as a prerequisite for holding Federal office. As a matter of fact, as a lad in school I was taught almost the opposite—that our Constitution was written to protect the people from the abuses of power and wealth that were so common in the aristocracies and monarchies of Europe.

Of all the measures so far introduced, I find the Senate measure the most effective legislative tool so far presented. The measure which passed the Senate, 882, consisted of the following points:

First, repeals section 315 equal time;

Second, limits charges for radio and television time to "lowest unit cost" in periods before primary and general elections;

Third, limits spending by Federal candidates to 5 cents times the number of eligible voters—population over 18—for broadcasting, and 5 cents for newspapers, magazines and billboards;

Fourth, requires detailed periodic reports by all candidates, individuals, and committees in all campaigns for Federal office. This would extend requirements for filing reports to all primary elections, the presidential nominating process and State and District of Columbia committees not now covered; and

Fifth, creates an independent Federal Elections Commission.

However, I believe two modifications which will be offered on the floor would strengthen the measure.

The repeal of section 315 has drawn criticism from some as leaving candidates at the mercy of biased local broadcasters. Recognizing such a possibility and being cognizant of the fact that an effective alternative is not feasible for floor debate at this late date, I support efforts to defer the repeal of section 315 and mandate the Federal Communications Commission to study the issues involved and propose new stautory safeguards before January 1, 1973.

I further support the establishment of a Registry of Election Finance in the General Accounting Office. The registry would have the same duties and powers as the Independent Election Commission proposed in the Senate bill but would be governed by a seven-member board, two of whom would be appointed by the Speaker of the House, two by the President pro tempore of the Senate, two by the President and the Comptroller General.

The restoration of public confidence in the integrity of our electoral process is the question before Congress. If we are to encourage integrity and responsiveness in Government, then passage of S. 382 is of paramount importance.

THE DETRACTORS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. HUNGATE. Mr. Speaker, the chairman of the board of editors of Trial Magazine recently wrote an editorial that should be of interest to all lawyers and legislators.

The editorial follows:

THE DETRACTORS

(By Alfred S. Julien, Chairman, Board of Editors)

Who speaks for the bar?

Who defends the judiciary and the American court system?

Is it the Chief Judge of the Supreme Court of the United States when he says: "All too often overzealous advocates seem to think the zeal and effectiveness of a lawyer depends on how thoroughly he can disrupt proceedings?"

The words "all too often" make this an overblown complaint lacking validity. A preliminary study sponsored by the Association of the Bar of The City of New York, funded by the Ford Foundation, after querying 1600 judges, reports in-court misbehavior by lawyers as insignificant. A working trial judge, William O. Mehrtens, U.S. District Judge in Miami says: "I have really had no problem at all. I know of none that the other judges have had."

A ready forum for criticisms are programs of the American Bar Association. For example, Attorney General Mitchell also used the American Bar Association proceedings in London to deprecate the American system when he said: "The hydra of excess proceduralisms, archaic formalisms, pretrial motions, post-trial motions, appeals, postponements, continuances, (and) collateral attack can have the effect of dragging justice to death and stealing the very life out of the law."

For Mr. Mitchell's information, and hopefully for his English audience: *Justice is alive and well and living in the United States.*

Can the champion of the bar be Senator Percy? During a July Senate Permanent Investigating Subcommittee hearing, he put this barbed question to an unidentified witness: "Would you agree with street talk that Judge S. is the best judge money can buy?"

The reply, which was permitted to go unchallenged, was: "I would agree with you 100%. But there is no judge in New York I couldn't reach."

These well-placed judges and politicians really are not our spokesmen, they are the *detractors.*

The bar and the judiciary have often been fair game for unfair critics. But now the leading gamesters are to be found in our midst.

Meanwhile, we do not lack for critics outside our ranks. In a recent book entitled *Search for Justice,* four newsmen say: "American Justice works accidentally if at all."

These pundits base their generalization on three cases: (1) Clay Shaw in Louisiana; (2) J. Earl Ray, the convicted slayer of Dr. Martin Luther King and (3) Sirhan Sirhan, who killed Senator Robert Kennedy.

It is probably coincidental that in all three cases these writers concede American justice accomplished a proper result.

Where then are our defenders? Why should our critics go unchallenged?

There must be some bar association official who knows that thousands of cases are tried daily and that since the communist trials, before Judge Harold Medina in 1949, only the Chicago trials before Judge Hoffman in 1969 and the recent Black Panther acquittals before Justice Murtagh in New York this year raised any issue regarding proper advocate behavior.

The questions arising in these rare cases, one of which remains to be determined on appeal, do not typify the day-in and day-out behavior of our trial bar. Sometimes judicial abrasiveness incites the behavior, the propriety of which is in question.

This year it appears to be the "in" thing to applaud the English system while derogating our own.

Our system is infinitely superior.

We cherish the jury; England considers it a luxury, unnecessary to its civil causes and, according to one of its authorities, shortly to be considered a matter for elimination in criminal cases involving, "complicated financial and commercial transactions." (Paper delivered by Sir Frederick Lawton, Judge of Her Majesty's Supreme Court of Judicature, at the meeting of the American Bar Association, 1971.)

England, a nation of many mistakes, has forgotten her own William Blackstone, who said: ". . . trial by jury ever has been, and I trust ever will be, looked upon as the glory of the English law. And, if it has so great an advantage over others in regulating civil property, how much must that advantage be heightened, when it is applied to criminal cases."

Civil rights are the backbone of our system. But England permits the imprisonment of suspected persons, such as the Irish rebels, indeterminately without hearing or trial.

Sir Lawton also said: "Justices are the Queen's delegates to perform her constitutional duty of maintaining law and order." Are they really saying things like that in 1971? Not even a wig can cloak the impoverishment of an idea of allegiance to the Crown rather than to the people.

Judge Lawton also stated: "We have the advantage over you of a smaller body of case law and statute law. As a Judge, I can go weeks on end without having cited to me a single case. The principles of our criminal law are now firmly established."

Everything fixed, easily ascertainable, and categorized! How different from our common law, which occasionally changes because it must never be rigid but constantly attuned to progress.

For a Senate Committee to provide house room to vilify our judiciary—as one which can easily be bought—brings monstrous injury to our system. This ugly smear damages our entire judiciary. It has to hurt every judge where he lives.

In 37 years of practice before hundreds of judges, I have met some judges who had leanings. But all men have preferences and

none is perfect. I have never known a truly corrupt judge. The judiciary of this country has an extraordinary record behind it.

Trial's columns will be open to the defense of the bar and the judiciary against all critics, without and within. And, whatever malaise exists in our profession will likewise be reported.

The lawyer and the judge—and most importantly, the public—are entitled to nothing less.

GOLDEN HORSESHOE HONORED

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. WHITEHURST. Mr. Speaker, the activities of a patriotic American organization have been brought to my attention, and I want to share the group's accomplishments and goals with my colleagues.

The organization is the Golden Horseshoe, founded on the 234th anniversary of George Washington's birthday, February 22, 1966. It is devoted to the pursuit of patriotism and has become best known for its service to veterans. It sends books, magazines, and other small items designed to boost the morale of servicemen in hospitals. The founder, W. Glenn Elliott, has received letters of appreciation from the Veterans' Administration, the Red Cross, and many hospitals receiving the service offered by the Golden Horseshoe.

The story of W. Glenn Elliott and the Golden Horseshoe is well told in a front page article written by Howard Swindle and published in the July 29, 1971 edition of the Virginia Beach Sun, a leading weekly paper serving the resort city of Virginia Beach, Va. I include the article at this point in the RECORD:

GLENN ELLIOTT—OLD-FASHIONED, FLAG-WAVING AMERICAN PATRIOT

(By Howard Swindle)

W. Glenn Elliott, 74 white-haired and bow-tied, had just finished telling about driving a Model-T Ford ambulance through the ruts of a war-torn France in 1918 and about his mule named Maude.

Elliott's experiences sounded much like those of novelist Ernest Hemingway, also an ambulance driver, during his tour in Italy. Perhaps it was these experiences, encountered more than 50 years ago, that led Elliott to his "labor of love" the American Society of the Golden Horseshoe.

Navy Lieutenant Philip Heth, Elliott's next door neighbor and close friend, describes the society as "an organization dedicated to good, old-fashioned, flag-waving American patriotism."

True to Elliott's lifestyle, every jar has a small red, white and blue flag taped to it. Elliott's den, or "office" as he calls it, is covered with small flags and boxes of jars. On a cluttered cot lies a large, faded flag. I've got to get another flag," Elliott said, "this one's getting pretty old." He flies it in front of his house every day, and he says he'll continue to fly it until the war in Vietnam ends.

Of his cross-country fund-raising trips, Elliott says, "We do anything and everything we can possibly do to revive patriotism in Americans." Though the American Society of The Golden Horseshoe (the name comes from an event in development of colonial America) concerns itself primarily with servicemen overseas, it also attempts to have the flag flown from as many places as possible.

And, if ever there was an old-fashioned flag waver, it would have to be W. Glenn Elliott, World War I ambulance driver, World War II lieutenant colonel in the Virginia State Guard and current advocate of anything patriotic.

Hanging in a prominent place in Elliott's home within earshot of Oceana Naval Air Station is a plaque from a naval evacuation hospital in DaNang, Vietnam. The hospital along with other military and veteran hospitals throughout the world, has reaped the benefits of Elliott's flag-waving brand of patriotism. Since he founded the Society of The Golden Horseshoe in early 1966, the organization has sent more than $18,000 in cigarettes, tobacco, peanuts, candy and books to servicemen everywhere.

About every 10 days, Elliott gets in his nine-year-old Chevrolet for a tiring trip that takes him through Chesapeake, Suffolk, Petersburg and Richmond collecting money from nearly 100 quart jars he has placed in restaurants, small grocery stores and other businesses. It is the pennies, nickles, dimes and sometimes quarters left in these jars by customers that finance a pack of cigarettes, a bar of candy or a can of peanuts for a GI in Vietnam.

The society lists as honorary life members former Alabama governor George C. Wallace, Senator Harry F. Byrd, Jr., Virginia Beach councilman Frank A. Dusch and former Senator A. Willis Robertson who suggested the society's name.

One of the society's most recent campaigns revolves around gaining support "for our leaders in their defense of J. Edgar Hoover and the FBI." But a talk with the society's founder leaves little doubt as to the primary aim of the society—helping the serviceman.

Elliott, a former adjutant of the Virginia American Legion and a civil service worker, speaks proudly of his family's military service. "One of my forefathers fought in the Revolutionary War," he said. Since then, there have been relatives in the War of 1812, the Civil War, the Spanish American War, World Wars I and II, the Korean Conflict and Vietnam.

At the age of 69, Elliott exhausted all avenues trying to volunteer for duty in Vietnam so his grandson wouldn't have to go. He told a neighbor. "That's one less young man who'd be shot at—I've already lived a full life."

A small picture frame with an American flag and three rows of ribbons hangs in Elliott's office. "Those belonged to my son Jack," he says. "Raising children you can be proud of, is one of the most noble things a parent can do." His son, a member of a flight crew during World War II, was killed during a mission over Germany.

Elliott's campaign to send gifts to servicemen dates back to World War II when a cigarette salesman told him he could send tobacco overseas tax free. He took time off from his post as editor and business manager of the Virginia Legionnaire magazine to pass out containers for the funds.

Today, Elliott has an agreement with several tobacco companies in which they pack the cigarettes and send them directly from their factories. "Since they're sent tax free," Elliott says, "we only pay about 11 cents per pack." He has similar agreements with peanut and candy manufacturers.

To pacify one woman who was "hard against tobacco," Elliott changed the sign on his cannisters from "Send Tobacco to Men in Vietnam" to "Send Goodies to Men in Vietnam." "After I changed the sign, she let me put a jar in her store," he said.

He said a few gift packages sent to individuals in Vietnam have come back stamped KIA (Killed in Action) and MIA (Missing in Action).

Elliott's cannisters also serve as a pretty good barometer for public opinion on the war in Vietnam. "When Lieutenant Calley was being tried, donations went up quite a bit," Elliott said. Thinking people might give more money if they were contributing to veterans in government hospitals, Elliott changed a few of his signs, emphasizing the veteran. "Those cannisters with Vietnam written on them drew quite a few more donations than the others (those emphasizing the veteran)," Elliott said.

"You'd be surprised how many (jars) are tampered with," Elliott said. "Some are gone. Some are broken. I'm sometimes lucky if a third aren't broken or stolen."

Occasionally when he packs a box of gifts for men in Vietnam, Elliott encloses a letter asking the GI's to write businessmen who have allowed him to put cannisters in their stores. "That's just so they (businessmen) will know the money is going where I say it's going," Elliott said. As treasurer of the society, he keeps records of incomes and expenditures which he makes available to members periodically.

"About 90 per cent of our dues goes for sending items to Vietnam," Elliott said. "Postage is one of the big things."

Though Elliott won't admit it, his travel expenses every 10 days are another big expense—an expense not completely covered by donations. "Oh, I dip into my jeans every once in a while," he said. "I've got clothes to wear, food to eat and a place to sleep and I just thank the Lord that I can spend my time doing something to help, however small it might be."

U.S. SENATOR JAMES L. BUCKLEY SPEAKS BEFORE THE NEW YORK FARM BUREAU

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. McEWEN. Mr. Speaker, I insert in the RECORD for the benefit of my colleagues the speech delivered by New York junior Senator JAMES L. BUCKLEY, before the New York Farm Bureau in Ellenville, N.Y., on November 8, 1971. It is a thoughtful presentation of concern for our environment with a balanced understanding of the need of public support for the cost that must be borne.

The speech follows:

I would like to thank you for this opportunity to be with you tonight—for several reasons, first of all, I have far too few opportunities to meet with members of the extensive farm community of New York State. Secondly, I am a country boy by upbringing and "druthers", and I am always grateful for a chance to shake away from the soot and noise of our cities for the clean air and beauty of rural New York. Finally, you provide me with an audience of intuitive conservationists, an audience of men and women who because you live on the land and from the land, understand better than most that man must learn to coexist in harmony with nature, if in the last analysis, he is to survive.

The American Farm Bureau Federation has been actively working to protect the environment long before the public-at-large understood that a problem existed. Because of your work over the years, and that of others who have shared your early concern, the American public has finally come to understand that one of the most important needs of our age is to learn to curb, and finally to eliminate, the contamination of the air and water and land which, in the last few years, has reached epidemic proportions.

Happily, the cumulative effects of this educative work has finally aroused a broad public

interest in ecological matters, and this fact alone justifies the hope and expectation that we will at last redirect our energies towards learning to live with our natural environment and not in conflict with it.

Perhaps I am more conscious than most as to the suddenness of this new public awareness because in 1968, when I first found myself involved in a statewide political campaign, and one in which I know I had absolutely no chance of winning. I decided that so long as I was engaged in the ordeal of marathon speechmaking, I might as well be sounding the environmental alarm, by trying to convince my listeners that what Rachel Carson had been writing about was not fantasy, but rather the hard facts about a clear and present danger to human life and to the natural order.

I am sorry to say that I met with such stares of blank indifference that I soon had to drop the subject. One of my principal supporters, in fact, sent me a letter chastising me for wasting campaign time on a "non-issue."

Yet just one year later, the President of the United States established the fight against pollution and to preserve some of what remained of our natural heritage as a central objective of his administration and the word "ecology" had become a battlecry.

For the first time, the public interest had become so captured by a concern for the preservation of the environment that effective public action had become possible, and the prosecution of polluters thinkable.

But the very strength of the interest which has developed has in it its own dangers, because we must avoid the kind of unreasonable demand for Eden now which could yet discredit the cause of conservation in the eyes of a public which is producer as well as consumer, a public which has become accustomed to the material luxuries created by our technology, a public which in the last analysis will determine how fast, and at what cost, we will be allowed to pursue our necessary environmental goals.

Having come this far on a wave of well-directed emotion, we must now lower the volume and concentrate on the development of programs and attitudes which will lead us towards cleaner waters and cleaner air, to better land uses and to a fuller life at achievable rates and at acceptable costs.

I can think of no better place to talk about the environment than here in New York State, and to an organization such as yours.

This State of ours, perhaps more typically than most, is a composite of what is beautiful and what has become ugly in our life.

Throughout virtually every region of New York one can still find meandering streams, quiet villages, forested mountains, orchards and vineyards, truck and dairy farms, small lakes.

It is still possible for millions of our people to find that serenity and spirtual uplift which comes from a personal immersion in nature. New Yorkers who trouble to do so can still find for themselves what Thoreau meant when he wrote, "in wildness is the salvation of the world."

Yet in almost every region of New York, we still see factories belching out their fumes or pouring pollution into our lakes and streams, and our people still carelessly littering the land.

You are meeting in one of the most beautiful areas of the country; and yet you can board an airplane just a few miles away and, within a few minutes, be hovering over one of the world's great cities, a city which more often than not these days is obscured by an atmospheric pall which hides the mounds of garbage and debris which demean a city whose galleries, theatres, skyscrapers and concert halls beckon visitors from around the globe.

The American Farm Bureau and others have done a magnificent job in educating the public as to the ecological facts of twentieth century American life and in sparking the interest which is quite literally revolutionizing public attitudes. But we need to do more. We now need to make sure that the public fully understands the difficulties and the costs which will be involved in seeking to achieve our environmental goals. We need to encourage a well-informed and balanced view of the job that must be done.

One starting point, it seems to me, is to discourage the tendency to seek out a special villain. The fact is, there is no single culprit. As our friend Pogo accurately observed: "We have met the enemy and he is us." For too many millennia, human beings have simply taken their natural surroundings for granted. Yes, our factories have poured their wastes in ever-greater volume into our air and waters—but so have our municipalities and so have we as the eager consumers of all those material goods which are produced by our industries.

I submit that there is nothing much to be gained from pointing fingers but there is a great deal to be lost from indiscriminate accusations. I have been on the Public Works Subcommittee on Air and Water Pollution long enough to learn something about the response of American industry to increasingly tightened antipollution controls.

Certainly some companies have dragged their heels; certainly there have been complaints about excessive regulation or unreasonable goals and many of these have been well taken.

But I have been deeply impressed by the sense of commitment which so many of our industrial managers have shown in working to abate pollution once they have determined the standards they are expected to meet.

Yes, there is the threat of the stick. But there is also that willing display of good citizenship which is so characteristic of this country.

To cite a few figures, the chemical industry last year spent $600 million for pollution abatement. Expenditures by the automobile, electric utilities, and petroleum industries—this year alone—total almost one and one half billion dollars.

On the average, American companies will have increased their pollution-control spending 46 per cent this year over last; and they will spend at least $18 billion over the next five years to meet newly-defined standards.

Now I am not here as a propagandist for American business, but merely as one who deeply believes that we will make the greatest progress if the public recognizes that all elements of our society have in fact been at fault and that they are all now beginning to work together—and to work together with increasing effectiveness—to achieve our commonly desired goals.

This brings me to the second area where I believe the public needs to be better informed.

Because we are not yet able to swim with impunity in every lake and every stream of New York State, because we still must penetrate a veil of yellow smog to land on New York City's airports, the public tends to think that there has been no response, or at least an inadequate response to the environmental crisis which they have only lately come to understand.

Somehow, in our insistence on instant results, we are apt to lose sight of the very real progress which has been made in just the past two years.

Although we have had State and Federal anti-pollution laws on the books for decades, polluters are only now being prosecuted precisely because only now have we as a people begun to take the problem of pollution seriously and therefore have made the prosecution of major employers and taxpayers possible.

At the national level, we have reorganized our institutions in a fundamental manner in order to more effectively mobilize our environmental efforts.

The new attitude towards governmental responsibility was succinctly put on New Year's Day, 1970, when President Nixon observed, while signing a bill which established the new Council on Environmental Quality "it is literally now or never." As if to underscore his seriousness, the President devoted a major portion of his State of the Union address that year to the subject of the environment, and followed that speech with a special message to Congress. It included thirty-seven specific actions and proposals to enhance environmental quality—the most comprehensive environmental program ever presented. The package included a ten-billion dollar Clean Waters Act, requests for more rigorous air and water pollution standards, higher fines for violators, and considerably more money for other research and enforcement purposes.

Subsequent proposals have been impressive in their variety and scope. They range from the provision of billions of dollars for new and improved waste treatment facilities to the creation of new wildlife refuges; from ordering a crackdown on alligator poachers to providing the States with millions of dollars with which to purchase land areas for recreational use; from tightening controls over the discharge of toxic and hazardous materials to provision for long range research for the development of alternative pollution free ways of generating electricity.

But what I believe to be the most significant evidence of this commitment to environmental quality is the fact that purely ecological considerations are now being accorded more than "equal time," so to speak, in determining whether specific projects will be allowed to go forward. This has been made clear on several occasions when projects of great value, as measured in traditional economic terms, have been terminated precisely because of a demonstration of their adverse environmental impact, and despite the fact that these decisions required the abandonment of sizable investments.

I need only cite the cancellation of the plans for a super jetport in the Florida Everglades, the suspension of the one-third completed trans-Florida Canal; and most recently, the decision not to permit construction of two oil production platforms as well as the suspension of operations on thirty-five Federal leases in the Santa Barbara Channel.

A certain amount of criticism has been levelled at some of the Federal activities. But I can certify to you from my own experience that any deficiencies—and believe me, there are many—are not attributable to any lack of a desire to take realistic and effective action to abate pollution and to protect natural areas. The fact is that an extraordinary effort is underway and new enforcement and planning agencies are necessarily experiencing the most severe growing pains as they try to put themselves together from scratch in order to be able to assume and execute the enormous responsibilities which have been thrust upon them.

You know from your own experience that what I have described in terms of the Federal effort is mirrored by the work being done in New York. As it is now being done across the nation—as state and local governments begin to come to grips with their own environmental responsibilities.

We now come to another area which is far more difficult for the public to grasp but about which it is particularly important that we educate the public lest they be led to expect the impossible.

I speak now about the extent of our ignorance in so many areas which are essential to our understanding of environmental cause and effect; and therefore, to our understanding as to how best to control air and water pollution, how best to use our lands.

We have learned just enough about ecolog-

ical interrelationships to know that we cannot do anything which has a significant impact on any one element of our biological or physical surroundings without triggering a chain of reactions which can be quite startling in their ultimate effect.

We start tampering with the natural state of our streams in order to achieve a measure of flood control, and suddenly we find that we have unleashed downstream floods and erosion, that we have lowered our water tables and that we have upset biological balances.

We spray new wonder insecticides to protect a patch of forest from a particular pest, and lo, a decade or so later we begin to wonder what has happened to the duck hawks we used to see about.

We take the suds out of detergents and think we have licked the problem only to find our lakes turning green from the phosphates we have poured down our drains.

But then, as we try to focus total blame on detergents for the phenomenon of eutrophication, we find that we have oversimplified the problem as phosphates are not the only nutrients which will cause an excessive growth of algae nor are detergents the only source of the phosphate enrichment of our waters.

We start substituting other materials for the phosphates in our detergents only to learn, as we did recently, that the substitutes are in other ways far more hazardous.

We are therefore beginning to learn that we must proceed with utmost caution, that we must test out each new substance, each new technique for its most extended biological consequence. We also know that there are other causes of pollution of our waters than those that can be identified with the discharge from our sewers and factories. Thus if we are really to restore the kind of water quality we all want, we are going to have to find out ways of controlling the so-called non-point sources of pollution. But as of today, no one quite knows how to identify all of these or how to measure their impact; and once we have this information in hand, we will still have to figure out what we will be able to do about them and at what cost.

This gap in our knowledge is particularly apparent in trying to assess the total impact of modern agriculture on the environment. Until recently, animal wastes were not thought of as a problem. If anything, they were considered to be a beneficial part of the natural recycling process through which valuable minerals were returned to the soil, as in fact they were so long as our farm animals were not crowded together into unnaturally close quarters. But all this has changed with the increasing trend towards large commercial feedlots and the assembly-line production of poultry. These practices have resulted in huge concentrations of animal wastes which are now known to have a most direct and adverse effect on our water resources.

The fertilizers which have so increased the productivity of our farms inevitably leech into our streams, thus adding significantly to their eutrophication. The accumulation of inorganic salts and minerals in the soil are beginning to threaten farm lands across the Nation; and the widespread use of certain pesticides has injected long-lasting chemicals into natural food chains with sometimes far-reaching consequences which no farmer would have desired or could have anticipated.

An enormous investment in time and money will have to be made to better understand the nature and extent of the environmental impact of these agricultural activities, and to develop alternative means of insuring the continued productivity of American farms while protecting our lands and our waters for future generations of American farmers.

The work to achieve this knowledge will be materially speeded by legislation which was enacted by the Senate last week. I speak of the Federal Water Pollution Control Act of 1971, which unless modified by the House of Representatives, will allocate $10 million per year for research into the agricultural sources of pollution. Furthermore, the act will require each State to conduct a careful study of these and other non-point sources of pollution and by 1974 to file a report with the environmental protection agency in Washington identifying them and detailing proposals for bringing them under control. Thus by the middle of this decade we can hope to have the information in hand which will enable us to develop an effective nationwide strategy for coping with some of our most elusive forms of pollution.

But all this will take time, a lot of time, and it is vitally important that the American public be made to understand the necessary lag between research and action and between action and achievement.

The last point I would like to make is I believe the most important one. It involves the matter of cost.

We cannot move effectively into the difficult field of pollution control without the deepest sense of realism as to what is involved; and that which will have the most important impact on the public-at-large will be the realization that what needs to be done will be costly, at times very costly. But at the same time, we who are involved in the formulation of public policy and in the definition of public goals in the field of the environment must recognize that there are limits to the extent of the costs which the public will be willing to incur or which the public ought to be asked to incur over any given period.

If we are to avoid the kind of reaction among our citizens which could seriously set back the environmental struggle, we must be sensible, we must recognize that we will have to settle for something less than the ideal not only because the ideal may not in fact be achievable, but because of a recognition that we will in both the shorter and the longer run accomplish more by striving for ninety-five per cent of the ideal at a cost which the public will accept than we will by trying for the additional five per cent at a cost so high that the cause of the environment will be repudiated by a public which will not go back to kerosene lamps or the days of the horse and buggy.

What we can do, and I think must do at an early date is to develop techniques for measuring the true costs of all human activities—a system of accounting which will reflect in full the environmental costs. The social costs. We will need such tools if we are to be able to engage in an unemotional examination and demonstration of the true social and economic trade-offs which are involved in planning for the most effective use of our resources and in employing our technology to achieve the fullest degree of social and economic progress.

There are, of course, some things which can never be priced. How, for example, do you measure the value of a sunset or of the sound of a wood thrush at twilight?

But by and large, in most instances where we are concerned with human activities and their consequences it should be possible to develop techniques in which the true balancing of accounts, including most specifically and most particularly the environmental accounts, can be demonstrated. In the meantime, however, we must remind the public and remind ourselves that the savings which we have hitherto realized from the free use of our land and water and air as dumping grounds for our wastes must henceforward be charged to the cost of the goods and of the services which we consume.

I have gone to some length to suggest the need to keep the American people constantly informed as to what is really involved in our new commitment to incorporate the quality of our environment into our concept of the quality of life. I feel deeply about this because, as I indicated earlier, we have only recently reached a point where true progress is possible; and we have reached it only because we have finally mobilized into the cause of conservation a vast majority of Americans who at last understand that their own lives and happiness and health and prosperity are inextricably intertwined in the health of the natural world in which they live.

But if the American people should ever decide, or if sufficient numbers of them should ever believe, that conservationists have gone to extremes, that they are making excessive demands, or that they are being unreasonable in what they expect of the rest of the nation, then as of that time we will have suffered a setback of a kind which we quite literally cannot afford.

This, I submit, is one of the most important tasks which lies ahead; to maintain that public confidence, that public support which will make it possible, in this decade, to achieve a profound revolution in man's understanding of his role on planet earth.

THE SO-CALLED PRAYER AMENDMENT

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. HELSTOSKI. Mr. Speaker, last week I joined 161 Members of the House in voting to reject the so-called prayer amendment to the Constitution. My reasons for opposing such an apparently harmless and worthwhile measure are complex and I would like to set them forth at this time for the benefit of my colleagues and constituents.

First, Mr. Speaker, let us examine the need for the proposed amendment. The popular belief is that the Supreme Court in the early 1960's banned the recitation of all prayers in the public schools. This is simply not the case. No decision of the Court has ever forbidden voluntary prayer recitals by American citizens in the public schools or in any other public place. To do so, I firmly believe, would be in violation of the first amendment's guarantee of the free exercise of religion.

What then, has the Court said with respect to religious exercise in public schools? In 1962, the Supreme Court ruled that public officials, in this case the board of regents of the State of New York, may not compose a prayer and direct its recitation in the public schools. In subsequent cases the Court extended this doctrine to forbid mandatory Bible reading or recitation of the Lord's Prayer in the schools. Frankly, I can find no fault in the Court's logic or motives in arriving at these decisions.

Official authorship or sponsorship of school prayers is clearly a violation of the first amendment's injunction against state establishment of religion. Stated simply, the government must remain absolutely neutral in matters of religious belief and practice. In the instances of the Bible and the Lord's Prayer which I mentioned, it should be clear to all of us that these practices could not help

but be offensive to the religious beliefs or nonbeliefs of many schoolchildren and their parents. Catholics, to take one example, do not recognize the validity of the King James version of the Bible and Jews, in another example, do not recognize the New Testament from which the Lord's Prayer is excerpted. In short, the Court has not ruled in any manner which is contrary to the Constitution's guarantee of the free exercise of religion or long-cherished American principles of absolute freedom of conscience in matters of religion. On the contrary, the Supreme Court has actually strengthened these protections.

Since the Court has not restricted the right of schoolchildren to participate voluntarily in prayer, what do proponents of this amendment seek? From a reading of the defeated amendment I cannot tell. The original version of the amendment sought to guarantee the right to participate in "nondenominational" prayer. Now, what in the world is a "nondenominational" prayer? The difficulties involved in writing a prayer to meet this definition were most succinctly pointed out in a recent statement signed by leaders of a number of national religious organizations, including the Baptists, Episcopalians, Jews, Methodists, and Presbyterians:

> The major faiths themselves have never been able to achieve consensus on a definition of prayer, much less a definition of "nondenominational" prayer. . . . If such a proposed amendment should become part of the Constitution of the United States, a new religion of "nondenominationalism" would in a measure become established which could destroy the integrity of both church and state.

This view, I would point out, was also shared by the American Bishops' National Catholic Conference and ROBERT DRINAN, S.J., a Jesuit Member of Congress and one of our leading constitutional authorities.

Another fault in the prayer amendment was pointed out by William Van Alstyne, of the Duke University Law School:

> But even supposing . . . that a prayer could conceivably be composed sufficiently "nondenominational" so as to become acceptable under the proposed amendment, still it must be clear that any such prayer must necessarily be so flat, dry, stale, and unprofitable as scarcely to fulfill the authentic religious needs of anyone inclined to participate in it.

In view of the inadequacy of the "nondenominational prayer" phrase, the House substituted the word "voluntary." While this eliminates one ambiguous word, I fail to see how it is any great improvement. If, indeed, the actual thrust of this vague amendment is merely to affirm the current state of affairs, that is to permit voluntary prayers which are already permitted, indeed protected, by the first amendment, then the prayer amendment is superfluous. If the impact of this amendment is to be something more than that, then its vague wording opens a Pandora's box which will lead to endless litigation in the courts and a possible undermining of the absolute separation of church and state guaranteed by the first amendment. At best, then, the prayer measure is meaningless; at worse, it is a breach in the wall separating government and religion. The distinguished Jesuit weekly America has summed up the true nature of the prayer amendment calling it "ill-written, mischievous, and misconceived."

Mr. Speaker, another of my objections to passage of the prayer amendment is the manner in which it was brought before the House. No hearings were held on this measure and no opportunity has been given for a full investigation of its language, its meaning and its intent. Furthermore, only 2 hours of debate were permitted on the floor on this measure and the amendments to it. Perhaps the most serious business in which the Congress can engage is considering amendments to the Constitution. Is it a quick and hurried debate, coupled with a complete lack of a hearing record of committee report, the proper framework for undertaking this task? I think not and refuse to be a party to such slipshod legislative procedures.

As the National Council of Churches pointed out in a recent pamphlet opposing the prayer amendment:

> The first amendment has safeguarded religious liberty and other basic religious freedoms for nearly two centuries. If it can be amended now for this purpose without profound and careful consideration, it may be easier to amend for other purposes.

And a legal scholar from New York, Leo Pferrer, has pointed out another aspect of the dangerous precedent which this amendment could establish:

> It would encourage amending the Constitution to overrule every Supreme Court decision that does not meet with universal favor. It would reduce the Constitution to the level of a statute which is easily repealed or amended, a consequence which Chief Justice John Marshall warned against in more than one of his great decisions.

In conclusion, Mr. Speaker, I would like to point out that I regard prayer and religious devotion to be basic and vital to the soul of America. The places for instilling religious beliefs, however, are the family, the church, the Sunday school, or the religious school. The public school, while charged with the duty of training pupils in their civic duties and respect for their fellow man, cannot and should not get into the area of promoting religion. The prayer amendment, which raised such a specter, has fortunately been defeated.

Under unanimous consent, I include at this point in the RECORD excerpts from several articles and editorials on the prayer amendment:

[From the New York Times, Nov. 9, 1971]

VICTORY FOR RELIGIOUS FREEDOM

Defeat in the House of the proposed constitutional amendment to permit nondenominational prayer in the public schools has averted a threat to the separation of church and state—by an uncomfortably narrow margin. The final vote—240 for the amendment and 162 against—was only 28 short of the required two-thirds majority, admittedly only a first step in the process of amending the Constitution.

Since the question involved the very basis of religious freedom, it is disconcerting that so many Representatives fail to see that their support of piety, no matter how sincere, bespeaks a faulty understanding of the relationship between government and religion. Ever since the Supreme Court ruled on the issue in 1962, the banning of prayers from the public schools has been widely misunderstood, and often deliberately misrepresented, as an example of godless forces undermining spiritual values.

In reality, the Court simply upheld two vital principles: the right of every American to choose his form of worship for himself and the prohibition of any religious ritual composed or imposed by an agency of the state, such as a school board.

The narrow margin of the House vote suggests a need for a better understanding, not only in the schools but in Congress as well, of the basic intent of the Bill of Rights.

[From the New York Times, Nov. 5, 1971]

FREEDOM TO WORSHIP

The sponsors of the constitutional amendment to permit nondenominational prayer in the public schools, on which the House will vote Monday, are trampling on the very principle on which religious freedom is based. They plow ahead against the determined opposition of most leaders of organized religions—Protestant, Catholic and Jewish—who surely cannot be suspected of antireligious leanings.

Those who spearhead the drive to undo a crucial constitutional safeguard fail to comprehend that banning prayer in the public schools is essential to protecting the sanctity of prayer. By the same token, Congressmen ready to vote for the amendment because they are afraid to appear lacking in piety show a dismal deficiency in civic courage. Theirs is a failure to lead and enlighten their constituents. Specifically, they fail to explain that the amendment would, in fact, interfere with the right of home and church to determine and guide the children's worship. Fortunately, mounting opposition to the amendment by clergy, constitutional lawyers and law school faculty members affords evidence that the seriousness of the issue is beginning to be recognized.

Representative Robert F. Drinan of Massachusetts, himself a Jesuit priest, said in opposing the amendment that a nondenominational prayer is a meaningless "to whom it may concern" appeal. Yet the danger inherent in such prayer is serious because it invests state authorities, such as school boards, with the power to create religious exercises. This is nothing less than state usurpation of the power to establish and prescribe religion.

Freedom to worship cannot exist without the freedom to determine one's form of worship, including also the right not to worship at all. This is not, as the amendment's sponsors would have it, a matter for public opinion polls to decide. The early history of this nation was marred by repressive efforts, in the name of piety, to impose on dissenting and often deeply religious minorities the religious beliefs and dogmas of the majority. The proposed amendment would have the effect of subverting once again the constitutional protection of religious freedom.

[From the Washington Star, Nov. 6, 1971]

WILL THE HOUSE "VOTE AGAINST GOD" MONDAY?

No American who both cares about the Constitution and takes his religion seriously, be he Christian, Jew or Moslem, can be very happy about what the House of Representatives may do on Monday.

For that is the day upon which the House will vote on a proposed constitutional amendment which would overturn 1962 and 1963 Supreme Court decisions banning organized prayer in public schools. Having obtained the necessary 218 signatures for the discharge petition allowing H. J. Res. 191 to bypass Rep. Emanuel Celler's Judiciary Committee, where the proposal had been bottled up for eight years, it is at least even money that the proposed amendment will receive

the required assent of two-thirds of those present and voting to send it on to the Senate.

We are, after all, moving into an election year, and no congressman is anxious to vote against God, although one might observe that the Deity is no more at the disposal of Rep. Chalmers P. Wylie, R-Ohio, the amendment's sponsor, than at that of the Supreme Court.

The proposed amendment to the First Amendment states:

"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."

Sounds innocent enough, doesn't it? But what constitutes a "nondenominational" prayer? Such a "prayer," as one wag has pointed out, would have to begin with the phrase, "to whom it may concern." In short, if a prayer were made truly nondenominational, it would become meaningless and the net effect would be to dilute rather than to enhance reverence for God and respect for the various denominations.

And in this respect it is worth noting that 38 religious leaders and organizations are on record as *opposing* the proposed amendment. These include the American Baptist Convention, the Baptist General Conference, the North American Baptist Conference, the executive council of the Episcopal Church, the United Methodist Church, the Church of the Brethren, the Lutheran Church in America, the United Presbyterian Church, the Unitarian-Universalist Association, the Churches of Christ, the Mennonites and a variety of Jewish groups.

The opposition of the churches to the proposed amendment centers on the fact that, as they correctly observe, it "could destroy the integrity of both church and state."

For somebody, if the amendment passes both the House and the Senate and is approved by the required three-fourths of the "states" legislatures, is going to have to draw up that prayer. Who will that "somebody" be? In all likelihood, it would be local school boards.

If the school board happens to have an overwhelming majority of Catholics on it, will that "nondenominational" prayer contain a reference to the Virgin Mary, and how will that sit with fundamentalist Protestant children who happen to attend schools under the board's jurisdiction? What if the situation is reversed and the prayer composed is alien to Catholics? What about Jewish children?

Assuming that every school board in the United States went out of its way to care for the sensitivity of minority groups—and that is a sweeping assumption not justified by a reading of history—what would be the effect? Would the bland, meaningless prayers they would compose not constitute (in violation of the First Amendment) establishment of a "religion" of nonsectarian secularism?

There is indeed a place in our national life for prayer. Never has there been a greater need in men's lives for the great truths taught by all the world's major faiths. But the mystery and majesty of religion is too precious a gift to be dealt out by rote at recess like milk and cookies.

Let it be learned first at the knees of one's parents, and later at church, synagogue or mosque. But neither parents nor priests can delegate this responsibility to school boards or principals. To do so would be both to authorize an unwarranted intrusion by government into affairs of the spirit and to demean the relationship between man and God.

The Bill of Rights, of which the First Amendment is a part, never has been amended. To do so now would be to tamper with the bulwark which has served both church and state so well for nearly 180 years.

As the late Hugo L. Black once wrote, "It is only by wholly isolating the state from the religious sphere and compelling it to be completely neutral that the freedom of each and every denomination and of all non-believers can be maintained."

That is as true in 1971 as it was in 1791 when the Bill of Rights was framed.

THIS AMENDMENT BEATS THEM ALL

Certainly, one of the bigger bags of hokum to reach Washington in a long time is the school prayer amendment, which will come up for a vote in the House on Monday.

Congressmen often joke about bills against sin and for motherhood. This one beats them all. It would be harmless, if it didn't threaten to clutter up the Constitution—and become thereby a permanent monument to phony piety.

The movement to enact the amendment started with a pair of Supreme Court decisions in the early 1960s which struck down the prayers at the start of each day.

I have no particular objection to prayer. There may even be something to the assertion that our society would benefit from a renaissance of Godliness.

But I remember school prayers in my own day as a kind of a joke. Not only did they not put us in a Godly frame of mind, they made ritual seem foolish. I can assert, without fear of contradiction, that I am not a better man for having said prayers in my youth before my arithmetic class.

President John F. Kennedy's comment on the Supreme Court's rulings at a press conference in 1962 remains, I think, most clearly to the point. There was an "easy remedy," he said, for those who disagree: "Pray a good deal more at home and attend our churches with a good deal more fidelity."

But the school prayer crowd wasn't satisfied with such a remedy. They've worked hard to shove prayers down the throats of every American public school kid. They've pitted the Lord against the Supreme Court and, powerful as the Court is, it's an uneven contest.

The amendment, with deceptive simplicity, does nothing but authorize "nondenominational prayer" in public buildings. It does not define "nondenominational" and, indeed, many experts believe there is no such thing.

In fact, since the Supreme Court's decisions, almost every organized religious body has come around to oppose the amendment: The Lutheran Church in America, the American Baptist Convention, the Southern Baptist Convention, the United Methodist Church, the National Council of Churches, the American Jewish Congress.

The other day, the United States Catholic Conference—representing the Catholic bishops—said the amendment would "accomplish nothing" and have no impact whatever on the religious education of children.

For the most part, the church groups have acquired a healthy wariness about the possibility of government involvement in religion. They see the amendment as a real incursion on the constitutional guarantees of religious freedom.

The bishops pointed out, interestingly, that the amendment may actually become an invitation for the Supreme Court to strike down prayer in, say, Congress or the White House, on the grounds that they are not "nondenominational."

Most congressmen would prefer not to vote on the issue at all, because of the hysteria attached to it. In 1964, the House Judiciary Committee held extended hearings, which so discredited the amendment that it died quietly in committee.

This time, Rep. Emanuel Celler, chairman of the committee, chose to ignore the threat—with the result that proponents successfully bypassed him through a rarely used discharge petition to get the measure to the floor.

"The guys are scared to death," said one congressman. "They know the amendment's ludicrous but, if they don't like voting against motherhood, imagine how they feel about voting against God."

God, indeed! The amendment concerns not God but religious conformism, far removed from God. Does anyone really believe this amendment will contribute to public morality, social stability or religious conviction?

But pressure in support of the bill—mostly from the fundamentalist segment of the population—has been growing all week. Counterpressure from formal church and civil liberties groups has been hard-pressed to keep up.

At last count, opponents of the amendment had about 115 sure votes, out of the 145 needed to defeat the required two-thirds majority. Characteristically, the Democratic leadership was doing little leading. As the weekend approached, the prospects for both sides seemed to be touch-and-go.

PRAYER VOTES AND POLITICS

(By Mary McGrory)

Rep. Gillespie V. (Sonny) Montgomery of Mississippi was preaching to the House in its moment of spiritual trial, but he chose to appeal not to its conscience, but to its self-interest.

"Let us," he thundered, "consider the practical politics of the prayer amendment. Eighty-five percent of the American people are for prayer in the public schools."

"Let us lay our cards on the table," he said, totally abandoning the sacred for the profane. "A vote for is much easier to explain than a vote against."

It was a bit of earthly wisdom that was beyond dispute—one had only to think of the fate of Ralph Yarborough, who lost his Senate seat from Texas last spring, partly because he had not damned the Supreme Court decision of 1963 outlawing public-school prayer.

PRAYER WON'T HURT

"I don't know of any case where prayer has spoiled anyone," said Montgomery, "physically, mentally or emotionally."

That, too, is not a matter of argument. Surely today's students would be better engaged in praying than in some of the antisocial activities which so many members of the House think are a direct consequence of the Supreme Court.

Still, most of the criminals who are contributing to the record crime rate went to school when prayer was the beginning of the daily ritual—and it obviously did not deter them.

The House, like the country, is full of people who trace the outbreak of promiscuity and pornography and violence to the Supreme Court's anti-prayer decisons.

Yet Richard Nixon has had a chance to name four justices, and even the new pair now under consideration, while as conservative as he could ask about wiretapping, dissent and civil liberties questions, shows no promise of voting otherwise than did the Earl Warren court. As a matter of fact, the Warren Burger court in two school prayer cases, has issued decisions similarly distressing to the "Impeach Earl Warren" set.

Distressed for a different reason was the Rev. Robert F. Drinan, D-Mass., the only Jesuit congressman and a man nobody would want to say was not on the Lord's side, spoke vehemently against a constitutional amendment providing for "non-denominational prayer" in public buildings.

"It will do nothing to advance religion," he said, "It will be a detriment to religion."

The most cogent argument in the House debate yesterday was made by a freshman, Mike McCormack, D-Wash., who said that what a divided, polarized country needs least is religious strife.

Under the amendment, the thousands of

school boards in the country could have determined the content of school prayer, and the opportunities for denominational warfare would have been unlimited. Inevitably, prayers would be challenged by dissident denominations, and inevitably, the quarrel would take the issue back to the Supreme Court.

LOOK UPWARD

Rep. Joe Waggonner, D-La., accused the anti-prayer forces of having "cobwebs in your head."

"Don't be concerned about what earthly judges will say," he cried, pointing upward, "but about the Supreme Judge above."

But the constitutionalists carried the day by 28 votes. The House rejected what Richard Nixon likes to call "the popular political choice." It will perhaps go hard with them in their home districts and Republicans like House leader Gerald E. Ford may be as happy to have the issue as they would the victory.

When it seemed that the House was going to defy Heaven, Rep. John Buchanan, D-Ala., hastily introduced an amendment substituting "voluntary" for "nondenominational", and adding a provision for "meditation." If the idea of a six-year-old child meditating made any converts, they weren't enough when the final vote on the amendment came.

Rep. Drinan who will have less trouble than most explaining the matter to God and the public, acknowledged that it took considerable courage to appear to cast a vote against "God, piety and morality." A field day for the Pharisees in the next election seems guaranteed.

While the pro-prayer forces immediately announced the fight would go on despite the defeat, the agitation for constitutional change may have lost its force. The President, in announcing his latest nominees, declared it would henceforth be bad form for middle America to show disrespect for the court, and since his choices appear to be no more sensitive to what Rep. Chalmers Wylie, R-Ohio, called "Mr. and Mrs. Average America's bill," than were their predecessors, it seems the matter may rest although not in peace.

TOMORROW'S HARD DECISION FOR THE HOUSE

There are days when the agony of being a congressman exceeds the honor, and Monday will be one of them. For barring some unexpected delay, the House tomorrow will finally come to grips with the public school prayer issue it has been shoving aside for eight years.

Many representatives had hoped it would never reach the floor, and are fretting today over what they perceive as one of the most politically perilous votes of a lifetime. For some, from the more homogenous districts, conviction clashes squarely with political expediency. How does one explain back home, in next year's race, that he "voted against prayer" out of devotion to the country's constitutional heritage which includes the guarantee of total religious freedom?

It's a large subject to cover in a TV political spot, and certainly no explanation will suffice for the emotional proponents of the Prayer Amendment to the Constitution, which is before the House. But in spite of all the heat that's on, more than a few representatives have found their courage and taken their stands against the measure. Speaker Carl Albert of Oklahoma, who represents many fundamentalist folk in eastern Oklahoma, says he will oppose the amendment and doubts it will pass.

We hope he's right. Certainly those trying to block history's first serious effort to alter the Bill of Rights have gained yardage in recent days. This is mainly due to forthright statements of opposition from leaders of religious groups as diverse as the Southern Baptist Convention and the United States Catholic Conference.

Also, the opponents were reinforced this week by a well-reasoned plea from 343 constitutional lawyers, law school deans and law professors in more than 60 law schools across the country. They drew the dimensions of the danger in a few words:

"American liberties have been secure in large measure because they have been guaranteed by a Bill of Rights which the American people until now deemed practically unamendable. If now, for the first time, an amendment to 'narrow its operation' is adopted, a precendent will have been established which may prove too easy to follow when other controversial decisions interpreting the Bill of Rights are handed down. . . . If the first clause of the Bill of Rights, forbidding laws respecting an establishment of religion, should prove so easily susceptible to impairment by amendment, none of the succeeding clauses will be secure."

The same idea was expressed in simpler terms the other day by a Western congressman who had made his decision: "If in everything we do, we have to amend the Constitution, we'll destroy that document." Numerous amendments are before Congress—on racial busing, revenue sharing and other matters—but none is so parlous as the Prayer Amendment, for it is aimed at the heart of the Constitution.

This blockbuster was designed, of course, to demolish the Supreme Court rulings of the early 1960s that prohibited official prayers and Bible reading in public schools. The decrees were based on the First Amendment ban of any law "respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." Critics of the court were quick to charge that the clauses aren't applicable to school prayer, that they refer only to the establishment of a state religion or the repression of religion, and that the court had upset practices that had long been upheld.

But the Constitution wasn't handed down fully interpreted; that process goes on day by day as logic is extended and social change continues.

And the court in 1962 made a powerful case that it could no longer sit by while prayers prescribed by units of government were recited in the schools. It reminded that "this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America. The Book of Common Prayer, which was created under governmental direction and which was approved by Acts of Parliament in 1548 and 1549, set out in minute detail the accepted form and content of prayer. . . ."

That is precisely what the advocates of the Prayer Amendment now propose to do—establish acceptable prayer written by arms of government for use in the schools. They would embrace after two centuries the Old World technique of religious indoctrination that drove their forefathers to these shores. In religious zeal, they have forgotten history. By whatever name it is called, their proposal would use the power of government to enforce religion, and both religion and government stand to suffer.

This would be achieved by imposing on the schools a "nondenominational prayer" called for in the pending amendment. But, as 38 religious leaders and organizations have pointed out, there is no prospect of the major faiths agreeing on what constitutes such a prayer, the diversity of religion being what it is.

Inevitably, this would diminish individual religious freedom in some degree. At worst, as the opposing religious groups stated, it "could destroy the integrity of both church and state."

In their heavy pressuring of House members, some of the pro-amendment people reveal an incredible naivete. The prayer proposal is presented as the solution to America's anguish over crime, drugs and rebellion. One publication pressed upon congressmen asks, "Why are these men at Attica prison?" and bears a photograph of rioting inmates with clenched fists raised. The implication is that they are there because they heard no prayers in public schools. But who can imagine any social or spiritual transformation obtaining from the mechanical recitation of whatever vapid composition might finally be sanctioned under this amendment? In its final form, someone has quipped, the "prayer" might have to be addressed "to whom it may concern" if it is to be truly nondenominational.

Moreover, the proponents seem to be saying in effect that religion has fallen upon such hard times that it cannot flourish without the coercive power of government. Such a conclusion, it seems to us, is a denial of faith in both the potency of religion and the key underpinnings of American government. It's our guess that this amendment ultimately would reduce rather than reinforce the strength of institutional religious pillars.

That weakening would begin as the devisive influence of the amendment became apparent—as denominations competed to get their versions of "nondenominational prayer" accepted as legally valid. The legal standardized versions finally agreed upon probably would be objects of endless dispute, and the friction could only cost the churches in public regard.

Most church leaders understand all this and Congress would do well to heed them, for they certainly have the propagation of religion at heart. They also understand that if law can be used to serve religion, law might also be used someday to repress it. The House owes the country and posterity a ringing reaffirmation of faith in the principle of church-state separation. The Bill of Rights must be handed on to the next generation intact, and the mail received by representatives in recent days shows a growing public awareness of that necessity.

Let there be no misunderstanding—religious faith in America needs to be revitalized and expanded. But we're confident that countless people who haven't been heard from firmly believe this is in the province of the family and the church, never to be dealt with through the legislative process. That is the concept the House should uphold with courage tomorrow.

[From the Washington Post, Nov. 8, 1971]

THE PRAYER AMENDMENT

Sometime today, the House of Representatives will vote on a proposed constitutional amendment designed, according to its sponsors, to put prayer back into the public schools. The vote will come at the end of a short debate—the House has allotted only one hour for discussion of this attempt to change the First Amendment—but at the end of a long campaign. Ever since the Supreme Court first spoke on this matter in 1962 there has been agitation throughout the country for such an amendment. It is agitation which, in our view, has been based on a misunderstanding both of what the Court did and of why this country's history and traditions compelled it so to rule. Thus, while we fully respect the sincerity and good intentions of those who have labored so long for this amendment, we hope the House will reject it firmly today.

As we noted last week, the prayer amendment has produced a remarkable division inside many of the nation's religious groups. A campaign by individual citizens and churches who believe prayer in the schools is needed to stop the moral deterioration of

the nation was largely responsible for bringing this matter to the House floor on a discharge petition. On the other hand, the leaders of many of the country's religious organizations have been at the center of the campaign to defeat the proposal once it was set for a vote. As a result of this conflict, deep emotions are loose inside some denominations; we note, for instance, that the Southern Baptist conventions of North Carolina and Texas are on opposite sides of this fight. Such splits suggest the controversial nature of the amendment and the threat it holds of igniting religious strife. That, alone, is sufficient reason for the House to reject it today but there are other, more persuasive reasons.

Some of these reasons rest deep in America's history, springing from the fears that existed when a new nation was founded and a First Amendment was written. Others grow directly from the practical consequences that the adoption of this currently proposed constitutional amendment would bring. It is to these that we turn first.

The framers of the prayer amendment drafted it to overcome to some extent the Supreme Court decisions on Bible reading and prayer in the public schools, by making possible the daily recitation in the schools of nondenominational prayers. But it is on this point that a question of vagueness arises. The text of the amendment says:

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

This language misses entirely the point of the Supreme Court decisions. The Court has never said an individual cannot *participate* in prayer—denominational as well as nondenominational—in a public building. What it has said, in 1962 and again in 1963, is that government officials, including teachers, cannot *sponsor* such a prayer when their sponsorship brings pressure to bear on individuals either to participate or to be branded as outsiders. Nothing in the proposed amendment deals with the question of sponsorship, so that conceivably the language may add nothing and may change nothing—though that plainly is not the intent of its sponsors. In other words, it deals with the real question involved in the prayer cases only by indirection and through vagueness.

The second question to be raised about this proposal is how a "nondenominational prayer" is to be defined. The principal proponent of the prayer amendment, Rep. Chalmers P. Wylie, recently addressed himself to this question in an exchange of correspondence with Rep. Sam Gibbons, Mr. Wylie wrote:

. . . An example of an appropriate nondenominational prayer would be the New York State Regents' Prayer, which was composed by a Jewish rabbi, a Catholic priest, and a Protestant minister . . .

It is fair to say, also, that a prayer could be nondenominational in the context of the overall school program even if it would be regarded as sectarian if considered in isolation. It would seem to be legitimate for the appropriate authorities to permit the different religions represented in the school or other vicinity to take turns in offering a prayer of their respective religions. . . .

Contrast the first part of that with the recent statement signed by the leaders of several national religious organizations, including the Baptists, Episcopalians, Methodist, Presbyterians and Jews. They said.

The major faiths themselves have never been able to achieve consensus on a definition of prayer, much less a definition of 'nondenominational' prayer. . . . If such a proposed amendment should become a part of the Constitution of the United States, a new religion or 'nondenominationalism' would in a measure become established which could destroy the integrity of both church and state.

A third question raised by the proposal is who would decide what prayer is to be used in the schools. Mr. Wylie says that "the composition or selection of the prayer would be the function of the local school authorities." We cannot help wondering what this would do to local school board elections in a community sharply divided along religious lines. Or what it would do to the federal courts which would have to decide whether a particular prayer was nondenominational any time a parent wanted to complain.

Overriding these drawbacks, however, is the philosophical argument against the proposed amendment. This is an argument based on the need for strict separation of church and state, for complete religious freedom without the slightest impingement by government. It is an argument we have made many times in many contexts and will not belabor again. It should suffice to say now that we believe the proposed amendment would alter the arrangement of our liberties which led Mr. Justice Jackson to write almost 30 years ago:

If there is any fixed star in our contitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

DIFFERENT KIND OF RIGHT

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. PETTIS. Mr. Speaker, as the Ways and Means Committee continues its hearings on national health insurance, I believe an editorial from the Orange Cove, Calif., News entitled "Different Kind of Right" will be of interest to our colleagues:

DIFFERENT KIND OF RIGHT

Everyone, including the medical profession, now considers adequate medical care a "right". The only point where a difference of opinion enters the picture is how to provide that right—at a cost acceptable to taxpayers and patients.

In considering medical care a right, the danger arises that it will be lumped in with other such rights as freedom of speech, religion and press. The latter can be guaranteed by law. The right to good medical care involves far more, however, than merely passing a law. Exercising our "right" to good medical care is dependent upon the services of a good doctor, rather than a law. In reality, medical care for all is a goal that can be achieved only through strengthening and broadening the superior medical system which this country already possesses, buttressed by federal action that will facilitate the use of that system.

The medical profession is working on programs to increase the numbers of doctors and health care personnel and enlarge the capacity of medical facilities. In addition, to help resolve the economic barrier, the American Medical Association has developed its Medicredit program which, through insurance and tax credits, would go a long way toward establishing high-quality medical care as a right. The idea that simply passing a law creating a multibillion dollar National Health Insurance system would solve our medical problems and guarantee our "right" to medical care is pure fiction.

As one prominent physician commented, this would be like declaring air travel a "right". If this were done in a brief period, it takes little imagination to visualize the state of congestion that would overtake air terminals and airlines. As the physicians points out, ". . . in both medicine and air travel it takes time to create the supply needed to meet new demand. In the meantime, a growing demand works against a relatively constant supply. The result . . . is inflationary."

HONORS "GENTLEMAN JIM"

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. WOLFF. Mr. Speaker, on Saturday, October 9, 1971, the community of Bayside, N.Y., honored one of its greatest residents, James J. "Gentleman Jim" Corbett, who lived there from 1902 until his death in 1933. The ceremonies were conducted upon the lawn of Mr. Corbett's former house, where the memorial boulder and bronze plaque are located, and which is now owned by Mr. and Mrs. Thomas A. Claro who acted as host and hostess to the assemblage. The house is located at 221-04 Corbett Road.

The Right Reverend Monsignor Kelly gave the invocation and the benediction. The highlight of the program was an acappella chorus made up of students from the Bayside High School which the group had organized under their own auspices. They were ably led by Miss Ho Lee. The group of youngsters rendered two delightful numbers and made a most favorable impact which Jim Corbett would have appreciated if he could have seen and heard them.

Walter S. Dayton, whose father built the house and later sold it to the Corbetts in 1902, was master of ceremonies. Mr. Dayton reminisced about Jim Corbett, whom he had known personally as a youngster, and recalled that when his father told his mother, a Quaker, that a prize fighter would be her new neighbor, she worried that he might have an unfavorable influence on her five sons. It turned out that Jim became a wonderful neighbor and was an influence for good not only upon the five Dayton boys, but on all the boys in the community.

In my remarks at the dedication, I spoke of the great influence that James Corbett had upon his successors in the "ring" and that Jim had raised boxing from a virtual barroom brawl to a dignified sporting event; that Jim proved that brains and skill could outdo brawn.

Jim Corbett's voice was reproduced on tape from phonograph records he made years ago, and Mrs. Edmund Balsdon played a short tape recording in which Mr. Corbett compared prize fighting in his day with what might be called modern bouts.

Mrs. Carlyle Hall, Bayside Historical Society vice president, arranged the day's program and introduced the high school chorus.

The formal dedication of the Corbett memorial was made by Joseph H. Brown, president of the society, who stated that the bronze plaque was donated by Madison Square Garden Boxing, Inc., through the president of the boxing division, Mr. Harry Markson.

Brown related why his society chose to honor "Gentleman Jim's" memory:

Because of the fine example he set for the youth of his time in this community. Because of the fine example Mr. Corbett set for those who were to follow him in his profession of boxing. Because of the fine example Jim set as a neighbor and community resident aiding with his time and talent and with his name events of many local organizations and community groups.

Brown then added these remarks in dedicating the plaque:

His name will endure as long as courage and skill and sportsmanship are cherished in this land of ours. Gentleman Jim, Sir, we dedicate the boulder and plaque in your memory.

INVESTIGATE BOTH SIDES BEFORE ACCEPTING NADER'S COMMENTS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. BOB WILSON. Mr. Speaker, we are well aware of the attention Ralph Nader enjoys in the press. His utterings are quoted extensively and we can read almost daily headlines that scream about another Nader "expose." Unfortunately, Mr. Nader's comments seldom are checked out against the facts before they fall into print, and Americans are reading more about his opinions than about the truth. In fact, I believe Mr. Nader's difficulty in distinguishing fact from opinion may one day bring doom to a cause that began with admirable intentions but now is losing respectability. Recently Mr. C. Howard Hardesty, Jr., senior vice president of Continental Oil Co. spoke before the South Carolina Petroleum Council's annual convention about some of Nader's tactics. Most of the speech quoted from an unusual letter Mr. Hardesty had written to his son and daughter, who reflected the younger generation's naive tendency to accept Nader's pronouncements as gospel, without seeking the "other side." I insert Mr. Hardesty's letter in the RECORD for the benefit of our colleagues:

DEAR SALLY AND KIM: Your mother and I are very pleased with how you are progressing. Keep it up. Your clear minds which rightly questioned our use of cigarettes and predinner cocktails, raised several questions which deserve more of an answer than I could extemporaneously serve up. So I will favor or inflict you with a few thoughts which time has permitted me to pull together. In case you want to sign off early and give this the deep six, I'm going to tell you that we live in a pretty good country—a country with a deep commitment by our people—including business and industry to improve our environment. With a little common sense on the part of all of us, you'll be a proud citizen, as I have been, of a country which is the leader among nations.

I believe we stand on a common ground. Both the goals of your generation and my generation are similar. We want social progress for *all* citizens and we want to advance human knowledge in broad areas. We want an advanced standard of living available to all our fellow men and women. We want to live and work in an environment that is better than just satisfactory and which supports the physical and mental wellbeing of all of us. We want a sense of security so that the goals we achieve cannot be disturbed by forces beyond our control.

Kim, I suppose I should rest better because Ralph Nader says there is no fuel crisis. But, if, as he says, the so-called "energy crisis" is solely the product of advertising, then we have just witnessed the most successful advertising campaign ever conducted in the history of man. It is not that simple and I recognize that it's always dangerous to take on a person like Nader after his reputation is established. It's hard for me—for two reasons:

First: If I didn't publicly quarrel with him when he attacked other segments of business, then why do I raise my voice now? Is it a matter of "whose ox is being gored?" I'd rather think it is because he is addressing himself to an area where I have some knowledge of the facts.

Second: I happen to believe in the role of the critic when he supports himself with facts. I also believe in the role of muckrakers—however prejudicial that term sounds—as long as he remains responsible. Let me make sure you understand how I use the term "muckraked" by quoting from its originator, Theodore Roosevelt.

"The men with muckrakes are often indispensible to the well-being of society, but only if they know when to stop raking the muck and to look upward to the celestial vision above them, to the crown of worthy endeavor.

"There are beautiful things above and around them and if they gradually grow to feel that the whole work is nothing but muck their power of usefulness is gone."

Nader has in the past rendered a service to this country. In his way, he and his troops have provoked all of us to re-examine our approach to problems. The business community was made to recognize that reasons behind their conduct and their approach to problem-solving had to be laid before the American public.

Unfortunately—and too often—incomplete and inaccurate data combined with innuendo are used as the tool. We are now approaching the time when concerned citizens demand and deserve more than criticism which is not supported by fact or aided by constructive solutions.

This most recent blast of Nader's moves me toward the position of Thomas R. Shepard, Jr., publisher of LOOK Magazine, who calls them a Disaster Lobby which is basically opposed to the free enterprise system and will do anything they can to bolster their case for additional government controls over industry.

With this in mind, I can tell you that I would be willing to meet Mr. Nader any time to discuss the realities of the energy problems this nation faces. I ask merely that he bring his facts and leave his conjectures at home.

Is this unfair? Do we really have a fuel shortage? Who says that we are facing an "energy crisis"? The people who have studied the problem in depth are lined up against Mr. Nader.

President Nixon said in his Energy Message: ". . . in the last four years it (energy consumption) has been growing at a faster pace and forecasts of energy demand a decade from now have been undergoing significant upward revisions . . .

"In the years ahead, the needs of a growing economy will further stimulate this demand."

A spokesman for the Department of the Interior has found that: "After years of supposing that we could count on all the energy we needed, we are now finding that the focus of our concern has suddenly moved from the disposal of abundance to the rationing of scarcity."

The Senate Interior Committee began their study of a National Fuels and Energy Policy with this observation:

"There have been numerous symptoms in recent years of failures in our energy system. A few examples of the energy crisis will serve to illustrate an ominous picture.

"The number of summer blackouts in the United States has increased from eight in 1966 to 34 in 1969. In 1970 it rose to 54.

"During the past winter, 39 of the Nation's 181 largest utilities were seriously short of power and had dangerously low reserves of generating capacity."

The National Petroleum Council recently pulled together more than 200 experienced people from all the energy industries—oil, gas, coal, nuclear—to study our energy requirements and supplies—and here are a few highlights of what they said:

Assuming no change in government policies, by 1985 our nation will be confronted by:

(1) a 45% short supply in natural gas as compared to demand;

(2) a required doubling of coal production;

(3) an increase in nuclear power generation by 100 times; and

(4) the importation of about 15 million barrels of oil per day.

Are the implications clear to you? Can you imagine the numbers of tankers, refineries, terminals, employees, coal mines, railroad cars, generating stations that all this will involve?

These conclusions have also been accepted by other responsible groups. G. J. Tankersley, President of the American Gas Association, whose main goal is keeping the pipelines full, recently stated:

"There's really no mystery as to how the deliverability gap developed in the gas industry. It is simply a case of demand increasing faster than our ability to develop new sources of supply. Gas has, for example, provided over 50 percent of our nation's new energy requirements over the past 25 years. Supply, on the other hand, has been unable to keep pace with rising demand, and in 1968, we started on a 'deficit spending' course—since that time, our proved reserves in the lower 48 states have regularly declined."

No one who earnestly searches for the truth can run from the fact that for the past three years—1968, 1969 and 1970—new gas supplies discovered in the lower 48 states have only been about one-half of the total gas produced and used. By 1973, South Louisiana (which produces about one-third of the gas used in the United States) will not be able to meet gas deliverability requirements on an annual basis.

No, Sally and Kim, Ralph Nader has just committed an injustice to this nation. Now more than ever before we need intelligent, rational decisions. More than ever before we need a cooperative effort between all positive forces in our life—government, industry, labor, conservationists and consumers to plan for our future. Misstatements—inaccuracies and half-truths critically delay this process. In his haste to muckrake—to make a headline—he ignores the efforts of those who devote their lives to finding and producing the energy requirements of this

nation. In all the days ahead let us remember Mr. Nader's statement made on October 29, 1971, that the "energy crisis" was merely a promotion of the fuel firms' advertising departments. Let us also judge his other pronouncements accordingly.

Without facts but armed with opinions, Nader is now creating a dark and brooding sense of doubt—doubt about the extent and the sincerity of the commitment by government and industry to solve one of the most serious problems of our decade. The challenge of providing adequate fuel for our nation is great. We will have to accelerate our exploratory efforts, search in hostile environments, conserve whenever we can and greatly improve our efficiency of use. Attainment of our goals will flow not from the muckrakers, but from the cooperative efforts of all of us who want this nation to move forward.

As Chairman of the American Petroleum Institute's Committee on Air and Water Conservation, I deeply resent his statement that ads that oil companies are working toward the improvement of the environment are especially misleading. A few facts will label this the big lie.

Is not expenditures of $2 billion dollars in 5 years working toward improved environment? That's what our industry has spent on pollution abatement.

Is not $501 mililon dollars a year a contribution of some sort toward a better country? That's what the oil and gas companies are spending this year to clean up their house. This one industry is spending more in one day than all the municipalities in this country are spending in a month. How can it be said that we are ignoring our responsibilities?

Is not more than 75 current and completed projects funded in 1971 by the oil industry and the Environmental Protection Agency including 36 research and demonstration projects funded by the industry alone a step in the right direction?

What we are really looking for is a reasonable balance—call it a parity—between what our super technology can produce and what our not-so-super bank balances can afford. If three years ago someone had guaranteed Detroit that they could sell all their 1972 models at twice their current price, then we would be a lot closer to a non-polluting car. That doesn't mean meanufacturers would have made a dollar more. But by using special metal alloys and perhaps platinum in a a catalystic muffler we could be far ahead of today. But is it right—does it make sense to produce a desired product at prices we can't afford and which does not reflect a balance of our societal means?

The free enterprise system has stood for an important balance: the superior product at the most competitive price. I happen to believe we cannot afford to lose that kind of parity.

We're making progress. Don't sell this country and the free enterprise system short. Even the amount of gases in urban air is dropping sharply. New York City's Department of Air Resources reports year by year decreases in sulfur oxide, nitric oxide, carbon monoxide and aldehydes since the Department began monitoring the air in 1965. Similar declines have been recorded in other big cities, in a recent New York Times article, Professor Matthre Creason of Johns Hopkins University states: "There has been a general decline in all pollution during the past thirty or forty years. In some cities the sulfur dioxide content of the air is only one-third or one-fourth of what it was before World War II."

That may seem hard to believe because most of us hear only about the current problems and we don't take time to make comparative judgments.

But professionals like Harold Gotaas, Dean of the Technological Institute of Northwestern University decry what he calls "emotional and exaggerated views of water pollution." Dean Gotaas stated that "never in history has the quality of water supplies been better. Today's concern over water pollution stems from aesthetic rather than health considerations," the Dean said, and because it does we should study carefully any extravagant counter measures.

You may both have heard that the industry is the cause of all pollution and therefore we must turn from the capitalistic system. Do you really believe that pollution is the creation of capitalism? Recently, Anthony Wayne Smith, President of the National Parks and Conservation Association and Chairman of Environmental Coalition for North America states that "the problems of the poisoning of air, water and soil, which Fromm and others think may prove lethal, are universal, not the fruit of any single economic or political system." Mr. Smith went on to describe the trying problems which the Russians have in preventing and reversing the pollution of Lake Baikal in Siberia, the largest body of fresh water in the world. Journey around the world and you will find that people, not their form of government, create pollution.

Don't misunderstand me. The environmental challenges are large, they cannot be ignored, but they can and will be conquered. The cost is enormous—hundreds of millions of dollars—which our generation, your generation and all future generations will have to pay. We can cry for a cleaner world, but let's not cry when we get the bill in increased prices and taxes. But it is counter-productive to assert—as Nader did—that one industry is ignoring its responsibilities.

Now, Sally, about your editorial to insulate America's shorelines: I must say that outlawing industry on our shorelines is an understandable "knee-jerk" reaction. Its so easy when we are faced with a problem to say "let's pass a law—let's make it illegal." Laws, alone, will not solve the great problems of society whether they deal with equality, segregation, drugs or pollution. The right state of mind is far more important.

In my opinion, Delaware will repeal its industrial prohibition pasesd more in response to emotion than logic. What special right does one state have to pass its problems on to its neighbor? In the long run, can it say "Yes, we need energy to build our economy, but build a stable for our horse-power in the yard of our neighboring states. Yes, we want the wheels of commerce to roll but someone else must turn the crank." Can we enjoy the shade of the tree without raking up the leaves?

These conflicts will be resolved when sane minds, divorced from emotionally charged atmospheres, recognize that we need natural resources to maintain our economic progress and that they can be harvested and used in a planned way which does not undermine our environment.

This nation desperately needs the energy from all reservoirs including offshore opportunities. This nation needs the coal and minerals including those which must be surface-mined. We need oil terminals, refineries and LNG plants on our eastern seaboard. We need nuclear plants, and lots of them, and unless you want to wither on the vine, intelligently plan for and make adequate provision for them. These needs cannot be ignored with the hope that they will go away. We must engage in the kind of planning which will permit their development in a way which will still preserve for us an adequacy of nature undisturbed. This planning must result in action now, not tomorrow.

Wouldn't it be nice if we had two worlds? One for our life of progress, social and technological achievement, business, space, industry, factories, coal mines, oil wells, housing and cities. The other would be just on the other side of the door where we could step into the peace, the quiet and the beauty of nature untouched by human hand. To provide a power balance between this need for energy and progress and this need for an undisturbed environment is a challenge which all of us—your generation and mine—must face—and must resolve. The time is upon us to find and to build on the truth. I have no fear but that you will find answers in your time—as we are finding them today—which will move people and society forward. That's really the only direction any of us can tolerate.

In closing, if you have not already turned to more interesting reading, your parents won't apologize for the world in which you live. Our half century has been a good one and when you have traversed more than fifty percent of your material existence, I hope you and your generation will have:

Built as many hospitals;

Erected and staffed as many schools and colleges;

Opened the exciting doors of education to as many people;

Cured as many ills and conquered as many new fields in medicine;

Made as much progress in communications;

Opened as many opportunities for minorities;

Given as unselfishly of yourself for the protection of your nation from aggression;

Aided as many sick and starving people around the world;

Traveled beyond the moon both in reality and in hopes;

Provided a balance—a parity—in the forces which propel us forward, and,

Please be ever mindful of and devoted to the one almighty power—God—which guides the destiny of all mankind.

I am confident you will.

Love,

DAD.

AIRSTRIPS NEEDED AT KAKE AND ANGOON, ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. BEGICH. Mr. Speaker, recently, I received a letter and a resolution from the Southeastern Alaska Community Action Program concerning the need for an airfield at Kake and Angoon, Alaska. SEACAP believes that the construction of an airfield at these two sites is vitally necessary.

The city of Kake depends upon the float airplane service for its economic and day-to-day survival. Having landed at both of these sites on occasion, I also realize the need for airstrips there. It is time the people of Kake and Angoon were given the priority they deserve. It is essential to the progress of these areas and of Alaska that they be provided with the provisions needed for their growth.

The SEACAP resolution urges the State of Alaska to place an airfield at Kake and Angoon high on its list of priorities. The following is a copy of the resolution for my colleagues' inspection.

RESOLUTION NO. 17

Whereas, The City of Kake is dependent on Float Airplane service; and

Whereas, All other cities in Southeastern

have, or are getting airplane landing fields; and

Whereas, An airfield is badly needed in Kake, and Angoon.

Now therefore be it resolved: That SEA CAP urge the State of Alaska to give high priority to an airfield at Kake and Angoon.

REPORT OF AN FBI INVESTIGATION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. HARRINGTON. Mr. Speaker, another distressing example of the Nixon administration's attitude toward the press and basic constitutional rights came to light last week with the report of an FBI investigation of Daniel Schorr, a newsman for the Columbia Broadcasting System.

The official explanation was that Mr. Schorr was being considered for a job in the administration. But, if such a job possibility ever existed, the White House failed to inform Mr. Schorr.

As James Reston wrote in this Sunday's New York Times:

The FBI investigation of Mr. Schorr is even clumsier than other similar investigations and the explanation of that investigation—that they were thinking of giving him a big Government job—is almost funny, until you realize that this sort of thing is actually organized and put in train with the FBI by the political image-makers on the White House staff who claim executive privilege and immunity from questioning by the Congress when they are caught in these peculiar manipulations.

The steady, quiet erosion of our individual freedoms is no less deadly than overt, violent repression. It insinuates itself, becomes part of the daily diet and can create an invisible stranglehold through apathy and acceptance. As Mr. Reston puts it, this administration which purports to be the most open in terms of ideas and communication, "is by far the most closed administration since the last World War."

I wish to insert Mr. Reston's column in the RECORD.

The column follows:

BUT IF YOU LAUGH, IT HURTS

(By James Reston)

WASHINGTON.—In the last few months, the Administration has been putting the cops on the Washington reporters again, and there is a lot of talk around here, most of it a little melodramatic, about some dark Administration plot to intimidate or discredit its critics in the press and the networks.

Ever since the publication of the Pentagon papers, the Justice Department, instead of quitting when it was behind, has been using the F.B.I. to try to prove that there was some kind of conspiracy against the Government in the publication of these papers.

This is understandable. The Government has the right and even the duty to protect the privacy of its official papers, but its methods are astonishing. It has demanded by subpoena the transcript of an off-the-record talk by Daniel Ellsberg made to a private meeting of the members of the Council on Foreign Relations in New York. The F.B.I. has also been inquiring into the private records and even the bank accounts of Neil Sheehan, who broke the Pentagon papers story in The New York Times, and into the private records of his wife as well.

This has been going on now for over three months, while a grand jury in Boston is summoning Vietnam critics out of Harvard and M.I.T. and friends of Mr. Sheehan to tell what they know about Dr. Ellsberg and Mr. Sheehan. And the habit of using police methods in these delicate Government-press relations seems to be growing.

For example, William Beecher of The New York Times wrote a report on the progress of the U.S.-Soviet arms talks late last summer, and the Administration has actually been giving lie-detector tests to some of its own officials who are suspected of being the source of his information.

And the latest object of the Administration's concern is Daniel Schorr of C.B.S., a tough-minded and admirably nosy old pro, who has been raising some interesting questions about the mystifying contradictions and "clarifications" in the Administration's social and economic policies and has had the audacity to suggest that the re-election of Mr. Nixon is not essential to the well-being of the Republic.

Thereupon Mr. Schorr suddenly discovered not only that the White House was protesting to his boss at C.B.S. about his reporting but that the F.B.I. was questioning his neighbors and colleagues about his personal life and professional qualifications. When this was made public, the White House explained that Mr. Schorr was being considered for an important Government job, which he had never heard of and the White House refused to identify. The laughter that greeted all this is still rattling through Washington.

So, obviously, there is something pretty fishy in all this, but probably less than meets the eye. When odd or mysterious things happen in Washington, and you are asked to choose between two possible explanations—a conspiracy or inefficiency complicated by stupidity—it is usually wise to bet on inefficiency and stupidity.

The long investigation of Mr. Sheehan and the legal demand for Dr. Ellsberg's speech before a private meeting at the Council on Foreign Relations are a puzzle. The F.B.I. doesn't have to ask Mr. Sheehan's next-door neighbor if she has any letters from him with his signature; they have his signature on his White House and Pentagon press passes, and there is no mystery about what Dr. Ellsberg has been saying about the Pentagon papers, for he has said it all in public.

The F.B.I. investigation of Mr. Schorr is even clumsier, and the explanation of that investigation—that they were thinking of giving him a big Government job—is almost funny, until you realize that this sort of thing is actually organized and put in train with the F.B.I. by the political image-makers on the White House staff who claim executive privilege and immunity from questioning by the Congress when they are caught in these peculiar manipulations.

The whole thrust of these intimidating investigations shows the most abysmal ignorance or misunderstanding of what a reporter's function is. His job is to gather all the information he can, just as a President's ambassador is expected to report all the information he can gather at his post. What is done with that information is not the reporter's responsibility but the newspaper's.

Mr. Sheehan and Mr. Schorr are only agents of the institutions for which they work, and to single them out and harass them does not really help the Government but merely stirs up the whole communications fraternity, which, under attack, and only then, is a kind of mutual aid society.

It is easy to understand the zeal of these anonymous image-makers in the White House. They see the terrible dilemmas before the President and resent the critisism of his policies, but one wonders about their judgment, their secrecy and their immunity from questioning. The Washington press corps was here before they all arrived and will be around long after they have gone back to commercial huckstering. It has had to deal with the manipulation of pros on the White House staff from Roosevelt to Johnson, all of whom were at least available for questioning, but President Nixon is served, if that is the word, by some key self-righteous amateurs who have forgotten what destroyed President Johnson and what Mr. Nixon himself said on his way to the White House.

"It's time," Mr. Nixon said in the 1968 campaign, "we once again had an open Administration—open to ideas *from* people, and open with its communication *with* the people—an Administration of open doors, open eyes, and open minds."

Well, the plain truth is that this is by far the most closed Administration since the last World War.

And the irony of it is, while all the closed doors and the F.B.I. investigations are intended to protect the President, discredit his critics and enhance his "image," they merely dramatize his weakness and revive the old doubts about his tricky and manipulative politics.

THE CLEANEST CITY IN CALIFORNIA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. EDWARDS of California. Mr. Speaker, in this era of what may be referred to in history as the age of pollution, I am proud to be able to report on a community in my congressional district which is hopefully reversing that trend. Fremont, Calif., has just proved itself to be the "cleanest city in the State of California."

It was announced that Fremont had won the coveted $10,000 Stauffer Trophy which was awarded by the California Anti-Litter League at its annual statewide conference in Anaheim, Calif., on November 8, 1971.

This trophy will be displayed at the Fremont City Hall for 1 year and in addition the city was presented with a check for $1,000 to carry on with its cleaning, painting and planting programs.

I know the citizens of Fremont must be very proud and particularly proud of the efforts of all their citizens which served on the city beautiful committee.

This committee in existence since 1956 submitted the following list of their efforts; sponsored the cleanest school contest, fall and spring cleanups, the litter "pile-on" program where youth groups collect litter in big piles for hauling off to the dump, and the litter bag program to urge car dealers and the city to supply litter bags to the public. The committee also encouraged service groups to participate by putting benches in parks, encouraged garden clubs and nursery owners to donate and plant trees, organized half price dumping days in cooperation with local dumps, and got high school students to clean weeds from a cemetery and remove old tires from a canyon. The committee has also encour-

aged city staff members to remove old junk cars from public and private property.

Their latest project in cooperation with the Fremont Chamber of Commerce was to sponsor the environmental design awards luncheon to honor businesses, public agencies, and private individuals for good architectural design and landscaping.

Just an example of what one community, Fremont, Calif., has done with various beautification programs.

IN OPPOSITION TO THE NOMINATION OF LEWIS F. POWELL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. CONYERS. Mr. Speaker, on November 9, 1971, I testified on behalf of myself and the congressional black caucus against the nomination of Lewis F. Powell of Richmond, Va. Accompanying me was Mr. Henry L. Marsh III, veteran civil rights lawyer who represented the Old Dominion Bar Association which also opposes the nomination. What we feel makes our position difficult is that we are not dealing with a professionally unqualified nominee. We feel, however, that his judicial philosophy, as expressed through his conduct and policies as a prominent civic and State leader, is inimical to the best interests of the American people, and of blacks and other minorities in particular.

In voting on a presidential nomination to the Court, we believe that a Senator ought to vote in the negative if he strongly believes that the nominee's views on the great questions of his day would do the country an injustice if he were to sit on the Court. On the basis of the information provided by Mr. Marsh and others, we believe that the nominee's understanding of the large issues of the day would make it harmful to the country for him to sit and vote as a member of the Court. Can we afford a nominee on the Court whose presence would drive a wedge between the Constitution and those whom it is designed to protect? The oppressed in our society have had no more precious champion of their rights than the Supreme Court. What would be the sense in breaking their last, thin grasp on justice?

I am submitting for the RECORD, a copy of my testimony and an illuminating article by Charles L. Black, Jr., of the Yale Law School on senatorial consideration of Supreme Court nominees:

TESTIMONY OF HON. JOHN CONYERS, JR., BEFORE THE SENATE JUDICIARY SUBCOMMITTEE CONSIDERING THE NOMINATION OF LEWIS F. POWELL AS A SUPREME COURT JUSTICE

Mr. Chairman and distinguished members of the subcommittee, I appreciate the opportunity to testify before you on a matter of such great importance as the nomination of Lewis F. Powell as an Associate Justice of the Supreme Court.

In considering Mr. Powell or any other nominee to the Court, no one would deny the Presidential prerogative of examining a potential candidate's philosophy before placing his name before the Senate for confirmation. Nor is there any requirement of the type of philosophy a nominee should espouse. But it also follows that there is nothing to preclude the Senate from laying bare that nominee's predilections, but indeed it has a responsibility to do so.

Many of the founding fathers feared that nominal "advice and consent" of the Senate on nominations to judgeships would create a dependency of the judiciary on the executive. It was their intent to make the judiciary independent by insisting on joint action of the legislative and executive branches of each nomination. Consequently, as Charles L. Black, Professor of Law at Yale University, has pointed out, such inquiry is consistent with the Senate's constitutional duty in advising on presidential nominations:

"A Senator, voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court, and that, on the other hand, no Senator is obligated simply to follow the President's lead in this regard, or can rightly discharge his own duty by doing so."

Competency as a legal technician is not sufficient cause for appointment in the Supreme Court. Since judges by definition must sit in judgment, exercising what Oliver Wendell Holmes called the "sovereign prerogative of choice," they must bring more to their task than a highly specialized technocracy. What a judge brings to bear upon his decision is the weight of his experience and the breadth of his vision, as well as his legal expertise. In the words of Felix Frankfurter, a justice ought to display both "logical unfolding" and "sociological wisdom." Or, as Henry Steele Commager put it: "Great questions of constitutional law are great not because they embody issues of high policy, of public good, of morality." Similarly, great judicial decisions are great not because they are brilliant formulations of law alone, but because they embody highmindedness, compassion for the public good, and insight into the moral implications of those decisions.

I. POWELL'S RECORD ON THE RICHMOND SCHOOL BOARD

For the past several days, the press and Lewis Powell's supporters have been treating us to a view of Mr. Powell which would have us believe that he was the champion of the successful, gradual integration of the Richmond public schools. As *Time Magazine* put it, Mr. Powell, as Chairman of the Richmond School Board, presided over the "successful, disturbance-free integration of the city's schools in 1959."

While it is true Mr. Powell sat on the School Board of the City of Richmond from 1950 to 1961, serving as its chairman during the last eight years of that period, something less than successful integration took place. The opinion of Circuit Judge Boreman, not noted for his liberal views, in *Bradley v. School Board of the City of Richmond, Virginia* clearly documented the fact that in Richmond, only a matter of months after Mr. Powell had left the city School Board, "the system of dual attendance areas which has operated over the years to maintain public schools on a racially segregated basis has been permitted to continue." [317 F. 2d 429 1963) at 436.] What the very words of the United States Court of Appeals, Fourth Circuit, indicate beyond a shadow of a doubt is that Lewis Powell's eight-year reign as Chairman of the Richmond School Board created and maintained a patently segregated school system, characterized by grossly overcrowded Black public schools, white schools not filled to normal capacity, and the school board's effective perpetuation of a discriminatory feeder or assignment system whereby Black children were hopelessly trapped in inadequate, segregated schools.

The entire text of the *Bradley* opinion is submitted for inclusion into the record of these proceedings, so that it may be carefully scrutinized by this committee and members of the Senate in order that a more accurate view may be gained of the conditions that existed under the Powell administration.

Under his guidance, the Richmond School Board maintained a "discriminatory 'feeder' system, whereby pupils assigned initially to Negro schools were routinely promoted to Negro schools." To transfer to white schools, they had to "meet criteria to which white students of (the) same scholastic aptitude (were) not subjected." [317 F. 2d, at 430.] The Court found that, including the years when Lewis Powell was the leading policy-maker on the Richmond School Board, the infant plaintiffs in the *Bradley* case were "able to escape from the 'feeder' system only after the District Court made possible their release by ordering transfers." [317 F. 2d, at 436.]

Listen to the words of Judge Boreman, as he describes the state of the Richmond public school system which Mr. Lewis Powell and his supporters so proudly point to as a prime example of his "sensitivity" to the needs of Black people:

"It is clear, as found by the District Court, that Richmond has dual school attendance areas; that the City is divided into areas for white schools and is again divided into areas for Negro schools; that in many instances the area for the white school and for the Negro school is the same and the areas overlap. Initial pupil enrollments are made pursuant to the dual attendance lines. Once enrolled, the pupils are routinely reassigned to the same school until graduation from that school."

The deleterious effect of eight years of Lewis Powell's control over the education of the Black and white children of the city of Richmond is clearly pictured in the statistics cited by the Court:

"As of April 30, 1962, a rather serious problem of overcrowding existed in the Richmond public schools. Of the 28 Negro schools, 22 were overcrowded beyond normal capacity by 1775 pupils, and the combined enrollments of 23 of the 26 white schools were 2445 less than the normal capacity of those schools." [317 F.2d, at 432–3.]

As of 1961 when Mr. Powell left the Richmond School Board only 37 Black children out of a total of more than 23,000 were attend- previously all-white schools in Richmond.

A fair examination of the evidence suggests that Lewis Powell, in this instance, certainly was no respecter of the decrees of the very Court for which his nomination is now being considered. For in *Brown v. Board of Education* [347 U.S. 483] and *Cooper v. Aaron* [358 U.S. 358], the Court had found that it was primarily the duty of the *School Board* to eliminate segregationist practices in the public schools. But as the *Bradley* opinion notes, the Richmond School Board could not even claim that a reasonable start had been made toward the elimination of racially discriminatory practices. [317 F.2d at 435.] "The Superintendent of Schools testified that the City School Board had not attempted to meet the problem of overcrowded schools by requesting that Negro pupils in overcrowded schools in a given area be assigned to schools with white pupils." [317 F.2d, at 435.] Rather than admitting that it had failed, the Richmond School Board was blaming the "Pupil Placement Board" and others for what was clearly, as the Court decreed in *Bradley*, its own miserable dereliction of duty.

Powell, in a letter to the City Attorney,

dated July 20, 1959, wrote that "The entire assignment prerogative is presently vested in the State Pupil Placement Board, and although the law creating this Board may be shaky, it has still not been held invalid. In any event, it is our basic defense at the present time." Here, Powell is clearly letting a weak governmental agency take the blame for what in fact were his own segregationist policies where pupil assignment was concerned.

Numerous other cases which deal with the conditions of the Richmond schools during the era of Mr. Powell's chairmanship document the horrendous conditions which he helped to perpetuate and institutionalize. In *Warden v. The Scohol Board of Richmond*, a special meeting of the School Board of Richmond on September 15, 1958 is shown to have recommended that an all-white public school be converted to an all-black school in order to perpetuate segregation [*Lorna Renee Warden et al. v. The School Board of the City of Richmond, Virginia, et al.*] Obviously Mr. Powell's sanction of the maintenance of a dual system of attendance areas based on race offended the constitutional rights of the black school children who were entrapped by Powell's policy decisions. From the foregoing evidence, it does not appear that Mr. Powell was a neutral bystander during these critical years of Richmond's history. In fact, the record reveals that Mr. Powell participated in the extensive scheme to destroy the consitutional rights that he had sworn to protect.

When Lewis Powell resigned from the Richmond School Board in order to take his place on the Virginia State Board of Education, an editorial in the March 3, 1961 edition of the Richmond *Times-Dispatch* praised him for the fact that "the two new *white* high schools (were) planned and built during his chairmanship." (Emphasis added) There were those in Richmond who had good cause to be justly proud of the masterful way in which Mr. Powell had perpetuated the antiquated notions of white supremacy through a clever institutionalization of school segregation.

II. POWELL'S RECORD ON THE VIRGINIA STATE BOARD OF EDUCATION

The defenders of Lewis Powell's record in the field of education proudly point to his support of the "Gray Proposals" in the 1950's as proof-positive of his "courage" in the face of those who were advocating the stiffer line of "Massive Resistance" *vi-a-vis* the *Brown* decision. His early support of these proposals, it can be documented, was translated into his later actions as a member of the State School Board, which, I shall show, also served to foster substantive segregation in the public schools—this time on a state-wide scale.

On August 30, 1954, the Governor of Virginia appointed a Commission on Public Education (known as the "Gray Commission") to examine the implications of the Supreme Court's *Brown* v. *Board of Education* decision of May 17, 1954 for the school segregation issue in the State of Virginia.

The Gray Commission made at least three separate reports to the Governor—on January 19, 1955, June 10, 1955, and November 11, 1955. In summary, these "Gray Proposals" called for legislation which would provide "educational opportunities for children whose parents will not send them to integrated schools." [*Race Relations Law Reporter*, Vol. 1, No. 1, 1956, p. 242]:

"To meet the problem thus created by the Supreme Court, the Commission proposes a plan of assignment which will permit local school boards to assign their pupils in such manner as will best serve the welfare of their communities and protect and foster the public schools under their jurisdiction. The Commission further *proposes legislation to provide that no child be required to attend a school wherein both white and colored children are taught and that the parents of those children who object to integrated schools, or who live in communities wherein no public schools are operated, be given tuition grants for educational purposes.*" (Emphasis added. Ibid.)

In order to implement the tuition grant strategy, the Gray Commission called for the amendment of Section 141 of the Virginia Constitution—which had formerly prohibited public funds from being appropriated for tuition payments of students who attended private schools—so that "enforced integration (could be) avoided".

I submit the entire text of the "Gray Proposals" into the record of these proceedings, so that all may view its other recommendations, which include the following:

1. That no child be required to attend an integrated school.

2. That localities should be granted State funds upon certifying that such funds would be expended for tuition grants (to send, in practice, white children to segregated, all-white private institutions).

3. That the State Board of Education be empowered to liberalize certain conditions in the distribution of State funds (so that, in practice, tuition grants, transportation costs, institutional fees, and other expenses involved in supporting the multitudinous new white private schools could be met).

Thus was the idea of using tuition grants as a means of circumventing the intent and spirit of the *Brown* decision first expressed. The Gray Proposals subsequently became the policy of the State of Virginia and its Board of Education. White parents who refused to send their children to integrated public schools but who could not afford to carry the entire financial burden of sending them to segregated private schools were soon subsidized by publicly-funded tuition grants, or "pupil scholarships" as they came to be called.

That Lewis Powell was a supporter of the tuition grant strategy there is little doubt. The actual minutes of the Virginia State Board of Education show that Powell was present at numerous meetings between 1962 and 1968 at which the regulations governing the payment of tuition grants were approved, the actual appropriations of funds for these grants were made, and annual reports summarizing the total outlay of State and local moneys for the "pupil scholarships were given." The total annual outlay in Virginia for these tuition grants was enormous. During the 1962 to 1963 school year, for example, a total of $2,252,995.07 paid from State funds and local funds advanced by the State for the localities was paid out in the form of tuition grants of various forms (Minutes of the Virginia State Board of Education, Vol. XXXIV, p. 84, August 22–24, 1963).

The minutes of the State Board's special meeting of July 1, 1964, clearly indicate that Lewis Powell was present when, by a *unanimous* vote, a resolution was passed which facilitated the filing of tuition grant applications by Prince Edward County parents. This July 1, 1964, vote, which clearly documents Lewis Powell's favorable stance towards the tuition grant strategy in Prince Edward County, Virginia, is a particularly crucial one. For in the case of Prince Edward County, all public schools were closed for five full years, from 1959 to 1964. Lewis Powell was on the State Board of Education for a full three of those five years. As the text of the Fourth Court of Appeals indicates, "the county made no provision whatever for the education of Negro children; white children attended segregated foundation schools financed largely by state and county tuition grants to the parents." [*Griffin* v. *Board of Supervisors of Prince Edward County*, 339 F. 2d 488.] For five years, only white children attending private schools subsidized by publicly funded tuition grants received an education in Prince Edward County.

Foundation schools, for white students only, thrived and were supported almost entirely by public funds in the form of tuition grants. They were staffed with the same white teachers as formerly taught in public schools. Despite such findings as those of the Court of Appeals in *Griffin* that such practices were constitutionally impermissible, that the payment of tuition grants to parents desiring to send their children to such schools was enjoined so long as those schools remained segregated, and that the entire tuition grant practice constituted discrimination on racial grounds [339 F. 2d 486], there has been no indication that Mr. Lewis Powell individually or the State Board of Education collectively ever opposed the perpetuation of this practice.

On July 1, 1964 the minutes of the State Board of Education show that Lewis Powell voted for a resolution authorizing retroactive reimbursement to Prince Edward parents who had paid tuition for their children's attendance at private schools during the 1963–4 school year. There could be no clearer or more candid declaration of Lewis Powell's intentions with regard to the school segregation issue than his support of the unanimous vote on that day. A random sampling of the entire range of the Virginia State School Board minutes from 1962 to 1968 reveals that on at least eight occasions, Lewis Powell was present at meetings at which specific tuition grants were made, not only in Prince Edward County, but all over the State of Virginia. A Survey of the minutes also has produced proof of at least three instances in which Mr. Powell was present while the "Regulations of the State Board Governing Pupil Scholarships" (tuition grants) were adopted.

Also of prime importance in evaluating Mr. Powell's behavior on the Virginia State Board of Education is the lack of information that he did anything but acquiesce in the face of the State Board's routine accreditation of segregated, all-white, private schools. For example, at a meeting of the State Board on March 26, 1964, with Powell recorded as present, a list of 65 private secondary schools was approved and accredited. These private, all-white, segregated schools included some of the same ones—Huguenot Academy, Surry County Academy, and Prince Edward Academy for which the U.S. District Court for the Eastern District of Virginia found that publically-funded tuition grants were the main support. The minutes of these meetings fail to indicate that Mr. Powell voted against the accreditation of such schools, despite the District Court's decree in *Griffin* that the further payment of the grants for use in those schools was suspended so long as they maintained segregation. Notwithstanding the Federal District Court's admonition that "the State cannot ignore any plain misuse to which a grant has or is intended to be put," [239 F. Supp. at 563], the State Board of Education continued to process and approve applications for tuition grants without making any investigation to determine whether the schools were embodying racially discriminatory policies. Looking at the record, it is clear that Mr. Powell was in fact the "champion" of segregation rather than champion of integration as has been suggested.

The question can legitimately be asked—what was it that Lewis Powell was trying to preserve as Chairman of the Richmond and Virginia public schools? Was it merely, as Powell maintained in yesterday's testimony, the preservation of the public school system *per se* that he was unflinchingly interested in? I cannot condone the simplistic acceptance of Mr. Powell's literal word in this matter. For what was the public school system of Richmond in 1958 or even in 1961 but a microcosm of white supremacy—all

white, under-attended, well-equipped schools *vis-a-vis* overcrowded, dingy, all-black schools. Cannot Mr. Powell's "saintly" crusade for the presentation of the Virginia-style of "equal" public education be viewed as an inherent desire on his part to preserve a system which to so fine a degree sought to further institutionalize the Virginia schools' own peculiar brand of racism? Are not his lofty pleas for the maintenance of public education at any cost often refuted by a record which finds Mr. Powell rejecting the obviously vulnerable positions in favor of more sophisticated schemes which have effectively preserved segregation.

III. POWELL'S DIRECTORSHIP OF CORPORATIONS IMPLICATED IN RACIAL DISCRIMINATION

Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment on the basis of race. Powell is a member of the Board of Directors of 11 corporations. (His firm also represents many of these corporations.)

It is vital that the distinction be drawn between Mr. Powell's behavior as an attorney and his behavior as a private citizen. One could argue that an attorney should not be held accountable for his actions due to the inherent nature of legal advocacy. But, as a member of the Board of Directors of corporations which have been adjudged guilty of violating various provisions of Title VII, Powell cannot automatically escape blame. A Director is by definition a policy-maker and shares the legal responsibility of the conduct of his corporation.

Lewis Powell is both the legal counsel and a Director of the Philip Morris, Inc., one of Virginia's largest tobacco companies (he has been a Director since 1964). Philip Morris has been the defendant in at least one major Title VII case, *Quarles v. Philip Morris, Inc.* [279 F. Supp. 505]. Here, a civil right action was brought by a group of Blacks in a class action. The U.S. District Court held that the evidence established that two Black employees had been discriminated against as to wages. The discrimination on the basis of race against these employees, the Court held, had been clearly proven. The Court also held that Philip Morris, Inc. had discriminated against Quarles and the Black employees hired in the prefabrication department prior to January 1, 1966 with respect to advancement, transfer, and seniority. It held furthermore that prior organization of departments on a racial basis had prevented Blacks from advancing on their merits to jobs open only to whites. New "non-discriminatory" employment policies had only partially eliminated disadvantages, the court ruled. Plaintiffs were awarded relief to compensate for damages suffered as the result of this blatant example of employment discrimination. According to the records of the Equal Employment Opportunity Commission, the Chesapeake & Potomac Telephone Co., another corporation on which Mr. Powell serves as a Director, is currently being investigated for possible Title VII violations.

IV. POWELL'S BELONGING TO RACIALLY SEGREGATED CLUBS

Mr. Powell has personally and publically admitted that he is a long-standing member of both the Country Club of Virginia and the Commonwealth Club of Richmond. He has confirmed that he never sought to alter their policies against the admission of Blacks. Powell-supporters have been contending that his claim that he used the country club membership largely to play tennis and has only infrequent lunches at the Commonwealth Club [New York Times, October 26, 1971], is in itself a defense for his voluntarily joining and frequenting openly-segregated places of leisure. His volunteering of the information that he belongs to these clubs is similarly held by his supporters as a "defense."

Neither of these facts can hide the fact that a potential Supreme Court Associate had a clearly enunciated policy which forbade the hiring of any Black attorneys—ever. Greene claims that his charge is based on a statement attesting to this notion made by one of the associates in Hunton, Williams itself. Notwithstanding Powell's denial, the fact remains that his law firm has never and does not yet employ any Black attorneys. This information is consistent with Powell's record of racial discrimination in other areas of his activities.

VI. POWELL AND THE RICHMOND ANNEXATION ISSUE

A common tactic supported by the white power structure in Virginia has been to annex areas to city areas, thereby diluting much of the Black voting strength. Recently, Richmond annexed part of the surrounding white suburbs. The net effect of this annexation was to decrease the Black population of Richmond from 55 percent down to 42 percent.

In *Holt* v. *Richmond* [U.S.D.C., ED. Va.], a suit was brought under Section 5 of the Voting Rights Act to "de-annex" the suburbs. The suit was brought by a Black Richmond citizen as a class action on behalf of Richmond's Blacks. The Justice Department has disclosed documents which show that Powell urged Attorney General John Mitchell to reverse his ruling that Richmond's annexation of suburban areas violated Black voting rights (see the Chicago *Sun-Times*, October 30, 1971). Last August, Powell wrote a letter in an unofficial capacity—acting as an interested citizen—claiming that 43,000 suburban residents were being annexed to expand the city's tax base, not to dilute the voting power of the city's Blacks. The Justice Department, however, refused to withdraw its objection. It was held in a recent District Court opinion, that the primary purpose and effect of the annexation was to dilute the voting strength of the black citizens of the City of Richmond, a view in direct contradiction to Powell's.

Mr. Lewis Powell's lifestyle, his view of government as evidenced by his activities on the boards of education, his close association with a variety of corporate giants, his public conduct, his membership in the largest all white law firm in Richmond, his support of segregated social clubs, and his defense of the status quo, are inconsistent with the kind of jurist needed for the Court in the 1970's and '80's. These considerations take on more weight when one considers the tremendous problems which our country will be facing during those decades.

Men of good conscience should be asking themselves this question: Can we afford a nominee on the Court whose presence would drive a wedge between the Constitution and those whom it is designed to protect? The oppressed in our society have had no more precious champion of their rights than the Supreme Court. What would be the sense in breaking their last, thin grasp on justice?

(From the Yale Law Journal, volume 79: 657, 1970)

A NOTE ON SENATORIAL CONSIDERATION OF SUPREME COURT NOMINEES

(By Charles L. Black, Jr.)

If a President should desire, and if chance should give him the opportunity, to change entirely the character of the Supreme Court, shaping it after his own political image, nothing would stand in his way except the United States Senate. Few constitutional questions are then of more moment than the question whether a Senator properly may, or even at some times in duty must, vote against a nominee to that Court, on the ground that the nominee holds views which, when transposed into judicial decisions, are likely, in the Senator's judgment, to be very bad for the country. It is the purpose of this piece to open discussion of this question; I shall make no pretense of exhausting that discussion, for my own researches have not proceeded far enough to enable me to make that pretense.[1] I shall, however, open the discussion by taking, strongly, the position that a Senator, voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court, and that, on the other hand, no Senator is obligated simply to follow the President's lead in this regard, or can rightly discharge his own duty by so doing.

I will open with two prefatory observations.

First, it has been a very long time since anybody who thought about the subject to any effect has been possessed by the illusion that a judge's judicial work is not influenced and formed by his whole lifeview, by his economic and political comprehensions, and by his sense, sharp or vague, of where justice lies in respect of the great questions of his time. The *loci classici* for this insight now a platitude, are in such writers as Oliver Wendell Holmes, Jr., Felix Frankfurter, and Learned Hand. It would be hard to find a well-regarded modern thinker who asserted the contrary. The things which I contend are both proper and indispensable for a Senator's consideration, if he would fully discharge his duty, are things that have definitely to do with the performance of the judicial function. The factors I contend are for the Senator's weighing are factors that go into composing the quality of a judge. The contention that they may not properly be considered therefore amounts to the contention that some things which make a good or bad judge may be considered—unless the Senator is to consider nothing—while others may not.

Secondly, a certain paradox would be involved in a negative answer to the question I have put. For those considerations which I contend are proper for the Senator are considerations which certainly, notoriously, play (and always have played) a large, often a crucial, role in the President's choice of his nominee; the assertion, therefore, that they should play no part in the Senator's decision amounts to an assertion that the authority that must "advise and consent" to a nomination ought not to be guided by considerations which are hugely important in the making of the nomination. One has to ask, "Why"? I am not suggesting now that there can be no answer; I only say that an answer must be given. In the normal case, he who lies under the obligation of making up his mind whether to advise and consent to a step considers the same things that go into the decision whether to take that step. In the normal case, if he does not do this, he is derelict in his duty.

I have called this a constitutional question, and it is that (though it could never reach a court), for it is a question about the allocation of power and responsibility in government. It is natural, then, for American lawyers to look first at the applicable text, for what light it may cast. What expectation seems to be projected by the words, "The President . . . shall nominate, and by and with the Advice and Consent of the Senate shall appoint . . . Judges of the Supreme Court. . . ."?[2] Do these words suggest a rubber-stamp function, confined to screening out proven malefactors? I submit that they do not. I submit that the word "advice," unless its meaning has radically changed since 1787, makes next to impossible that conclusion.

Procedurally, the stage of "advice" has been short-circuited.[3] Nobody could keep the Pres-

Footnotes at end of article.

ident from doing that, for obvious practical reasons. But why should this procedural short-circuiting have any effect on the *substance* so strongly suggested by the word "advice"? He who merely *consents* might do so perfunctorily, though that is not a necessary but merely a possible gloss. He who *advises* gives or withholds his advice on the basis of *all* the relevant considerations bearing on decision. Am I wrong about this usage? Can you conceive of sound "advice" which is given by an advisor who has deliberately barred himself from considering some of the things that the person he is advising ought to consider, and does consider? If not, then can the Presidents, by their unreviewable short-circuiting of the "advice" stage, magically have caused to vanish the Senate's responsibility to consider what it must surely consider in "advising"? Or is it not more reasonable to say that, in deciding upon his vote at the single point now left him, every Senator ought to consider everything he would have considered if, procedurally, he were "advising"? Does not the word "advice" permanently and inescapably define the *scope* of Senatorial consideration?

It is characteristic of our legal culture both to insist upon the textual reference-point, and to be impatient when much is made of it, so I will leave what I have said about this to the reader's consideration, and pass on to ask whether there is anything else in the Constitution itself which compels or suggests a restriction of Senatorial consideration to a few rather than to all of the factors which go to making a good judge. I say there is not; I do not know what it would be. The President has to concur in legislation, unless his veto be overridden. The Senate has to concur in judicial nominations. That is the simple plan. Nothing anywhere suggests that some duty rests on the Senator to vote for a nomination he thinks unwise, any more than that a duty rests on the President to sign bills he thinks unwise.

Is there something, then, in the whole structure of the situation, something unwritten, that makes it the duty of a Senator to vote for a man whose views on great questions the Senator believes to make him dangerous as a judge? I think there is not, and I believe I can best make my point by a contrast. The Senate has to confirm—advise and consent to—nominations to posts in the executive department, including cabinet posts. Here, I think, there is a clear structural reason for a Senator's letting the President have pretty much anybody he wants, and certainly for letting him have people of any political views that appeal to him. These are his people; they are to work with him. Wisdom and fairness would give him great latitude, if strict constitutional obligation would not.

Just the reverse, just exactly the reverse, is true of the judiciary. The judges are *not* the President's people. God forbid! They are not to work with him or for him. They are to be as independent of him as they are of the Senate, neither more nor less. Insofar as their policy orientations are material—and, as I have said above, these can no longer be regarded as immaterial by anybody who wants to be taken seriously, and are certainly not regarded as immaterial by the President—it is just as important that the Senate think them not harmful as that the President think them not harmful. If this is not true, why is it not? I confess here I cannot so much as anticipate a rational argument to which to address a rebuttal.

I can, however, offer one further argument tending in the same direction. The Supreme Court is a body of great power. Once on the Court, a Justice wields that power without democratic check. This is as it should be. But is it not wise, before that power is put in his hands for life, that a nominee be screened by the democracy in the fullest manner possible, rather than in the narrowest manner possible, under the Constitution? He is appointed by the President (when the President is acting at his best) because the President believes his world-view will be good for the country, as reflected in his judicial performance. The Constitution certainly permits, if it does not compel, the taking of a second opinion on this crucial question, from a body just as responsible to the electorate, and just as close to the electorate, as is the President. Is it not wisdom to take that second opinion in all fullness of scope? If not, again, why not? If so, on the other hand, then the Senator's duty is to vote on his whole estimate of the nominee, for that is what constitutes the taking of the second opinion.

Textual considerations, then, and high-political considerations, seem to me strongly to thrust toward the conclusion that a Senator both may and ought to consider the lifeview and philosophy of a nominee, before casting his vote. Is there anything definite in history tending in the contrary direction?

In the Constitutional Convention, there was much support for appointment of judges *by the Senate alone*—a mode which was approved on July 21, 1787,[4] and was carried through into the draft of the Committee of Detail.[5] The change to the present mode came on September 4th, in the report of the Committee of Eleven[6] and was agreed to *nem. con.* on September 7th.[7] This last vote must have meant that those who wanted appointment by the Senate alone—and in some cases by the whole Congress—were satisfied that a compromise had been reached, and did not think the legislative part in the process had been reduced to the minimum. The whole process, to me, suggests the very reverse of the idea that the Senate is to have a confined role.

I have not reread every word of *The Federalist* for this opening-gun piece, but I quote here what seem to be the most opposite passages, from Numbers 76 and 77:

"But might not his nomination be overruled? I grant it might, yet this could only be to make place for another nomination by himself. The person ultimately appointed must be the object of his preference, though perhaps not in the first degree. It is also not very probable that his nomination would often be overruled. The Senate could not be tempted, by the preference they might feel to another, to reject the one proposed; because they could not assure themselves, that the person they might wish would be brought forward by a second or by any subsequent nomination. They could not even be certain, that a future nomination would present a candidate in any degree more acceptable to them; and as their dissent might cast a kind of stigma upon the individual rejected, and might have the appearance of a reflection upon the judgment of the chief magistrate, it is not likely that their sanction would often be refused, where there were not special and strong reasons for the refusal.

"To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice from family concession, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration.

"It will readily be comprehended, that a man who had himself the sole disposition of offices, would be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing. The danger to his own reputation, and, in the case of an elective magistrate, to his political existence, from betraying a spirit of favoritism, or an unbecoming pursuit of popularity, to the observation of a body whose opinion would have great weight in forming that of the public, could not fail to operate as a barrier to the one and to the other. He would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure.[8]

* * * * *

"If it be said they might sometimes gratify him by an acquiescence in a favorite choice, when public motives might dictate a different conduct, I answer, that the instances in which the President could be personally interested in the result, would be too few to admit of his being materially affected by the compliances of the Senate. The *power* which can *originate* the disposition of honors and emoluments is more likely to attract than to be attracted by the *power* which can merely obstruct their course. *If by influencing the President be meant restraining him, this is precisely what must have been intended* [emphasis supplied]. And it has been shown that the restraint would be salutary, at the same time that it would not be such as to destroy a single advantage to be looked for from the uncontrolled agency of that Magistrate. The right of nomination would produce all the good of that of appointment, and would in a great measure avoid its evils."[9]

I cannot see, in these passages, any hint that the Senators may not or ought not, in voting on a nominee, take into account anything that they, as serious and public-spirited men, think to bear on the wisdom of the appointment. It is predicted, as a mere *probability*, that Presidential nominations will not often be "overruled." But "special and strong reasons," thus generally characterized, are to suffice. Is a Senator's belief that a nominee holds skewed and purblind views on social justice not a "special and strong reason"? Is it not as "special and strong" as a Senator's belief that an appointment has been made "from a view to popularity"—a reason which by clear implication *is* to suffice as support for a negative vote? If there is anything in *The Federalist Papers* neutralizing this inference, I should be glad to see it.

When we turn to history, the record is, as always, confusing and multifarious. One can say with confidence, however, that a good many nominations have been rejected by the Senate for repugnancy of the nominee's views on great issues, or for mediocrity, or for other reasons no more involving moral turpitude than these. Jeremiah Sullivan Black, an eminent lawyer and judge, seems to have been rejected in 1861 because of his views on slavery and secession.[10] John J. Crittenden was refused confirmation in 1829 on strictly partisan grounds.[11] Wolcott was rejected partly on political grounds, and partly on grounds of competence, in 1811.[12] There is the celebrated Parker case of this century.[13] The perusal of Warren[14] will multiply instances.

I am very far from undertaking any defense of each of these actions severally. I am not writing about the wisdom, on the merits, of particular votes, but of the claim to historical authenticity of the supposed "tradition" of the Senators' refraining from taking into account a very wide range of factors, from which the nominees' views on great public questions cannot, except arbitrarily, be exluded. Such a "tradition," if it exists,

exists somewhere else than in recorded history. Of course, all these instances may be dismissed as improprieties, but then one must go on and say why it is improper for the Senate, and each Senator, to ask himself, before he votes, *every* question which heavily bears on the issue whether the nominee's sitting on the Court will be good for the country.

I submit that this "tradition" is just a part of the twentieth-century mystique about the Presidency. That mystique, having led us into disastrous undeclared war, is surely due for reexamination. I do not suggest that it can or should be totally rejected. I am writing here only about a little part of its consequences.

To me, there is just no reason at all for a Senator's not voting, in regard to confirmation of a Supreme Court nominee, on the basis of a full and unrestricted review, not embarrassed by any presumption, of the nominee's fitness for the office. In a world that knows that a man's social philosophy shapes his judicial behavior, that philosohpy is a factor in his fitness. If it is a philosophy the Senator thinks will make a judge whose service on the Bench will hurt the country, then the Senator can do right only by treating this judgment of his, unencumbered by deference to the President's, as a satisfactory basis in itself for a negative vote. I have as yet seen nothing textual, nothing structural, nothing prudential, nothing historical, that tells against this view. Will someone please enlighten me?

FOOTNOTES

[1] I shall not provide this discussion with an elaborate footnote apparatus. I am sorry to say that I cannot acknowledge debt, for I am writing from my mind; experience teaches that, when one does this, one unconsciously draws on much reading consciously forgotten; for all such obligations unwittingly incurred I give thanks. I have had the benefit of discussion of many of the points made herein with students at the Yale Law School, of whom I specifically recollect Donald Paulding Irwin; I have also had the benefit of talking to him about the piece after it was written.

HARRIS, THE ADVICE AND CONSENT OF THE SENATE (1953) came to my attention and hands after the present piece had gone to the printer. This excellent and full account of the entire function would doubtless have fleshed out my own thoughts, but I see nothing in the book that would make me alter the position taken here, and I hope a single-shot thesis like the present may be useful.

[2] U.S. CONST. art. II, § 2, cl. 2.

[3] Even this short-circuiting is not complete. First, the President's "appointment," *after* the Senate's action, is still voluntary (Marbury v. Madison, 5 U.S. (1 Cranch) 137, 155 (1803)), so that in a sense the action of the Senate even under settled practice may be looked on as only "advisory" with respect to a step from which the President may still withdraw. Secondly, nominations are occasionally withdrawn after public indications of Senate sentiment (and probable action) which may be thought to amount to "advice."

[4] 2 RECORDS OF THE FEDERAL CONVENTION OF 1787, at 83 (M. Farrand ed. 1911).

[5] *Id.* at 132, 146, 155, 169, 183.

[6] *Id.* at 498.

[7] *Id.* at 539.

[8] THE FEDERALIST No. 76, at 494–95 (Modern Library 1937) (Alexander Hamilton).

[9] *Id.* No. 77, at 498 (Alexander Hamilton).

[10] 2 C. WARREN, THE SUPREME COURT IN UNITED STATES HISTORY 364 (rev. ed. 1926).

[11] 1 *id.* at 704.

[12] *Id.* at 413.

[13] L. PFEFFER, THIS HONORABLE COURT, A HISTORY OF THE UNITED STATES SUPREME COURT 288 (1965).

[14] C. WARREN, THE SUPREME COURT OF THE UNITED STATES HISTORY (rev. ed. 1926).

AGING

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. DUNCAN. Mr. Speaker, I would like to include in the RECORD today an article on aging from the Medical World News, October 22, 1971. This is an extremely interesting discussion which I would encourage my colleagues to read:

AGING: INVESTIGATORS PROBE BIOCHEMICAL, GENETIC ASPECTS OF UNIVERSAL "DISEASE"

In his science-fiction novel, *Methuselah's Children*, Robert A. Heinlein created a group of Americans, the Howard Families, who lived to ages of two centuries or more. Their longevity was no scientific miracle, said the story; rather it resulted from selective breeding. In the late 19th century an organization called the Howard Foundation sought out young men and women who each had four living, vigorous grandparents, and by offering generous financial endowments induced them to marry within the group. The novelist's idea was based on more than fiction: Long-lived forebears have long been regarded as a common trait among long-lived people. One authority, Dr. Nathan W. Shock, director of the National Institute of Child Health and Human Development's Gerontology Research Center in Baltimore, states: "Human beings with long-lived parents live an average of four years longer than those with short-lived ancestors."

But even that generality is now in question. Dr. Erdman Palmore, associate professor of medical sociology at Duke University's Center for the Study of Aging and Human Development, reported recently that a study at the Durham, N.C., center showed no correlation between an individual's life span and his parents' ages at death. And Dr. D. F. Chebotarev of the USSR Academy of Medical Sciences in Kiev reported that a study of 27,181 Soviet citizens above the age of 80 also found no evidence of inherited longevity.

Nevertheless, science continues to pursue one of nature's prime secrets from several approaches. In the lineage of mice and fruit flies, selective breeding has produced strains that live half as long as their species' normal life span. And as long ago as 1934, Dr. Clive M. McCay of Cornell University restricted caloric intake of laboratory rats and increased their life span nearly a third over that of control groups. More recently, Dr. Denham Harman of the University of Nebraska College of Medicine tried such antioxidants as butylated hydroxytoluene (BHT), a commercially used food additive, and ethoxyquin, originally developed as a rubber antioxidant. Adding 0.5% BHT to the diets of laboratory mice increased their mean life span by 30% to 40%; ethoxyquin did equally well. Dr. Alex Comfort, director of the Medical Research Council's Group on Aging at London's University College, reported early this year that he had confirmed the ethoxyquin experiment, extending the lives of C3H mice by about 15%.

Dr. Morris H. Ross, at Philadelphia's Institute for Cancer Research, in a more sophisticated version of the classic McCay experiments, has shown that life expectancy in rats is influenced not only by the amount of food consumed but by the proportion of protein and carbohydrate in the diet. Furthermore, the risk of spontaneous tumors is directly related to caloric intake, while the severity of malignancy and type of tumors the animal is likely to develop are related to protein intake. "Rapid growth rates, structural or biochemical, are not commensurate with prolonged life span and reduced risk of age-associated diseases," he reported.

Body temperature, too, appears to be related to longevity and the rate of aging—at least in cold-blooded animals. Dr. Roy L. Walford, professor of pathology at UCLA medical school, found that lowering the water temperature by 5 C to 6 C doubled the life span of the annual fish, *Cynolebias*. Furthermore, fish living in colder water grew faster and became larger than those in warmer water, and a higher ratio of soluble to insoluble collagen in the colder fish suggested a physiological retardation of aging.

At the NICHD Gerontology Research Center, Dr. Charles H. Barrows Jr. has found that manipulating the diet and temperature of rotifers, tiny aquatic animals smaller than a pinhead, can triple their longevity. If the temperature is lowered from 35 C to 25 C, their life span increases from 18 days to 34; if their food intake is halved, they survive for 55 days. More important, the two types of change lengthen different parts of the rotifers' lives: Food reduction adds to their youthful egg-producing period, while lowered temperature does not alter their normal young fertile period but stretches out the later post-breeding stage.

Dr. Bernard L. Strehler, professor of biology at the University of Southern California's Rossmoor-Cortese Institute for the Study of Aging in Los Angeles, thinks the same principle holds true for warm-blooded animals. "There are no exceptions that I know of to the rule that animals live longer at lower temperatures," he says. "Among hibernating animals such as bats or hamsters, those that are forced to hibernate more often live longer, which fits in with invertebrate studies. The question is whether long-lived people have slightly lower-than-average body temperatures, because if you apply the same mathematical rule that applies to all the animal studies so far, then a few degrees Centigrade drop in body temperature could add something like 15 to 25 years to human life. And that could account for practically all the difference that one sees in human life span. This requires some study—it might be a good predictive index of longevity."

These and other accomplishments have led some authorities to speculate that dramatic extensions of human longevity may not be far in the future. Dr. Comfort has predicted a 10% to 20% increase by 1990. And the Rand Corporation's 1964 Gordon-Helmer study and the 1969 Smith Kline & French Delphi studies predicted a 50-year increase in human life expectancy by 1990 and 2023, respectively. Dr. Robert W. Prehoda, a California technological forecasting consultant, has predicted that if all major causes of aging could be controlled, human longevity might indeed be stretched to the Howard Families' 200 years.

Whether the major causes of aging can be controlled depends largely on what they are, a question on which experts differ with gusto. "It has often been said that gerontology has never lacked theories or concepts to explain biological aging, but has lacked convincing data to support them," NICHD's Dr. Barrows told last year's annual meeting of the Gerontological Society. But, as authorities seek to gather "convincing" data, a number of theories have emerged. Among them:

Cross-linking. First suggested by J. Bjorksten in 1941, the theory that the progressive formation of intermolecular cross-links in collagen gradually increases its rigidity and causes aging, has fallen out of favor. "Collagen cross-linking is not a cause but simply a result of aging," says Charles G. Kormendy, coordinator of academic research at Bristol Laboratories in Syracuse, N.Y. Many gerontologists now agree.

Molecular errors. Proposed in 1963 by Dr. Leslie E. Orgel of the Salk Institute for Biological Studies in San Diego, Calif., the error theory is that in the normal course of protein synthesis the wrong amino acid will occasionally be slipped into a protein chain

being assembled. In most proteins the faulty molecule would just be "diluted out," but if the error occurred in a synthetase, one of the enzymes that makes proteins or nucleic acids, it would make other defective proteins in an exponentially increasing chain of errors that could eventually lead to an "error catastrophe," with the cell's protein-synthesizing machinery finally grinding to a halt. Experimental findings by several investigators, working with fungi and fruit flies, appear to support the theory. But others say there is no evidence that such errors occur in nature.

Mutation. Because irradiation shortens the life of experimental animals in ways that resemble premature aging, many biologists believe that aging and death are caused by a gradual information loss in DNA molecules. Experiments with chemical mutagens, however, have failed to produce similar results.

Autoimmunity. In 1959, Sir Macfarlane Burnet of the University of Melbourne, Victoria, Australia, theorized that aging might be a progressive failure of the immunological system. UCLA's Dr. Walford believes that this is caused by accumulated mutations in immunocyte clones, which in turn may attack body cells or be attacked themselves once their antigenic properties are changed.

Professor Burnet, in a more recent version of his theory, suggests that if the Hayflick limit on cell division in vitro is also present in vivo, then organs made up of or containing proliferating cells must gradually lose their functions as they age.

Looking for an organ that is vital to maintaining the body's integrity and whose cells proliferate rapidly, he selected the thymus as the most likely candidate in view of its rapid cell turnover and the known atrophy of the thymic cortex in later life.

As the thymic function slows down, he theorized, the thymus-dependent lymphocytes become less effective in their job of immunological surveillance and destruction of such "forbidden clones" as premalignant mutations or mutated lymphocytes that produce autoimmunity.

He pointed out that the thymus-dependent immune system is known to function inadequately in patients with Hodgkin's disease and advanced cancer. In addition, there is evidence that healthy people over 65 are progressively less able to mount antibody responses to new antigens, while the capacity to form autoantibodies increases.

Testing the autoimmunity theory by giving immuno-suppressives to mice, Dr. Walford found that azathioprine marginally improved their life span. And Dr. Werner Braun of Rutgers University improved the immune response of experimental animals by "priming" them with such double-stranded polynucleotide complexes as poly A:U, poly C:G, and poly I:C, before challenging them with a heterologous antigen.

Free-radical attack. The basis for Dr. Harman's antioxidant experiments is the hypothesis that such free radicals as hydroxy (HO) and hydroperoxy (HO) are released by the peroxidation of polyunsaturated fats; free radicals interacting with cell membranes and enzymes disrupt their structures and functions and damage the lysosomes, leading to tissue destruction and the formation of lipofuscin.

This type of reaction, sometimes called autoxidation, is the basis of many industrial and natural decay processes, such as the drying of oil paint, explosion of plastic bombs, and the rancidification of butter. Dr. T. L. Dormandy of London's Whittington Hospital has referred to the phenomenon of physiological free-radical reactions as "biological rancidification."

Since free-radical reactions are an interaction between unsaturated fats and oxygen, one way to decrease their frequency might be to reduce the proportion of polyunsaturates in the diet, and Dr. Harman found that when C3H mice and Sprague-Dawley rats were divided into groups whose diets included lard, olive oil, corn oil, or safflower oil, their mean life spans were, respectively, 29.3, 27.3, 26.5, and 24.3 months.

The primary site of free-radical formation appears to be in the mitochondria, and Dr. Harman now postulates that this is the site of the elusive "biological clock" that determines the rate of aging.

He points out that small animals generally have high basal metabolic rates and short life spans. "Since all living things have essentially the same basic biochemical processes, how are these differences produced?" he asks. "Dogs die of the same things as we do, cancer and cardiovascular disease and the like, but the disease processes develop and run their course five times as fast as in people. Aging somehow controls this rate. If we can interfere with the aging process, it should postpone the cancer or heart attack or whatever the individual eventually dies of" Dr. Harman speculates.

Until recently, the multiplicity of theories, and the comparatively unsophisticated experiments that some gerontologists devised to test them, often led investigators in the more rigorous disciplines to consider the field not quite respectable. "It wasn't so much that it wasn't respectable," comments Dr. Comfort, "as that some guy would want to try something, so he would try to learn DNA chemistry in three months flat. Then he'd do a mixed-up experiment that would never satisfy the molecular biologists, and publish it."

But sophistication is setting in, due partly to the annual series of postdoctoral courses jointly sponsored by NICHD and the Jackson Laboratory at Bar Harbor, Me., the third of which was held in mid-September. "This is the most useful thing any country is doing at the moment in gerontology." Dr. Comfort says. "The arrangement is to have about 20 of the best investigators in the country and about 20 faculty together for a whole fortnight. The first time around we had a lot of gerontology, but not much good science—all theory. Last year we had a lot of good scientists who were aghast at the sort of experiments the gerontologists were doing. They would say, 'Well, I don't know about gerontology, but I do know about DNA.' This year the same people were back, and they'd started to do experiments to answer the questions. That means that the really sophisticated biochemical techniques that you have in America are now being applied to these questions. I think that the institute, by the very skillful planning of this course, has managed to upgrade the standard of research in the whole subject, without upsetting anybody by telling them they were doing bad work."

Another Bar Harbor faculty member, Dr. Richard C. Adelman, assistant professor of biochemistry at Temple University's Fels Research Institute in Philadelphia, agrees. "Thanks largely to this effort by NICHD, people from other fields, with a good deal of expertise in their fields, are being alerted to problems in aging," he says. "And as a result some fundamental problems are being attacked for the first time."

He is a good example himself—soon after being "alerted to problems in aging," he reported the discovery that the time required to induce certain enzyme activities in experimental animals depended on age. It took 18-month-old rats twice as long as two-month-old rats, for instance, to show hepatic tyrosine aminotransferase activity after they were given equivalent doses of adrenal corticotrophic hormone (ACTH), and a similar age-dependent lag was found in the induction of some 20 other enzymes.

"We are at no stage where we can even imply some kind of practical application," Dr. Adelman says, "but what I think is significant about this work is that it is really the first time that a biochemical parameter can be used to measure physiological age."

If the effect, or one like it, could be adapted as a test to measure the rate of aging, especially in man, it could open up important avenues in aging research. Without such a test, experiments in extending human longevity would take a generation or more to show results. In the absence of a single such useful test, Dr. Comfort has suggested a battery of 59 individual test items, ranging from counting the percentage of gray hairs and checking reflexes to histological studies requiring biopsy and, as members of a study group die, autopsy findings.

"If we had such a battery of tests, we could try things like dietary experiments on humans right away," he says. "It would be a bit much to ask people to stay on a low-calorie diet for 50 years on spec, you know. They might stay on it for five, though, and you might be able to see whether there was a difference in the rate of aging in the three-to-five-year term. That could be done right away, and it wouldn't offend the FDA, since no medicine would be given. This assumes you can start it in later life. Since you can't do such an experiment on children, you would need adult volunteers. As to antioxidants, it would be a little previous to try them in humans, since we have no evidence yet that they work as such."

A quite different line of approach, studies of aging in tissue culture, was opened up by the discovery a decade ago of the "Hayflick limit," which contradicted accepted belief at the time. Dr. Leonard Hayflick, then at Philadelphia's Wistar Institute, found that human embryonic lung cells do not divide and grow indefinitely in tissue culture, but age and die after about 50 doublings.

The dogma that animal cells properly nurtured in tissue culture were, in effect, immortal, grew from the work of the Nobel Prize-winner, Dr. Alexis Carrel, who reported in the 1930s that fibroblasts from an embryonic heart of a chicken could be kept alive indefinitely in tissue culture. But Dr. Hayflick, now professor of medical microbiology at Stanford University medical school, notes that even with today's precise lab techniques no one has been able to culture actively dividing chick cells longer than about a year. It now seems certain that Dr. Carrel's results were produced by the unwitting addition daily of new, viable embryonic cells to the chick embryo extract that he used as a nutrient.

The error was compounded by the discovery that often mouse cells in culture would, indeed, go on dividing indefinitely. Later, other kinds of vertebrate and insect tissues were found to do the same. But Dr. Hayflick points out that these immortal "cell lines" are always abnormal in some respect, unlike the "cell strains" that die after a limited number of divisions. In fact, he says, cell lines have actually undergone a transformation that is indistinguishable from the transformation of normal cells into tumor cells. "The interesting thing is that this correlates exactly with what happens in the whole organism," Stanford's Dr. Hayflick says. "You can transplant an animal tumor indefinitely—we have animal tumors that have been transplanted since the turn of the century. But normal cells transplanted from one animal to another have a finite lifetime. So there's a perfect correlation between in vivo and in vitro behavior of cells."

Not only do embryonic cells stop dividing after about 50 doublings (10), Dr. Hayflick found, but cells from the lungs of adult humans reach phase 3—the stage where division slows down and stops—after only about 20 doublings. Furthermore, when cells of his original WI-38 strain were frozen in liquid nitrogen and then reconstituted years later, they "remembered" how many times they

had divided and took up where they had left off as long as ten years before. More than 10 ampules have now been reconstituted, at a rate of about one a month, and all yielded cell populations that doubled 40 to 60 times when pre- and post-freezing divisions are totaled.

A far more precise correlation between donor age and cell doublings, confirming and extending Dr. Hayflick's findings, was reported last year by Drs. George Martin and C. J. Epstein at the University of Washington medical school in Seattle. They found that skin cells cultured from the arms of 100 subjects ranging in age from fetal to 90 years, showed a decrement of 0.2 population doublings per year of donor life.

But Dr. Hayflick does not think that people age because their cells stop dividing. "That's nonsense," he says. "I think we have achieved in tissue culture what is never—or only very rarely—achieved in the whole animal. It may represent the ultimate limit that we may perhaps someday achieve.

"What does us in now, as far as clinical aging signs are concerned, I believe to be those things that change in the cell during that period of time prior to its loss of ability to divide—or to function. It's those earlier events, say, ten, 15, or 20 doublings before the loss of division potential, that manifest themselves as what we call age changes. So you're done in by them well before your cells have stopped dividing.

"There are two schools of thought in gerontological research," he goes on. "One that says we age because our cells that divide have lost that ability, so there's a loss of numbers; the other says we age because the cells that don't divide, like neurones and muscle cells, lose their functional capacity over a long period. But that's a false distinction, because the division capacity of cells *is* a function. So it's the decrement of function, whether it be manifest in loss of doubling, loss of making enzymes, or what have you, that may affect aging."

There are also two main schools of thought about the reason for cells losing their power to function. One is that the cell simply runs out of genetic program, or genetic message. "The argument is that a cell is recycled at conception," Dr. Hayflick explains. "Its genetic program is rewound like an alarm clock, and it plays out its message over 80 to 100 years. When the program is all played out, that's it. From an evolutionary standpoint nature selects for survival only long enough to propagate itself, just as rocket engineers don't worry about which system will fail first in a space probe after it completes a Mars fly-by. The recycling takes place when there is hybridization between native and foreign genetic material—the male and female gametes. That is the reason for sex from nature's viewpoint, the randomization of the genetic material."

The opposing theory is that all cells accumulate damage in their information-containing molecules. "The argument is that over a long period, insults to the information-containing molecules occur, either at the Orgel level of producing new enzyme molecules or in the genetic message itself," says Dr. Hayflick. "Eventually it will reach a point where the cell's repair enzymes cannot cope with so many insults to the integrity of the information molecules, or are themselves damaged, and the cell loses its ability to function."

One possible mechanism for this loss of function has been found by USC's Dr. Strehler and Dr. Michael D. Bick, who is now at Harvard Medical School. Working with soybean cotyledons, they found that the plant organ seemed to lose certain subspecies of transfer RNA for leucine. Later they realized that certain synthetases lost the capacity to charge, or aminoacylate, these particular RNA subspecies.

"We used this plant system as a model to look at aging," Dr. Bick explains. "The cotyledon is an aging organ throughout its entire life span of about three weeks. The moment the plant starts to germinate, it starts to decrease in its functional capacity, while providing the rest of the plant with nutrients. Our most recent results indicated that in the aged system there is an inhibitor of the charging reaction. Apparently a complex is formed between the tRNA, the charging enzyme, and this apparent inhibitor, which prevented complete charging. This, of course, reduces the capacity to produce certain proteins as a function of age.

"Aging in this particular system is probably genetically programmed. The repressor may be a protein produced for some other reason, that performs some other function at a certain stage, and then at a later stage in the life of the cotyledon performs an inhibitory function.

"These losses are not across the board—all enzymes or all tRNAs. It is selective; some stay at the normal level, and some are lost. That's really interesting, because it implies that everything isn't just going to pot, but certain specific components of the translational machinery are lost. Then the critical question is whether there is a loss in turn of the cell's translational capacity. These are the types of experiments we hope to get into and haven't yet.

"This is where we need to be, and this is where this research is finally coming today, to look at the very basic control mechanisms in cells. It seems that everything eventually has to come back to the flow of information—the DNA-RNA-protein route."

Bristol's Kormendy agrees. "The results in aging studies are most likely to come in three areas of basic research: one is these regulatory processes, another is free-radical reactions in the mitochondria, and finally the neurohumoral regulation. The last one is very important, because very little work has been done on that biochemical level," he says.

At Franklin Square Hospital in Baltimore, Dr. William Reichel has concentrated on a much more graphic model of aging—progeria. This tragic and rare disease—the literature records only 50-odd cases—turns infants into miniature ancients with straggly gray hair or baldness, wrinkled, sagging skin, fragile bones, and heart disease. The patients usually die in their teens. The boy on this issue's cover died of severe congestive heart disease, a very old man in appearance, at the age of 11.

The similar Werner's syndrome usually appears in late adolescence, follows a somewhat similar natural history, with death of apparent old age a few years either side of 40. About 130 cases have been recorded. Dr. Reichel believes it may be merely a later expression of progeria.

"Since I became interested in these diseases, I have stressed that they represent an important model for studying aging," says Dr. Reichel. "Undoubtedly, any syndrome in children that resembles aging has some importance. Especially if there is an inborn genetic error, it's important to find out what it is, since it might be the same genetic mechanism that regulates our aging process."

And he thinks there is such a genetic error: Three progeria cases involving multiple affected siblings, and one resulting from a consanguineous marriage, suggest an autosomal recessive trait. Werner's syndrome is known to be transmitted by that route.

Two other extremely provocative findings support progeria's role as a form of premature aging. The University of Washington's Drs. Martin and Epstein found that fibroblasts from progeria patients (supplied by Dr. Reichel) rarely survived more than two doublings in tissue culture. And, in two cases, Dr. Reichel and Dr. Rafael Garcia-Bunuel, professor of pathology at Johns Hopkins University, reported postmortem findings of lipofuscin, the poorly understood "age pigment" that accumulates in the cells of some organs, particularly in the brain and the myocardium, in old age and in several rare diseases characterized by severe mental impairment.

"But Werner's syndrome may be even more important to medicine than progeria" Dr. Reichel points out. "What's exciting about it is that it's so absolutely, clearly an autosmoal, recessive trait—which is still questionable in progeria—and that suggests one gene and hence a single enzyme is the cause. That's why these diseases could be as important to studies of aging as Burkitt lymphoma has been to cancer studies."

He doubts that lipofuscin can be implicated as a causal mechanism in aging or any of the disease states in which it is found. "I don't think lipofuscin is the cause of anything," he says. "I think it just happens to be there, because when you see lipofuscin many other things are wrong with an animal or with a cell. I think there are more primary mechanisms at play, and that lipofuscin deposition is only the most end-stage change."

But the question of whether it does any harm is still unanswered, he admits. "I worked on that problem specifically for four years at the NICHD center in Baltimore," he says. "We tried to devise experiments to correlate physiological function with morphological change. But we couldn't do it, by histochemistry or radioautography."

Kormendy is not sure. "Direct as well as indirect evidence strongly suggests that lipofuscin is a depository of denatured cellular debris such as peroxidized lipids and membrane fragments, and free-radical-mediated malondialdehyde-protein adducts," he told last month's Zurich forum on the control of human aging, sponsored by the Gottlieb Duttweiler Institute. "Although we have no proof that lipofuscin de facto interferes with normal cellular function, its preponderance during aging, particularly in the neurons of the brain and in the heart muscle, could hardly be regarded as inconsequential." He added that a number of rare diseases characterized by massive lipofuscin deposition in the brain are accompanied, without exception, by severe mental impairment. (Not, however, progeria or Werner's syndrome, which are not featured by senility or senile dementia. "The children have normal intelligence," Dr. Reichel says.)

In any case, at least three drugs have been found that are reported to disrupt lipofuscin deposition: meclofenoxate—developed in France for treatment of presenile and senile mental disorders and available on the European market; kawain, a mild central nervous system stimulant; and magnesium orotate, a pyrimidine-base metabolite. The latter two are reported by a Hungarian research group to prevent lipofuscin deposition and to restore learning behavior in rats with induced encephalopathy.

As new findings hint at a not-too-distant understanding of the basic mechanism of aging, governmental and public interest has grown for practical reasons. Some 10% of the U.S. population is now older than 65, and 86% of these senior citizens suffer from one or more chronic diseases. Two out of three federal health care dollars and between 25% and 30% of all medical care and medical costs in the U.S. are for this 10% of the population.

Recognition of the problem is reflected in growing government spending for aging research. In the 1971 fiscal year, NICHD's Adult Development and Aging Branch spent about $8.76 million on research into aging processes, and this year's congressional appropriation is just under $12 million, although the funds have not yet been apportioned by the Office of Management and Budget.

The last White House Conference on Aging,

in 1961, recommended the establishment of an aging institute in NIH, and this year's conference is expected to repeat the recommendation. Hearings on a bill to set up such an institute have been held in the Senate, and House hearings are expected sometime during the present session. Even so, many gerontologists do not have high hopes of the bill's passage by this Congress.

"The past year or two have shown a phenomenal increase in interest in aging, not only in medicine but in all areas." says Dr. Carl Eisdorfer, director of the aging research center at Duke University and president-elect of the Gerontological Society. "In the U.S. this is largely attributable to the White House Conference on Aging, which is coming up next month. But there is great interest on the international scene, too. In a number of ways things are happening that signal a real interest in studying the aging process.

"For one thing we have never really separated aging from illness; one of the problems in this field has been understanding how much is old and how much is sick. We really don't understand the aged or the aging process, and so because there is a very high correlation between old age and illness, we have somehow got deluded into assuming that it's all right for old people to be sick," Dr. Eisdorfer continues.

"But some of our recent work on blood pressure and intelligence has pretty well demonstrated that what a lot of people have accepted as a normal process of aging—the loss of intelligence between 65 and 75—is actually related to hypertension. In the group of subjects without hypertension, or where it has been controlled, we see no intellectual drop.

"As for life span, over the past 70 years we have achieved most of our medical advances in preventive medicine and pediatrics. The reality is that we actually haven't done much to increase the life span of anybody over the age of about 15. Estimates vary, but they tend to be about two years.

"When we find a cure for cancer, life span will go up about a year and a half. If we cured the whole cancer-cardiovascular-renal-pulmonary-disease complex we would probably raise the average life span about ten years.

"But we don't even have a good idea of what the appropriate expected life span for a human being should be. I do know we have 13,000 people over 100 years old in the U.S. today. Incidentally, they are the fastest-growing subgroup of the population."

That's close to the maximum documented life span, which, according to Dr. Comfort, is about 113 in England, the nation that has had birth certificates longest. Meanwhile, most gerontologists discount the claims of oldsters in Soviet Georgia and Asia to ages of 150 and more—somewhere around 110 appears to be the maximum human life span in nations where birth records are reliable. "But then, societies that have birth certificates seem to militate against reaching these ages," Dr. Comfort suggests. "They are only reported in very remote areas—it may be because the records are wrong, or because living in remote areas makes you live longer, you can't really prove which is which."

But the maximum could change as knowledge of aging advances. Dr. Eisdorfer sees nothing impossible in the notion that, if Dr. Strehler's hunch is right and lowering body temperature could increase longevity, people might sleep in special waterbeds, or special bedchambers, fitted out to chill the sleeper several degrees. "It's just a technical problem" he says, "no more complicated than setting up a renal dialysis unit in someone's garage."

Dr. Ewald Busse, chairman of Duke's psychiatry department, president-elect of the American Psychiatric Association and Dr. Eisdorfer's predecessor as director of the gerontology center, concedes the possibility of lengthening the human life span but warns that it would have enormous social consequences. "What worries me is *then* what would we do," he says. "Let's not get caught again in scientific advances without sensible planning to cope with advances in technology."

As to whether anyone now alive is likely to benefit from such advances, Dr. Strehler has an answer: "I'd be very surprised if people who are under 30 now wouldn't benefit. I'm 46; I think I might get a year or two out of it."

UKRAINE—THE LARGEST CAPTIVE NON-RUSSIAN NATION IN THE U.S.S.R. AND EASTERN EUROPE

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. FLOOD. Mr. Speaker, it is not generally known and sufficiently appreciated that the largest captive non-Russian nation in the U.S.S.R. and Eastern Europe is Ukraine.

With a population of over 45 million, Ukraine is one of the most resourceful nations in Europe, and if it were not under the domination of Russian Moscow, it would surely again become "the granary of Europe" in an advanced economic framework of industry and agriculture. Also, the country's geographic location, extending from the Carpathian Mountains toward the Caucasus and above the Black Sea, is a most strategic one as concerns developments in Europe, Asia, and the Middle East.

Because we shall hear more and more about this largest captive nation in Europe, I submit for our popular edification the illuminating section on "Ucrainica in American and Foreign Periodicals" in the world-respected journal of East European and Asian affairs, the Ukrainian Quarterly. The section, prepared by Dr. Lev E. Dobriansky of Georgetown University, regularly shows the growing interest in this captive nation and, above all, the prominent myths and misconceptions that many in the West still cling to when analyzing or commenting upon the Soviet Union, Russia, or Ukraine. It is high time these myths were dissipated, and a Select House Committee on the Captive Nations would be the most effective way of doing it. The Ukrainian Quarterly, vol. XXVII No. 2, summer, 1971:

UCRAINICA IN AMERICAN AND FOREIGN PERIODICALS

"Jews, Russia and Israel," an editorial. *The Washington Post,* Washington, D.C., November 13, 1970.

Covering a number of issues, this editorial deals with anti-Semitism in the USSR, the Russian threat to Israel's survival, and anti-Russian demonstrations by Jews in this country. A young Jew who left Moscow is significantly quoted as saying "What it all comes down to is that they want us to disappear. Not to leave, but to disappear quietly into the surroundings. But we won't. We will retain our identity, hopefully outside Russia, but in Russia if necessary."

The problem of suppression, of course, is not only related to the Jews in the USSR, and is so recognized in this editorial. However, there is no reason to infuse misconceptions in this recognition. Referring to the Jewish renaissance in the USSR, the editor states, "It suffered from neo-Stalinist practices that afflicted writers and intellectuals, young people, Ukrainians and other Soviet minorities." As the largest non-Russian nation both in the USSR and in Eastern Europe, Ukrainians can scarcely be viewed as a minority. Moreover, the issues involved in these practices are different.

"The Geographical Expression of Mainland China," a paper by Lev E. Dobrianski. *Congressional Record,* Washington, D.C., December 22, 1970.

An historic First Sino-American Conference on Mainland China was held in Taipei, Republic of China, in December 1970. Some forty scholars on both sides participated. This paper was delivered in part from the viewpoint of experiences in the Soviet Union and their relation to those in mainland China.

For example, in giving some perspective to the enormity of Red China's recent "Cultural Revolution," it points out, "Red guards were used by Stalin in the man-made famine of the early 30's in Ukraine, northern Caucasus and southern Russia, but by no means were they unleashed with the reckless and tragi-comical abandon witnessed on the mainland. . ." The paper also dwells on the "subjects of Peiping's nationalities problem, similar to that of Moscow. . ." It stresses, "the fact is that we are dealing with the two last remaining and important imperial complexes in the modern world."

"Ukrainian Rite Catholics Protest Rome's Role," a report by George Dugan. *The New York Times,* New York, January 2, 1971.

A concise coverage is presented in this report of the continuing campaign for a Ukrainian patriarchate in the Catholic Church. More or less accurately, it cites the six million Ukrainian Rite Catholics in the world, with about 300,000 in this country. It points out that the Ukrainian Rite is the largest of the Eastern churches, though it does not enjoy the same semi-autonomous status of the others and is under the control of the Curia in Rome.

The report alludes to "fears that such a step would intensify the persecution of the church in Soviet-dominated areas and impede ecumenical contact with the Patriarchates of the Russian and Greek Orthodox Churches." These alleged fears appear rather specious when it is considered that such persecution could hardly be more intense than now and that this issue scarcely can be predicated on the other dimension of Rome's ecumenical contacts. As mentioned, "Ecumenical Council Vatican II encouraged the establishment of patriarchates."

"Khrushchev's History," an article by John P. Roche. *The Washington Post,* Washington, D.C., January 27, 1971.

Concerning the so-called memoirs of Khrushchev, this writer, who displays more perception and insight than quite a number of other columnists, simply passes on the speculations that the disclosures incited. Grouped into two schools of thought, the "hards" planned it to discredit the "softs" and their liberalizing advocacies in the USSR. On the other hand the "softs" aimed to undermine the "hards" and their Stalinistic bents. For him, "it may be 20 years before this Byzantine riddle is solved."

That may be, but the fact remains that Khrushchev's disclosures on events in Ukraine were extraordinarily revealing. Almost all of them supported the analyses and claims made by specialists concerned with this most vital problem in the Free World. Indeed, even the writer, who is not a specialist in the area, senses that while "at many points Khrushchev covers his tracks, particularly his record as Stalin's executioners in the Ukraine, he engages in little moral posing."

"Secret Hand Behind Czechoslovakia's Invasion Revealed," a commentary. *The Guardian of Liberty*, Munich, West Germany, September 1970.

This story relates the proverbial enlistment of a young man, in this case a Czech, by the KGB for operations in the Czechoslovak armed forces. For over fifty years the same story has been repeated with countless different nationals. Those who have followed the Russian record of duping foreign nationals can only, and truly, ask "So, what's new?" However, for many inattentive Western ears the opposite side of the record must be played, because for them and the so-called new generation it is new.

What is of significance here is the assignment he received. As he puts it under the pseudonym of Sasha Demidov, "On my return I was assigned to Dept. 3/L, a small group devoted to the supervision of Soviet citizens and Czech citizens of Russian or Ukrainian origin. This is naturally a very delicate operation and the group works directly for the KGB chief in Czechoslovakia, and is in cypher contact with KGB stations in East Germany, Poland, Hungary and, of course, the Soviet Union."

So, again, what's new? The nature of the Russian political animal is spying and conspiratorial, he nests in a network made possible only by the existence of the USSR. Once this is dissolved, one way or another, even the oppressed Russian will begin to breathe fresh air, historically after 500 years of this.

"Russians Have Killed 21.5 Million People to Set Up Communist 'Paradise,'" an article by Walter Blaine, *National Enquirer*, New Jersey, February 7, 1971.

Here, too, it is definitely educational and of social utility to report on the numbers of lives sacrificed in the Soviet Union, but those who have processed such data twenty and more years ago cannot again but ask "So, what's new?" The article is based on a report prepared for the Senate Internal Security Subcommittee by Professor Robert Conquest.

Neither this article nor the report itself reveals anything that hasn't been known by responsible students of the USSR. To quote, "A Ukrainian official said after the 1933 harvest was taken from the starving population: This was a test of our strength and their endurance. Millions of lives may have been lost but we won the war and the collective farm is here to stay.'" Estimates have placed the loss from 2 to 15 million lives.

What lags in these supposedly new exercises in research are the interpretations given to the data. The title of the report itself indicates this, "The Human Cost of Soviet Communism." More accurately, it should be "The Human Cost of Soviet Russian Imperio-Colonialism." To explain collectivization solely in terms of "building socialism" and eradicating "the *kulaks*" is pitiful from both an historical and political viewpoint.

"Vatican Move Irks Ukrainian Students," a report. *The Washington Post*, Washington, D.C., February 27, 1971.

In this news item from New York, a Student Committee for a Ukrainian Catholic Patriarchate "expressed its indignation at the appointment of Msgr. John Stock without the consent of the Ukrainian metropolitan and the synod of bishops." Msgr. Stock was appointed by the Vatican as an auxiliary bishop to Archbishop Ambrose Senyshyn in Philadelphia.

The latest criticism and agitation are parts of a broader compaign aimed at the establishment of a Ukrainian Catholic Patriarchate. The issues involved in this subject are far more complex and explosive than what appears in slogans and placards on the demonstration front. As in so many other sectors of our society, the cost of pursuing wrong methods and techniques of dissent will be borne, to a greater or lesser extent, by all concerned with the overall problem of a free Ukraine. There are constructive, alternative ways of handling this specific problem without in the least affording residual benefits to the known enemies of Ukrainian freedom.

"In Order Not to Cloud the Truth," an article by Ivan Rybalka. *Prapor*, Kiev, Ukrainian S.S.R., September, 1970.

Vehement attacks against "bourgeois nationalism" never cease in the Soviet Union. Propaganda-wise, they constitute the order of the day, and all who have some stake in the regime participate in them, even a so-called "Doctor of Historical Sciences," as presumably this writer is. "Anti-communism" also is a favorite and persistent target. "The main ideo-political weapon of imperialism at the present stage is anti-communism," he opines.

The objects of this particular attack against imperialism's "anti-communism" make for interesting reading. The USIA, research institutes at Columbia University, George Washington University and Southern California, and a variety of "leagues" and "assemblies," such as the Anti-Bolshevik Bloc of Nations, "Assembly of Captive Nations of Europe," etc. are included. The so-called doctor comes up with many of such inaccurate descriptions. His ill-tempered wordage includes "fascist time-servers," "bandits and criminals" and similar dispassionate designations.

Of course, "In that black band of traitors to their peoples are also Ukrainian bourgeois nationalists," he writes. He then, with his penchant for inaccuracy, includes the Ukrainian Congress Committee of America with other admittedly emigre or government-in-exile groups. No matter how intense the the diatribic attacks against nationalism and anti-communism may be, the forces they represent are invincible. For fifty years the Soviet Russian totalitarians have attempted to annihilate them, but they keep reappearing in one form or another in the USSR itself.

"The Conservative Reply," an article by William F. Buckley, Jr. *The New York Times*, New York, February 16, 1971.

On the really silly question raised in some American circles today—"Is there Really No Difference Between Beria and J. Edgar?"—this conservative writer puts forward a solid defense for J. Edgar Hoover, the director of the F.B.I. Rad-Lib forces in the U.S. have targeted Hoover and aim at a further undermining of popular faith in our authorities.

Aside from the nature of this current controversy, positive merits arise with evidential references to notable events of our times. This writer invokes the fact of Khrushchev having "taken an active part in the Stalinization of the Ukraine." More accurately, it should be "Russification of Ukraine." In his criticism of a former associate on the *National Review* staff, the writer states that the associate saw "no discernible moral difference between Nikita Khrushchev and Dwight Eisenhower, because as commander in chief of the Allied Expeditionary Forces Eisenhower had killed as many people as Khrushchev had in the Ukraine." Twisted thinking is obviously not a preserve of only certain groups and circles. Nonetheless, at least notable facts have a way of being infused into even the most ludicrous of controversies.

"The Genocide Convention and the 92d Congress," a statement by Senator Proxmire, Congressional Record, Washington, D.C., January 25, 1971.

For years, Senator Proxmire of Wisconsin has been the main and persistent supporter of the ratification of the Genocide Convention by the U.S. Senate. Although seventy-five other states have ratified the treaty and it is accepted as part of international law, the United States has sat on the sidelines for the past twenty years. In the 92nd Congress, the Senate Foreign Relations Committee has passed on it with majority vote, but the chief question now is whether two-thirds of the Senate will ratify it.

In this statement the Senator pointedly refers to Russian-sponsored genocide in Ukraine. As he states it, "Ukrainian patriots were killed, exiled, intimidated, and repressed, with their nationalism snuffed out and their culture crippled." He then adds, "International barbarism murdered 6,000,000 Jews during World War II."

"How's Your Ostpolitik?", a column by James Burnham. *National Review*, New York, January 12, 1971.

The writer of this column on "The Protracted Conflict" dwells on the Polish unrest and rightly points out at the start that after "each explosion in the Soviet Empire we are invariably told by the experts that this is the last gasp." This broken-down record has been played for twenty years, and doubtlessly will be repeated after the next inevitable explosion, for there will be many in the Russian Empire.

He comments toward the end, "It would not be surprising, even, if we heard before long from inside the Soviet Union: Conditions in the Baltic states and in the Ukraine, for example, including the presence of an anti-Russian nationalism, are in many respects similar to those in Poland."

Brandt's *Ostpolitik* is the latest expression of Western desire to come to terms with not mythical Communism, but Soviet Russian rule over Eastern Europe—"everyone," says the writer, "except the East Europeans." And how true this is.

"The Barriers to Detente," an article by Richard Pipes. *The Washington Post*, Washington, D.C., November 29, 1970.

Professor Pipes, who is a professor of Russian history at Harvard University, presents a thoughtful and historically grounded analysis of the obstacles to a detente between the USSR and the U.S.A. Religious, political and intellectual forces of the past are traced to cite basic differences in outlook.

On past Russian suppression or neutralization of nationalist opposition, he cites an example in the 18th Century where "Moscow effectively emasculated resistance along the southern border by admitting into the ranks of the Russian gentry the Cossack elders, the most vociferous champions of Ukrainian 'liberties.'" The janissariat principle has been traditional in imperial Russian politics, whether white or red.

Another well made point is that "neither Stalin nor his successors ever regarded the countries of Eastern Europe as sovereign states; to them, in the calculations made in their political subconscious, these were all along as yet undigested parts of the Russian domain, exactly as Kazan, Siberia or the Ukraine had once been for czarist governments." In short, traditional Russian imperialism surges forward, now under the mask of communism.

"Archbishop Ambrose Senyshyn On Christianity in Soviet Ukraine," a statement and insertion by Hon. Edward J. Derwinski. Congressional Record, Washington, D.C., December 22, 1970.

A lengthy article written by William Willoughby of the *Washington Evening Star* under the title "Message to Americans—It's No Time for Fiddling" is introduced by Congressman Derwinski into the nation's annals, with his own preliminary statement. The article, published in the December 19 issue of the paper, dwells extensively on the first lecture delivered by Archbishop Ambrose

Senyshyn in the Roman Smal-Stocki Lecture Series of the Ukrainian Catholic Studies Foundation at St. Josaphat's Seminary in Washington, D.C.

The subject of the lecture was "Christianity in Ukraine." It described the conditions to which Ukrainian Christians, both Catholic and Orthodox, have been subjected in captive Ukraine. As Willoughby concluded, "Senyshyn had an unspoken but clearly implicit message to all Americans: "Take stock of the true freedoms we have and never sell them short. This is no time to be fiddling on the roof.'" The Congressman rightly points out, "His reaction to this first lecture is worth reading."

"Cites Ukrainians As Friends of Reds," a letter by Thomas J. Veteska. *The Tablet*, New York, January 28, 1971.

Sometimes one wonders how much to ascribe to neurotic hallucinations or to vicious motivation some of the twisted mangling of facts and misinterpretations people are given to. A choice example of this is this letter which conjures up a mythical "Ukrainian servility to Communism." For decades Western analysts, not to speak also of Soviet Russian and quisling Ukrainians, have consistently referred to "the outstanding anti-communist record of Ukrainians in Eastern Europe," and here a gross untruth was permitted to be printed in a renowned Catholic organ.

The points on Ukrainian "functionaries and government officials" serving Moscow, Ukraine as "a center of anti-Semitism," and about some "liquidation of the Greek Catholic Church in Slovakia" are indicative of either a sick mind or of a corroded soul. Facts and myths can be slanted; here they are cast in LSD proportions.

"The Genocide Convention," an article by Lev E. Dobriansky, *Congressional Record*. Washington, D.C., November 25, 1970.

The comprehensive article which appeared in the autumn issue of this journal, was introduced into the *Record* by Congressman Derwinski of Illinois. The author of the article has had long experience with this treaty, dating back to 1950. He had the privilege of knowing and working for the treaty's ratification with Dr. Raphael Lemkin. As the Congressman states it, "The author knew and worked with Dr. Raphael Lemkin, the father of the convention, and his organization has supported the treaty's ratification for over 20 years." Reference here is made to the Ukrainian Congress Committee of America.

Aside from arguments pro and con anent the treaty, steps are being prepared to honor Lemkin should the Senate ratify the convention. Mr. Derwinski indicates as much in his comment: "For the second time in two decades, the author of this article recently testified on the treaty and recommended a post-humous honor for Dr. Lemkin should the Senate ratify the treaty, which in his judgment is long overdue."

"Moscow's Problems," an article by Harry Schwartz. *The New York Times*, New York, December 28, 1970.

In a perceptive and hard-hitting analysis of Moscow's pressing problems, the writer, a member of the newspaper's editorial board, concentrates on the non-Russian nations in the USSR. He points out: "Specialists on the Soviet Union know, moreover, that there are signs of disaffection among all the major minority nationality groups of the Soviet Union from the Ukrainians, Balts and Moldavians in the West to the Moslem peoples of the Caucasus and Central Asia." He continues, "From many directions the men in the Kremlin are under pressure to grant greater autonomy to the non-Russian half of the Soviet population." Well-taken, but just this critical point, that if it is a "non-Russian half" (in reality, it is more) then why the mischaracterization of "minority nationality groups."

An excellent point made by the writer appears in the observation: "But now Moscow seeks to contain that same explosive power within its own borders as Ukrainians, Latvians, Azerbaijanis, Georgians, Uzbeks and others ask why they, too, are not entitled to independence on a par with Egyptians, Zambians, Pakistanis, etc." To abet this desirable tendency, action by the West had been proposed along this line nearly twenty years ago. It is never too late to resume it.

"The Reality of the Captive Nations and the Pressing Need for a Special Committee," selected insertions. *Congressional Record*, Washington, D.C., December 22, 1970.

This particular issue of the *Record* contains a wide assortment of material relevant to the basic captive nations subject, ranging from a scathing Moscow article on "U.S. Anti-communism" to Captive Nations Week observances. The article written by A. Borisov and appearing in Moscow's *International Affairs*, November 1970, gives a good indication of how the Kremlin dreads any implementation of the Captive Nations Week Resolution (Public Law 86–90). For a spot analysis to the newcomer in this basic of all fields—because it deals with oppressed peoples—the material gathered here should be an eye-opener.

In his prefatory remarks, Congressman Derwinski of Illinois well observes that "the recent events of the suppressed defection of the Lithuanian sailor and the riots and political changes in Poland underscore again the blunt reality of the captive nations as well as the pressing need for a Special House Committee on the Captive Nations in the 92nd Congress." Work on this is proceeding on schedule. Such a committee will remedy the condition the legislator portrays when he states, "Relatively few of us are aware of the continuing discussion and popular activities bearing on the captive nations, Captive Nations Week, and our policy toward the Red Empire *in toto*."

MEMORIAL RESOLUTION FOR THE LATE CLINTON M. HESTER, CHAIRMAN, EXECUTIVE COMMITTEE, MADISON MEMORIAL COMMISSION

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the RECORD, and as a member of the James Madison Memorial Commission, I include the following resolution of the Commission in memory of the late Clinton M. Hester:

RESOLUTION

The members of the James Madison Memorial Commission record with genuine sorrow the death of Clinton M. Hester, Esquire, a member of the Commission since its creation and for several years Chairman of its Executive Committee. Mr. Hester was a lifelong student of the Madison period of our country's history and deeply interested in the Madison Memorial Commission. He was firm in his determination that Madison, who played such a leading role in the formative years of our nation's history, should be memorialized in an appropriate manner. We regret that his hope to see this realized in the form of the Madison Memorial Library of the Library of Congress to the accomplishment of which he contributed so substantially could not be fulfilled. He was untiring in promoting the aims of this Commission. His devotion and his valuable services as Chairman of our Executive Committee will be a constant reminder of his exemplary citizenship.

FAMILY FARM ACT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. ZWACH. Mr. Speaker, last week I introduced the Family Farm Act because the retention of the land by our true farm families, not by corporate giants, is of prime importance to the economy and future survival of our countryside.

The purpose of the bill I introduced is to protect the efficient, modern farming operation that produces a great proportion of our Nation's food supply from the unfair competition of large corporate structures that choose to enter farming on a commercial basis. It is urgent that action be taken in this Congress to stop the rapid move to more integrated farming by the corporations and conglomerates whose principal sources of income are in commerce and who are already greatly favored under our tax laws and by the availability of corporate financing.

Section 7 of the Clayton Act prohibits the acquisition of stock or assets of one corporation by another corporate structure where such action may lessen competition or tend to create a monopoly. The Sherman Act, in section 2, prohibits monopolization or attempts to monopolize any part of trade or commerce among the States. Section 3 of the Sherman Act prohibits contracts, combinations in the form of trust or conspiracy in restraint of trade or commerce.

Large corporations have been acquiring farmland or controlling farm production of some commodities without any notable challenge under this antitrust and antimonopoly legislation. Perhaps the domination of production of some products, such as broilers and eggs, and some vegetables, by large corporations is not clearly subject to challenge under these laws—although some action would seem to have been in order.

Nevertheless, to fill this apparent void, if one truly exists, it is necessary to act in a clear and concise manner.

Examination of the provisions will disclose that the prohibition contemplated in the bill will in no way hamper farmer-owned and operated cooperatives and associations. Nor will it prohibit farming by the normal successful local businessman who may be farming in his home community. In fact, when you consider that the Main Street merchant, the local banker, the social institutions, and the very life of many hundreds of small towns and communities depend on a prosperous agriculture, you realize those people may have as much at stake in this bill as the efficient family farmer.

I have discussed the current farm price situation several times recently. Without

repeating my concern over current prevailing prices for grain and the probable lower prices of livestock to follow, let me cite these facts—while farm product prices generally have declined, the costs of production have risen. Since 1967, interest has increased 34 percent, taxes have gone up 46 percent, the cost of farm motor vehicles has increased 24 percent, and farm machinery prices have increased 28 percent.

The time has come to move on several fronts if we in this country are to continue to enjoy the benefits of a stable food supply, produced on efficient farms that are family owned and operated.

CRIME IS CAUSED BY CRIMINALS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. MICHEL. Mr. Speaker, this week's National Observer carries a very thought-provoking article entitled "Crime Is Caused by Criminals." The authors, law Professor Fred E. Inbau of Northwestern University and Frank G. Carrington, are with the Americans for Effective Law Enforcement, Inc., of Chicago, and the article is reprinted from the annals of the American Academy of Political and Social Science.

Professor Inbau and Mr. Carrington point out that during the decade of the 1960's permissiveness for lawless, violent acts, and safeguards for the criminal accused reached singular heights in the United States, and at the same time, while our population grew by 13 percent, serious crimes increased by 148 percent. This is no coincidence, they say, and they go on to explore the factors which have led us to the point where we abandon our city streets at dusk for the comparative safety of bolted doors.

The law-enforcement processes in this country have broken down, they contend, with the result that more and more criminals are free to prey upon the law-abiding. The breakdown, they say, stems from failure to apprehend, convict, and incarcerate criminals, and "when we analyze each of these failures, it becomes apparent why we are not safe and why a hard line is needed."

I urge all my colleagues to read the following article and give some serious thought to what Professor Inbau and Mr. Carrington are telling us:

"CRIME IS CAUSED BY CRIMINALS"

(By Prof. Fred E. Inbau and Frank G. Carrington)

The problem propounded by the topic of how to mount an effective crackdown on crime can be brought into perspective by considering two phenomena of the decade 1960 through 1969. They are: (a) during that 10-year period, safeguards for the criminal accused and permissiveness toward lawless, violent acts reached heights in the United States such as no other nation has ever witnessed and (b) in the same span of time, while our population increased by 13 per cent, *serious crimes increased by 148 per cent*. The two are not coincidental. In any society, the incidence of lawlessness is directly related to the number of criminally inclined individuals who are at liberty to prey upon others, and it is precisely the permissiveness shown toward criminals in this country which has resulted in their being free to practice their depredations to an unprecedented extent.

Crime is caused by criminals; the fact is as simple as that. When a strong-arm robber slugs his victim in order to relieve him of his watch and wallet, he has committed a crime. No amount of elaboration on the question of whether or not the assailant came from an environment of poverty or a broken home makes the robbery itself any the less a crime. Likewise, when a youthful demonstrator, intolerant of this country's pace in solving its social problems, throws a rock that strikes a policeman on the head, an aggravated assault has been committed. Apologists for criminal behavior may wring their hands as much as they like about the robber "striking out at a society which has brutalized him" or the demonstrator "merely expressing his idealistic young concern"; the fact remains that both are criminals.

The answer, then, to the question of how to mount an effective crackdown on crime lies basically in first recognizing that crime is committed by criminals, and second, in getting as many criminals as possible out of circulation so that they are no longer free to victimize the law-abiding.

This position is called the "hard line" on crime. It is not fashionable among certain liberal social scientists, who have been characterized by Attorney General Mitchell as being able to ". . . explain the motivations of the criminal, but who can do little to protect the innocent against the mugger or armed robber." To these individuals, the "hardliner" is simplistic, or "lacking in compassion." We suggest that neither of these appellations is valid, and that, instead, he may be better described as one who takes a realistic position with regard to the crime problem.

It is quite true that there is nothing particularly compassionate toward a law violator in advocating that he be locked up; yet it would seem that the worthy object of compassion would be the victim rather than the assailant, the oppressed rather than the oppressor. If a 75-year-old woman on a ghetto street is knocked to the pavement because she has the temerity to struggle with a husky 18-year-old purse-snatcher—the result being a broken hip which, at her age, may never mend—the most elementary concepts of fairness would seem to dictate that the victimized woman is more deserving of our sympathy than her attacker.

When liberality dictates that the lawless remain free to victimize others, it is clearly misplaced. This, in sort, is the hard-line position that we believe to be both realistic and valid; it favors consideration for the victims of crime and for public safety above that for the offender himself.

THE HARD-LINE APPROACH

Let us consider, then, the hard-line approach to the problem of crime in light of our stated aim of suggesting how to mount an effective crackdown on the criminal. First, we shall sketch the dimensions of the crime picture in this country with special emphasis on the truly intolerable extent to which crime victimizes the poor. Next, we will glance briefly at public opinion about crime—the line the law-abiding majority of our citizens want taken. We then turn to the specifics—why we are not safe from the criminal and, more importantly, what can be done about it.

Before proceeding to this analysis, however, one point must be made. Just because we favor a hard-line approach, it does not mean that we are insensitive either to the factors in our society which breed criminals or to the tremendous importance of the rehabilitation of those who have been convicted and are amenable to rehabilitation. The breeding factors of crime—environmental, hereditary, educational, social, and economic—are, of course, elements which go into the making of a criminal. Anyone who is seriously concerned with the over-all problem, be he a hard-liner or not, must recognize the importance of these breeding factors, and he must also subscribe to the view that once a person has committed a crime every feasible effort should be made to rehabilitate him. But there is nothing incompatible between an acceptance of those two positions and a recognition of the need to make our society reasonably free from criminal harm—especially between now and the time when we are able to make effective progress toward those two general objectives. Moreover, we must not lose sight of the fact even if we should develop effective rehabilitation procedures, we will still have a serious crime problem unless we recognize the need for effective criminal sanctions. . . .

The right to be safe from criminal harm—particularly among the poor and the racial minorities—has become an illusion. They are the ones who are most often the victims of crimes of violence—murder, rape, robbery, and aggravated assault. These crimes have increased 130 per cent during the past decade, and the upward trend continues undiminished.

Professor Herbert L. Packer of Stanford University reported in 1970 that street crime victimizes ghetto dwellers at least 100 times more than it afflicts the affluent citizens who live in the suburbs. A recent story, "Black Crime Preys on Black Victims," released by the Associated Press, described the problem:

"Between 70 and 80 per cent of major big city crime is harbored in Negro or predominantly Negro precincts. Little is visited upon whites. On police maps, the colored pins flock gregariously in ghetto neighborhoods detailing the rapes and robberies."

The undeniable fact is that the poor pay for crime in a most usurious way. . . .

More dramatic than statistics on crime is the manner in which the lives of all of us, particularly the poor and members of minority groups, have had to be adjusted because of the ever-present threat of violent crime. In most of our cities, the law-abiding citizens have had to surrender possession of the streets after dark to the robber and those who may even bludgeon someone out of sheer delight. Many persons are literally afraid to leave the sanctuary of their homes for fear that they will fall victim to some form of violent attack; and for those who must be out on the streets, protective measures, unheard of ten years ago, are being used. Taxicab drivers, for example, no longer favor their passengers with opinions because the customer cannot hear the driver through the two-inch thickness of bulletproof glass which separates the front and rear seats of most taxicabs today. Bus riders must prepare themselves with the exact amount of their fares because, nowadays, bus drivers do not carry change in order to discourage robberies. In short, we have been forced to accommodate our lives to the specter of criminal terror.

Although the human misery and the physical and mental suffering inflicted upon the victims of crime are the most hideous aspects of the picture, the devastating economic impact of crime, upon victim and nonvictim alike, must also be considered. The total annual price tag for all forms of lawlessness in the country has been estimated to exceed 51 billion dollars. It takes very little imagination to conceive of what could be done with that kind of money toward alleviating some of the social ills that beset this country. . . .

Why is our crime picture as horrendous as it is, despite overwhelming public opinion against lawlessness? The answer lies in the fact that in many—far too many—cases, the law-enforcement processes in this country

have broken down, with the result that more and more criminals are free to prey upon the law-abiding. This breakdown is threefold, and stems from:

1. Failure to apprehend criminals.
2. Failure to convict criminals.
3. Failure to incarcerate criminals.

When we analyze each of these failures, it becomes apparent why we are not safe and why a hard line is needed.

The deficiency of failure to apprehend in our criminal justice system is related to the law-enforcement function, but this in no wise means that it is the fault of our police departments. By and large, the caliber of law enforcement, man for man, has never been higher than it is today; yet, more and more often the police find themselves at a tremendous disadvantage in their efforts to apprehend criminals. One reason for this is the shortage of policemen, particularly in the core cities where they are needed most.

THE THIN BLUE LINE

Few major cities have enough men to do the job, and recruitment is difficult. With crime rising to unprecedented heights, the police line has never been stretched thinner. In addition, and all too often, the already meager police strength in certain cities is being diverted away from the proper police function—the apprehension of criminals—to peace-keeping duties at demonstrations, sit-ins, and sundry other "protest" activities. It is axiomatic that a police officer "baby-sitting" at a rally of one sort or another is unavailable to watch for the burglar and the robber and perhaps thus, by the very visibility of his presence, deter the commission of crime.

Another reason for underpolicing in some areas of large cities is the understandable reluctance of police officers to subject themselves to the risk of assassination while on patrol. As this article was being written, four police officers in New York City were shot, two of them dying as a result, simply because they were policemen, although in the minds of the assassins they were, of course, "Fascist pigs."

All police officers accept the risk of being killed in the prevention of serious crime and in the course of apprehending criminals, but it is asking too much of them to incur the increasing risk of an assassin's bullet.

Police are also becoming more reluctant to make arrests at the scene of a crime or disturbance out of fear that they will perhaps attract a crowd and touch off a riot, or for fear that an arrest of certain individuals or groups of individuals will result in allegations of "police brutality" or other false charges.

Court-imposed restrictions of an unrealistic nature—which in our opinion were not constitutionally or practically required—serve to further inhibit the conscientious police officer; for instance, the Miranda rule requiring a litany of advice about legal rights before the interrogation of an apprehended suspect can be conducted.

Even if a criminal is arrested, the likelihood is great that he will not be convicted. According to Senator John L. McClellan of Arkansas, in recent years verdicts of not guilty in robbery cases have increased 23 per cent, and in burglary cases 58 per cent. The hedge of procedural safeguards which the Warren Court erected around the person accused of a criminal offense and the efforts of the judiciary to "police the police" have created such a maze of technical requirements for police conduct that, in case after case, obviously guilty persons must be freed because an officer neglected to act with the propriety demanded by the Court. Senator McClellan has characterized this situation as one in which the Court's rulings have threatened "to alter the nature of the criminal trial from a test of the defendant's guilt or innocence to an inquiry into the propriety of the policeman's conduct."

At the core of the barrier which has been erected between the factual guilt of a person and the legal proof of guilt is the so-called "exclusionary rule." This rule, which was made a part of the jurisprudence of this nation by a Supreme Court in 1961, holds that no evidence, regardless of how relevant or probative it may be, can be used against a defendant if it was improperly obtained. For instance, if a dope pusher has been found in possession of narcotics but the search of his person, automobile, or room which revealed the narcotics is held to have been illegal *for any reason,* the narcotics cannot be used as evidence against him. Thus, the upshot of the exclusionary rule is that the *question of actual guilt or innocence is completely disregarded;* if the policeman has blundered in the slightest, the guilty party must be released—returned to society, free to continue his career of crime. The same is true of a defendant whose confession is rejected because the police interrogator failed to tell him that he had a right to remain silent, that whatever he says can be held against him, that he is entitled to have a lawyer present, and that if he could not afford a lawyer one would be provided free. Compounding the handicap is the fact that once a lawyer comes on the scene the standard advice is to tell the client to keep his mouth shut.

THE WRONG REMEDY

If all police work consisted of willful or wanton disregard for the legal rights of criminal suspects, the exclusionary rule might have some validity; but even then, the way to keep the police in line is by direct action against them, and not through the route of setting the criminal free in order to teach the police a lesson. The exclusionary rule works to return the criminal to the street, with an absolute and total disregard for the rights of those whom the newly released criminal may decide to victimize next. . . .

On one recent day in Chicago—identified in a local newspaper editorial as a red-letter day for convicted criminals—the following events occurred:

A 16-year-old killer of another teenager was found guilty of murder. He was placed on probation for five years because it was his "first offense."

A 17-year-old pleaded guilty to setting fire to a police car, striking a policeman, throwing rocks and bottles at policemen, and grabbing a policeman's gun while resisting arrest. He, too, received probation. This was his "first offense."

Three Black Panthers pleaded guilty to buying machine guns and hand grenades for the party's arsenal. Each one was given three years' probation, even though two of them had been fugitives and one had been convicted of assault and battery growing out of the shooting of a policeman.

These cases are illustrative of one of the reasons why the streets are no longer safe.

Contrary to the general belief that, since crime and population have both increased considerably within the past ten years, our state and Federal penitentiaries must be bulging with inmates, the number of prison inmates is just about the same, if not slightly less than it was in 1960. Twenty-nine states have experienced a decrease in prison inmate population as of March 1971. Consider the situation in three of our largest states. In New York, the prison population in 1960 was 17,207; last March it was 14,554—*down* 2,653. In Pennsylvania there were 7,802 prison inmates in 1960; in March 1971, there were 6,422—*down* 1,380. In Illinois, 9,064 in 1960; 7,206 in March 1971—*a decrease* of 1,858.

The Federal inmate population decreased by 3,699 during the period 1960–1967, the latest year for which officially released figures are available.

Thus we see one of the most logical reasons for rampant crime: Even after they have been convicted, criminals are returned to the streets because some judges simply will not incarcerate them, no matter how vicious or depraved their crime.

The answer to what can be done lies, in our opinion, in a massive outpouring of active citizen concern and involvement. The attitude of the law-abiding majority (and again we stress the fact that this majority crosses all lines of color and class) is definitely hard-line, but it must be translated into action. When that is done, the crime picture in the United States will improve.

PROTECTING THE POLICE

1. *In the area of failure to apprehend criminals,* there must be massive citizen support for the policeman when he is doing his job properly. This will create a climate under which police recruiting will be enhanced and officers will not hesitate to do their job for fear of civil suits by vocal pressure groups such as the American Civil Liberties Union and other "police watcher" organizations. A strong public sentiment against civilian review boards, and demonstrable public outrage against attacks on the police—as opposed to grumbling in country club locker rooms and at cocktail parties—would do more toward overcoming the problems of shortages of policemen and "underpolicing" than any other single thing.

2. *In the area of failure to convict criminals,* public outcry and pressure are necessary to curtail drastically those contrived "rights" of criminal suspects which serve only to protect the guilty without any compensating benefits. This can be done without diminishing the basic rights of all citizens. For instance, the Fourth Amendment's guarantee of freedom from unreasonable search and seizure must be preserved, but it can be done without the use of an exclusionary rule that turns so many guilty persons loose; moreover, it is ineffectual, anyway, as a police disciplinary measure.

The exclusionary rule should be removed from our criminal justice system and replaced by procedures for dealing directly with the officer who wilfully violates a person's Constitutional rights. Great Britain has never had the automatic exclusionary rule as we know it, and that country has never been turned into a police state.

THE BUSINESS OF THE COMMUNITY

3. *In the area of failure to incarcerate,* there are those who believe that the sentencing process is nobody's business but the judge's. This is not true. It is the function of a judge to sentence a convicted criminal; but the sentence itself—the determination of whether, or how soon, a potentially dangerous felon will be released into the community—is clearly the business of the community whose safety is involved. Just as the President, a governor, or a state or national legislator is accountable to the people in the final analysis, so is a judge whether elected directly or appointed by elected officials. In this area, citizen concern can be translated into action, as has been done already in several jurisdictions, by citizens' groups who follow a judge's sentencing record and then report, pro or con, to their fellow citizens.

Our suggested solutions to the crime problem are admittedly "hard-line,"' but we believe that such an approach must be taken. If crime is to be significantly diminished, the concern of the law-abiding citizen will have to be translated into constructive action. Lawlessness threatens to engulf this country, and a firm stand is necessary to stem the tide. Nonpartisan educational groups can be formed to inaugurate and follow through on projects that will harness citizen support for proper, nonabusive law enforcement. Particularly in the appellate courts it has been found effective to file "friend of the court" (*amicus curiae*) briefs in support of the law enforcement side of the question in important criminal law cases. With citizen action such as this on the scene against crime, the future is encouraging.

RISING CRIME IN THE NATION'S SCHOOLS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, it is a shocking thing—even in this day when so much that used to be shocking has become commonplace—to hear that crimes committed by children, both in the schools and on the streets, is rising at a precipitous rate.

According to a New York Times front-page story by Wayne King:

> Crime by children, some of it serious and committed by youngsters not yet in their teens, is arousing growing concern among parents, the police and school authorities across the country.

The National Commission on the Causes and Prevention of Violence found in 1969 that during the 10-year period of 1958 through 1967, there was a 300-percent increase in assaults by 10- to 14-year-olds and a 200-percent increase in robberies by this age group. Reports from school and law enforcement spokesmen in 13 cities indicate that this trend is continuing.

Mr. King quoted Harry S. Hodgins, Jr., chief security supervisor for the Baltimore city schools, as saying that:

> There had been every kind of crime in the Baltimore schools from ordinary shakedowns for lunch money right through armed robbery in the halls at pistol point.

The situation is even worse off the school grounds. Last year in Baltimore, for example, there were 12,835 arrests of suspects under 18, up from 10,595 in 1969. Also there were 526 arrests of children of 10 years old or under, including one for murder.

A similar pattern is reported by most school and police officials who blame "a general breakdown in family discipline, racial animosities and changing school patterns that place poor children in contact with the more affluent."

The reaction, nationwide, has been to station more police in the schools. I would like to point out, Mr. Speaker, that it can be very frustrating indeed for a child to be forced to attend a school because of his race or because of the economic position of his parents, and that there is not a school anywhere where the "barnyard pecking-order", as cruel as it may be, does not to some extent exist. The changing school patterns principally caused by court decisions, are made to order for violence.

I submit that the rate of children's crime will continue to rise and more and more policemen will have to be stationed in the schools as long as the social engineers and the courts demand forced economic and racial integration.

Only a constitutional amendment to prohibit the assignment of any child to a particular school because of his race, creed or color, can return us to some semblance of sanity. I hope every one of my colleagues in the House will vote for House Joint Resolution 620.

At this point I insert the New York Times report on children's crime.

[From the New York Times, Oct. 4, 1971]

CHILDREN'S CRIME RISING ACROSS UNITED STATES

(By Wayne King)

Crime by children, some of it serious and committed by youngsters not yet in their teens, is arousing growing concern among parents, the police and school authorities across the country.

While it is not new, juvenile authorities generally agree that the problem has grown substantially worse in the last few years, both in the number of offenses and their seriousness. And while there is a lack of national statistics that might back it up, there is a feeling that both the victims and the perpetrators are getting younger.

For the most part, the crimes are "petty" in terms of the money or property involved—shakedowns for lunch money, bicycle thefts, pilfering from school lockers—but some are serious and violence is not uncommon.

Reports from school and law enforcement officials in 13 cities indicate that the trend noted in 1969 by the National Commission on the Causes and Prevention of Violence is continuing. The commission found that in the 10-year period 1958 through 1967, there was a 300 per cent increase in assaults by 10 to 14-year-olds and a 200 per cent increase in robberies by this age group.

"We've had just about everything in schools short of murder," says Harry S. Hodgins Jr., chief security supervisor for the Baltimore city schools, "everything from ordinary shakedowns for lunch money right through armed robbery in the halls at pistol point."

Off the school grounds, the problem is worse. The Baltimore police report that last year there were 12,835 arrests of suspects under 18, up from 10,594 in 1969.

TOTAL OF 526 UNDER 10 ARRESTED

Moreover, in the age group 10 years and under, there were 526 arrests, including one for murder, 22 for robbery, 169 for burglary, six for auto theft, 12 for arson, nine for aggravated assault, 104 for larceny and four for narcotics violations.

In Los Angeles, as in most other cities, bicycle theft has become commonplace, and the police department there is considering creating a 25-man "bike section" to handle the problem.

In the Roslindale section of Boston, a woman complained that "in our neighborhood, I hear you can go up to a kid in front of the local ice cream shop and say you want a 10-speed Peugeot racing bike and he'll ask you what color."

THE BEST INDICATOR

Although not considered the most serious child crime problem—shakedowns and "muggings" are regarded as more dangerous—bicycle thefts are probably the best indicator of the growth of crime committed by children against other children.

The police and other juvenile authorities generally agree that the other categories, particularly shakedowns, are not reported as often because of the threat of reprisal and the generally lower dollar value of the stolen property.

Robert Ehrman, a disciplinary officer in the Sacramento school system, says instances of extortion, backed up by threats, are increasing more noticably than other problems.

"It's usually a two-or-three kids-on-one thing," he said, "extortion or just the sheer delight of scaring the hell of some small kid.

A COMMON PATTERN

The greatest increase and highest incidence is from the fifth or sixth grade through the ninth grade, Mr. Erhman observed, a pattern reported by most other school officials.

Although the problem of petty extortion is not a new one—a Pittsburgh school principal recalls a situation 12 years ago in which one student demanded and got 50 cents from another student each school day for two years—juvenile officials say it has grown serious within the last three to five years in most areas.

The reasons given by police and school officials vary, but those most often cited are "a general breakdown" in family discipline, racial animosities and changing school patterns that place poor children in contact with the more affluent. The general increase in crime by all groups is also cited.

For whatever reasons, juvenile crime rates have been rising far faster than the adult rate. From 1960 though 1970, according to the Fedeal Bureau of Investigation police arrests for all criminal acts except traffic violations rose 31 percent, while arrests of those under 18 more than doubled—a pace more than four times the population increase in the 10 to 18 age group.

LESSER RATE FOR ADULTS

Adult arrests for violent crime in the same period went up 67 per cent, while for juveniles they increased 167 per cent.

Generally, the police and other officials who deal with juvenile offenders keep no related statistics on the victims of juvenile crime, and there is, thus, no accurate gauge of an increase in children's crime against their peers, although there is general agreement that the problem is getting worse.

Reaction to increased youthful crime has largely taken the form of more policing of schools and surrounding areas, usually with private guards. *Dade County schools had a security force of five men in 1968: today it has 98.* Most other school systems have bolstered their patrols similarly, but parental concern remains.

"Mothers are frightened these days of what might happen to their daughters at school," said a Miami teacher whose three children attend public schools. She reported that at a Coral Gables Junior High, many girls were afraid to enter lavatories because of shakedowns by other girls, some of whom have brandished razors.

And a Boston father said: "My 14-year-old son got punched in the mouth at a park the other night because he wouldn't yield up a radio when ordered to by a peer who was drunk.

"It was not a traumatic experience," he said. "My kid was a little bit small and thinks that most things can be settled nonviolently."

TRUCKS ARE ESSENTIAL TO AMERICAN PROSPERITY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. COLLINS of Texas. Mr. Speaker, the other day I was talking to my friend Hub Hill about trucks. Hub heads up Strickland Transportation whose home base is Dallas and their trucks cover the Midwest.

Keeping trucks rolling is vital to the American economy. Let me give you some of the basic facts that show trucks' economic impact on America.

There are 8 million men and women employed by the trucking industry. This is more than the total population of 10 States—Delaware, Nevada, Idaho, Wyoming, Maine, Arizona, New Hampshire, Vermont, New Mexico and Rhode Island—total, 1970 Census: 7,862,335.

Each year trucks use 23,500 million

gallons of gasoline and other fuel. This is equivalent to the capacity of one column of tank trucks—7,500 gallons each—bumper to bumper, on a 4-lane highway from Hong Kong to Los Angeles.

Annually 404 billion ton-miles of freight are hauled by trucks—equivalent to sending the 42.5-ton Apollo spaceship on 20,328 round trips to the moon—233,814 miles distant—or one a day for 56 years.

Yearly 1,500 million quarts of oil are used by trucks. If put in quart cans, laid end to end, it would be enough to extend more than five times around the earth—or 131,628 miles.

Of the 109 million motor vehicles in the United States 17,800,000 are trucks. There is one truck to serve every four households in America.

Annually 118 million pounds of copper are used in truck manufacture, enough copper to mint over 16 billion pennies.

About 9,800,000 gallons of paint and thinner are used annually in truck manufacture, enough to paint 1,225,000 average frame houses.

Three out of four tons of all freight are hauled by truck. If trucks were to stop running for 24 hours, America's entire economic machinery would grind to a halt.

Aluminum: 63 million pounds are used annually in truck manufacture, enough to make 1.9 one-quart saucepans for every housewife in the United States.

Rubber: 1,200,000 tons are used annually by trucks, enough rubber to provide boots and shoes for the Army, Navy, and Marines for 1,071 years.

Tires: 26 million; and 18 million tubes are used annually by trucks. If the tires alone were used, they would form a chain from Chicago to Paris to Berlin and on to Honolulu.

Glass: 40,200,000 square feet are used annually in truck manufacture. Enough to cover 24 major league baseball stadiums plus 27 major college football bowls.

Antifreeze: 31,200,000 gallons are used annually by trucks, enough to keep 351 Olympic size swimming pools—165 feet by 75 feet—from freezing at 10° above zero—Fahrenheit.

Each year the trucking industry's expenditures approach $74,300 million. This total consists of $57 billion for labor; $5.6 billion for motor fuel and oil; $11.7 billion for new trucks and trailers, replacement parts and accessories, tires, and tubes.

Taxes: $5,300 million in highway use—Federal and State, are paid annually by the trucking industry, enough money to build a four-lane superhighway from New York City to Atlanta, and on to San Francisco, a total of 3,378 miles.

Mr. Speaker, we are all proud of the trucking industry. It plays a vital and active part in the growth and development of our Nation.

SENATE—*Wednesday, November 17, 1971*

The Senate met at 9 a.m. 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:

Almghty God, Creator, Preserver, Redeemer, and Judge, guide, we beseech Thee, the Senate of the United States that its actions may enhance the welfare of the Nation and promote the higher interests of Thy coming kingdom. Be with each Member of this body answering each one's need according to his personal requirements. Deliver each one from the sins of temperament, from petty provocations, and from vexation or exasperation with one another. Lift each Member above the divisive and contentious spirit into a unity of purpose which nothing can destroy. Grant that each one may so listen to the prompting of Thy spirit that he may concert his best efforts for freedom, peace, and justice in the world of our time.

Hear us in the Redeemer's name. 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. Leonard, one of his secretaries, and he announced that on November 12, 1971, the President had approved and signed the following acts:

S. 26. An act to revise the boundaries of the Canyonlands National Park in the State of Utah; and

S. 30. An act to establish the Arches National Park in the State of Utah.

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 Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 16, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar, under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination on the Executive Calendar under New Reports will be stated.

OFFICE OF ECONOMIC OPPORTUNITY

The second assistant legislative clerk read the nomination of Phillip V. Sanchez, of California, to be Director of the Office of Economic Opportunity.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and, without objection, the President will be immediately notified of the confirmation of this nomination.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ESTABLISHMENT OF A CONQUEST OF CANCER AGENCY

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1828.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1828) to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date, which was to strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as "The National Cancer Attack Act of 1971".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares—

(1) that cancer is the disease most feared by Americans today;

(2) that new scientific leads, if comprehensively and energetically exploited, may significantly advance the time when more adequate preventive and therapeutic capabilities are available to cope with cancer;

(3) that cancer, heart, and lung diseases and stroke are the leading causes of death in the United States;

(4) that the present state of our understanding of cancer, heart, and lung diseases and stroke is a consequence of broad advances across the full scope of the biomedical sciences;

(5) that in order to provide for the most effective attack on cancer it is important to use all of the biomedical resources of the National Institutes of Health, rather than the resources of a single Institute; and