

EXTENSIONS OF REMARKS

BOLIVIA REVERES PEACE CORPS
AIDE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Wednesday, November 5, 1969

Mr. JAVITS. Mr. President, I ask unanimous consent that an article published in the New York Times of October 8, 1969, entitled "Bolivia Reveres Peace Corps Aide," be printed in the RECORD.

The article concerns an outstanding Peace Corps volunteer from upstate New York, Mrs. Sandra L. Smith, who died of a brain injury at a tragically young age, but whose memory is revered among the downtrodden Indians of Bolivia whom she served so nobly.

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

BOLIVIA REVERES PEACE CORPS AIDE—NEW YORKER, DEAD AT 22, IS HAILED AS A REVOLUTIONARY

LA PAZ, BOLIVIA.—Mrs. Sandra L. Smith, a Peace Corps volunteer who died of a brain injury, is revered here as a true revolutionary who tried to redeem Bolivia's downtrodden Indians.

Mrs. Smith, a 22-year-old from upstate New York, ran a one-room school where children were learning to read and write. She also helped their mothers by giving them advice on cooking and sanitation. She was married to a fellow volunteer and childhood sweetheart.

While congressmen in nearby Chile accused the Peace Corps of serving as a front for the Central Intelligence Agency, the newspaper *El Diario* of La Paz said in an editorial:

"Although you did not wish it to be, your life is a slap in the face to all the paper revolutionaries who sing odes to the 'campesinos' from their plush homes and comfortable desks."

One of 200 volunteers assigned to Bolivia, Mrs. Smith had been living and working in the El Alto slum near the city's mountain-top airport for a year. Her husband, Frederic W. Smith, 23, taught masonry at a nearby trade school and worked with his wife in teaching their neighbors rudimentary sanitation.

Both were brought up in upstate New York where they attended Clarence High School; both were graduated from the University of Rochester.

"I liked Sandra very much," says 6-year-old Joe Limache, one of the ragged children who attends the tiny school where Mrs. Smith taught. "I hope they name the school after her."

The school, in the middle of a dirt-floor adobe compound, is about 12-feet wide and 26-feet long. The furniture consists of scrap lumber and bricks. But for the 27 children who study there the school is much better than what their parents had as children.

"There were no schools when I was young," says Amelia de Churates, whose two children attend the school where Mrs. Smith taught. "My girls are learning many things."

Like most of the other mothers in El Alto, Mrs. de Churates is an Indian peasant whose main language is the Aymara dialect. For her children's education she pays a peso a week. That is only about a nickel in American money, but it is a sizable amount for the

desperately poor campesinos of the highlands. The money was used to pay for supplies and for the salary of a young girl from the interior who helped Mrs. Smith with the younger children.

"She was constantly thinking of the school and how to improve it," says Rosa Pelaez, Mrs. Smith's 24-year-old assistant. Barely literate herself, she is now trying to run the school alone, while waiting for the Peace Corps to decide whether a new volunteer will be sent into the project.

Gino Baumann, the Peace Corps director for Bolivia, says that the school probably will be continued and in the meantime is helping El Alto residents fulfill the hope that the school will be named after Mrs. Sandra L. Smith.

"She was an angel; we could hardly believe it when we heard she had died," says Juan Mamani, a mechanic.

When the 22-year-old teacher's coffin was flown out of La Paz for burial in Rexford, many of the neighbors trudged to the airport with small gifts for her husband. This was an unusual tribute for people who are generally taciturn and withdrawn.

"You were truly working for the liberation of the Indian peasant," said an editorial in a La Paz newspaper, "because you taught him to read and that is where his true redemption will come from. And you did not ask for votes and you didn't bring arms for them to kill brother Bolivians, and you did not ask them for support in future political campaigns."

WHY SKIES ARE TROUBLED

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. SHRIVER. Mr. Speaker, a recent article in Parade magazine written by Mr. Jack Anderson on "The Growing Menace of the Private Plane," has evoked national controversy because it was aimed at making a scapegoat of general aviation for the Nation's serious airport and airways problems.

Under the leave to extend my remarks in the RECORD, I include the following editorial from the Topeka, Kans., *Daily Capital* which provides an effective rebuttal to the biased report by Mr. Anderson. The editorial follows:

WHY SKIES ARE TROUBLED

Jack Anderson, protege and successor to the late Drew Pearson, as a Washington columnist, has turned his scattergun typewriter on aviation in "The Growing Menace of the Private Plane." It appeared in Parade Magazine, circulated by Sunday newspapers including The Capital-Journal.

Anderson called private planes "instant death," blames today's air traffic congestion on skylarking, half trained private pilots (often drunk, he implies), and chastises the Federal Aviation Administration "for allowing small private planes to cut into the commercial flight patterns and to use the facilities of our great jetports."

Anderson ignored FAA's classification for "private aircraft" which includes everything from Hugh Hefner's tri-jet Boeing 727 to a biplane farm duster. Big headaches at high density airports today are created by airliners, not general aviation aircraft, this freely noted by the FAA and private groups.

New York's John F. Kennedy International Airport can accept 80 planes per hour under ideal instrument conditions, 62 under normal conditions. Acceptance rate drops to 40 in really bad weather. Yet something more than 80 airline flights are scheduled to leave JFK between 5:30 and 6:30 p.m., a peak traffic hour.

Two dozen flights are scheduled to depart in one five-minute period. There's no way they can.

The jam is caused by airline insistence on saturation scheduling at peak travel hours, and many of those jetliners are flying nearly empty. It is in many cases simply a bid by an airline for a bigger slice of business from a major market like New York, Newark, Los Angeles, Washington National or Chicago's O'Hare.

A congressman recently suggested a tax on empty seats to force airlines to reduce saturation scheduling. Nothing has been done.

Anderson blames "pilots preoccupied with training lessons" for many midair collisions, citing a September accident near Indianapolis which killed 82 aboard an airliner and a student pilot "with only 38 hours in the air." He charged the student rammed the airliner over the Indianapolis airport while making a practice pass at the runway.

Frank Kingston Smith, president of National Aviation Trades Assn., notes the airliner went over an outlying small airport (Shelbyville) at 3,000 feet, passed under the student's plane at 2,900 feet and cut the small plane in half with the tail.

The scene was 20 miles from the Indianapolis airport. Smith said the small plane was in front of the airliner for at least 40 seconds. This was the fault of the student pilot in his 120 mph airplane?

Air travel is the fastest-growing segment of the transportation industry. Its growth has caused many problems—in safety aloft, in passenger handling with outmoded terminals, even in providing trafficways and parking lots adequate for the flow of travelers. Each demands a solution. Dozens of boards, agencies and groups are devoting their best efforts to them.

It is difficult to see how an attempt to make general aviation a scapegoat for airline problems will help either group.

TWO SIDES OF THE CAPITAL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. WALDIE. Mr. Speaker, the evening of October 14 was the occasion of a most extraordinary, and in my opinion, notable, occurrence in this House. At that time the Members of this great body debated the most important issue of our time in a dignified and restrained manner.

This debate was observed by hundreds of young persons whose behavior was impeccable and whose manners were above reproach.

At the same time, Mr. Speaker, the Governor of my own State was addressing a gathering at a hotel in this city. His remarks were directed at these young persons and addressed the subject being discussed in this House.

An article by Michael Green of the

McClatchy newspapers of California caught the spirit of these two occasions and I think his article is worthy of notice by the Members of Congress.

The article follows:

TWO SIDES OF CAPITAL
(By Michael Green)

WASHINGTON.—On Moratorium eve, while the kids were beginning to gather on the lighted Capitol steps, the administration forces were arriving in gleaming limousines at the Washington Hilton across town.

The affair was a swank dinner for 500 in the hotel's main ballroom to celebrate the 79th birthday of the late Gen. Eisenhower and kick off a fund-raising drive for tiny Eisenhower College in Seneca Falls, N.Y.

President and Mrs. Richard Nixon were chauffeured up Connecticut Avenue from the White House. But the star attraction was Gov. Ronald Reagan, who had come to attack American youth, Vietnam Moratorium Day, college morals and a rich menu of other evils.

Unlike those schools Reagan deplures, Eisenhower College, according to brochures laid beside the watercriss, is dedicated to a spartan emphasis on patriotism and character.

The only students in this crowd were David and Julie Eisenhower of Amherst and Smith, respectively. The White House acknowledged they decided to come home from their anti-war campuses during the moratorium to avoid any possible "embarrassment." In the shelter of the White House, they could remain as "unaffected" by it as Nixon himself.

INVOLVEMENT

Their youthful counterparts, gathered about 1,000 strong across town, preferred involvement. Sitting in orderly camaraderie on the Capitol steps, they waited out the long parliamentary wrangle inside over whether the House would stay in session all night to debate the war. They huddled slightly for warmth in the fine, crisp October evening under a crimson moon and, talking, singing, joking, they seemed happy in the company of each other and in their cause.

They were among the young American teen-agers not yet taken for the Vietnam war. Their limbs were whole, their bodies unpunctured, their heads untorn, their cheeks unscarred. One could not help being moved by that fact and by wanting to spare and conserve them.

An old man looking at them might have found it possible to see the poignant contrast between these healthy young and the senseless war which awaits them. And he might have wished them well and thought of the lines: "Do not go gentle into that good night..."

FORCES

As the young protestors sang, the administration forces across town plodded through Tomato DuBarry filled with Cauliflower Gratine. The audience included 14 generals, five admirals, assorted colonels and commanders, one secretary of defense and Billy Graham. Bob Hope was on hand to entertain the troops.

The President's hands were in seclusion behind a bowl of orange flowers so he could applaud or not applaud Gov. Reagan's more extreme statements in private, as he so desired.

Rome fell apart, historian Reagan warned darkly, when "young men began to avoid military service and wore their hair long like women and wore effeminate clothes so that it became difficult to tell the sexes apart..."

Other historians have suggested Rome may have collapsed when it became overextended, in any event, Reagan perhaps should have gone to the other gathering. The boys and girls on the Capitol steps did not seem in-

ordinately confused about each other, nor about the meaning of their moratorium.

They remained to sing and flash their two-fingered peace sign even after administration forces succeeded in silencing war critics in the House who wanted a debate by adjourning instead.

Gov. Reagan, at that moment, was telling his crowd over an after-dinner demitasse that the protestors' moratorium was aptly named, "For there will be a moratorium on free discussion," he charged.

Between the Washington Hilton and the Capitol, it is a lonely taxi ride at night. The weary Negro driver, a quiet American, was working his 20th hour that day. He had little faith in the politicians and generals sipping cream of almond soup in the hotel ballroom or in the power of the young on the Capitol steps to ever change them.

"I'm 41 years old," he said dully, eyes on the road. "They took me in World War II. I was in three years. They give me a certificate when I got out tellin' how much they appreciated it. That's the last good word they got for a black man."

"Now they took my two sons. They're in Vietnam. Haven't heard from one in two months. I don't know if he's alive or dead. Don't make any difference to me who gets elected. If you're black, they only wants you for a war."

He pulled slowly up to the youngsters sitting and singing on the Capitol steps. His dull eyes did not fall on them. He methodically made change. Then he drove off into the night.

**TRIBUTE TO KENNETH SPRANKLE,
CHIEF CLERK AND STAFF DIRECTOR,
COMMITTEE ON APPROPRIATIONS**

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. LANGEN. Mr. Speaker, I, too, wish to take this opportunity to express deep appreciation and gratitude for the years of service to the Committee on Appropriations by Mr. Ken Sprankle. His loyalty and dedicated service, plus his deep understanding and wide experience as a member of the committee staff, made him a valuable asset to me and to the other members of the committee on both sides of the political aisle.

After 40 years of service to the Federal Government, Ken is still a young man and I am grateful to him for consenting to remain with us on special assignment until the conclusion of our committee business this year.

Ken is well known by most Members of Congress, whether they are members of the Committee on Appropriations or not. His knowledge of the procedures of the committee and the operation of the Federal Government is unequalled. I have sought his advice and his background of information on countless occasions. His record of service and contribution to the Congress throughout the 14 years he has served in his present position ranks him among the best qualified public servants on the Hill.

I do not like to see him leave our committee staff. I will miss his steady, conscientious work, and his calm, precise

attitude toward his job. I will wish him many happy years ahead and best of luck in whatever new venture he decides to pursue.

CRIME IN THE NATION'S CAPITAL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. HOGAN. Mr. Speaker, the District of Columbia, the Nation's Capital, is fast becoming known as thoroughly crime-ridden, if not the crime capital of the country. This morning, on one of the major television network programs, the Today show, attention was called to this unfavorable aspect of the reputation of the District of Columbia.

As a Member of Congress whose congressional district is adjacent to the District of Columbia and who has many constituents who work in the District of Columbia, I am deeply concerned about this problem of increased crime in the District of Columbia.

Not only are the number of crimes increasing, but the number of violent and aggravated crimes against persons are increasing at an alarming rate in what appears to be a rate disproportionate to that in other cities of similar size.

Neither is the Capitol Hill area spared from serious crime. Recently a Senator was the victim of an attempted robbery in his apartment building. Yesterday in the early morning hours two buildings within 10 blocks of the Capitol were bombed with substantial damage to those buildings and neighboring homes. Fortunately, no one was injured.

Narcotics use in the District of Columbia is on the rise and Police Chief Wilson recently testified before the House District Committee, of which I am a member, that narcotics users are increasingly turning to violent crimes; that is, robbery, and so forth, to feed their habits. Department of Justice officials testified that the failure of the Bail Reform Act in permitting narcotics users to be placed back in the streets after their arrest on one or more charges, is aggravating rather than correcting the crime situation in the city.

The chief judge of the U.S. district court in a recent statement informs us further that there are a large number of defendants failing to appear for trial resulting in a large number of fugitive warrants being issued. A large number of these fugitives are reported to have been released under the Bail Reform Act, enacted about 3 years ago, which in its present form is apparently and simply not working.

I intend addressing myself to the problems of crime in the District of Columbia over the next few weeks by pointing out items which I believe will be enlightening on this subject to all of the Members of the Congress.

The first of these items is the crime index for the District of Columbia for September 1969, which is reprinted below:

CRIME INDEX FOR SEPTEMBER 1969

On October 23, 1969, the Office of the Chief of Police released the reported Crime Index statistics for the Month of September, 1969. The September statistics show a decrease of 5.4% compared with August 1969. These same figures compared with September 1968 show a 37.2% increase.

The following classifications of crime show

decreases over August: Aggravated Assault, down 40 or a 12.1% decrease; Burglary, down 214 or a 9.7% decrease; and Auto Theft, down 35 or a 3.0% decrease.

Mayor Washington kicked off the Burglary Prevention Program on October 16, 1969. Police Department Officials are very hopeful that the 9.7% decrease in September burglaries will seem insignificant when the Prevention Program begins to show the desired

result. Burglary is one area where the citizen can help the police prevent crime.

Robbery is still an increasing problem. Eight hundred and twenty-one or 63.9% of the 1,285 robberies were armed robberies. The 821 armed robberies constitute an increase of 14.9% over August which had 714 armed robberies. However, preliminary October data does show a slight decrease in armed robberies.

GOVERNMENT OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT CRIME INDEX OFFENSES SEPTEMBER 1969

Classification	September		Change		Cumulative through September 1969		Percent change	12 months ending September 1968	12 months ending September 1969	Percent change
	1968	1969	Amount	Percent	Fiscal year 1969	Fiscal year 1970				
Criminal homicide.....	9	29	+20	(1)	40	76	+90.00	177	269	+51.98
Rape.....	29	33	+4	(1)	83	109	+31.33	224	336	+50.00
Robbery.....	705	1,285	+580	+82.27	2,142	3,560	+66.20	7,301	11,645	+59.50
Aggravated assault.....	265	291	+26	+8.93	826	962	+16.46	3,058	3,474	+13.60
Burglary.....	1,505	1,990	+485	+32.23	4,521	6,260	+38.46	17,431	20,968	+20.29
Larceny (\$50 and over).....	796	1,110	+314	+39.45	2,365	3,391	+43.38	7,800	10,718	+37.41
Auto theft.....	955	1,114	+159	+16.65	3,341	3,442	+3.02	10,805	11,252	+4.14
Total.....	4,264	5,852	+1,588	+37.24	13,318	17,800	+33.65	46,796	58,662	+25.36

¹ Base too small to compute percent change.

CRIME INDEX, GOVERNMENT OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT, SEPTEMBER 1969

[Crime index offenses as related to percentages of total]

	Number	Percent
Homicide.....	29	0.50
Rape.....	33	.56
Robbery.....	1,285	21.96
Aggravated assault.....	291	4.97
Total, crimes against persons.....	1,638	27.99
Burglary.....	1,990	34.00
Larceny \$50 and over.....	1,110	18.97
Motor vehicle theft.....	1,114	19.04
Total, property crimes.....	4,214	72.11
Total, reported crimes.....	5,852	100.00

others. These departments share, I believe, a common overhead, some general partners, and I presume this carries with it some access to help when needed; and perhaps it also carries a stability in the sense that when the tax cases are low, which will be a rare day, something else going on in the office can keep the lights burning. In fact, it is surprising, but in a very natural way your law offices appear to have fallen into a pattern that is a good model for a conglomerate company.

So, perhaps I should begin again and say: "Good Morning, Fellow Conglomerates."

There was, however, one bit of information I was sorry to derive from my study. From all the factors I can see, some of which we will talk about this morning, I have a feeling your rate of growth in the future will hopelessly transcend any we can expect in business.

Your program is a timely and worthy one, and with the aid of this study I hope my contribution will help to place some of the facts in focus.

There are four business points which, in my opinion, are of particular importance in reference to conglomerates.

First is the word *conglomerate*, a widely but loosely-used word. I think we are really talking about diversification and diversified companies, but there are many kinds of diversified companies, or conglomerates. There are old, respectable conglomerates. There are new conglomerates. There are different degrees of product and market diversification. Most significant, there are differences in management forms and methods. Some differ in emphasis on operations versus, let's say, security promotion. In making acquisitions, some use straight equity securities; others use warrants, debentures, installment payments, and deferred pricing. There are friendly mergers. There are hostile tenders and proxy fights. There are examples of retained managements, and there are replaced managements. There are resulting efficient companies, and there are resulting relatively inefficient companies.

All of these differences are indistinguishably merged into the generic term conglomerate as it is now being widely used.

The important fact, however, is that each company is a widely different company and they cannot be thought of meaningfully as a class.

My second point concerns the word *competition*. Most individuals in responsible positions in business are competitive. If they were not, they would go into other enter-

prises where their performance could not be tested and measured daily or periodically.

Businessmen live in a daily competitive climate. More important, businessmen need competition. I have often said that if we had no competitors, we would invent some, because this is what keeps it interesting, and this is how we measure relative performance. Conglomerates have almost a greater interface with the competitive areas than any traditional company. My second point, therefore, is simple: business itself is instinctively and naturally competitive, and conglomerate businesses are particularly so.

My third point is to emphasize the importance of business growth, innovation, and change. Businessmen like to grow, not only for strength in adverse economic conditions, but in profitability. Growth in efficiency and in profitability is the only thing that really counts in the competitive struggle; and this, in turn, particularly in the long-term, requires business innovation and change. Change is essential in any company that expects to survive in this world of increasingly changing technology, and rapidly changing markets. Your own community wants to grow. The state and the nation also want to grow, and so does the world. The wish and intention of business to grow and innovate and change is a natural one and not, as some people tend to view it, a motive that is suspect; and, conglomerates are probably the best business form we have yet devised to meet this thrust of change.

My fourth point is that business competition, growth, innovation, and change must be fostered and helped—not stifled in a welter of words, laws, and theories that serve no purpose other than to stagnate competition and maintain the status quo.

This is also a national necessity.

The source of economic growth under our private enterprise system is business. In fact, the entire support of our society, including that of the government, rests solely on business. While all of us have seen elevator operators, doctors, nurses, subway motormen, longshoremen, factory workers (practically anyone you can name) on strike, we have yet to see business on strike. Somehow, business has to develop continually the inventiveness and resilience to shoulder these increasing burdens, including the mistakes of government, while at the same time being constantly under attack for their own. Therefore, my contention is that business needs intelligent and sympathetic support in growing and changing to meet these burdens—for all our interests; and the conglomerate is one of the most efficient and effective forms we have de-

DIVERSIFICATION—THE NEW ROAD TO WORLD COMPETITION

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. UTT. Mr. Speaker, I would like to include the following speech by Mr. H. S. Geneen, president and chairman of International Telephone and Telegraph Corp., before the American Bar Association in New York on October 23. Mr. Geneen is one of the leading industrialists in the country today and represents a new breed of businessmen who are helping to create more jobs and employment opportunities in America and I take great pleasure in sharing his remarks with my colleagues:

DIVERSIFICATION—THE NEW ROAD TO WORLD COMPETITION

LADIES AND GENTLEMEN: It is a distinct honor to address your organization this morning and I felt that in preparing my remarks, I should make some study of the legal profession.

I was intrigued to find you have many different products and markets, just as we do in business, and that you have departments and managers who are charged with running them. For example: you have departments in taxes, in corporate law, in anti-trust, municipal bonds, SEC, and several

veloped for this purpose, and likewise deserves support.

For these reasons I suggest that the various theories and thoughts you will hear throughout this conference be tested against this simple format: *that each conglomerate company is widely different, that each is essentially a very competitive company, that each needs to grow and change, and most important, that it is in our national interest that they do so*

Let me emphasize some other points of distinction between conglomerate companies and the importance of the trends they represent.

Diversified or conglomerate companies, in my opinion, divide first in one essential area.

This point of division is whether they operate more as a holding company or more as a coherent operating company; whether they provide within the parent company, in effect, a broad group of central management skills, applicable not only to the over-all corporate areas such as financing, legal, and stockholder relations, but also to the marketing and operating areas of the company.

For example, ITT operates on the basis of a coherent operating company with a substantial central operating management. In fact, we have some 2,000 industrial and operational specialists in our central management group. We have developed this expert group in order to improve our competitiveness and our efficiencies, and to support our operating companies into improved operation in those fields, either new or old, which we have entered. It is the existence of such a management group that makes possible our entry through acquisition into new fields, and to be able to contribute innovation and new levels of competition to the companies that have joined us.

A simple measurement of this increased efficiency is found in the productivity of employees. The sales per employee of these companies that have joined us have increased 10 to 15% a year—against a national average of about 4% for all manufacturing companies, or about three times as fast as the national average.

Now what about the effects on management and the social implications of these trends on our nation's industrial capability?

Let us refer first to an independent and perceptive outside appraisal.

Some years ago, when I was with a steel company, I used to do the college recruiting for my division, but, I found it was very hard to interest better-performance students in the steel business. While it is one of our fundamental industries, they didn't feel it was modern. They didn't feel it was going to be in the forefront of change.

In our own business today, however, I find just the opposite feelings about our company. We seem to attract good people because they like the challenge of growth and the wide career opportunities it provides. But most important, they sense the willingness to *re-think and to step-up to change*. They realize that our approach provides an opportunity for creative competition, and people like the opportunity to compete on such an on-going basis.

Some of the real social truths of the conglomerate trend are perhaps more sharply apparent to our critical younger generation of businessmen, and some of the social contributions of this trend thus emerge. For example:

1. The outstanding characteristic of our life today is change, and the increasing rapidity of change. Diversified companies such as ITT are an increasing form of business organization that has naturally developed in response to change. This trend provides a valuable asset to our society in that it is structured to provide continuity of management, of investment, and of employment—while still meeting these dramatic changes in technology, markets, manage-

ment concepts, and the sociological ethics of the nation.

2. Diversified companies of the ITT type form a new type of business meritocracy. They provide a much greater opportunity for individuals to secure recognition for their own contributions and to rise in the organization, on merit, irrespective of age and family connections or other barriers that were often associated with traditional businesses—this because the internal competitive structure of the company places greater need on individual merit. One social by-product is that these managers themselves have proven to be more responsive to the new aims to make business more responsive to our broad social goals.

3. Finally, diversified companies such as ITT, by continually meeting the changing markets' needs as the primary basis of selecting their areas of business activity, maximize the efficient use of the scarce resources of the economy. By being forced to respond to the competitive pressures of offering to the consuming public what it seeks, in order to grow, companies such as ITT add to the abundance of our living standards.

While these values may be well enough accepted, the process of such corporate change itself may at times include some very unsympathetic facets; and one of these, in the public mind, is identified as *raiding*.

The "pros" and "cons" of the legal methods used, and the moral justification of hostile tenders to awaken sleepy managements to benefit the shareholders, have been well aired in the press.

But, there are many other ways to acquire companies. Acquisition policies are again not the same for all diversified or conglomerate companies.

Let me suggest instead an additional picture for your thinking: the management and business value of non-hostile tenders which, by far, represent most mergers. For example, with the central management capabilities we have assembled, we can and do provide a receptive and constructive base for merger—a base that will pay off in increased efficiency for *both parties*. That is our constructive contribution. For instance, consider these facts:

1. We can afford to price fairly and to exchange our own equity stocks with the shareholders of an incoming company; and, we can afford to pay because we can improve the efficiencies of the incoming company to make our valuation worthwhile to both sets of shareholders.

2. We can offer an assurance of continued growth in an innovative climate, leading to new products and new fields through our informed management support of such a company.

3. We can offer a concerned, helpful, and invigorating management atmosphere in which the new management members can grow. Opportunities for advancement are created within such an environment; and, most important—since these mergers are arrived at with the concurrence of management and stockholders—there is a mutual accord on improved objectives from the very start.

It is significant that many of the allegations leveled against conglomerates are simply not applicable to this type of diversified or conglomerate company. We have not had to make hostile tenders, and we have had no disagreements on values by the Boards and the stockholders of such companies.

These methods, these trends, and these changes of such conglomerates as I have described are, I contend, therefore *pro-competitive, pro-growth, and pro-U.S. enterprise*.

But now let us look at some of the problems. I find three issues here regarding conglomerates:

1. Accounting questions.

2. Antitrust values.

3. Social or philosophical areas.

I will deal very briefly with accounting, since there are other speakers on the program who will discuss this topic. The only point I want to cover is earnings disclosure. Earnings trends are increasingly being disclosed in greater detail for both old and new diversified companies, within rules set by the SEC. I am sure you are aware, however, that too fractionated a disclosure on a quarterly basis, reflecting the effects of seasonal and other trends, can be as misleading as nondisclosure. Simply stated, we and all corporations, I believe—old or new—stand ready to disclose on bases that are fully informative and not misleading.

This brings me then to the first of these last issues, the area of *antitrust*—and a businessman's views of it.

As I understand it, the most important aspect here is the concentration of markets within—I repeat—within an industry. This is the real issue of antitrust law and the Clayton Act.

It is precisely for this reason that horizontal and vertical mergers have virtually ceased. And, it is also for this reason that only the so-called diversified or conglomerate mergers remain to business as a method of seeking more effective forms of management efficiency and growth, which could be translated into stockholder values *without concentration of markets within an industry*.

I have already pointed out that there are many kinds of conglomerates—some attuned to operating and product efficiency, and some more attuned to financial promotion. I will limit my remarks to our own kind, namely those dedicated to operating and product efficiency.

Under this acquisition approach, there is no increased concentration within an industry. In fact, nothing has changed within the industry at all, except that a new force of management efficiency and innovation in operation will be released within that industry. This is decisively pro-competitive.

Because they are currently spoken of, let me enumerate and deal with some other alleged theories of concern and point out a few of the offsetting pluses.

The first of these is *concentration of power*.

This is not, as I understand it, the subject of the Clayton Act. But it is put forth as a sinister national trend which one infers justifies any extension of any law, including the Clayton Act, in order to stop this presumed trend. These words, *presumed trend*, are important.

The support offered is by carefully selected but unfortunately misleading statistics. According to released FTC figures, the assets in the hands of "200 major manufacturing companies" appear to have increased between 1948 and 1967 from 48.1% to 58.7% of total manufacturing assets.

Based on this, we are invited to draw the conclusions concerning the dire consequences of this *presumed trend* and its rate of growth.

But one could well ask, why 1948 as the base year? Perhaps because it is one of the lowest points in the cycle of available information. But for example, if one goes back to 1932, one will get a different trend. The concentration in the top 140 companies since 1932 was not different in 1963!—31 years later. In fact, this trend of asset concentration actually declined from the early 30's to the late 40's, i.e., 16 years of downtrend—rose in the early 60's, fell again slightly in the middle 60's, and in the last two years rose further.

The conclusion of many economists is that neither in the statistics themselves nor in any other data are there any indications of a long-term trend to be expected in the future.

No distinction is made in these statistics between a company like ITT (ranked number 11) which does \$4 billion annually in business with over 40% of its overseas and

spread thinly over some 35 industries, and, for example, Western Electric (ranked number 12) that also does \$4 billion but entirely in the United States and all concentrated in one industry; yet, both are treated alike in these statistics. For that matter, no distinction is made between manufacturing as contrasted to service activities or the geographic source of income, and the relation of these to the so-called manufacturing assets. In the case of IIT, the FTC statistics commit an error of almost one for one by including IIT's worldwide manufacturing and service activities in this sort of exercise.

One must question, therefore, the accuracy of the meaning of these figures when one considers the rapid growth of services and overseas activities of all American companies in recent years.

Most important, not mentioned is the fact that the *implication itself does not follow from the statistics*, since the list of 100 largest companies keep changing. It is a mathematical certainty that there will always be 100 largest companies, but it is interesting that they are not the same companies from period to period. This only indicates the conclusive effects of competition and change. In fact, less than one-third of the top 100 companies that were in this category in 1909, which is as far back as we can go, are still in it. What happened to the golden names in the other two-thirds? What happened to the traction companies? What happened to the gas companies? And, what happened to the railroads? The emergence of the aviation and electronics industries would be part of the answer, but I think the basic answer is the failure of the managements of these companies to grow and change along with the economy, in other words—the effect of competition.

Again not mentioned, and in line with my earlier comment, is the fact that these 200 largest companies are far from being partners in any anti-competitive conspiracy, but are instead highly and increasingly competitive.

Also not mentioned is the fact that of the 200 top companies listed in 1968, only about eight could be regarded as new conglomerates.

A further omission is the simple fact that of those 200 largest companies and their growth in assets from 1948 to 1967, which is portrayed as part of this trend, 19% of the increase in such assets can be ascribed to all large mergers by the 200 largest companies (horizontal, vertical, or conglomerate). Consequently, at least 81% of that increase in assets was the result of non-merger growth, and all by the traditional horizontal companies. Practically nothing significant in that increase in assets is attributable to diversification mergers by the new conglomerate companies.

Ignored also is the most important fact that about 85% of the assets of the top 100 companies in 1968 are accounted for by companies in the fields of chemicals, oil, primary metals, fabricated metals, machinery, electrical equipment, and automobiles and aircraft. These are highly capital-intensive manufacturing operations, so perhaps all this really tells us is something of the increasing capital costs of heavy goods industries, of offshore drilling and foreign oil investment, and of the growth of automobiles and airplanes.

I believe one could properly ask now what this talk about increasing concentration has to do with conglomerates, or IIT, or diversification mergers? The answer is clear—almost nothing; and this is what the Stigler Report, written for the Administration, also says.

But contrast these statements now with what IIT does have, which is a management cooperative; if you will, a group of smaller companies, of many companies, each competing in its own industry and each sharing in and supporting the cost of a skilled cen-

tral management it could not afford alone. This is the effect of the conglomerate approach. It is certainly pro-competitive; and it is certainly far different to be in 35 industries with individual companies competing with this support as the 11th largest company than, for example, the \$4 billion Western Electric dominating one industry. The same point can be made for many conglomerates, old or new. I submit this is a useful view point for your conference.

A second rationale, upon which the current antitrust attacks on certain acquisitions by conglomerates are based, is the size of the acquiring company. Because it is large in aggregate, it is argued that it will be able to entrench or enhance the market position of the acquired company, either by the use of its purchasing power to leverage sales it wouldn't have otherwise received (reciprocity), or by making the acquired company a more efficient, effective competitor through the use of the acquiring company's resources. It is also feared that the large company will use those same resources to subsidize predatory, below-cost pricing to the injury of competition. Let us consider each of these in turn.

First is reciprocity. In today's multifaceted companies like IIT, the use of reciprocity is, from a practical point of view, impossible.

IIT has 200 reporting profit centers. The executive in charge of each of these profit centers is responsible for the profit and loss of his operation. His career, his rewards, his reputation, and those of the management reporting to him are based entirely on the performance of his own profit center. The business of that center is to make money. The manager of that center has absolutely no incentive to seek anything but the best price, the most reliable delivery, the best service and the best quality in the goods and services he purchases. He couldn't care less about trying to help the sales activities of some other profit center. His only concern is whether his own purchases will do the best possible job. If they don't, his own profit center may not survive in the competitive struggle. Inasmuch as he has no incentive to purchase on anything but the best terms in the open market, he would refuse to do anything else. If he were ordered to do so by central management, then all of our techniques of responsibility and accountability for performance would be completely destroyed. In the final analysis, we would destroy ourselves.

Reciprocity, therefore, is impractical and, impossible within an IIT complex. Furthermore, a real examination of the supposed advantages of reciprocal arrangements, balanced against the obvious economic disadvantages, must produce an overwhelmingly negative assessment in any efficient management structure.

Yet, in the face of these facts, it was interesting to note the testimony of Professor Willard F. Mueller, government witness in recent cases challenging conglomerate acquisitions, in which he expressed the personal opinion (without reservation) that any competent, intelligent, and prudent management will attempt to use reciprocity. I mention this only to give an indication of the extremes that can be reached from the application of theoretical concepts to business operations.

While I cannot speak for other companies, I am satisfied that most of the talk about the usefulness of reciprocity does not come from competent managers bent upon competitive success.

In fact, I believe further that any presumed gains from reciprocity are probably entirely an illusion that disappears on real examination.

Companies like IIT with separate, well-managed profit center operations are one of the strongest, most militant barriers against the possibilities of the growth of reciprocity and should be regarded as such.

Another worry of antitrust policymaking is the so-called entrenchment of an existing leading position. At the outset, it is important to distinguish between better competition and unfair competition. The consumer is entitled to the best that competition can offer to him. This is the basis of the businessman's approach to the efficient operation of his company. There is no basis to ask that the low man on the totem pole, in either investment or initiative, set the criteria on the competitive effort to be performed—the fruits of which belong to the consumer.

Some of the famous cases of the past, generally referred to as exhibiting a type of "populist" philosophy, seem to have developed this line of thinking. There were periods in which states and governments considered state import taxes and other types of taxes a means of preventing, for example, the growth of the chain store because it represented unfair competition to the local grocer. The point is, however, it did not represent unfair competition, it represented better competition, and better in the sense that it offered more for less. But the proponents of these theories would have preferred a type of hidden subsidy, and the cost of this would have been paid by the consumer.

Almost anything that can be said about one company being more competitive than another can be looked at two ways: It can be said this is better competition, or it can be said this company is so good it is driving the others out of business and therefore should be slowed down because its efficiency is becoming a barrier to entry. Well, gentlemen, there are no barriers to entry if the customer is available to everyone; and, in all the fields in which IIT has made acquisitions, the customer is available to all competition. To deny this competition access to the market would be a misuse of the antitrust laws.

It is interesting in this day and age that new companies of substantial size have developed in areas such as electronics and, in fact, there is ample room for better competition from small and large companies.

The problems of so-called *loss leaders* and *predatory pricing* are not typical practices of diversified companies. I can assure you that, as businessmen, we at IIT do not like to lose money, and we do not intentionally price below our cost. Indeed, the managers in charge of our individual profit centers work hard to reduce their costs when they see that their competitors are in a position to sell at lower prices over the long term. I believe the kind of thinking which holds that big diversified companies can and will engage in predatory pricing, subsidizing one profit center with the earnings of another, is all theory, and no fact. While the businessman who lost a sale on price would like to think his competition was indulging in sales below cost, *I have found that in reality the rival's lower price means he is more competitive, and that his costs are actually lower.*

In the second area, there are two supposed social or philosophical evils left to deal with. The first is the area of social change.

It is argued that conglomerate companies or other acquisitive-minded companies destroy communities, that in some manner they destroy the American Way of Life.

The Justice Department in recent days has issued statements emphasizing that this is the evil they are working to eliminate. You will recall the charge of emasculating the community by moving the decision power of a company elsewhere—the changing of the community to what I think was called a "branch store community."

Well, I can't speak for progress, only try to help it, but let me say that a great many of the New England mills that shut down did so because of something that happened *within that town*—and not away in some other city. It was because their management

fell behind the times, and while people speak with concern about the number one man in the town who becomes a number "x" man in a larger company, they don't ever mention the hierarchy of the sons of forebearers who succeeded to the presidency when they weren't at all that competent and, in turn, ran the mill into the ground. I can think of a community in New Hampshire that I am familiar with—a town that lived off the plant in the town. Successions of bad management, mostly oriented to the original family, resulted in driving everyone with management competence out of the company and drove the mill under and the town with it. Maybe a little "branch office" community, which today would be competitive and thriving, would not have been so bad, at that. But to be fair, is that what the antitrust laws are supposed to prevent? No, they are not. Constructive competition by companies like ITT, with good managements and with branches that do grow, is supposed to take care of that—if you'll let them. No one else can. But even the headquarters of the companies involved are moreover domiciled all over the United States where you, as lawyers, serve them—and not in any one city or one area.

In the social area we have included a second one frequently encountered. For want of a better name, I have called it "Shoemaker, stick to your last." The same theory holds that a baker's son must be a baker. However, I am sure we all agree the world has long grown beyond these outmoded concepts. But there persists an emotional feeling that somehow people or diversified companies are unable to operate in more than one field of business. Overlooked is the fact that such a company has many individual specialists and experienced managers in many fields, and that the very untraditional outlook such a company brings to an industry is key to innovation and new progress.

Well-run diversified companies do not represent a threat to the economy in that they will crumple with adverse business conditions; in fact, their diversity will have a stabilizing effect on their performance and continued employment. Agreed, it requires a different kind of management to operate in diverse fields. This is essentially an emotional reaction that does not apply to any well-run company, diversified or otherwise, but nevertheless persists as a vaguely worded concern related to conglomerate companies. It has little substance.

I would like to close on a positive note in recognition of a reality which affects us all—those in this room, those in offices around the country, and those working in our country's assembly lines.

American know-how is no longer unique. This is being written bluntly in our ever-mounting balance of payments deficits.

Detroit's massive production lines are now matched across the world.

The efficiency of world competitors is increasing, usually to the detriment of traditional U.S. manufacturing industries.

In Asia, we see the Japanese auto industry with labor rates one-quarter those of Detroit rapidly approaching a technological level comparable to our own. We see their products in the United States in increasing use. This is a trend. We must now meet the challenges implicit in a world awakened to all of the factors in the economic struggle.

It is more than a coincidence that the two losing nations of the last world war, Germany and Japan, today lead in economic enterprise and in growth of world trade. It is more than a coincidence that the governments of both these countries work very closely in support of their businessmen—a lesson they learned during the period of adversity, following the war, in which they rose to their present competitive strengths.

We can win that competitive struggle to-

morrow as we did yesterday, but we must not be hampered with artificial strictures against diversification or size. We must not be hampered by yesterday's myths in concentrating on today's needs.

I contend that every year in American industry we can improve productivity better than the past average of 2½ and 3% per annum. But is even this enough? We must recognize that American salaries and wages are increasing at twice and three times that rate.

We businessmen, almost alone, must fill this gap! The "gap's" other names are inflation, balance of payments, taxes, and social unrest.

We can fill this gap if we continue to stimulate the competitive drive.

But we need the support, not the hindrance, of the government to do this.

Let us remember that "bad cases make bad law," and that precedents which might be economic milestones in the country's future economic progress can easily become, under uninformed theoretical populist attacks on business, economic millstones on our nation's economic progress for decades ahead.

We must apply experience and realism to the proper understanding of our economic and business trends. We must remember it is competition and efficiency that we seek. And we must not lose sight of the fact that competition presupposes losers in the marketplace as well as winners. That is the enterprise system.

Above all, let us not use the antitrust laws to protect the status-quo and prevent competition; and we must permit those, who are willing to take the initiative, and to pay the price to be able to compete, to do so!

Finally, let ITT increase its efficiency. Let every American corporation increase its efficiency. And, before it is too late, let us continue to be able to battle within the world competitive arena. The nation's business and its consumers will all be the winners.

VETERANS DAY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. NICHOLS. Mr. Speaker, over the weekend it was my privilege to speak on the campus of Jacksonville State University, which is the third largest university in my State of Alabama, and is the fastest growing in our university system.

The occasion was the district meeting of the Alabama law enforcement program, and Sam Gurley, president of the Jacksonville State University student body gave the welcoming remarks to this fine group of law enforcement officers. In his remarks he read an official proclamation just released by the Jacksonville Student Government Association, which I believe is most timely and which sets out, in plain everyday language the official student position on matters related to observance of Veterans Day.

Mr. Speaker, in a day and age of protest, both on campuses and in the streets, I am extremely proud of the students at Jacksonville State University in their support of our servicemen throughout America and in their dedicated efforts to build, promote, and preserve a free and strong nation.

The proclamation follows:

On next Tuesday the American people are asked to pause in their routine pursuits to do honor to those who have fought, suffered, and died to build, promote, and preserve this great nation we call America.

When viewed in perspective and in relation to other nations of the world, the obvious fact emerges that ours is the most fortunate land that a Divine Providence has ever endowed.

We are rich in material abundance, in human spirit, and in human kindness. Since World War II we have poured out in excess of 50 billion dollars to help those nations less fortunate than we. We have contributed much toward the freedom and dignity of man wherever he lived.

And it must not be forgotten that our youth of today has opportunities to attain the good life that no other generation in history ever had. Educational opportunities await those who would take advantage of them. Avenues of service to mankind are broad and inviting, and all who will may come to the fountains that offer meaning, purpose, and excitement in the human sojourn on this earth.

As students take leave from their studies at Jacksonville State University in observance of Veterans Day, they are requested to think in grateful appreciation of those who have served this nation on and off the battlefield and have bequeathed to our generation the best possible circumstances in which to live and move and rear our families.

Let us have praise rather than condemnation for our country which is the last best hope for mankind.

STUDENT GOVERNMENT ASSOCIATION.

RICHMOND, IND., NEWSPAPER OUTLINES PROBLEMS AND FRUSTRATIONS IN BROOKVILLE RESERVOIR DELAYS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following excellent series of articles by Mr. Max Knight, of the Richmond, Ind., Palladium-Item.

Mr. Knight has given to his readers an excellent summary of the problems and frustrations faced by Hoosiers who live in the area of the Brookville Reservoir. The completion of the reservoir has been delayed several times in recent years, despite repeated appeals to the Bureau of the Budget and the U.S. Army Corps of Engineers.

As Mr. Knight points out in his articles, these delays have created economic hardships which are turning this area of southeastern Indiana into a federally created disaster area.

The articles read as follows:

[From the Richmond (Ind.) Palladium-Item & Sun-Telegram, Oct. 13, 1969]

FEDERAL BUDGET PLANNERS STYMIE WORK ON BROOKVILLE FLOOD CONTROL PROJECT

(By Max Knight)

The future of the Brookville Reservoir is clouded.

Delay on top of delay has brought the \$27-million project to a halt and a meeting with the Bureau of Budget in Wash-

ington last week failed to bring much optimism.

The bureau turned thumbs down on the appeal of the Whitewater Valley Flood Control Association as well as on Sen. Vance Hartke and Representatives David Dennis and Lee Hamilton.

Thomas O'Connor, president of the flood control group, said the Bureau of Budgets would not consider the project on a continuous contract although the highway that bypasses the reservoir area still is under construction.

A control tower and outlet works already have been finished, at a cost running into the millions of dollars.

TO KEEP PRESSING

O'Connor said that although the project seems to be facing a long delay, his association will continue to do all possible to get it moving again.

With bitterness in his voice, O'Connor had this to say:

"If within the last few years an act of God would have caused as much damage as has been caused by the federal government by its delay, emergency funds would have been available from the federal government or immediately seek to alleviate the damage the federal government has caused in Franklin County.

"The federal government last year caused a loss of tax revenue in Franklin County of \$150,000. There will be a continuing loss of about \$30,000 per year or more each year from lost tax revenue. A similar amount will be lost in the Union County area.

"Our association still is in favor of flood control but we are not in favor of the damage by flood control delay."

O'Connor said the flood control association will continue efforts to advise the President and Bureau of Budgets they are short-sighted in holding up a partially completed project.

But there is no plan how to achieve this at the moment.

They plan to await congressional action of the fiscal 1970 budget and hope that after approved, the President will see fit to aid the Franklin and Union County economy by releasing funds already available.

They will seek aid of Gov. Whitcomb and after other facts are gathered, will ask Whitcomb to personally visit President Nixon in Washington, D.C., for the purpose of "better presenting our case."

Without launching a formal campaign, O'Connor is asking those who have written to write again or those writing for the first time to do so, reflecting injustice of the situation so Nixon will be personally informed of the situation.

There already has been \$10 million spent in land purchase and construction. There is available but not released \$3.8 million. This was authorized by the Congress in fiscal 1969 but not released by either President, Johnson or Nixon.

The State of Indiana has supplied the Army Corps of Engineers with \$500,000 as payment toward continuing construction of the reservoir under a state contract to provide 22 per cent of total reservoir construction costs. The state has available \$2,060,000, which may be supplied to the corps but they have to apply for it.

This means, as the corps says, it can only use \$1.4 million in fiscal 1970, the payment from the state would more than exceed the amount of expenditures for this year. As it is estimated that the dam and spillway construction will be let for approximately \$18,800,000, then this state payment, which can be applied for by the federal government, would pay approximately two-tenths of the total construction cost for the next two years.

"Thus it is our opinion," said O'Connor, "that the federal government could request

the money from Indiana and not use any federal funds during fiscal 1970 and part of 1971. Obligations of the federal government would be needed to complete the remainder of contract.

"This would result in the federal government paying \$8.8 million over the next three years after 1971," said O'Connor.

[From the Richmond (Ind.) Palladium-Item and Star Sun-Telegram, Oct. 14, 1969]

AFTER 9 YEARS OF HAGGLING BROOKVILLE DAM STILL FAR AWAY—II

(By Max Knight)

On May 26, 1960, the House of Representatives passed a bill which included approval of \$10,000 to be used for appraisal and surveying the area north of Brookville for a flood control dam.

Nine years later, and some \$10 million more spent, Brookville seems almost as far away from having that dam as it did in 1960.

Finding support for the huge 22-mile-long reservoir was not easy. In meeting after meeting, generally held in a school gymnasium at Brookville, Fairfield or Liberty, citizens of the valley fought against the proposed reservoir.

The main bone of contention was its size. Residents of the valley argued that smaller retention sites would do the same job at a lot less cost and would not take the valuable bottomland of the East Fork of the White-water River.

From the very beginning, Thomas J. O'Connor, a Brookville attorney, spearheaded the drive for a reservoir. He solicited the help of Sens. Homer Capehart, Vance Hartke and Birch Bayh and Reps. Earl Hogan, Earl Wilson, Lee Hamilton, Ralph Harvey, Richard Roudebush and David Dennis during the next nine years.

On Aug. 2, 1962, the Army Corps of Engineers approved the reservoir construction. Its estimate of total cost was \$24,400,000.

On Nov. 23, 1963, the House of Representatives approved the first funds for the reservoir, \$200,000. The Senate approved it Dec. 5.

As proposed, the dam was to be situated on the East Fork about six-tenths of a mile north of the bridge over Indiana 101 at Brookville.

The proposed dam would back up water in minimum pool that would cover 3,810 acres. In maximum pool the reservoir would cover 7,700 acres.

The small town of Fairfield was to be inundated by water, as was Quakertown and part of Dunlapville. Two historic covered bridges, one at Fairfield and one at Dunlapville, would be destroyed.

By July 5, 1964, additional money had been appropriated in Washington for construction of the reservoir and it appeared nothing would stop the forward progress of the huge dam.

On Oct. 1, 1964, Brookville held a celebration parade, honoring those officials locally and in government circles who had been instrumental in getting the reservoir started.

On Nov. 1, 1965, Robert D. Walker of Selma, Ala., was selected as a resident engineer for the construction of the reservoir. He still holds the same position although work long since has stopped on all but a new highway that bypasses the reservoir area.

On March 6, 1963, Col. James Lewis of the Louisville office of the Army Corps of Engineers said, "It will take three years for planning the reservoir and appropriation of money through Congress. It then will take four years to finish the work. Therefore by 1970, water should be flowing into the reservoir."

Col. Lewis no longer is in charge of the Brookville operation.

On Jan. 9, 1964, Col. Thomas Roper said construction of the Brookville Reservoir would require about five years after com-

pletion of preconstruction planning. He announced the total cost of the reservoir was estimated at \$27,000,000. This is a figure that is \$2,600,000 above the one announced in 1962.

Then on Feb. 12, 1965, he told an audience at Brookville, "The Army Corps of Engineers intends to have a contract let for construction of the reservoir by the first of June.

"We have been so ordered by Congress and that is exactly what we intend to do."

Col Roper no longer is in charge of the Brookville operation.

On Aug. 6, 1965, Secretary of the Army Stanley R. Resor signed a contract at Washington, D.C., for construction of the Brookville Reservoir. It was announced the cost would be \$27,700,000. This figure is \$700,000 higher than seven months earlier.

The R. E. Dalley Co. of Detroit, Mich., received the initial contract as low bidder on construction of the outlet works at \$1,843,967.04, on Oct. 27, 1965.

It appeared the long-awaited reservoir finally would be under way.

[From the Richmond (Ind.) Palladium-Item & Sun-Telegram, Oct. 15, 1969]

CONTROL TOWER STANDS ALONE TO MARK ACCOMPLISHMENTS ON BROOKVILLE RESERVOIR—III

(EDITOR'S NOTE.—An announcement from the Army Corps of Engineers Tuesday postponed the Brookville Reservoir construction another six months. The new date for completion is now December 1973.)

(By Max Knight)

BROOKVILLE.—A date for completion of the Brookville Reservoir remains in doubt.

Delays have thrown the federal project two years behind schedule and a recent decision by the Bureau of Budget has all but halted near future work on the 22-mile long lake.

Thomas O'Connor, president of the Whitewater Valley Flood Control Association, said Franklin County has been hard hit due to the federal government halting the reservoir construction.

He estimates Franklin County has lost \$150,000 in tax revenue thus far and that the average per year will range from \$30,000 to \$35,000.

CONTROL TOWER READY

A control works and outlet tower has been finished and new Indiana 101 is nearing completion. But the Bureau of Budget ruled the reservoir was not under continuing contract, thereby being ineligible to receive federal funds.

Only 25 per cent of the original \$3 billion set up for federal projects is being released by the government after President Nixon asked for the reduction in spending.

So the reservoir is at a standstill until these funds are released.

Ground was broken for the reservoir in official ceremonies Dec. 11, 1965.

With work progressing, the flood control committee expected little trouble in securing needed funds as the reservoir took shape. This was especially true when on Jan. 23, 1966, President Lyndon Johnson included \$3.2 million for construction of the Brookville Reservoir in his total \$45.4 million for Indiana's flood control, navigation and surveying projects.

It was approved by the Congress and, according to O'Connor, still is lying dormant due to the failure of President Johnson to release the \$3.2 million while he was in office or President Richard Nixon to do so since he took over.

STATE HAS FUND, TOO

On July 19, 1966, the State of Indiana allocated \$750,000 for its share of the Brookville Reservoir project. Thus the state met its obligations while the federal government started lagging behind.

On Oct. 12, 1966, it appeared the federal government was done dragging its feet when a \$4.1 billion public works appropriation bill was approved, among which was \$3,200,000 for the Brookville Reservoir.

Officials at Louisville's Army Corps of Engineers' office said the contract for the dam would come as soon as the outlet tower was completed. This was expected to come in November 1967.

Then the delays began.

SET NINE DATES

On nine different occasions, a date for advertising for contracts to construct the huge dam was announced. But each time, just before the date arrived, a new date would be named and the work delayed.

Bids were let for construction of 9.1 miles of new highway that would bypass the reservoir area, starting at German Road in Union County and running to Brookville.

The contract for this section of Indiana 101 was to be completed by May 20, 1969. It is not completed as yet and motorists are required to detour through Connersville on Indiana 44 and Indiana 1 to Brookville.

Total cost of this bid was \$1,995,098.38 and went to the L. H. Terry Co. of Louisville.

[From the Richmond (Ind.) Palladium-Item and Sun-Telegram, Oct. 16, 1969]

HOW TO GET BROOKVILLE PROJECT MOVING ONCE AGAIN IS PROBLEM

(By Max Knight)

With construction of the Brookville Reservoir delayed six months due to a cutback of federal funds, the Whitewater Valley Flood Control Association can only call on local letters and congressional help in trying to get the project moving again.

Thomas O'Connor, president of the Whitewater Valley Flood Control Association, is urging residents of the area to write President Nixon, protesting the halting of the \$27 million project.

He says Franklin and Union Counties have been hurt by the halt in reservoir construction, due to the amount of land that has been purchased by the government in the lake area.

This land cannot be taxed, although being farmed on a lease basis, due to it being federal property.

GOVERNMENT RENTS FIELDS

The federal government leases the fields back to the farmers of the valley. The price generally is figured on 8 per cent of the price per acre paid for the ground. In other words, a farm selling for \$400 per acre would lease back at \$32 per acre. This is considered high by most valley farmers.

Congressman Lee H. Hamilton said Wednesday that he will continue to question the Army Corps of Engineers' priorities in announcing the deferral of the reservoir project.

The latest announcement of the engineers is the dam's completion will be delayed until December 1973. Since there have been nine postponements in the past, any new date set by the Army is looked on with suspicion by the flood control committee members.

The outlet tower and outlet works have been completed at the dam site and a new highway, Indiana 101, is under construction from German Road in Union County to Brookville, bypassing the lake area.

SOME VANDALISM FOUND

There has been a minimum of vandalism at the outlet tower site but it has occurred and is a danger for as long as the tower sits idle, said O'Connor.

The entire area around the outlet works has grown high in weeds and gives the appearance of a project abandoned 20 years ago. Only the clean cut of the river next to the tower gives evidence that recent work has been done there.

When O'Connor, his committee heads and members of Congress testified at the hearing of the Bureau of Budget in Washington, their appeal was turned down for two reasons.

"One," said O'Connor, "the bureau said only those projects with contracts now under way could be continued.

"We tried to tell the bureau that the highway that bypasses the reservoir is not completed and therefore the over-all project is still under way. Their answer was no, with no reason.

"Second," he continued, "the bureau said that only those contracts would be allowed which would incur damage to work already in place. We pointed out that vandalism has started at the outlet site but again we were given a no answer, also without a reason."

When the dam will be built remains anyone's guess.

O'Connor is planning to ask Indiana Gov. Ed Whitcomb to make a personal trip to Washington to appeal to President Nixon for continuance of the contract. Whether this will be done or whether it does any good is speculative.

"The federal government has turned Franklin and Union Counties into disaster areas," said O'Connor. "Something must be done."

SUPPORT FOR PRESIDENT NIXON'S VIETNAM POLICIES

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. TAFT. Mr. Speaker, President Nixon wins a vote of confidence of 77 percent of Americans on his Vietnam policies. Among those persons who listened to his Vietnam speech Monday night, only 6 percent expressed outright opposition to the President's program for ending the Vietnam war. But another 17 percent are undecided.

While the initial reaction to the President's program was highly favorable, I believe the course of public opinion in the coming weeks will depend largely on the actual rate of withdrawal of U.S. troops from Vietnam.

In a professional public opinion—Gallup—test of the Nation's first reactions to the speech, a series of questions were put to a total of 501 adults, living in 286 localities, in a nationwide telephone survey conducted Monday evening immediately following the speech.

Approximately seven persons in 10 contacted heard the speech. Among this group, interviewers found a large percentage of Americans who were impressed and reassured by President Nixon's remarks, but at the same time, a sizable minority who expressed disappointment that the President did not come up with new ideas to end the war.

The predominant view at this point is that the President is pursuing the only course open to him. The idea of "Vietnamization" of the war has particular appeal to the public.

About half of the people interviewed—49 percent—think President Nixon's proposals are likely to bring about a settlement of the war but 25 percent think they are not likely to do so, and another 26 percent are undecided.

Eight in every 10—77 percent—of those

contacted expressed satisfaction with President Nixon's program for troop withdrawal, 13 percent expressed dissatisfaction, while another 10 percent are undecided.

By a 6-to-1 ratio, the persons contacted agree with President Nixon that moratoriums and public demonstrations are harmful to the attainment of peace in Vietnam but most also share the President's belief that people in this country have a right to make their voices heard.

MEMBERS OF FEDERAL TRADE COMMISSION AFFIRM COMPETENCY OF FTC STAFF ATTORNEYS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. EVINS of Tennessee. Mr. Speaker, a number of the present Commissioners of the Federal Trade Commission and former Chairmen and members have recently attested to the competence and capability of the senior staff attorneys at FTC.

In a recent letter to Mr. Bernard G. Segal, president of the American Bar Association; Mr. John N. Wheelock, Executive Director of the Federal Trade Commission, lists a series of statements from Commissioners which praise and commend the ability and the work of the legal staff of the Federal Trade Commission. These Commissioners include Commissioner Everette MacIntyre, former FTC Chairman Edward F. Howrey, former FTC Chairman Earl W. Kintner, former FTC Commissioner Albert A. Carretta, former FTC Commissioner and former Congressman Robert T. Secrest, and former FTC Commissioner and former Governor of South Dakota Sigurd Anderson.

Because of the interest of my colleagues and the American people in this most important matter, I herewith place the letter to Mr. Segal from Mr. Wheelock in the RECORD.

The letter follows:

FEDERAL TRADE COMMISSION,
Washington, D.C., October 30, 1969.

BERNARD G. SEGAL, Esq.,
President, American Bar Association,
Philadelphia, Pa.

DEAR MR. SEGAL: This is in reference to the Report of the ABA Commission to study the Federal Trade Commission dated September 15, 1969.

This letter is in the nature of an appeal in equity to the Board of Governors of the Association in regard to the statements in the Report relative to the competency of the supervisory legal staff of the Federal Trade Commission, particularly, in the light of the comments on such Report by the communication media.

On page 33 of the Report, it is stated that "a majority of the present FTC Commissioners advised us that some Bureau and Division Chiefs are incompetent. We believe that this is attributable in part to the policy pursued in the last six or eight years of promoting almost exclusively from within the agency." On page 34 of the Report, under the subhead "Conclusions" it is stated "it is our impression that there are too many in-

stances of incompetency in the agency, particularly in senior staff positions."

Mr. Miles W. Kirkpatrick, Chairman of the ABA Commission indicated in his testimony on October 9, 1969, before a Special Subcommittee of the Select Committee on Small Business of the U.S. House of Representatives, that the ABA Commission had no vehicle or opportunity for reaching a determination as to any individual staff members who might be incompetent. I understand from his testimony that the basis for the "impressions" in the Conclusion in the ABA Report as to the question of competency was the general statements made to members of the ABA Commission by three incumbent FTC Commissioners. Apparently, no survey regarding this question was made of the members of the Antitrust Section of the Bar Association and no inquiry was made of any other source.

Neither Chairman Dixon of FTC nor FTC Commissioner MacIntyre was quoted on this very significant question. The basic fact is then that the entire supervisory legal staff of the Federal Trade Commission is under the cloud of a vague charge of incompetency which they had no opportunity to answer. This is particularly questionable because the communication media in commenting on the Report treated the statements in the Report's Conclusions as a finding by the ABA Commission of general incompetency on the supervisory staff level of the Commission. The obvious result has been that grievous harm and injury has been done to the professional reputation of the dedicated, able senior attorneys at the Federal Trade Commission who have devoted so many years in the public interest to the protection of the American competitive enterprise system and the consuming public.

I suggest that when considering the professional reputation of Members of the Bar that the American Bar Association has a particular duty to be fair and equitable whether the attorneys are in the Government service or in private practice. In his testimony before the Congressional Subcommittee, Professor Robert Pitofsky, the ABA Commission Counsel, stated that the ABA Commission was pressed for time. I understand the deadline under which the Commission was operating. I believe that in all probability Members of the ABA Commission were surprised by, and regret, the interpretations by the communication media of their Report in regard to the competency of the FTC staff. Opinions as to the competency of lawyers are at best subjective. I suggest that if any public pronouncement of "impressions" is to be made in such matters that the inquiry forming the basis therefor should be as broad as practical.

In the light of the above and in fairness to the FTC staff, I have requested the opinions of former FTC Commissioners engaged in the practice of law and also the opinion of incumbent Commissioner MacIntyre as to the competency of the FTC senior staff members. I have not asked Chairman Dixon to comment for the obvious reason that he selected these staff members for their present positions. Of course he had confidence in their ability and integrity. In making these appointments, Chairman Dixon honored the career service of the Federal Government. The policy of promotion from within on the basis of merit is followed generally by Government agencies and by such private corporations as American Telephone and Telegraph Company, Standard Oil of New Jersey, DuPont, etc. The ability to obtain highly qualified young professionals would be greatly curtailed unless a general policy of promotion from within were followed.

I am authorized by incumbent Commissioner Everette MacIntyre and the former FTC Commissioners listed below to quote them as stated below as to the competency of the supervisory staff attorneys at FTC.

Commissioner Everette MacIntyre has had a long and distinguished career at the Commission. He states as follows:

"First, I should say that views I have on this subject have been formed on the basis of approximately 40 years of association with the observation of the conduct and performance of supervisors of the legal staff of the Federal Trade Commission. During that period of time I have not only had the privilege of that association and observation, but also considerable association and observation of the conduct and performance of supervisors of legal staffs in the antitrust division of the United States Department of Justice (based upon my service of approximately 20 years as liaison officer between the Federal Trade Commission and the antitrust division of the Justice Department) and supervisors of the legal staffs associated with or employed in the offices of a large number of the leading law firms in this country. My opportunity for association and observation of the latter came as a result of my handling a number of large antitrust cases for the Federal Government when lawyers of these large law firms were representing parties against whom the Federal Government was proceeding.

My career and experience have presented me with the high privilege of association with many fine lawyers and gentlemen in the Government and members of the private bar. In general the supervisors of the legal staff of the Federal Trade Commission have ranked high among that number. They have and do constitute a group of highly competent, dedicated, and high principled lawyers. I do not mean to imply by that that there have not been exceptions, but in general what I say applies to the group as a whole. The record of achievements in courts throughout this land supports my view of their competence."

Former FTC Chairman Edward F. Howrey stated as follows:

"Many of these lawyers have been well known to me since the time I served as Chairman of the Commission during the first three years of the Eisenhower Administration. Some of them I have known much longer inasmuch as I first started practicing before the Commission in the early 1930s. In my view, and I speak with personal knowledge because I have often been on the losing end of FTC negotiation and litigation, most of the senior lawyers on the staff are of exceptional ability. Take the Bureau of Restraint of Trade, for example—the Director, the Assistant Director and the chiefs of the various divisions are all industrious men of professional competency and integrity. They are equal to or superior to most lawyers I have dealt with in government service or in private practice for that matter. In addition, I have found the present Executive Director and General Counsel to be men of the highest quality and professional competency. While I have not regularly practiced before other bureaus of the Commission, I think the same thing can be said of most of their supervisory staff members."

Former FTC Chairman Earl W. Kintner stated as follows:

"In some respects in my judgment the Commission is weak at the senior supervisory level. I think the greatest problem they have had down there is that the staff has not received the guidance of a unified commission at the top and this has discouraged some of these senior people from doing the job as they would like to do it, and I might add that it has been a monumental discouragement to the rank and file of the staff. I told the American Bar Association Commission, with whom I spent a good part of the afternoon, that I thought that on the whole there was no more able legal staff in government except perhaps in the Department of Justice than at the Federal Trade Commission, gen-

erally speaking. And I feel that some of the finest expertise in the agency resides in some of these older lawyers that may be the target here. And to that extent, if they were the target, the report was not quite fair."

I am authorized to state that former Commissioner Lowell B. Mason is of the opinion that the senior staff attorneys at FTC are able, dedicated and competent.

Former FTC Commissioner Albert A. Carretta stated:

"Much of my law practice since the end of my term of office as a Federal Trade Commissioner has involved the Commission and the laws administered by it. Consequently, I have been brought into frequent contact with all of the current Division Chiefs. While a few of these supervisory attorneys are strangers to me in that I had no personal contact with them when I was a Commissioner, I am happy to say that those with whom I have dealt recently in behalf of clients have all demonstrated to me that they are efficient and competent."

Former FTC Commissioner and former Congressman Robert T. Secrest stated:

"I served as a member of the Federal Trade Commission from September 1954 to September 1961.

I was well acquainted with practically every attorney on the Commission staff during that period, both in Washington, D.C. and all the branch offices.

As a group they were able, dedicated, and worked, both in time and effort, beyond what might reasonably be expected of them in their desire to protect the public interest. It was always a marvel to me how such a small staff could accomplish so much."

Former FTC Commissioner and former Governor of South Dakota Sigurd Anderson stated:

"It was my privilege to serve as a Commissioner of the Federal Trade Commission from September 12, 1955, to March 2, 1964. During that time I had ample opportunity to observe the work of the members of the staff of the Federal Trade Commission with special reference to the work of the supervisory personnel. I am of the opinion that some of the finest attorneys and attorney administrators, as well as economist administrators, were employed at the Federal Trade Commission. Not only were they persons of competency insofar as scholarship and legal acumen were concerned but in addition they were dedicated persons, dedicated to the work of the Federal Trade Commission and dedicated to the public interest. I am of the opinion that the Federal Trade Commission has personnel, supervisory and otherwise, who were on par with personnel in other agency of the government. And, may I say that I was afforded ample opportunity to observe commission counsel engaged in 'legal combat' with some of the finest lawyers in the United States, and commission counsel as a rule gave an excellent account of themselves."

To summarize, the views of the eleven incumbent and former FTC Commissioners regarding the competency of senior staff lawyers are available. Two incumbent Commissioners and six former Commissioners (8 of 11) are of the opinion that these lawyers generally are able and dedicated and as a whole constitute one of the best and most competent senior legal staffs in Government. Only three of the eleven Commissioners questioned the competency of "some" of these attorneys. Please compare this data with the "impressions" stated in the ABA Commission Report and the resulting coverage by the communication media which was so damaging and unfair to the Federal Trade Commission staff.

I do not question the good faith of the three incumbent Commissioners expressing their views or that of the ABA Commission in reporting such views. I do strongly suggest, however, that in commenting on the professional competency of lawyers any statement

issued by the American Bar Association or any agency thereof should have a full and complete basis in fact. I point out also that this Report was publicly issued without any warning or notice to the FTC staff attorneys. Deadlines apparently prevented full and fair consideration of this matter by the ABA Commission.

I respectfully request that this letter be filed of record together with the ABA Commission Report and that the Board of Governors take affirmative action to clarify and correct the misunderstanding as to the competency of the supervisory legal staff of FTC resulting from the ABA Commission Report and the coverage thereof by the Communication media.

I understand that the ABA Commission report was sent to the President of the United States. I am, therefore, sending a copy of this letter to the President.

Sincerely yours,

JOHN N. WHELOCK,
Executive Director.

CHAVEZ GOES TO WASHINGTON

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. WALDIE. Mr. Speaker, the recent visit of Cesar Chavez to Washington was highlighted by his address before a large audience at the National Cathedral.

Mr. Chavez, in his efforts to organize California agricultural workers, has encountered the stiff opposition of the growers and this confrontation has set the stage for a bitter and unfortunate struggle and the controversial nationwide boycott on table grapes.

A most interesting look at this confrontation, and Mr. Chavez' visit was contained in a recent article by Michael Green, staff reporter of the McClatchy newspapers of California.

I would like to bring this article to the attention of the Congress because of its insight and timeliness.

The article follows:

[From the Fresno (Calif.) Bee, Oct. 31, 1969]

GRAVES GOES TO WASHINGTON
(By Michael Green)

WASHINGTON.—For a farm worker of Mexican descent, it is a long way from Delano, Calif., to Washington National Cathedral's towering pulpit, the altitude of which is so great that visiting clerics sometimes complain only half in jest of dizziness and a tendency to nosebleed.

A week before he died half a country away on the grubby cement balcony of a neon-lit motel with thoughts of the hymn "Precious Lord" still lingering in his mind, Martin Luther King Jr. addressed one of the largest crowds ever assembled in the cathedral.

It had been, for him and for the country, a long way from Montgomery, Ala. It was, for all, to be a longer trip still after Memphis.

When Cesar Chavez mounted the same pulpit before a capacity crowd during his recent trip to Washington, he did so as a professed disciple of the nonviolence which had been preached by King and there was nothing in his manner or in what he said or did to mar the adherence.

The manner of the two men could scarcely be more different. King was the master of emotion and oratory. Cesar enters the souls of his followers more quietly, without spe-

cial notice or fanfare, simply by being who and what he is.

GALLED

California growers were understandably galled when he was allowed to occupy the renowned pulpit, just as King's foes were when he spoke. Their own powers are limited to more temporal bodies—county courts, agricultural commissioners, sheriff's officers and local jailhouses.

They yearn to harvest some of the spiritual authority and religious recognition which so far have gone to the farm workers' cause. Despite having hired the expensive public relations firm of Whitaker & Baxter of San Francisco to act as intermediary, they have yet to secure an indulgence from the national religious community.

Cesar labored quietly through his talk, plucking one set of arguments and then the next, like a grape picker methodically working the fields, one row after another, who does not expect to stop until the sun has set.

He was concerned, he said, about pesticide residues remaining on table grapes sold in supermarkets and pesticide poisoning of farm workers in the fields. Sen. George Murphy, R-Calif., who once described migrants as happy people who simply like to travel, work part-time and fish the rest of the year, denounced pesticide talk as a mere "scare tactic."

SCARED

Among those scared are scientists, biologists, officials of several states considering total bans on the chemical, and the National Cancer Institute, which discovered in a five-year study that DDT caused cancer in mice.

The Food and Drug Administration, however, is not alarmed. It admits it is not sure what the long-range effects on humans may be of pesticide residues on food. Not being sure, FDA does not want to do anything hasty that might adversely affect the chemical manufacturers who have contributed so much to the country's agricultural economy and the world's ecology.

To counter Cesar's antipesticide campaign, the growers sent their own "truth squad" to follow him around Washington in the form of dashing young Kern County, Calif., grower John S. Giumarra Jr., a man as cultivated as his fields, a sort of Douglas Fairbanks of the agricultural jet set who acts as if he just discovered talkies.

Giumarra, alas, did not reach the dizzying heights of National Cathedral's pulpit during this trip but he did hold a press conference on the 13th floor of a building downtown, an apparently unlucky choice in that most reporters were busy a mile away at the time covering Cesar's testimony before a Senate subcommittee.

When Giumarra caught up with the hearings the next day to offer his own testimony, Cesar remained in the audience to listen, dressed in neatly pressed work trousers and a clean flannel shirt.

The impeccably tailored and bevested Giumarra, who helps preside over a 5,000-acre agricultural empire which grosses \$12 million annually, dramatically informed the subcommittee Cesar Chavez is trying "to grab control of the nation's food production."

PESTICIDE

Cesar, however, has not even been able to grab hold of Kern County agricultural records showing what kind of pesticides Giumarra uses on his table grapes. The growers proudly believe such records are forbidden fruit and have shyly covered them with the legal fig leaf of a locally-obtained court injunction.

Giumarra believes the growers themselves share some of the fault for not having gotten their "story" across to the American public. His testimony may have indicated one reason why. Even he realizes the growers have much public relations work still to be done.

The hearings ended, the two men headed back West, Cesar to his movement's little office in Delano with the picture of Martin Luther King Jr. hanging on the wall, and Giumarra to further cultivate his fields.

U.S. MERCHANT MARINE

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. TIERNAN. Mr. Speaker, on October 23, 1969, President Nixon issued his merchant marine message to Congress. I commend the President for the proposals he has set forth, but I do not believe that his message is comprehensive enough to meet this challenge.

It is interesting to note that Mr. Nixon's proposals are basically the same as ones that I advocated back in November of 1968. The President's message calls for declining subsidies, efficiency incentives, and the package concept of awarding contracts. These are all proposals which I called for last year.

The U.S. merchant marine needs to have these and other measures implemented if we hope to revitalize our commercial fisheries. Mr. Nixon has addressed himself to the problem at hand, but apparently fails to grasp the magnitude and urgency of the crisis.

For the past 10 years we have talked about the merchant marine crisis and commissioned studies of the problems. President Nixon now calls for yet another Commission to review the status of the American shipbuilding industry, its problems, and its progress toward meeting the challenge we have set forth. I cannot agree the problems are evident and progress can only be made when these problems have been dealt with effectively.

Since 1968 I have urged the Congress and President to meet these problems head on—not with Commissions and task force reports, but with forthright action. The vastness of our ocean frontiers requires a comprehensive and multifaceted program that will make use of our maritime resources. I am determined to see Congress act to get us moving on the high seas once again.

Our present shipbuilding program is geared to shipping conditions which existed a third of a century ago. President Nixon's proposals for subsidy are only one facet in the broad-based approach which is necessary. The United States ranks fifth in world shipping and eleventh in world shipbuilding. This is unacceptable.

It is my view that neither the Department of Commerce nor any other Cabinet-level department is structured properly to solve the specific problems of the maritime industry today. There are a host of other maritime administrators in the executive branch, each making decisions, not on the basis of the needs of our merchant marine, but rather on the basis of their constituencies.

The Department of Agriculture makes maritime decisions in the area of the

shipment of agricultural surplus products to the needy nations of the world. The Department of State makes maritime decisions in terms of our relationships with other nations. The Department of Defense makes maritime decisions in terms of our military sealift. The Department of the Interior makes maritime decisions with respect to oil imports. The Agency for International Development makes maritime decisions that deal with our shipments of foreign aid. The result is that with so many maritime administrators, we do not really have a maritime administration at all.

At this time I repeat my call for the creation of a Cabinet-level Department of Maritime Affairs which would coordinate and consolidate our diverse maritime efforts and activities. Only a Cabinet-level department would be able to combine the responsibility and authority necessary to correct the mistakes of the past.

In addition, I believe that the Federal Government should actively and energetically support the following projects:

An increase in subsidies for fishing boat construction, especially for the building of smaller coastal vessels;

Continued efforts to reach a satisfactory international agreement which would prevent the depletion by foreign fishermen of our offshore fishing grounds;

Increased funds for Government guarantees of mortgages and loans on new vessels;

An increase in funds for the construction of plants for the production of fish protein concentrate;

Aid for research directed toward the modernization of both fishing vessels and techniques;

Encouragement of the promising field of aquaculture; that is, the artificial cultivation of fish and shellfish; and

A substantial increase in sea-grant funds to those universities making their major ocean research effort in the field of organic extractibles such as fish.

America has all of the necessary ingredients to build a strong and prosperous fleet—the technology, the craftsmanship, the facilities, the manpower, and the commerce. All that is lacking is the will, the inspiration, and the direction. I believe that the adoption of my program would provide this necessary leadership.

PRESIDENT'S SPEECH ON VIETNAM

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. FREY. Mr. Speaker, President Nixon's statement on the status of the war in Vietnam was one of the most forthright I have ever heard. All the cards were laid on the table for everyone to see.

Anyone who now says we are not on a new course in Vietnam is ignoring the obvious facts. Of course we would all like to know the exact timetable for withdrawal of U.S. troops—but under the cir-

cumstances as outlined by the President, we should understand why this information cannot be made public.

I sincerely hope all our citizens will respond to the President's plea for a united America. All of us want peace. All of us want to end this war as quickly as possible, but not by forsaking what has made America great. We have a plan to follow. Now let us meet our obligation to the thousands of young Americans in Vietnam who have, and still are, meeting theirs.

LEGAL AID SERVICES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. ANDERSON. November 5. Mr. Speaker, the independence, effectiveness, and even the existence of many important legal aid and legal service programs are under fire. Senate adoption of an amendment to S. 3016 relative to the veto power of Governors over any legal service programs assisted by the Office of Economic Opportunity, is extremely disturbing. Legal aid officers across the country are raising their concern, and rightfully so, that enactment of the amendment will strip them of their ability to handle controversial cases. Howard M. Van Elgort, executive director of the Legal Aid Foundation of Long Beach, expressed his concern to me in a recent letter. Included in his communication was a press release from Maynard J. Toll, president of the National Legal Aid of Defender Association—NLADA—which summarizes some of the nationwide concern.

I am in opposition to the Senate's action and will oppose the inclusion of the amendment if and when it comes to a vote before the House.

So that my colleagues may be informed of NLADA concern, Mr. Toll's release follows:

LEGAL AID FOUNDATION OF LONG BEACH,

Long Beach, Calif., October 22, 1969.

Re Economic Opportunity Amendments of 1969.

HON. GLENN M. ANDERSON,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: I am deeply concerned over the passage of Senator Murphy's amendments to S. 3016 relative to the veto power of governors over legal services programs. This amendment, if it becomes law, particularly without the safeguard of an over-ride, will seriously affect the independence, effectiveness, and even the existence of many important legal aid and legal services programs.

Enclosed is a copy of a press release from Maynard Toll, President of the National Legal Aid and Defender Association, which contains the concerns and position of the legal aid movement and the organized bar.

I strongly urge your opposition to the Senate's action in approving Senator Murphy's amendment.

Very truly yours,

HOWARD M. VAN ELGORT,
Executive Director.

NATIONAL LEGAL AID AND DEFENDER
ASSOCIATION

Maynard J. Toll, president of the National Legal Aid and Defender Association

(NLADA), issued the following statement today:

On Oct. 14 the Senate passed an amendment proposed by Senator George Murphy (R.-Calif.) to the effect that the governor of each state would have an absolute veto over the funding of any Legal Services Program assisted by the Office of Economic Opportunity. Although another amendment has also been passed that would give the President power to override the governor's veto, it is unlikely that this safeguard will remain in any final bill agreed upon by the Senate and the House of Representatives. Through threatened use of this veto, a governor could impose crippling restrictions and curbs upon the activities of legal aid offices assisting the poor of this country.

NLADA has strongly supported, to date, the Legal Services Program of OEO because its administrators have insisted that these programs for the poor provide the fullest range of services. This approach has demonstrated its practical idealism as evidenced by the response of the poverty community to these programs. To tell the poor now that legal services are to be cut back and that their lawyers cannot entertain cases of broad social significance would destroy all the gains already achieved by the program. More, the threat of restrictions would cause the poor to view the program as a paternalistic hand-out meant to deceive but not to help effectively.

Throughout its 58-year history, NLADA has fought steadfastly for the principle that a poor person unable to pay legal fees should receive the same quality of effective legal services as his more affluent brother. To give the poor only certain "needed" or "desirable" services makes the "poor fellow", to use Senator Murphy's words, a second-rate citizen in legal negotiations and our halls of justice. In addition, the morale of the 2,000 new lawyers now working in these programs would suffer tremendously if their independence of action on behalf of the poor were curtailed and restricted. These advocates are now subject only to the ethical standards of the profession. All professional associations—NLADA, The American Bar Association, American Trial Lawyers Association, and the National Bar Association—have supported this program because it has assured this full independence to the lawyers and a total responsiveness to the needs of the poverty community.

Although I can speak only personally, I know that I voice the united feeling of our entire civil membership—500 offices and 2,500 individual lawyers for the poor—when I express strong opposition to the action of the Senate on Oct. 14 in approving Senator Murphy's amendment to S. 3016, the Economic Opportunity Amendments of 1969.

NLADA, with headquarters at the American Bar Center in Chicago, is the national coordinating and standard-setting body of local legal aid and defender organizations. Last year, these offices provided legal advice and representation for more than 1½ million poor people.

SAVE POINT REYES

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. COHELAN. Mr. Speaker, the fight to save Point Reyes continues unabated. It has consumed much of my time, but I am constantly uplifted and encouraged by support for this effort from various sources. I commend to the attention of my colleagues at this time the following supportive statements.

SUBDIVIDERS ARE THREATENING LAST AREAS OF UNSPOILED LAND

(By Marquis Childs)

SAN FRANCISCO.—The lure of California is one of the most remarkable phenomena of our time. Like a great magnet it pulls people—young, old, a vanguard of hippies, escapees, opters out—from the rest of the country to this slope on the Pacific shore.

Even for the Chamber of Commerce boosters this is almost too much of a good thing. Like the frantic movement of the lemmings to the seashore, with an instinctual drive that sends them finally to their destruction, there will soon be standing room only if the present rate of growth continues.

Nothing could illustrate this better than the controversy over the Point Reyes national seashore. A beautiful, still relatively untouched peninsula about an hour from San Francisco, Point Reyes is one of the few spots on the coast that has not fallen to the developers and the sub-dividers. With the parks in the metropolitan bay area hideously overcrowded, Point Reyes is a natural outlet for city dwellers in search of quiet and unspoiled beauty.

But the sub-dividers are on the doorstep and pressing hard. Less than half the land for Point Reyes has been acquired by the federal government since the project was authorized in 1962. With each passing year land values have sharply increased. And now the White House is saying through the Bureau of the Budget that a freeze is imperative through 1973 to hold down spending and hold inflation.

Other parks and seashores staked out by Congress to save a part of vanishing America before it is all paved with concrete are also threatened by the double-squeeze of inflation and economy. Besides Point Reyes, Cape Cod in Massachusetts, Assateague Island in Maryland and Padre Island in Texas are in half-completed state, threatened by the land speculators who stand to gain from federal delay.

The Nixon administration has been generous with rhetoric. Secretary of Interior Walter Hickel, in a speech to the National Park and Recreation Association in Chicago, proposed a \$6.3 billion development program for urban parks.

Point Reyes precisely fits this description. But Hickel in the same speech included an escape hatch that negated much of the fine rhetoric. "Present fiscal restraints" would very likely make it impossible to ask Congress for any funds to make the grandiose dream a reality. The Hickel speech coincided with a letter from Budget Director Robert Mayo to House Interior Chairman Wayne Aspinall warning that under "present constraints" land purchase for parks and recreation areas would not be completed until mid-1973.

The conservationists are going into battle over Point Reyes, and nowhere is the breed more aggressive and determined than in California. Aspinall is moving to get added funds out of Congress. So, that untouched shore may still be saved.

But the economizers have the final say. Congress can propose but the Bureau of the Budget disposes by freezing extra money that may be voted. As the people push accelerates, the standing-room-only sign covers more and more of a once-free land.

[From the San Francisco Examiner,
Oct. 26, 1969]

POINT REYES MOVE

Congressman Jeffrey Cohelan of Oakland has moved in timely fashion to help rescue Point Reyes from its increasingly desperate plight; the growing threat of losing acreage crucial to its fulfillment as a national seashore.

Seven years after President Kennedy signed the bill establishing the seashore, less than

half the necessary land has been acquired. Although funds are available from the Land and Water Conservation Fund, the national administration appears determined not to spend all the available money.

Cohelan's approach is to forbid the government from making any offshore oil lease agreements until the conservation funds are released.

While we emphatically are in sympathy with the administration's money saving program, we believe with equal firmness in the release of these earmarked monies to preserve the priceless seashore from commercial development. The present owners cannot be expected to pay taxes on it indefinitely while awaiting for government purchase.

Point Reyes is and always has been a bipartisan cause. We hope all Californians in House and Senate will unite to save it for present and future generations.

SAVE OUR SEASHORE WEEK

Whereas, Point Reyes National Seashore is a priceless natural and recreational resource; and

Whereas, it is presently in imminent danger of being subdivided and sold on the open market; and

Whereas, the entire Bay Area is in dire need of additional areas; and

Whereas, the Bay Area depends heavily on visitors who come to vacation in the Bay Area from all the other forty-nine states, as well as many foreign countries around the world; and

Whereas, this Board of Supervisors of Alameda County did adopt a resolution to support and endorse the heretofore declared policy of the Marin County Board of Supervisors to save Point Reyes National Seashore;

Now, therefore, be it resolved that this Board of Supervisors does hereby proclaim the week of October 26, 1969–November 1, 1969, as "Save our Seashore Week" in Alameda County, and that this resolution be given wide publicity and forwarded to Senators Murphy and Cranston; Congressmen Miller, Cohelan and Edwards; the Secretary of the Interior and the President of the United States.

I certify that the foregoing is a correct copy of a resolution adopted by the Board of Supervisors, Alameda County, Calif., October 16, 1969.

Attest:

By: P. BROUILLETTE.

JACK K. POOL,

Clerk of the Board of Supervisors.

A VOTE FOR HOLTON WAS A VOTE FOR NIXON

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. WHITEHURST. Mr. Speaker, on November 4, 1969, two-party government became a reality in the State of Virginia. After almost a century of rule by the Democrat Party, the voters of Virginia have declared their preference for a Republican. The man who brought this about is Linwood Holton. Lin Holton campaigned hard; he addressed himself to the issues; he gained the confidence of the people. The result was a resounding victory for the Republican Party at the polls.

It is significant that some of the Democrats in Virginia made the Nixon administration one of the issues of the cam-

paign. It is also significant that the President himself spoke on behalf of Linwood Holton. I have in my office a copy of a flyer put out by the opposition that states "A vote for Holton is a vote for Nixon." The purpose of this flyer, of course, was not to encourage votes for Holton. Thus, in a sense, this is not only a victory for Linwood Holton and the Republican Party, but it is a vindication for the policies of the President on behalf of the State of Virginia.

SUPPORT FOR PRESIDENT NIXON'S VIETNAM POLICY

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. BARING. Mr. Speaker, I have taken a position on the Vietnam war which I urge every Member of Congress to adhere to. The day after the President's address to the Nation, November 3, 1969, I released these comments to the Nevada news media and several other nationally known members of the American press.

I am in accord with the U.S. policy of withdrawal from the Vietnam war and President Nixon's address to the Nation, which I term, a strong rededication and reamplification of the earlier announced policy by the administration to end U.S. participation in the Vietnam war. This war is a stinking mess. The administration plan now is the only path I see for America to follow because the Vietnam war is now a no-win war. It could have been won and could have been won earlier if the bombing halts against North Vietnam had not been curtailed and then completely halted.

There also is no time for dissension among the people of this country; it is time we all back the President and hope for a quick, peaceful, and safe settlement of hostilities. It is extremely doubtful there ever will be any progress at the Paris peace talks.

Why should we negotiate with the Communists? The enemy knows that by their refusing to negotiate, the internal turmoil in America will continue. There is dissension here at home by those who would give in to the Communists at every turn. It is time we close ranks and stand together united behind the U.S. policy to honorably extricate our forces from Vietnam.

Mr. Speaker, in the same release I have urged every Nevada citizen to participate in the November 11 Veterans Day ceremonies in support of the U.S. fighting men today and honor all veterans of former U.S. military engagements.

Also, I wish to include in the RECORD the following telegram from the Edgar Walters family of Reno who were the first to contact me with their comments on the President's address to the Nation. I have also written to the President notifying him of my support of the new Vietnam policy.

The telegram follows:

RENO, NEV.,
November 4, 1969.

Representative WALTER S. BARING,
Washington, D.C.:

We wholeheartedly support the Nixon Vietnam policy. Ten silent Americans from Pat Nixon's own Nevada.

THE EDGAR WALTERS family.

RIGHT PATH ON VIETNAM

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. FOREMAN. Mr. Speaker, our President has delivered to the citizens of this Nation honest and sincere remarks requesting unity in our stand in Vietnam. Grim though it may be, he told it straight forwardly "like it is."

I believe that the great silent majority do support the President in his search for an honorable peace in Vietnam and reject the terrible consequences of a precipitate unilateral withdrawal. The President deserves our support because his plans make sense. He is correct in that, "North Vietnam cannot defeat or humiliate the United States. Only Americans can do that."

Mr. Speaker, the Washington Daily News, a Scripps-Howard newspaper has printed an excellent editorial pointing out the soundness of the Nixon administration policy. The editorial follows: [From the Washington Daily News, Nov. 4, 1969]

RIGHT PATH ON VIETNAM

President Nixon, in his speech on Vietnam last night, resisted heavy pressure and once again made the right decision by rejecting "defeat"—a precipitate withdrawal of U.S. troops from South Vietnam.

He has decided that we must carry on, at the cost of more casualties, to give the South Vietnamese a fighting chance of staying off a Communist takeover. With the North Vietnamese showing no sign of willingness to end the war on acceptable terms, Mr. Nixon had no honorable alternative.

His opponents, in Hanoi and in the peace movement in this country, will call his decision stubborn and worse. History, in its own time, will say who was right.

The President is convinced that the pull-out-now chorus is a "vocal minority." He appealed to the "great silent majority" of Americans to support him, and he deserves such support because his arguments make sense.

He reasoned that an immediate withdrawal would be "a disaster" because the Communists would "repeat the massacres" of the past. A "collapse of confidence" in America would follow, promoting Communist "recklessness" and new violence in the Middle East, Berlin, and Latin America.

"Ultimately," the President pointed out, "this would cost more lives. It would not bring peace but more war."

By disclosing all the secret probes, contacts, and offers he had tried, Mr. Nixon made a strong case that North Vietnam is not interested in a negotiated peace, but a U.S.-Saigon surrender.

From the speech we learn that Mr. Nixon means to withdraw U.S. ground combat troops gradually and to keep air, artillery, and supply forces in Vietnam for some time to back up our allies.

There will be casualties among these units, and Hanoi can increase our cost in men whenever it is willing to pay the price. But it, too, must weigh the risks: the President now publicly warned that he will take "strong and effective measures" if increased enemy action jeopardizes our remaining forces.

In sum, Mr. Nixon has determined that the fast, easy way out of Vietnam would be the most costly in the long run, that the "right way" is to fight on until the South Vietnamese can defend themselves.

"As President," he reminded the country, "I hold the responsibility for choosing the best path to that goal (of a just and lasting peace) and then for leading our nation along it."

Constitutionally, he is more correct than the demonstrators in the street who dispute him. We believe he had no attractive paths and took the only right one.

REDESIGNATION OF THE POSITION OF HEARING EXAMINER

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, I have this date introduced a bill that I feel is excellent for lawyers—one of the salient purposes of which is to redesignate the position of hearing examiner to administrative trial judge.

In proposing a long-delayed change in the title of "hearing examiners," I would like to emphasize, in the first instance, the essential purpose to be accomplished by such title change, insofar as it affects the status of hearing examiners in all of the regulatory agencies of the U.S. Government. In this regard, my proposal is designed: First, to improve public understanding and acceptance of the Federal administrative process; second, to encourage those from the private sector of the bar, as well as those from the Federal service, who possess the necessary qualifications to meet the acid test of becoming a hearing examiner, to demonstrate their fitness by complying with the necessary standards prescribed therefor by the Office of Hearing Examiners of the Civil Service Commission; third, to assure continuance of the high caliber of persons presiding at administrative trial hearings; fourth, to enhance the stature of private practice before the Federal administrative agencies; and fifth, to lessen the burden on the agencies, as well as the courts.

In the beginning, it is necessary to fully understand the background surrounding the hearing examiner process. When it created specialized administrative agencies to deal swiftly and expertly with complex legal problems, Congress vested substantial responsibility in hearing examiners to make initial determinations of fact and law on the trial level. Although Federal regulatory and administrative statutes and decisions of the Supreme Court show that the office of hearing examiner is a judicial one, or certainly a quasi-judicial one, suitable respect for which is necessary in the performance of the office, the choice of the title "hearing examiner," in the opinion

of many knowledgeable experts, in which I thoroughly concur, has proved to be unfortunate and ineffective indeed.

The title of hearing examiner is not one which the general public or even members of the bar customarily associate with the performance of judicial functions. As a matter of fact, in some State and Federal agencies, examiners are not judicial or quasi-judicial officers. In some instances, they are legal technicians, and, in others, they are essentially agency clerks. For years, efforts have been made to find a more appropriate title, in order to encourage the understanding, respect, and cooperation of counsel, parties, and witnesses in the implementation of Congress' purpose. Accordingly, a title was sought to more faithfully, cogently and persuasively suggest the intended character of the office as one occupied by an experienced, seasoned and mature attorney who has been entrusted by law with the judicial responsibility of making an impartial and informed determination of the issues before him, in a manner and with the title befitting a judge.

As early as 1955, the Hoover Commission's Task Force on Legal Service and Procedure recognized the judicial role of the hearing examiner. A review thereof—pages 195-197, 267—discloses that it recommended a new title, "with the status of administrative trial judges" and that they preside in "formal adjudicatory and rulemaking" proceedings with authority to "conform as closely as practicable to that of district judges," and with "the degree of independence of judgment which is expected of judges." Examination of the record has established that neither the Hoover Commission's recommended new title, "hearing commissioner," nor its recommendation of an administrative court, was approved at that time by Congress.

In 1963, the Civil Service Commission considered whether it should adopt the title of hearing commissioner for the hearing examiner. This title was believed to conflict with such top-ranking Government officials as ICC and FCC Commissioners, with the result that the suggestion was dropped. Three years later, in 1966, a bill was introduced in Congress to change the title to "administrative judge." The bill was routinely referred to the Committee on Revision of the Laws of the Judicial Conference of the United States for approval or disapproval. In the absence of supporting data at that time, documenting the necessity for the title change, and apparently because the U.S. district judge who assigns cases and performs certain administrative or business functions of the court is sometimes called an "administrative judge," the committee voted its disapproval, which was affirmed by the Judicial Conference. As a result of this situation, the question of an appropriate title change heretofore has been on the agenda of the new Administrative Conference of the United States, to determine whether it should recommend a title change to the agencies and the Civil Service Commission.

Recognizing the importance and responsibility of the position of hearing

examiners, and the stature of the hearing examiner corps since the passage of the 1946 Administrative Procedure Act, the Civil Service Commission has raised the classification grade of most hearing examiners to grade 16, with congressional approval, as one of the new "super grades," but this increased grade has not been applied across-the-board in respect of all Government agencies that utilize the expert services of highly qualified hearing examiners. I refer, particularly, to the outstanding corps of hearing examiners assigned to the Bureau of Hearings and Appeals of the Social Security Administration, Department of Health, Education, and Welfare, which has at least three times the number of hearing examiners as any other Federal agency in the entire governmental establishment.

At this point, however, let me inform my colleagues in the House that at hearings before the Personnel Committee of the Administrative Conference of the United States in April 1969, it is my understanding that Mr. Justice Tom Clark, a former member of the Supreme Court of the United States, since retired; Mr. Earl Kintner, former General Counsel, and thereafter chairman of the Federal Trade Commission, as well as representatives of the American Bar Association, strongly urged that the proposal to change the title of "hearing examiner" to that of "administrative trial judge" be adopted. I strongly support the recommendations made by these distinguished individuals, and that of the American Bar Association, that the title of "hearing examiner," in fact, be changed to "administrative trial judge," at the earliest practicable date.

Since the beginning, there has been a consensus of opinion that the title "hearing examiner" is both confusing, inappropriate, and inadequate, and that the time for a change has been long overdue. It has been shown that the change in title would help those currently holding the office of hearing examiner in the performance of their duties; and that it would similarly benefit the Federal Government, and the various regulatory agencies therein, as well as increasing the stature of practice before those agencies—all without any cost to the Federal Government. My own research and investigation have as yet established no valid arguments in opposition to the proposed title change.

For the purpose of the record, I would like to emphasize the ways in which the Federal administrative process has suffered as a result of what is now generally recognized to be a misnomer through the use of the words "hearing examiner." I am convinced that largely because of the title of "examiner," many eminently qualified attorneys in the United States, who otherwise might be interested in serving in a judicial or quasi-judicial role have been unwilling to apply for these positions, which would require them to meet the rigid standards of the Civil Service Commission. Incidentally, I subscribe to those high standards, and do not feel that they should be mitigated or lessened, simply to interest the best qualified candidates who would be able to qualify for the distinguished position currently known as hearing examiner.

It is well known that prominent practitioners are available for appointment to the bench as U.S. district court judges. Attorneys are often willing to make a considerable sacrifice in their earnings in order to accept such a recognition of their eminence in the legal profession. However, few private attorneys, who practice before one or more of the administrative agencies, and who have attained considerable esteem and prestige in their law practices, would be willing to leave that position in the profession and serve in this judicial or quasi-judicial role, if they knew that they would be regarded on and off the bench as an examiner. Thus, the title itself tends to deprive the Government of the services of the very attorneys who would command the highest respect of the private bar.

Although Federal administrative agencies have used the title of "examiner" for several years, the public as a rule still does not understand the distinction between a "hearing examiner" in his judicial role, and many other varieties of examiners who have administrative, investigative, or clerical functions. Such misunderstanding frequently interferes with the efforts to impress witnesses with the seriousness of the proceeding and the necessity for them to respect their oath and to tell the truth. The nonjudicial title sometimes causes doubt as to the stature and authority of the person occupying a position invested with judicial authority, and leads to a lack of respect at the hearing level. In fact, some litigants regard or confuse the examiner as another representative of the prosecuting wing of the agency concerned—making it difficult for them to understand that he will make an independent and impartial determination, based solely on the facts and the law, and not on some predilection of the agency. Indeed, the hearing examiner often is deprived of the use of idle State and Federal courtrooms, having to use inadequate facilities as conference rooms, Civil Service Commission examining rooms, hotel rooms, rooms in the YMCA, and the like. To fulfill the important role of the Federal administrative agency under such adverse conditions is difficult.

An immediate, feasible step toward a solution of many of these problems is to recognize the high stature, and to raise the prestige, of the hearing examiner's position, within the entire framework of the hearing examiner corps in the United States. This readily can be done by acknowledging his judicial role—as a judge in administrative trials or hearings—and assigning to him the appropriate title of administrative trial judge.

The change in title would accomplish greater utilization of available court rooms, or hearing rooms, and would add appreciably to the dignity of the administrative trial or hearing, and assist in maintaining the judicial atmosphere and decorum which are so vital in the proper administration of justice. Because of the added respect for the proceeding on the bench, or within respectable and dignified surroundings, the administrative proceeding could be expedited.

Perhaps, one of the greatest improvements in the administrative process

would result from the wider attraction of attorneys from the private sector of the bar, of the highest caliber. Because of the advancing age of the present hearing examiner corps, I am advised that over one-half of the hearing examiners can be expected to retire in a relatively short period of time, leaving a very large number of vacancies to be filled. With fully qualified lawyers currently in the Federal service, together with fully qualified private practitioners, both of whom could apply in sufficient number, the Federal agencies would be able to obtain those best qualified to serve the Federal Government in a position of great trust and responsibility.

Because of the descriptive words limiting their function to administrative trials, the title known and designated as "administrative trial judge" would not be confused with the U.S. district judge, or a judge in any other Federal constitutional court; or a judge in the Tax Court of the United States, which is an independent executive agency; or the Judge Advocate General, who is the chief legal officer in the armed services.

I am not the first to recognize this crying need to aid the hearing examiner corps, which plays such an important role in the everyday life of our country, if we properly recognize, as we should, the significant work of the regulatory agencies in the Federal civilian establishment. In the CONGRESSIONAL RECORD, volume 114, part 22, pages 28323 and 28324, the Members of the House will observe that the distinguished Senator from Texas (Mr. Tower) introduced S. 4080, which would designate hearing examiners in administrative agencies as administrative trial judges.

In the June 1968 issue of the American Bar Association Journal—page 557—there appeared a guest editorial entitled, "Let's Reexamine Regulation, in which the following statement was made:

The most immediate and apparent problems are the emotional bias of investigators and examiners and the immunity that too often may be extended to political campaign contributors.

In the September 1968, issue of the same journal, at page 836, President Welch invited attention to the ambiguity caused by the use of the word "examiners" and stated that:

"Hearing Examiners" who constitute the membership of Federal Trial Examiners Conference, often are referred to by the shorthand title "examiners". For this reason, we take vigorous exception to the sweeping and unsupported charge of bias leveled in your guest editorial. Hearing Examiners employed by the Federal Government are appointed and serve under the Administrative Procedure Act, a statute fostered and long supported by the American Bar Association. One of the principal aims of that Act was to assure the proper independence of Hearing Examiners in decision-making. This has been accomplished, and the federal hearing examiners have carried out their duties with impartiality for over twenty years.

It is entirely possible that the guest editor did not mean to include federal hearing examiners in his criticism. After all, we who conduct hearings and thereafter issue initial decisions are by no means the only persons referred to as "examiners". That term is used with reference to many other categories of endeavor, particularly in the investigatory

field. The result is confusion. We are saddled with a title, Hearing Examiner, which fails to distinguish properly our true function from those of many others referred to as "examiners." Indeed some of us have been mistaken for doctors bent upon examining a person's hearing. Thus, it may well be that your guest editorial is simply another example pointing to the necessity for a clear-cut and unambiguous title for federal hearing examiners who, in a way analogous to the function of a trial judge, handle the initial phase in the administrative law process.

May we have your support to accomplish the needed change in our title?

In my remarks thus far, I have alluded generally to the dilemma with which all hearing examiners in the Federal Government have been faced for a long period of time, but I wish to lay emphasis upon the hearing examiner corps of the Department of Health, Education, and Welfare, who serve as hearing examiners in the Bureau of Hearings and Appeals of the Social Security Administration—as GS-15 hearing examiners. I feel that this grade is wholly inadequate when judged by the manifold duties and responsibilities of such a vast number of hearing examiners in the Bureau of Hearings and Appeals, particularly. Can it be said that their work is of a lesser degree; their qualifications less exacting? My own, very careful investigation of the work which these hearing examiners perform, and have performed over many years, has convinced me beyond peradventure that they are entitled to the same degree of consideration as hearing examiners in the GS-16 agencies of the Federal Government. It is my considered opinion that greater recognition should be given to the hearing examiners in the Social Security Administration, who occupy such an important role in our society. Let me cite an example to demonstrate the sincerity and persuasiveness of the point I am attempting to make. A hearing examiner who has a public utility case before him, usually is faced with skilled lawyers, economists, and engineers on both sides for guidance. If the parties do not like the hearing examiner's decision, they can appeal to the Commission and to the courts. If a utility should lose, it can find ways to accommodate itself, without being injured too much. However, in social security cases, and in considering eligibility, a claimant cannot afford a first-rate lawyer, in the average case, and except for an appeals council review, which can be accomplished through a claimant's request or by the appeals council on its own motion, it is extremely difficult for the average claimant to be able to afford the cost involved in the litigation process. For this reason, it becomes apparent that the decision of the hearing examiner represents a very important and significant one to the individual, and, indeed, is a strategic decision for the hearing examiner to make to insure human fairness with respect to society. As we move forward, therefore, the role of the hearing examiners in the Social Security Administration, in its Bureau of Hearings and Appeals, should not be kept at the GS-15 level, by reason of the very important role in which they serve our society.

I am a strong believer in the thought

that the hearing examiners assigned to the Social Security Administration are extremely close to the heartbeat of America, in that they hear cases and witness claimants who are sick and infirm, and who are far removed from the corporate life of our country. The considerations of administrative expertise, integrity of and respect for the administrative process, the making of a complete and satisfactory record for appeals council review, or judicial review, are special qualities that hearing examiners in the Bureau of Hearings and Appeals of the Social Security Administration must possess. In addition thereto, these hearing examiners occupy the difficult role of sitting "with three hats on," which is the most difficult task to ask of any lawyer or judge: First, as attorney for the claimant, if he does not have a lawyer; second, as attorney for the Social Security Trust Fund; and third, as a judge who must decide the issue or issues before him. This is a herculean task of no small proportion, and those hearing examiners in the Bureau of Hearings and Appeals who perform this triple assignment in nearly every case, should receive proper recognition therefor by their Government and be graded as a GS-16 hearing examiner.

Accordingly, after this bill is adopted, I suggest that the Social Security Administration take steps by regulation to establish within the Bureau of Hearings and Appeals of the Social Security Administration a system of three separate types of administrative trial judges headed by chief regional judicial officers, and to establish a special jurisdiction for such chief regional judicial officers. Essentially, as my bill more specifically enunciates, I strongly recommend that the language of appropriate statutes contained in title V of the United States Code be amended by striking out the phrase "hearing examiners" wherever it appears, and inserting in lieu thereof, the words "administrative trial judges"; and that whenever reference is made in any act of Congress—other than this act—regulation, document or record of the United States to the position of hearing examiner or trial examiner, such reference shall be held to be a reference to the position of administrative trial judge.

The three categories of administrative trial judges within the Bureau of Hearings and Appeals of the Social Security Administration of the Department of Health, Education, and Welfare would be: First, administrative trial judges; second, chief administrative trial judges; and third, chief regional judicial officers. The Bureau of Hearings and Appeals of the Social Security Administration has many offices across this broad land in order to better serve the public interest. From Maine to California, and from California to Florida, the hearing examiners of this great agency serve their country, and serve it well. The statistics readily available to every Member of the House from the Commissioner of Social Security will attest to the great volume of the business at hand performed by these hearing examiners. Research on my own

part has also disclosed a considerable amount of traveling which these hearing examiners are required to perform on a monthly basis, together with the valuable services rendered by a corps of hearing assistants, who accompany hearing examiners in the performance of their official functions. In each of the field offices of the Bureau of Hearings and Appeals, a hearing examiner, in addition to his normal duties which coincide with those of his colleagues, must administer the Bureau's office concerned. Rightfully, he should enjoy an added emolument from this office, by reason of his additional duties and responsibilities, which currently is not the case. His position calls for special identification—not only by his colleagues and office staff—but also by the public at large. It is for this reason I urge that following passage of this bill, regulations be adopted to designate the "hearing examiner" in charge of each field office of the Bureau of Hearings and Appeals, as "chief administrative trial judge."

At the regional level of the Bureau of Hearings and Appeals, the hearing examiner in charge should at all times be a member of the bar in good standing, who has qualified on the roles of the Civil Service Commission as a hearing examiner, and with prior experience therein. My investigation has revealed that in the several regions of the country the presiding regional representative of the Bureau of Hearings and Appeals has jurisdiction over many States of the Union. For example, in my own region—known as the Atlanta region—this jurisdiction extends to the States of Georgia, Alabama, Tennessee, North Carolina, South Carolina, Mississippi, Kentucky, and Florida, under the reorganization plan enunciated by the President of the United States in the form of an Executive order. Indeed, this is a vast regional area to supervise, and proper recognition, therefore, should be accorded the hearing examiner, who serves in this important capacity. Currently, the regional head of these offices bears the caption of regional hearings representative. This title is demeaning to one who is invested with the manifold responsibilities imposed upon him by the Bureau of Hearings and Appeals. I say "demeaning" not only in title, but also in grade classification. Accordingly, the title of regional hearings representative should be changed by regulation to more closely and intimately reflect the true nature of the duties of this important office. I strongly recommend that the title of regional hearings representative be changed to that of "chief regional judicial officer." I make the further recommendation that the position of chief regional judicial officer shall be classified under the general schedule of civil service positions—section 5104 of title V, United States Code—and be made one grade above the grade of chief administrative trial judge; and the position of chief administrative trial judge also shall be classified under such schedule as one grade above the position of administrative trial judge.

I invite my colleagues—and I do this with simple candor and humility—to examine the Social Security Act, includ-

ing its many amendments over the years, and scrutinize that act to determine the vast scope involved in administering the various provisions of the Social Security Act, and of the nature of hearings conducted by hearing examiners of that agency; and I do this so that my colleagues can evaluate and come to a determination as to whether a hearing examiner in the Bureau of Hearings and Appeals should enjoy a grade classification of GS-16, or remain at the GS-15 level. I also urge close scrutiny in order to appreciate fully not only the volume of cases which appear before hearing examiners of the Bureau of Hearings and Appeals, but also the manifold types of cases that such hearing examiners must be prepared to hear and decide. They are voluminous in number; complicated to a very great extent; and cover the gamut of the vast social security programs. The cases to which I refer more specifically relate to old-age survivors; cases involving the rights of individuals' hospital insurance benefits or supplementary medical insurance benefits under title XVIII of the Social Security Act; cases involving nursing homes or other providers of services to certification; and to many provisions available to the public under the broad health insurance programs administered by the Social Security Administration, and which are heard by its hearing examiners.

You will note that I have not as yet mentioned the very large number of cases which my investigation reveals constitute approximately 75 percent of the work of hearing examiners, both in relation to conducting hearings involving a plethora of disability claims, that are filed in vast numbers across this broad land, and which requires expeditious action on the part of hearing examiners in those cases which reach the hearing examiner level; and once assigned to a hearing examiner, it is my understanding that every possible effort must be made to dispose of such hearings within a period of 90 days. These are not easy tasks, and I feel that my colleagues in the House all too often, through inadvertence, fail to recognize the great burdens which are imposed on hearing examiners assigned to the Bureau of Hearings and Appeals of the Social Security Administration. Frequently, their office staffs are inadequate to cope with the problems at hand, in the light of current caseloads, and minimum decisional requirements of at least 10 cases released each month, and particularly in the disability field, to which each of us ought to pay stricter attention—not only in the public interest—but also in the interest of the outstanding hearing examiners, who suffer this burden and serve their country in the Bureau of Hearings and Appeals.

Finally, I should like to emphasize that the hearing examiners of this agency bear the responsibility for conducting hearings involving the rights of school districts and their constituents under title VI of the Civil Rights Act. In fact, my own investigation has further revealed that the hearing examiners in the Bureau of Hearings and Appeals actually conduct hearings in about 85 percent of

the cases affecting the civil rights of any person. Certainly, this cannot be considered any less important to the individual or facility or institution or the public than those cases handled by hearing examiners in the utility commissions, and should be so recognized by the House of Representatives.

I wish to emphasize, therefore, that the position of chief regional judicial officer of the Bureau of Hearings and Appeals should be classified as one grade above the position of chief administrative trial judge, and he should be invested—by reason of his prior experience as a hearing examiner—with duties additional to that of being simply an administrator, and thus waste his broad talents. It is bottomed in simple reason and rationale, therefore, that a chief regional judicial officer may at any time prior to the assignment of a matter to an administrative trial judge, or a final disposition of a claim before him, relieve the administrative trial judge from jurisdiction over the claim, and conduct the administrative hearing himself; and this should be done in the judgment of the chief regional judicial officer, when the public interest is particularly involved, and the peculiar circumstances of the case warrants his assumption of such jurisdiction; and where the claim relates to old-age survivors cases; disability cases; entitlement to hospital insurance benefits or supplementary medical insurance benefits under title XVIII of the Social Security Act; any or all aspects of the broad health insurance programs administered by the Social Security Administration, or the civil rights of any person.

The provisions of the bill I have introduced in the House shall not affect the tenure of any person holding the position of hearing examiner or trial examiner on the date of the enactment of this bill.

Mr. Speaker, under suspension of the rules, I have saved until the very end of my remarks, the broad-reaching and superior article which appeared in the Wall Street Journal on September 16, 1969, so that the same can be made part of the CONGRESSIONAL RECORD, and constitute an integral part of my statement relating to the role of the hearing examiner in the Federal Government. The very caption of the article serves to underscore the remarks which I have intended to convey today, as follows:

Decision Makers. Hearing Examiners Play Key Role in Operation of Regulatory Agencies.

Of particular significance is the following language which appeared in the Wall Street Journal under the aforesaid date:

An examiner's job is similar in many ways to that of a trial judge. (In fact, examiners want their name changed to administrative trial judge because too many people think a hearing examiner is someone who doctors ears.) He presides over court-like hearings, complete with harried stenotypists, bickering lawyers and nervous witnesses. He makes rulings—called initial or recommended decisions—that are subject to review by the agency's governing body.

Regulatory experts generally agree the

hearing examiner plays a crucial role in Government regulation of industry. He gets first crack at a case, for one thing; his decision on, say, motions to introduce evidence may largely determine the shape of the factual record the agency later reviews. His analysis and conclusions are increasingly relied on by agency members inundated by growing caseloads. And in most cases, the examiner's decision becomes the final verdict.

What makes examiners unique in the Government's regulatory system is their independence. The law makes examiners subject to an agency's administrative directions, but they aren't dependent on it for decisions about pay, promotion or removal; those are handled by the Civil Service Commission. The aim is to insulate the examiner from undue pressure that might affect his decision.

It isn't easy to get an examiner's job. To qualify for appointment requires membership in the bar and seven years of legal training, including two years in administrative law. An applicant also must survive a five-hour test of his ability to write an examiner's decision, plus an exhaustive oral interview. Only a tenth of all who apply end up on the lists of eligibles; even fewer are actually appointed.

In view of the strong confirmation of my own personal views, as clearly appear underscored by the Wall Street Journal, which I invite every Member of the House to read I am firmly of the opinion that the time has come to change the title of "hearing examiner" to that of "administrative trial judge"; and that in the Social Security Administration, particularly, where so many hearing examiners are affected—since they outnumber any other agency by at least three to one—that we in the legislative branch of the Government definitely owe these civil servants, as well as the public at large, an obligation to do what is just, fair, and proper in the circumstances. This is a matter of singular importance, it seems to me, not only to the entire hearing examiner corps within the framework of the U.S. Government, but particularly to the hearing examiners assigned to the Bureau of Hearings and Appeals of the Social Security Administration. The day has come when they should receive greater recognition by their Government for the exemplary nature of their services in the public interest. I trust that my colleagues on both sides of the aisle will join with me, Mr. Speaker, in not allowing this all important matter to "fester" any longer than may be necessary to accomplish the overall desired result, insofar as it affects all hearing examiners.

We have kept the hearing examiners waiting entirely too long for proper and remedial action to effectuate a title change commensurate with the dignity of the office they hold. Reminding ourselves of an old adage from Shakespeare, we should now say to the entire corps of hearing examiners across America:

"To err is human;
To forgive is divine."

Acknowledgment of that error on our part can best be accomplished by forthright action on the part of Congress to carry out the provisions of my bill; and in doing so, it is my personal opinion that we shall have truly performed a genuine public service, including full recognition of what we most assuredly

owe to the distinguished members of the bar who serve as hearing examiners. I strongly urge your full cooperation in seeing that the provisions of my bill ultimately are enacted into law, as they should be, without further procrastination or delay.

I include the following article:

[From the Wall Street Journal, Sept. 16, 1969]
HEARING EXAMINERS PLAY KEY ROLE IN OPERATIONS OF REGULATORY AGENCIES—RULINGS USUALLY BECOME FINAL VERDICTS; SOME DON'T BALK AT BREAKING NEW GROUND—ANGERING THE BROADCASTERS

(By Wayne E. Green)

WASHINGTON.—Officials at the Federal Communications Commission groaned a few days ago when they learned what Thomas H. Donahue had done.

At a time when the FCC is sensitive to industry charges that it's putting broadcast licenses up for grabs to new applicants, Mr. Donahue, an FCC hearing examiner, calmly recommended that the agency strip RKO General Inc. of its license to operate a Los Angeles television station. He said the license should go to Fidelity Television Inc., a competing applicant, although neither Fidelity nor RKO General "is any bargain" as a broadcaster.

"I'll bet the commissioners recoiled when they read that," says an FCC staff official, adding that "those examiners run wild sometimes."

As one of some 600 hearing or trial examiners who hear cases and make preliminary decisions for 22 Federal agencies, the silver-haired Mr. Donahue isn't unaccustomed to such comments. But examiners have had to get used to more of them lately because they're handling bigger cases, with knottier problems, and a few maverick examiners like Mr. Donahue seem determined to speak their minds even when it ruffles someone's feelings.

At the Interstate Commerce Commission, for example, ICC Examiner John S. Messer has kicked up a hot controversy by telling the ICC it should force railroads to improve their passenger service; the agency decided this month it didn't have the authority. And the Civil Aeronautics Board found itself the target of thousands of irate letter-writers after CAB Examiner Arthur Present recommended abolishing the popular airline youth-fare discounts; the board refused to go along.

LOSING ANONYMITY

As a result of such cases, the examiner—long anonymous despite his influence in big economic decisions—is growing less anonymous. He is drawing some of the attention heretofore focused on an agency's governing board or commission. He's "more and more the embodiment of whatever justice there is in the system," says John T. Miller Jr., a Washington lawyer practicing before Federal regulatory agencies. "He's becoming the face of the Government."

An examiner's job is similar in many ways to that of a trial judge. (In fact, examiners want their name changed to administrative trial judge because too many people think a hearing examiner is someone who doctors ears.) He presides over court-like hearings, complete with harried stenotypists, bickering lawyers and nervous witnesses. He makes rulings—called initial or recommended decisions—that are subject to review by the agency's governing body.

Regulatory experts generally agree the hearing examiner plays a crucial role in Government regulation of industry. He gets first crack at a case, for one thing; his decision on say, motions to introduce evidence may largely determine the shape of the factual record the agency later reviews. His analysis and conclusions are increasingly relied on

by agency members inundated by growing caseloads. And in most cases, the examiner's decision becomes the final verdict.

NUMBERS GROW

What's more, the corps of hearing examiners has been gradually expanding in number and scope. There are now three times more hearing examiners than there were just after World War II, and they deal with about one-third more kinds of cases, says John W. Macy Jr., former Civil Service Commission chairman.

What makes examiners unique in the Government's regulatory system is their independence. The law makes examiners subject to an agency's administrative direction, but they aren't dependent on it for decisions about pay, promotion or removal; those are handled by the Civil Service Commission. The aim is to insulate the examiner from undue pressure that might affect his decision.

Some examiners bluntly assert their independence, as Mr. Donahue did in the case of RKO General, a subsidiary of General Tire & Rubber Co. That decision defied broadcasters who contend that recent FCC decisions have had the effect of subjecting their licenses to claim-jumpers. It also came at a time when the FCC is trying to soft-pedal those decisions, fearful of a bill introduced by Democratic Sen. John Pastore of Rhode Island that would make it tougher for a new applicant to compete for a license at renewal time.

ICC Examiner Messer discomfited both his agency and the rail industry in a case involving charges that the Southern Pacific Co. had deliberately let passenger service deteriorate. The ICC has been under Congressional pressure to do something about the rapid decline of passenger trains, and the Southern Pacific case raised the basic issue of the commission's jurisdiction to investigate and rule on the adequacy of rail passenger service.

SETTING STANDARDS

To the ICC's chagrin, Mr. Messer not only concluded the ICC has the authority but said the agency should set minimum standards for such things as comfort and cleanliness in dining and sleeping cars and for speed. "The time has come when the commission can no longer act like a county coroner," Mr. Messer admonished. "The urgent need is for preventive medicine." Not surprisingly, his decision was appealed to the ICC, which ruled that it would need new legislation before taking such action.

While Mr. Messer's ruling apparently was popular with the public that's not always true of independent-minded decisions. Consider CAB Examiner Present's ruling on complaints by several bus companies against youth-fare discounts offered by 24 U.S. airlines. Mr. Present, himself the father of two teen-agers eligible for the discounts, recommended that such fares be abolished because they're "unjustly discriminatory" against older passengers who must pay full fares.

Following that decision, the CAB was bombarded with more than 10,000 protesting letters, telegrams and petitions from campuses across the country. One Western Michigan University student even threatened to organize a national student boycott against airlines if the CAB upheld the decision. In late August, the CAB decided such fares aren't discriminatory, though it ordered rehearing of the case on other grounds.

Some regulatory experts believe these independent decisions tend to strain relations between examiners and their agency. They create "an unspoken hostility," as one examiner puts it. Commission members like ICC Chairman Virginia Mae Brown dispute that assertion, however. Mrs. Brown says it "gives us a sense of direction when an examiner tries something new."

There's disagreement among examiners

over how far their independence should extend. Does it entitle them to break with past agency policy? The ICC's Mr. Messer says he won't "blindly ignore" ICC precedent, but there are times when "I'll make my own findings in spite of it."

However, there are dozens of examiners who feel adherence to precedent is the only practical course. Says Stanley N. Ohlbaum, an examiner at the National Labor Relations Board: "I can disagree with the board, but I know I'll be reversed." Adds FCC Examiner Herbert Sharfman: "You have to be an organization man in a sense, I guess."

FEW RULINGS OVERTURNED

There are few precise figures on how often agencies reverse their examiners. But statistics for 1964-66, supplied to the Civil Service Commission by four agencies employing 80% of all Federal hearing examiners, indicate the agencies overturned (in whole or part) only a small percentage of the decisions: 6% at the CAB, 20% at the ICC and NLRB and 4% at the Social Security Administration. (The Social Security examiners rule on claims for disability benefits.) Some outside observers suggest that the relatively small number of reversals may mean that some examiners reach only those decisions least likely to be overturned.

Quite apart from the possibility of reversal, there are other pressures to examiners. When ICC Examiner Robert Murphy recommended approval of the so-called Northern Lines Rail merger a few years ago, he found both his decision and himself attacked by the Justice Department and several state governments. In asking the ICC for a rehearing, they charged he was "biased and prejudiced" in favor of the merging roads.

The ICC eventually cleared Mr. Murphy in a detailed order that rejected the allegations as "baseless and reckless." Last January the ICC had to defend another examiner, W. Wallace Wilhite, who was criticized for allegedly traveling and dining with railroad officials during hearings on the Chicago, Burlington & Quincy Railroad's request to drop two passenger trains.

COURT RULING

Prodded by Democratic Sen. Gale McGee of Wyoming, the ICC investigated the complaints and cleared Mr. Wilhite of any wrongdoing. But in appealing to a Federal court the ICC's decision to grant the Chicago-Burlington request, several parties contended that the commission should have held hearings on the complaints against the examiner. However, the court upheld the ICC's action without finding fault with the examiner's conduct.

The charges illustrate a perennial problem for examiners who must travel outside Washington to hold hearings: How much contact, outside the hearing room, should examiners have with parties to the case?

Some examiners, like recently retired James Cunningham of the FCC, often refuse even to stay in the same hotel with participants in proceedings before them. But others will sometimes dine with lawyers for both sides. The potential danger is the appearance of collusion that may result. "You and I may know this is okay," said an ICC attorney, "but what about some poor guy in a town that's losing its last passenger train? He sees them socializing and it upsets him—and justifiably so."

There are other problems for the traveling examiner, too, such as finding a suitable hearing room. Some hearings are held in hotel rooms, fire stations, boiler rooms or basements. The NLRB's Mr. Ohlbaum recalls a Social Security hearing he conducted in a jail because a prisoner there was the sole witness.

Since some hearings move from town to town on a tight schedule, another problem is the long-winded witness. Sometimes a witness can't be stopped, as the ICC's Mr. Mes-

ser learned several years ago. When he had to cut short a woman's testimony in a passenger train case, she went to the local radio station, bought 30 minutes of air time and had her say the next morning while he was eating breakfast.

BECOMING AN EXAMINER

It isn't easy to get an examiner's job. To qualify for appointment requires membership in the bar and seven years of legal training, including two years in administrative law. An applicant also must survive a five-hour test of his ability to write an examiner's decision, plus an exhaustive oral interview. Only a tenth of all who apply end up on the lists of eligibles; even fewer are actually appointed.

When an agency has a vacancy, it notifies the Civil Service Commission, which usually furnishes three names for consideration. The commission normally selects the three people who scored highest on the qualifying tests. However, certain agencies can reject anyone who doesn't have specialized knowledge of their field; the aim is to eliminate a lengthy training period.

But the procedure has drawn sharp criticism, mainly from the American Bar Association's administrative law section. It complains that many agencies encourage their own employees to apply for an examiner's job, then pick only those employees who become eligible.

The critics say this creates "inbreeding" in an agency and discourages high-caliber lawyers in private practice from applying. We don't question the quality of the men," says Mr. Miller, the Washington attorney, "but it's this loading of the dice that puts the agency lawyers on top."

The ABA group says that in 1967 some 80% of those on the highest-rated eligibility register came from Federal, state or local government, and most of those from Federal service. The Civil Service Commission counters that 70 out of 150 examiners appointed between 1964 and 1968 came either from state or local agencies or from private practice.

Those who do become examiners have a relatively well-paying job, with current salaries ranging from \$15,812 to \$31,724 annually. And while an examiner doesn't quite have the security of a lifetime appointment, he can be removed only for "good cause," and such dismissals are rare.

REACHING A DECISION

An examiner's job varies with the agency that employs him. But the examiner's basic function is the same in almost all agencies: Build a factual record and make a decision supported by legal reasoning.

To get some idea of what this involves, trace the steps in Mr. Messer's decision on the Southern Pacific passenger train case. When the ICC examiner was assigned that case in September 1967, work already was waiting. Stacked in Mr. Messer's office was a three-foot pile of legal pleading filed by five states that were complaining about the train's service. Close by was a similar stack of letters from worried citizens who felt the Southern Pacific wanted to drop the train, the last rail passenger service between New Orleans and the West Coast.

Mr. Messer spent most of the next few days and nights digesting the pleadings so he would be ready for the hearings. At the same time, he was outlining his thoughts on the critical issue of the ICC's jurisdiction in the case. That part of his final opinion was "roughly" written even before the hearings started, he says.

The hearings opened in New Orleans on Nov. 27, then moved to Houston, El Paso, Tucson and finally Los Angeles. Southern Pacific kept two attorneys traveling from city to city, opposed by attorneys from each state.

The hearings lasted a few days in each

city except Los Angeles, where Southern Pacific spent most of three weeks rebutting the charges against it. The states had argued their case first, bringing in dozens of irate train passengers to testify against the quality of the service. To squeeze in all who wanted to testify—as many as 40 witnesses in one day—the hearings sometimes began at 8 a.m. and finished at 10 p.m.

There were 370 witnesses in all, and the hearings lasted eight weeks, finishing on Jan. 10, 1968. It took another three months for the lawyers to file their final briefs. Meanwhile, Mr. Messer was perusing 3,958 pages of transcript and 172 exhibits, and he was beginning to write an opinion. Before finishing, Mr. Messer put together 19 different drafts "using scissors, Scotch tape and rewriting." His final opinion, 50 pages long, was announced on April 23, some eight months after the case began.

SOCIAL SECURITY EARNINGS LIMIT

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. BLACKBURN. Mr. Speaker, presently, the House Ways and Means Committee is holding hearings regarding revision of the social security law. Earlier in this session of Congress, I introduced a bill which would completely remove the present \$1,680 income limitation on those people receiving social security benefits. I feel very strongly that if a man during his working years continually pays into social security, he should have the right to receive his benefits. If he wishes to continue to work after he reaches 65, in effect he has paid for his insurance policy and thus should be allowed to receive the benefits. I am glad to see that President Nixon in his message to the Congress asked that the income limitation be increased to \$1,860 per year.

For the information of my colleagues, I am inserting into the RECORD a copy of an editorial which appeared in the Home News of New Brunswick, N.J., regarding my bill:

SOCIAL SECURITY EARNINGS LIMIT

Rep. Ben Blackburn has a bill in the House of Representatives which would remove the ceiling on the amount Social Security recipients may earn without losing all or part of their benefits.

The restrictions on the amount of earnings permitted to a Social Security recipient without diminution of his benefits have their origin in the dark days of the recession, when jobs were scarce and it was felt that the elderly, on Social Security, should not take jobs away from those seeking jobs. One has only to peruse the Help Wanted ads in The Home News to see that this situation no longer prevails.

Rep. Blackburn points out that the restrictions upon earnings have no relation whatever to the recipient's economic well being. No limit, for instance, is placed upon the amount of income a retired person may receive from tax exempt bonds without affecting his Social Security benefits.

The well-to-do, even the wealthy, get full Social Security benefits even though their investment income may run into large figures. Clearly, equity calls for adoption of the Blackburn bill and the ending of an ancient hardship wrought upon the elderly who have both the health and the desire to hold gainful employment. Their work is good for themselves and for the economy at large.

RETIREMENT OF PETER LEKTRICH

HON. THOMAS G. ABERNETHY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. ABERNETHY. Mr. Speaker, it was with mixed emotions that I learned of the anticipated retirement of one of our able and most popular Capitol Hill employees, Peter Lektrich. I say "with mixed emotions," meaning I am happy that our friend Pete will soon be enjoying the wonderful days of pleasant and restful retirement, and sad that he is departing our midst, a departure that will leave a tremendous void on Capitol Hill.

We are fortunate to have many able and popular employees on the Hill, the services of whom are absolutely essential to keep this vital spot in the management of our Nation vibrant and moving. As among all groups of employees, there are some whose services are only average, others good, and others excellent. Some render their service willingly and pleasantly; others do not. Pete Lektrich has always been numbered among the best, among the excellent, among the superior. He has done his job thoroughly and with much cheer.

A happy person, Pete Lektrich has been an inspiration to us all. He mixes well among those he serves and meets. He is one of tremendous courage. He listens with interest. He likes to converse, to laugh, to assist, to encourage, to suggest, and to receive suggestions. He has a magnetic personality. He has the ability to bring people close to him and leave them feeling at ease, comfortable, and happy in his presence. He is a man of impeccable character, of scrupulous dealings, of courteous manners and of an humble spirit. He is always smiling and pleasant. He is the friend of all, the enemy of none.

For many years now there has been a group which meets every morning at the breakfast hour in the Longworth Cafeteria. This is an occasion, in the early hours of the day, when we endeavor to put aside the responsibilities and burdens that go with service on the Hill and allow ourselves to enjoy a moment of relaxation and good fellowship. Pete is among this group. He never misses. He enters into the spirit of things with interest and gusto. When the breakfast hour is over, he then moves toward his office where he performs his services, under the Clerk of the House, as chief of the records and registration branch. These duties he has performed efficiently, impartially, and in a non-partisan manner.

A native of the great State of Pennsylvania, Peter Lektrich entered the service of the Government here in Washington back in 1938. After serving in various agencies, he transferred to the Hill in 1949, where he has since served in various positions of trust and responsibility.

From a personal angle, Mr. Speaker, his presence on this Hill and his friendship have meant much to me. He will be sorely missed by many but I feel sure he will be missed most by those of us who

have met with him at the breakfast hour, morning after morning in the Longworth Cafeteria.

In conclusion, I would like to express my appreciation for his friendship and to wish for him many, many long happy years of restful retirement.

**PRESIDENT NIXON SPEAKS
FRANKLY ON VIETNAM**

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. WYMAN. Mr. Speaker, it is a common failing of politicians to become long winded. When verbosity is compounded with involved rhetoric a natural reaction is rejection.

The Vietnam situation is complicated. It is not simple. The President performed a distinct public service in spelling it out in a way that the people could understand. In response they have indicated substantial public support for the position our President has taken.

In this connection a recent column by Mr. David Lawrence is worth attention. President Nixon deserves the united support of the American people without regard to partisan politics as he seeks to disengage our fighting men in an honorable and responsible manner.

The article follows:

NIXON LAYS VIETNAM FACTS ON LINE
(By David Lawrence)

President Nixon, in his appeal for support from the "great silent majority" of Americans, put together for the first time in a cogent and convincing manner the chronological facts which explain why there is no peace in Vietnam today.

Nixon realizes that people generally have not been well informed and that efforts have been made to influence them by agitators, activists and politicians who have been trying to undermine the confidence of the American people in his administration.

But the speech emphasized something even more important—namely, that the war has been prolonged by the very groups and elements in the United States which, while calling for an immediate end of the war, have by their demonstrations been encouraging the enemy to believe that it need make no concessions because it will win in the end anyway.

The President, however, in unequivocal language declared that there will be no "precipitate withdrawal of all American forces from Vietnam." This, he said, would be "a disaster not only for South Vietnam but for the United States and for the cause of peace." He added that such a step "would inevitably allow the Communists to repeat the massacres which followed their takeover in the North (of Vietnam) 15 years before," when they "murdered more than 50,000 people and hundreds of thousands more died in slave-labor camps."

The President predicted that a sudden collapse of support by the United States in South Vietnam would bring "a bloody reign of terror" and atrocities, particularly for the million and a half Catholic refugees who fled to the South Vietnam when the Communists obtained control of North Vietnam.

But even more significant, as the President pointed out, "this first defeat in our nation's history would result in a collapse of confidence in American leadership, not only in

Asia but throughout the world." The President went even further. He said:

"Our defeat and humiliation in South Vietnam would without question promote recklessness in the councils of those great powers who have not yet abandoned their goals of world conquest."

Nixon added that this might spark violence wherever our commitments have been helping to maintain peace—in the Middle East and Berlin and eventually in the Western Hemisphere. Thus, a "precipitate withdrawal" would ultimately cost more lives, the President said unhesitatingly, and would not bring peace—only more war.

The narration of the efforts by Nixon to find a settlement, including an exchange of letters with Ho Chi Minh, and of the refusal of the North Vietnamese to cooperate in any way in the making of peace was the first time an American president had laid the whole story on the line. There was no response to our attempts to enlist from the Moscow government "assistance in getting meaningful negotiations started," so it can be assumed that the Soviets as well as the Red Chinese will go on stirring up trouble in the world—something that could lead to a big war.

Nixon emphasized that the "primary responsibility" for fighting the war in Vietnam will be placed upon the South Vietnamese, but that the United States will continue to supply equipment and training facilities. The President explained why, above all, he will not announce a "timetable" for his program. To do so, he continued, would permit the enemy just to wait until the date of complete withdrawal, without making any concessions in the meantime.

There have been some criticisms of the President's strategy in announcing the date of his speech three weeks in advance, but his object unquestionably was to mobilize through widespread publicity a big audience for his talk. The scheduling had nothing to do with the fact that on the next day voters were going to the polls in various state and local elections. For the Vietnam issue is not readily related to whether one candidate or another should be elected mayor or governor.

In the House of Representatives, 50 Republicans and 50 Democrats are sponsoring a bipartisan resolution which would proclaim the support of Congress for the President's policy in Vietnam. Such a resolution, if passed, would be helpful to the whole cause of peace. But most important would be a realization by the antiwar "demonstrators" that they are not helping to bring peace and are merely prolonging the war as they give encouragement to the Communist side.

**WHAT RAPID WITHDRAWAL
COULD MEAN**

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. HOGAN. Mr. Speaker, as a result of President Nixon's November 3 speech, the various news media have this week been filled with pro and con reactions and analyses of the impact of the President's message on America's future.

I would like to call to the attention of my colleagues a very thought-provoking and cogent WMAL editorial, broadcast on October 27, 1969, which offers support for the President's statements regarding the slaughter of South Vietnamese officials in Communist terror attacks. A thorough reading and com-

prehension of the meaning of these statistics on civilian deaths in Vietnam illustrates most precisely why the President has chosen the policy of gradual withdrawal and Vietnamization of the war, rather than precipitate unilateral withdrawal.

WHAT RAPID WITHDRAWAL COULD MEAN

Administration officials warn daily that a bloodbath could follow if we withdraw from South Vietnam so rapidly that the South Vietnamese cannot defend themselves. We fear that very few Americans know what these Administration officials mean. They mean this:

Between the beginning of 1957 and the end of August this year, 25,243 South Vietnamese civilians were killed in communist terror attacks. These are not civilians killed during the battlefield action. They were victims of political assassination, reprisals against villages or were killed because they had skills useful to the Saigon government.

The population of South Vietnam is 1/20th that of the United States. If we suffered the same rate of deaths from terror attack, we would have lost a half-million mayors, councilmen, health workers, teachers—people—in less than 12 years.

The Administration fears that if the South Vietnam Government collapsed, the bloodbath would be much worse. This is why our withdrawal must be gradual—to avoid a bloodbath that would leave an indelible stain on our national conscience.

SOVIET SPACE STRIKE PLANNED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. RARICK. Mr. Speaker, once again the peaceniks raise the cry that all would be well with the world if only the United States would totally disarm.

We have seen attacks on the entirely defensive ABM, on the imperative MIRV, on CBW, and on everything connected with our Armed Forces.

Most Americans do not believe that throwing away your weapons and demonstrating your helplessness is the best method of protecting yourself against an armed assailant.

Since our Communist enemy has repeatedly promised to both hang us and bury us, I commend to the attention of our colleagues Holmes Alexander's excellent analysis of the Soviet space program and include it in my remarks:

**STRONG WARNINGS ABOUT THAT SOVIET SPACE
PLATFORM**

(By Holmes Alexander)

Much as I prefer to write my own prose, the Soviet military thrust into outer space is best documented by warriors and scientists. Concerned readers would be serving national interests by sending these clips to Defense Secretary Melvin Laird, who needs popular backing against the peace-mongers.

Premier Khrushchev declared that the "space ships" of Gagarin and Tipov could carry nuclear weapons to "any point on the globe."—1961.

"The Soviet Union is forced to accept the necessity of studying military operations utilizing out-space means."—*Red Star*, March 1962.

The use of outer space vehicles to strengthen Soviet defenses "is considered essential in Soviet military strategy."—

Marshal Sokolovsky's book, *Military Strategy*, 1962.

Rockets can be launched from satellites "at any desirable time and at any point of the satellites' trajectory, on command from earth."—Marshal Biryuzov, head of USSR General Staff by Moscow Radio, February 1963.

"The Russians . . . persistently maintained that their nuclear research programme was devoted to peaceful purposes right up to the moment when it produced weapons."—*The Economist* (London) 1961.

The current (1963) Cosmos series of Soviet heavy satellites is to be a program of directly militarily oriented space development.—F. J. Krieger, U.S. authority on USSR space programs, a prediction of 1963.

Orbital or sub-orbital aircraft, with a variable-wing design, riding the head of ballistic missiles, capable of hypersonic speed (greater than six times the speed of sound) and able to circle the earth several times, predicted by Soviet research.—Statement by Mikoyan, famed Soviet aircraft designer, 1963.

"The not too-distant future (from 1963) offers the prospect of giant, Soviet space stations in near-earth and then in more distant orbits. . . . The offensive and defensive weapons available to such vehicles may be nuclear or perhaps of the radiation type (i.e., 'death rays') capable of destroying select targets instantaneously and from great distances."—Dr. Robert A. Kilmarx, U.S. Defense Department, 1963.

"Dear Mr. Alexander: I regret that I have not been able to find more recent published articles of mine on the Soviet space program. McNamara stood me down on public releases for some time. . . . [The Soviets] flag their intent, and we refuse to believe."—Personal letter from Dr. Kilmarx, dated Oct. 17, 1969.

The Air Force Research and Development chief warned the House Space Committee (1963) that the Soviet Union could conceivably orbit a nuclear warhead without the United States knowing it.—News source, 1963.

The Soviets have made a prior legal case for space warfare, regardless of treaties. "During 1962 the first indications appeared that Soviet space law was developing into an instrument to support the shift of offensive from the political into the military realm."—Robert Crane in the *American Journal of International Law*, (1963)

"It by no means follows that it is forbidden to use this space for striking, through it or with its aid, a retaliatory blow at the aggressor in the course of legitimate self-defense."—By the executive secretary, Space Law Commission, Soviet Academy of Sciences, August 1962.

Despite all this documentary evidence, and much more, the official attitude in Washington is to play down last month's launching of the Russian platform-construction vehicles, Soyuz 6, 7 and 8. But the warnings against a Pearl Harbor-type space-strike have been coming to us for several years.

"We must watch our own and the Soviets' space programs carefully. . . . For it is here [in space] that one of us, probably, will find the key to strategic superiority of the 1970s."—Gen. W. F. McKee, Air Force, vice chief-of-staff, 1963.

Dr. Theodore B. Taylor, a leading authority on military nuclear technology, was till 1962 a top designer of Project Orion, a nuclear-powered space-cruiser which probably would have made us the supreme power of the century.

Just as this Nuclear Space Propulsion Project (its official designation) became "doable," in Dr. Taylor's word, it was cancelled. Construction was halted. The work-staff of scientists and engineers was disbanded. There's not to reason why. But the cancellation was a concession by President Kennedy and Defense Secretary McNamara to

Premier Khrushchev in order to get the Nuclear Test Ban Treaty and further disarmament pacts agreed to by Russia.

Now comes the recent launching of Soyuz 6, 7 and 8. These craft are the hod-carriers for the building of a Soviet space platform, an enemy flanking movement which ought to give goose-flesh to Americans. It doesn't because most officials here in Washington dismiss Soyuz jerry-built gadgetry for innocent little purposes like looking for fish and forest fires.

Dr. Ted Taylor, however, is one among several non-government savants who're willing to talk about the military potentials of this orbiting Red vantage-position.

"It allows the Soviet crew," he says, "to see half the world at a glance. It is not just surveillance by photography. The manned platform would allow the highly trained crew members to detect any earth-activity that puts off a 'signature.' This includes missile locations, missile testing and radar systems. The more that a space platform can be manned, the better its performance will be."

Taylor went on to discuss the military capability of a space platform manned by experienced technicians. These observers can follow the flight of their own country's missiles. They can exert "terminal fire control" over these nuclear-loaded artillery shells. That is, the Communist crew on the space command post can steer the Red missiles "to the target within an accuracy of 10 or 20 feet." The ABM Safeguard sites which we are currently constructing would not only be pin-pointed as to location, but their radars could be "jammed" from the Soviet space vessel.

I had been told by the U.S. military and space agencies that the Soviet platform would be too "vulnerable" for military utility. But I got a different estimate from Dr. Taylor. He agreed that such an enemy platform could be shot down either by nukes, or by nonnuclear explosions in space, provided we could draw a bead on it.

But the platform could be rendered invisible by decoys which, although traceable from earth, are "indistinguishable weight-wise" from the desired target.

It is well to note here that while U.S. legislators and street mobs are yammering for warfare-into-welfare "priorities," the Soviet Union takes the opposite route. The Soviet gross national product has fallen in recent years because investment funds and scarce materials have been channeled into military-space requirements.

Writing in Current History as long ago as October 1963, Dr. Robert Kilmarx of the Defense Department pointed out that Russian space-weapons are chosen "to include political values. . . . The Soviets are primarily interested in providing a 'back-drop' of military power to support a forward political policy. . . ."

The Russians' space platform is, if nothing else, a powerful blackmail instrument. They can afford it. We can hardly afford not to counter it.

WHERE THE BLAME FOR DRAFT REFORM DELAY RESTS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. FISH. Mr. Speaker, the House of Representatives has passed the draft reform proposal of President Nixon. It is a simple measure which cures one of the glaring inequities of the present draft law. It allows a lottery selection of draftees limited to 19-year-olds and those

whose deferments have ended. This is fair and just as it will end the present uncertainty faced by young men who today have a draft eligibility hanging over their head for 7 years.

Many have spoken in favor of this reform for months. Now it is within reach.

I am one who favors far more comprehensive draft reform. I recognize this bill as a step in the right direction, and an immediately attainable goal. Efforts to rewrite the entire law on the floor of either House of Congress would only endanger the chance of any reform.

Delay in making this basic change because of the desire for further reforms fails to recognize the corrosive effects in our society of the continuance of the present law.

It is unfair to our youth to delay a cure that can be implemented now. The desire for more comprehensive reform is no reason for doing nothing.

I am a sponsor of House Resolution 239 which endorses President Nixon's efforts through the Department of Defense to begin preparation for an all voluntary military force.

The Gates Commission appointed by the President will report later this year on the feasibility of a volunteer army. We should have the benefit of this report and full committee hearings on all aspects of reform before we act further.

It is distressing to me that the other body of this Congress controlled by the Democratic party has decided to postpone consideration of the House-passed bill until next year. It should be made abundantly clear that this unconscionable delay is entirely the fault of the Democratic leadership in the other body. If they wish to play politics with this vital issue, at the expense of our youth, let the record show that the blame and the resulting increased disaffection of our youth rests entirely at their door.

KEN SPRANKLE

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. ROONEY of New York. Mr. Speaker, the announcement earlier by the distinguished chairman of the House Committee on Appropriations (Mr. MAHON) that Kenneth Sprankle was retiring as chief clerk and staff director of our committee caught me rather by surprise, for it is hard to imagine the Committee on Appropriations without Ken.

Ken Sprankle has spent 40 years in the Federal service, all of which, save 3 years, were here in the House of Representatives. He has been a staff member of the Committee on Appropriations for almost 23 years and for the last 14 he has been staff director. What an amazing career. I have spent most of the years that I have been a Member of the House of Representatives as a member of the House Committee on Appropriations and so I have come to know Ken intimately. Over those years I have come to greatly

admire Ken's capability and willingness to help committee members and staff. He is the epitome of the man whom every chairman would like to have as his staff director and it is a mark of his great ability that so many distinguished chairmen have turned to him for assistance and guidance.

Appropriations Committee work is difficult at best; yet Ken was never overawed by either its tediousness or importance. I am sure that every member of the committee and of this body joins me in wishing Ken the best of everything as he starts upon a retirement richly deserved.

JAMES G. BLAINE

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. McCARTHY. Mr. Speaker, New York State lost one of its most distinguished citizens Monday with the death of James G. Blaine. He was the grandson and namesake of one of your illustrious predecessors, Speaker James G. Blaine, who also served as a Member of the other body from Maine, Secretary of State and Republican candidate for President in 1884. I might note that it was the candidate from my home city of Buffalo, Grover Cleveland, who won that election.

James G. Blaine, the grandson, was active in many New York charities and compiled a remarkable record in the field of banking.

Mr. Blaine is survived by two sons including Charles G. Blaine, one of Buffalo's leading attorneys and most loyal and enthusiastic Democrats.

Mr. Speaker, I insert the text of an obituary that appeared in the New York Times of Tuesday, November 4, at this point in the RECORD:

JAMES G. BLAINE, BANKER, DEAD; ACTIVE IN MANY CHARITIES HERE

James G. Blaine, former president, chairman and chief executive officer of the Marine Midland Trust Company of New York, now the Marine Midland Grace Trust Company, died yesterday at his home in Stuart, Fla. He was 81 years old.

Mr. Blaine, who retired at the end of 1955, continued as a director and honorary chairman of the bank's board.

He was born in New York, Jan. 10, 1888, the son of Mary Nevins Blaine and James G. Blaine Jr. He was a grandson of James G. Blaine, Republican candidate for President in 1884, Speaker of the House of Representatives, Senator from Maine and twice Secretary of State.

Throughout his banking career, Mr. Blaine was active in many New York City charities. He led the movement among Catholics, Jews and Protestants in 1938 to form the Greater New York Fund, becoming its first president.

1911 HARVARD GRADUATE

Mr. Blaine attended the Pomfret School and graduated in 1911 from Harvard College, where he was a member of the Porcellian Club.

He lived in Providence, R.I., from 1911 to 1917. He was a member of the Providence Common Council. In World War I he was

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director of the department of development of the American Red Cross in Washington.

In 1919 he became vice president of the Liberty National Bank of New York, which later was merged with the New York Trust Company. In 1927, at the age of 39, he was elected president of the Fidelity Trust Company, which later joined the Marine Midland chain and changed its name to the Marine Midland Trust Company.

Mr. Blaine became president of Marine Midland in 1930 and chairman in 1955. When he retired from banking, he was elected honorary chairman of the board of the Federation of Protestant Welfare Agencies, which he had served as president for many years.

IN MANY CHARITY POSTS

He had also been an officer, director or trustee of the Arthritis and Rheumatism Foundation, Brooklyn Bureau of Charities, Citizens Family Welfare Committee, Neurological Institute, Red Cross War Fund, Roosevelt Hospital, Salvation Army and Sailors Snug Harbor.

He was decorated by Generalissimo Chiang Kai-shek for his chairmanship of two drives for United China Relief.

Mr. Blaine served in Mayor Fiorello H. La Guardia's War Cabinet in 1943 as the first chairman of Civilian Defense of Greater New York.

From 1948 to 1950 he served as first of mission to Belgium and Luxembourg for the Marshall Plan, with the rank of Minister.

He had served as president of the Chamber of Commerce of the State of New York, the Netherlands Chamber of Commerce, and the Hundred Years Association of the City of New York, and as treasurer of the American Italy Society and the Museum of the City of New York.

HELPED FINANCE REPUBLICANS

Long an active Republican, Mr. Blaine was eastern treasurer of the Republican National Committee from 1920 to 1924, and treasurer of the Republican Senatorial Committee in 1928. He was treasurer of the United Republican Finance Committee for Metropolitan New York for several years.

He held honorary doctorates from Washington and Jefferson College, of which he was a trustee, and New York University.

Mr. Blaine was a member of the Harvard Fund Council and of the admissions committee of the Harvard Club of New York. He was a former president of the Bankers Club of New York and a former senior warden of St. Mary's Episcopal Church in Stuart.

Mr. Blaine's first wife was the former Marion Dow of Boston. This marriage ended in divorce in 1936. Later that year Mr. Blaine married Countess Irina Woronzow-Daschkow of Russia, who survives him. Surviving also are two sons by his first marriage, Richard G. of New York and Charles G. of Buffalo, and six grandchildren.

MILWAUKEE JOURNAL CALLS SST DECISION ABSURD, SAYS ADMINISTRATION HAS A LOT OF EXPLAINING TO DO

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. REUSS. Mr. Speaker, the Milwaukee Journal, in a November 3, 1969 editorial, points out the absurdity of the administration decision to go full speed ahead on the SST, and says that, by trying to conceal the devastating Cabinet-

level critique of the SST, "the Administration seems caught in an astounding bit of subterfuge."

The Journal says the administration has "a lot of explaining to do." The text of the editorial follows:

SST NEEDS EXPLAINING

President Nixon's decision to go ahead with development of the proposed supersonic transport plane appears even more absurd now, in light of the fact that a special cabinet task force had recommended otherwise.

Thanks to the probing of Rep. Reuss, the task force report is now revealed. It concludes that the SST could produce serious balance of payments problems, unacceptable noise levels and environmental pollution. Moreover, the report said it would contribute relatively little to employment, technological advancement or United States international prestige.

This devastating analysis clearly was in the president's possession. It makes his decision all the more incredible. Worse, by trying to conceal the report from the public, the administration seems caught in an astounding bit of subterfuge.

The administration has a lot of explaining to do. And congress should insist that it does, before approving one additional cent for the SST.

ROGERS INTRODUCES COASTAL ZONE LABORATORIES PROGRAM

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. ROGERS of Florida, Mr. Speaker, for more than a decade now, American industry has bent its efforts to advancement in the area of marine science and oceanography. Before then, indeed for hundreds of years, our citizens have found the living near our coastal shores desirable and as a result, the majority of our major cities are in what is known as coastal zones.

The Federal Government's involvement in a concerted marine adventure, however, was late coming. We did, however, realize the great benefits which were to be gathered from our marine environment. Meager steps were taken and eventually more than 20 agencies were involved in some area of oceanography or marine science.

Then, 3 years ago we took the first step through legislation and created the national sea-grant college program to stimulate interest, provide a source of manpower in this area, and to create programs which would give us expertise in oceanography.

This program has been heralded as one of the most successful the Government has ever participated in. Interest from the academic and industrial sector has been overwhelming. The meager funding has been the only point which has not fulfilled the visions of those who first became involved with it.

I had the pleasure of cosponsoring the Sea Grant College Act with the Honorable CLAIBORNE PELL in the Senate. It was the first step.

We were not sure, at that time, what should be the subsequent step. So the Congress commissioned a study which

we felt would give us direction, which would offer suggestions as to where this Nation should go and how best we should proceed.

The Commission on Marine Science, Engineering, and Resources gave us that blueprint, after a 2-year study. The recommendations were most comprehensive.

Mr. Speaker, the report, and indeed the Members of the Congress who have championed the development of our marine resources, agree that we should bring all aspects of oceanography into a single unit.

Unfortunately, the administration has chosen to delay in moving for the accomplishment of a single agency concept for our marine activities.

So we must build the foundation which we started with the passage of the sea-grant college program to encourage additional work in oceanography.

For that reason, I, along with my colleague, the Honorable HASTINGS KEITH, am today introducing legislation to create a coastal zone laboratories program to supplement the sea-grant college program. Senator PELL and Senator WARREN MAGNUSON are introducing similar bills in the Senate today.

This program would be administered by the sea-grant college program to provide a coordinated effort in extending our knowledge of the coastal area. The Sea Grant College Act already has touched on the many aspects of our coastal environment. This legislation is intended to help us better utilize our coastal areas, weighing the commerce, conservation, recreation and population needs of the population.

The programs for research which we have envisioned will help us and the generations to come to realize the greatest benefits from these coastal zones.

CONFERENCE ON FEDERAL PROGRAMS HELD IN LOWELL, MASS.

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. MORSE. Mr. Speaker, with the full cooperation of many top governmental officials I sponsored a conference on Federal programs in the Fifth Congressional District on November 1, at Lowell Technological Institute in Lowell, Mass.

The conference was planned to provide an opportunity for interested elected and appointed officials from the cities and towns in the district I am privileged to represent to discuss Federal programs which were of particular interest to them.

Mr. Ralph J. Jacobs, a staff reporter for the Lowell Sun, has written a thorough account of the conference and included in his article the names of those dedicated governmental officials who gave their time to make the conference such a success. Their participation and the specialized knowledge at their dis-

posal emphasizes the increasing importance of the new federalism which requires full participation at the regional and State levels.

The great increase in recent years in governmental size and programs has resulted in a slowdown of available and vital information on what programs are available. This conference on Federal programs was designed to eliminate the rhetoric and the guesswork that local officials often experience and provide practical answers to their questions. Because of the success of the program I commend this report to the attention of my colleagues.

FEDERAL OFFICIAL CLAIMS MERRIMACK COULD BE CLEANED UP IN YEAR'S TIME

(By Ralph J. Jacobs)

LOWELL.—The banks of the Merrimack and the Merrimack itself "could be ready for recreational purposes within a year after implementation of and full compliance with anti-pollution measures," says Lester Sutton, chief for federal construction grants for the northeast portion of the United States.

Sutton, an official with the Water Pollution Control Division of the Department of Interior, was one of 22 state and federal officials who came to Lowell yesterday for what is believed to be a first-ever seminar-type workshop with elected and appointed city and town officials.

The experts, in such diversified areas as housing and urban development, health, education and welfare, labor, transportation, law enforcement and community affairs, faced more than 150 officials, representing the board of selectmen, planning boards, education, health officials, law enforcement officers and others from Lowell and at least 17 other Greater-Lowell communities.

The workshop, a brainchild of U.S. Rep. F. Bradford Morse and co-sponsored by George O'Meara and the Northern Middlesex Area Planning Commission was conducted at Cumnock Hall at Lowell Tech, and with the exception of the time factor and the fact that most of the officials "barely skimmed the surface," was apparently so well received that the congressman, immediately following, announced his decision that the workshop "will be an annual affair."

Congressman Morse's "systems analysis" proposal to abate pollution in the Merrimack River came under attack during the first of three sessions on pollution. The speaker was Thomas McMahon, director of the Massachusetts Water Resources Commission who said he was naturally interested in it "but I am not sure that from a cost standpoint it would be worth it." He told his listeners that Morse's program would have to be evaluated after a study was done.

It was at this point that Sutton was asked the amount of time that it would take for the Merrimack river to be ready for recreational purposes. The query was made by State Sen. James Ruark of Haverhill. As if to clarify his own response that it would take about a year for the Merrimack, Sutton told the group that because of the sludge, the Nashua River would take a much longer period of time.

During the session on Pollution Control, the officials said they are hopeful that most industries in the state will avail themselves of the possibility of joint participation with communities on anti-pollution projects.

Like the Water Pollution conference, experts on each of the other four topics: Housing and Urban Development; Health, Education and Welfare; Transportation and Law Enforcement, had just about enough time to provide the basics.

Some observers noted that in the HEW session there was too little time for even some of the essentials. HEW, established in 1963, involves 250 separate programs. Max W. Rote Jr., of the Regional Program Coordination Office, told the city and town officials that HEW has 100,000 employees. There appeared to be just time during the session for Rote to introduce seven officials who provided a short summation of what services their departments perform and the kind of help, financial and otherwise that the cities and towns can acquire. Following their presentation, Rote allowed each of the speakers to be questioned individually by the audience.

The other HEW spokesmen were Gerald F. Reading of Lowell, a specialist in mental health services; Charles C. Gentile, asst. regional commissioner of social and rehabilitation services; Frank Realin, public health advisor; William B. Lewis, regional manpower administrator, Department of Labor; Ethel Elipoulos, also of Lowell and manager of the regional office of Social Security and Thomas J. O'Hare, asst. director, urban and community education programs of the Office of Education.

HUD spokesmen had about the same problem on the time factor. During its three sessions, the six speakers dispensed much information on such subjects as long term loans for the construction of needed public facilities. The HUD speakers were Carl Byers, a civil engineer, Metropolitan Division; Edward Cachini, director of workable programs; Anthony Esposito, area coordinator for renewal assistance; Alfred Funai, urban plans advisor for the Model Cities program; Sheldon Gilbert, urban planning and William Koen, production coordinator for housing assistance.

Most of the time and questions during the Planning and Management session appeared to be geared to the tasks and responsibilities of the new Massachusetts Department of Community Affairs. The department, created last year by the state Legislature, was also celebrating its first birthday yesterday. Speaking for the department was the deputy commissioner, Donald Barr, who spoke at length about what he termed "the new federalism," of the urban renewal projects, funding and the need for more comprehensive planning. Others who spoke at the Planning and Management sessions were Robert Blake, director of technical assistance, HUD, and Arthur Doyle, regional director of the state Department of Commerce.

Christopher Knapton, special assistant to former Massachusetts Governor John Volpe, and who is also a former town finance committee chairman in Norton was one of six speakers on the joint Transportation and Law Enforcement panel. Knapton told of a Congressional bill that will be proposed for highways and for public transportation which he said will cost \$10 billion over the next 10 years. He noted the comparison between that bill and the present budget of \$175 million which he said was "peanuts."

Other panel members in that workshop were Fred Downs, area engineer of the Federal Highways Administration; Sumner Hoffman, of the Mass. Dept. of Public Works; Robert Tierney, highway design engineer, DPW; Sheldon Krantz, executive director of the Committee on Law Enforcement and Joseph R. Rossetti, of the Department of Justice.

Lunch, contracted for with a caterer, was served following the seminar after which Congressman Morse and George O'Meara expressed their appreciation to the state and federal officials, who gave up a free Saturday to come to Lowell. They also thanked the many city and town officials, both elected and appointive, who attended the session.

INTELLECTUAL DISHONESTY

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. SCOTT. Mr. Speaker, the October 22 issue of the Potomac News, a weekly newspaper published in Prince William County, Va., contained an editorial entitled "Intellectual Dishonesty" dealing with demonstrators for peace in Vietnam.

Of course, the Nation wants peace and I believe the vast majority of the people in the country have confidence in the efforts being made by the President to obtain peace. The statement by some, however, although very noisy, contributes nothing to the solution of this problem and could well remind one of the noise of crickets in a field who are loud and bothersome but whose noise far outshadows their significance.

The editorial is a thoughtful one which is inserted in full and is commended for the consideration of my colleagues:

INTELLECTUAL DISHONESTY

As Moratorium scenes dim from our television screens, we fear for America.

In the name of peace, our country is being dragged down.

We saw an occasional "peace" marcher carry a flag of North Vietnam, our battlefield enemy, and fellow marchers hardly batted an eyelash. This was not an act of peace, but an act of traitorism. We saw Mrs. Martin Luther King exhort the President to bring the boys home—and hang the commitment against aggression which took them to South Vietnam. We saw Sen. Eugene McCarthy who only last year was making light of the Soviet invasion of Czechoslovakia, suggest to the President that maybe there wouldn't be anything wrong with presiding over this country's first lost war.

We see, sorry to say, a segment of the nation's press, with the Washington Post as one of the grossest examples, encourage the deprecations against this country through skillful manipulations of the written word and what is reported. Eager to romanticize the so-called "revolutionists," reporters chronicle without question the mouthings of bearded wonders behind the peace movement. The reporters fail to ask these people a few questions they should ask. Such as why they don't exert some of their pressure on Hanoi to make a sincere stab at negotiating in Paris. Or how they feel about the hundreds of civilians massacred by the Reds in Hue, and why they don't wring their hands about that. Or why they don't issue manifestoes against the systematic assassination of village leaders in South Vietnam. Or why they don't exhort the various Communist regimes to allow their own people to demonstrate against their government's Vietnam, conscription or armament policies.

Or how they propose to protect the lives and freedoms of the people of South Vietnam once we did pull out.

Certainly it is proper to debate whether our troops should or should not be in Vietnam. Certainly it is proper to weigh fighting the war to win, or fighting the war as a holding action.

But the sheer one-sided character of the outpouring of those who apparently regard themselves as the sole champions of peace has had its effect in hog-tying the country's choices.

The bombing of North Vietnam, for instance, might have brought peace. But it was rendered ineffective by the pressures which led the U.S. to abstain from bombing certain areas to protect the civilian population and foreign ships. If one U.S. bomb accidentally strayed and hit a civilian home, out came the demonstrators' black coffins. There was no condemnation of North Vietnam's cynical use of these areas of civilian asylum for military regrouping.

Even the use of tear-gas to flush out the enemy, instead of flame throwers or bullets, brought condemnation upon this country.

This continued one-sided outpouring can be described only as intellectual dishonesty. It has served only to tear down America in the eyes of the world, and more and more, has eroded the resolve of its own people. It has left virtually unscathed and even revered—a North Vietnamese regime which, if the tables were turned, would ruthlessly slaughter those who would conduct a "moratorium" against government policy.

Peace is a noble desire. There is nothing more tragic than seeing human beings willfully destroyed, or possessions deliberately put to flame. But history has also tragically shown that you cannot have peace just for the wanting. You can wish for peace just as hard as you can, but if another country or ruler has aggressive designs, then the question is no longer one you alone can decide—unless you stay strong enough and show enough resolve to deter the aggressor. We are in South Vietnam. But so are the North Vietnamese. The demonstrators tell us to pull out. Let them make their exhortations just as forcefully to Hanoi.

Those in the peace movement who are sincere could achieve a lot more intellectual legitimacy—as well as better results—by aiming their pressure at all the combatants. Our heartfelt hopes of success would go with them in this endeavor.

And if they really want to fight for long-range peace, and do not intend to promote one ideology over another, they could turn their pressure to the United Nations to seek the creation of a strong international peace-keeping force. To our way of thinking, that may be the world's only hope of salvation from the scourge of war.

AMENDMENT TO CRIME CONTROL BILL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. WALDIE. Mr. Speaker, today I am introducing a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide \$750 million for the law-enforcement assistance program for the 1971 fiscal year.

The Law Enforcement Assistance Administration was established to increase the effectiveness and the fairness of law enforcement and criminal justice and in order for these tremendous and worthy objectives to be reached, Mr. Speaker, we must be willing to pay the price.

If we are talking about really improving the quality and the effectiveness of law enforcement and justice then we are talking about a very expensive program. In my opinion the \$750 million proposed in this bill is but a start—but we must start.

BIG TRUCK BILL

HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. SCHWENDEL. Mr. Speaker, my editorial for today is from the Reno Evening Gazette, in the State of Nevada. The editorial follows:

MOTORISTS LOSE

The Nevada Highway Department claims supertrucks are safe on many state routes.

In extensive 1968 road tests, the monsters rolled the length and breadth of the state. Their effects on road safety were carefully checked, and the findings indicate that longer and heavier trucks pose no particular hazard, the department reports.

But those findings certainly don't jibe with the position of the dependable American Automobile Association.

Its concern is not only how often cars and trucks collide, but what happens when they do.

Its statistics show that when such a collision does take place, the result is likely to be disastrous for the occupants of the car.

The death rate of car-truck accidents increases in ratio to the size of the truck. A study showed a fatality rate of .3 per 100 persons where the truck was a pickup; of 7.1 per 100 when a tractor-trailer was involved, and of 13.3 per 100 in the case of tractors towing two trailers.

Moreover, when a car and a heavy truck collide, chances are almost 100 per cent that if anyone is killed, it will be someone in the car.

Accidents involving trucks and cars or cars passing trucks are not uncommon in Nevada as is, and despite the highway department's findings, the presence of supertrucks will surely add to the toll, however modestly.

It stands to reason that more time is required to pass a truck train measuring 35 feet longer than the old maximum of 70 feet. On two-lane roads, where these trucks now are operating, that time margin can't help but diminish the safety factor somewhat.

There aren't many supertrucks on the state routes, yet, and for the most part, these routes are lightly travelled. But the state is growing rapidly, traffic is increasing, and the industry will undoubtedly add more supertrucks as time goes on.

The sum of these points spells a serious blow to the welfare of the motorist.

His woes began with the 1967 and 1969 legislatures, which legalized the monsters subject to special licensing.

Federal regulations do not allow the oversized trucks on the interstate freeway, but they are rolling on several state routes.

This action was taken despite the defeat in U.S. Congress last year of a bill that would have legalized supertrucks nationwide. An almost identical bill has been introduced during the current session, but it too seems destined to be beaten down by the outcry from press and public.

Meanwhile, states are free to legislate pretty much as they please where intrastate traffic is concerned. Few other states have seen fit to legalize the big trucks. The trucking industry has shown no hardship, such as peculiar cargo, that merits special consideration.

Legislative action amounts to an accommodation of the industry at considerable cost to the motoring public.

The Automobile Association recommends that motorists write to their representatives in Congress to make their views known. While they are at it, they might write to their state representatives urging that supertrucks be taken off the road.

PROJECT ALERT

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. SIKES. Mr. Speaker, one of the most poignant problems which has been brought to my attention is contained in a letter to me from Mr. John Appleyard, executive secretary of Project Alert in Pensacola, Fla. It poses a most realistic question: "How can a group like Project Alert help to effectively tell a story of our national purposes? Can we somehow get the administration to come forward with some concrete statements on national purposes?" The young people of our country must be told the facts about America and the virtues of patriotism. They need something to believe in and unless those of us who believe in America give it to them, they will continue to be influenced by the propaganda which is now being fed in unbroken doses to the people of our country.

It is time to deliberate on the right answers to Mr. Appleyard's questions. I hope there are many who not only see the answers but who are ready to do something to make them available to the young people of our country who need answers so sorely.

Mr. Appleyard's letter follows:

PROJECT ALERT,

Pensacola, Fla., October 21, 1969.

HON. ROBERT L. SIKES,
House of Representatives,
Washington, D.C.

DEAR BOB: I know that over the years you have been generally conversant with the work done here in Pensacola by Project Alert. Our programs, dealing with information on the goals of international communism, and more recently in the development of patriotic themes, have been relatively well received and effective.

However, in a meeting this morning, our group, which incidentally includes Ted Nicklison, Charlie Schuster, Charles Overman, Bill Fleming, Pat Groner and Vince Whibbs—and others—felt that we needed to touch base with you and ask your guidance.

The turmoil in which our country finds itself is, we believe, partly a product of a lack of general understanding of national purposes. Criticism of the Viet Nam war is typical of this; and the general attitudes which young people reflect are, as our questioning shows, the result of a general failure of our country's leaders to come back to basic concepts in telling the story of where we are and where we are going. For example, our generation takes it for granted that these young people know and understand the causes for Korea, for the Berlin Wall and the underlying problem in Southeast Asia. Yet conversations with these young people show that this is not true at all. They are the victims of the age-old propaganda technique of hearing one story long enough and thus coming to believe it as fact.

Our question thus goes something like this: how can a group like ours help to effectively tell a story of our national purposes? Can we somehow get the administration to come forward with some concrete statements on national purposes? There are organizations such as ours in many parts of the country anxious to help in utilizing a national philosophy effectively, but we do need help. Our work in developing films, radio shows, etc. on patriotic themes can be rejuvenated if our national leaders will

find an effective way of aligning the two-centuries-old patriotic themes with the future goals of our society.

This may seem like a rather nebulous thing, but it is pretty obvious that young people need something to believe in, but instead are being handed through many media material that disappoints rather than encourages beliefs. We know how interested you are in this field of work, and we are hopeful that you might initiate some guidance for us.

Best regards,

JOHN APPELYARD,
Executive Secretary.

CHEMICAL BIOLOGICAL WARFARE

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. LUKENS. Mr. Speaker, there has been much discussion recently over the dangers of chemical biological warfare—CBW. Certainly there should be discussion of the CBW program and the inherent dangers. However, discussion should be factual and not sensational. An unfortunate example of how critics of the CBW program have resorted to sensationalism and distortion of facts is documented in a news release by Mr. Charles J. Conrad, speaker pro tempore of the California Assembly.

His account of the Russian's disposal of chemical warfare material would be of interest to my colleagues, particularly those who have criticized the U.S. disposal of chemical materials. This is not to imply that our program is above reproach.

Just recently, I supported an amendment to the military procurement bill that would impose safeguards on CBW warfare. The amendment requires the Department of Defense to make semi-annual reports on the CBW program and tighten up the shipping and storage of such weapons.

However, Mr. Conrad shows a tactic was used by critics of CBW to influence the Senate vote on CBW programs. This kind of distortion of facts and emotionalism is an affront to the public. In such a critical and potentially dangerous field, the public is entitled to know the facts, not exaggerations. Mr. Conrad has done a public service by exposing such inaccurate reporting on CBW. The time has come for honest factual debate.

Mr. Speaker, I insert a news release from Mr. Conrad's office and two newspaper articles in the RECORD at this time:

THE RUSSIANS DID IT—AND WHERE WAS EVERYBODY

(News release from Speaker pro tempore Charles J. Conrad, of the California Assembly)

Assemblyman Charles J. Conrad, Speaker pro Tempore of the California Assembly today charged that a scare story was released from Copenhagen on the day before the United States Senate voted strong restrictions on the testing and transporting of chemical and biological weapons. Conrad said the article was an attempt to influence the Senate vote, and called for a Congressional investigation of this type of propaganda.

The story which Conrad termed "sensationalized and inaccurate" claimed that lethal mustard gas leaked from a British underwater wartime dump had injured six fishermen, and brought panic to the vacation resorts in Southern Sweden and in the Danish Island of Bornholm. The article said holidaymakers had deserted the beaches and that thousands of tons of fish were being boycotted.

"The fact is," said Conrad, "the munitions were captured German chemical warfare materials of World War II which were dumped, not by the British, but by the Russians. When the British news media called attention to the fact that the Russians were the guilty party the story was immediately dropped.

"Where was New York Congressman Richard D. McCarthy and his colleagues who have been denouncing the United States Chemical Warfare Service for so many months? Where was the group of international experts who prepared a report on chemical and biological warfare for the United Nations General Assembly at the request of Secretary-General U-Thant? Where was the Polish delegate at Geneva, Antoni Czarkowski, who attacked the United States for what he called 'recent mishaps' with chemical munitions? Where were the Japanese who demonstrated against the United States maintaining chemical warfare material on Okinawa?"

"Why is it that not one voice, national or international, has been raised in criticism when the Russians are guilty of criminal negligence by disposing of dangerous chemicals in water shallow enough to constitute a hazard?"

"Our disposal operations, which Congressman McCarthy raised such a hue and cry about, were to have been made in 7,200 feet of water. The British have followed similar precautions their disposal being a considerable distance from Bornholm.

"Evidence that this exaggerated story was released to influence a vote in the United States Senate is seen in the fact that it has long been known that quantities of mustard gas were dumped by the Russians in 1947. Incidents of fishermen being burned by mustard have been reported routinely in the press for many years, since some fishermen, although well aware of the danger, are willing to take the risk in order to get a good catch.

"Far from being deserted Bornholm has enjoyed one of its best tourist seasons, and the fish market, as far as Denmark is concerned, has not been affected.

"No real hazard to bathers is considered to exist unless for some reason a leaky bomb were dropped by fishermen in the bathing area. There has been no reported incident of anyone becoming ill or contaminated as a result of eating or handling fish in the area.

"This is just one more example of the need for honest and factual debate on the subject of chemical and biological warfare.

"I strongly urge that the Congress of the United States conduct an investigation to ascertain who was behind the release of such a story at that particular time, and why the subject was hushed up. I also call upon the United Nations General Assembly to condemn the Soviet Union for creating a hazard to human life as well as damage to a rich fishing ground," said Conrad.

[From the San Francisco Chronicle,
Aug. 11, 1969]

GERMAN WAR GAS INJURES FISHERMEN

COPENHAGEN.—Lethal mustard gas, leaking from an underwater wartime dump in the Baltic, has injured six fishermen and brought panic to vacation resorts in southern Sweden and in the Danish island of Bornholm.

Holiday makers have deserted the beaches.

The gas, part of 20,000 tons of German chemical warfare material dumped in the sea on British orders 24 years ago, has apparently escaped from rusting containers. Danish authorities fear a large area of the Baltic may become contaminated.

Thousands of tons of fish suspected of contamination were boycotted following the arrival in a Bornholm hospital of six members of the crew of a Danish trawler with various mustard gas burns. Two of the crew are in a serious condition after handling contaminated nets and fish and have now been flown to Copenhagen's central hospital for skin transplants.

The trawler's crew did not reach a hospital until 14 hours after they first came into contact with the gas. It is a brown oily fluid and a tiny drop causes serious and possible lethal burns.

In all, more than 300,000 bombs and canisters containing deadly chemicals, including the German nerve gas Tabun (known as mad gas), are still lying on the seabed of Bornholm and the Swedish coastline.

Scandinavian trawlermen have been ordered to avoid the area, which is normally a rich fishing ground, and they have already lodged claims for compensation with their governments for loss of earnings.

In an effort to coordinate preventive measures. The West German, Danish and Swedish governments have set up an anti-poison gas committee which will try to establish how far the seabed contamination has extended and how great is the danger to the mainland.

[From the Los Angeles Times, Aug. 14, 1969]

REGULATING CHEMICAL WEAPONS

Issue: The Senate has voted tough restrictions on gas and biological agents. But should Congress stop with this measure?

In 1945 British military authorities disposed of 20,000 tons of captured German chemical warfare material by dumping it in sealed containers into the Baltic Sea. Last weekend lethal mustard gas, escaping from the cache, injured six fishermen and spread alarm through southern Sweden.

News of the frightening mishap came one day before the U.S. Senate voted unanimously to impose, for the first time, strong restrictions on the testing and transport of chemical and biological weapons. The two events were coincidental. But both underscored the dangers inherent in the production and disposal of exotic weapons of mass destruction.

The Senate's 91-0 vote followed a series of occurrences which dramatized the extent and deadliness of the U.S. chemical and biological weapons arsenals.

The most notable was last March, when 6,000 sheep were killed in Utah following open-air testing at an Army site of a deadly chemical agent. Shortly after came news that the Army intended to ship surplus nerve gas across the country for disposal in the Atlantic Ocean.

Most recently there was an incident on Okinawa when a deadly gas container leaked, leading to the hospitalization of 24 Americans and new strains in U.S.-Japanese relations.

In the wake of these events the Senate has acted to tighten controls over the manufacture and movement of chemical and biological weapons.

Open-air testing, for example, could only be carried out if the surgeon general determined that public health would not be threatened. Any transportation of lethal agents would also require the surgeon general's approval, as well as advance notification to Congress. And from now on all funds spent on these weapons would require specific congressional approval.

The Senate's action is the first serious effort by Congress to regulate a \$350 million-

a-year military program that for years has been virtually without congressional oversight. The House should approve the Senate vote.

But Congress should not stop there. It should look fully into the question of whether the large OBW research, production and testing program is justified.

The United States possesses huge stockpiles of lethal chemical and biological agents, so amply that costly and dangerous disposals of surpluses are now necessary. In an age of assured nuclear retaliation, the justification for such an arsenal seems dubious at best.

SWEDEN UNDERSTANDS DIRECT ACTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. RARICK. Mr. Speaker, on several occasions I have directed remarks to the activities of Sweden and particularly to the conduct of its new Prime Minister, Olof Palme.

I am happy to learn that this situation seems to be improving because of dialog between American labor and its Swedish counterpart.

Even though our national policy permits American business to trade with the enemy the American people are not fooled.

I commend Victor Riesel's commentary on this subject and include it as part of my remarks:

U.S. LABOR STANDS FIRM—SWEDEN RETREATS ON VIET CONG LOAN IN FACE OF BOYCOTT THREAT

(By Victor Riesel)

NEW YORK.—There have been days not too long ago when, were it not for the forceful Swedish police, an American could get a rock in the head if he appeared to be on official business in the pleasant neighborhood of the U.S. Embassy in Stockholm. The New Left there, which now includes powerful forces in the government, just abhors anything American.

This New Left has been encouraged by the new Socialist prime minister, Olof Palme. He has attacked the U.S. in scores of speeches. He has inveighed against the American government's effort to ease the burdens of our black communities. He has aggressively praised the National Liberation Front and hailed it while its military arm, the Viet Cong, has battled U.S. troops in South Viet Nam.

He has encouraged an economic delegation from Hanoi and urged other Nordic nations to help the North Vietnamese.

Prime Minister Palme has asserted that he "absolutely" prefers the Hanoi dictatorship to Saigon. And he conferred with the present foreign minister, Torsten Nilsson, before the latter pledged \$40 million worth of aid to North Viet Nam and said in effect that aid to South Viet Nam would have to wait until the war is over.

All this has developed over the past few years, though the U.S. is Sweden's heaviest shipping services customer; and its biggest purchaser of small cars, some of which are assembled in Canada and undersell ours; and the U.S. Export-Import Bank has extended \$50 million in credits to the Scandinavian Airlines System which is partially owned by Sweden.

Yet, when this column reported from the AFL-CIO convention that influential American labor leaders threatened to urge a boy-

cott of Swedish goods—and U.S. Maritime union leaders contemplated boycotting Swedish ships—Sweden, its press, its government, and its labor movement became considerably agitated.

I received word that the government and the Swedish Trade Union Confederation (LO) would like to send a delegation to the U.S. to talk with me and the labor leaders who could invoke the boycott.

I recalled that in Stockholm the headquarters building of the LO is called "the Little Kremlin"—not because it is pro-Communist, which it isn't, but because it controls the Swedish government. There the ruling Social Democratic party is far more a labor party than even the Labour party led by Prime Minister Harold Wilson.

Since the Swedish delegation would be led by the genial Arne Geijer, the LO president, who also is head of the Parliament's Foreign Affairs Committee, I enthusiastically agreed to a dialogue with him and his group. We met.

President Geijer said that America in general and the labor men here in particular were the victims of bad communications. Foreign Minister Nilsson, who has since talked with Secretary of State William Rogers, had not said that Sweden would give Hanoi \$40 million now. He had meant after all the fighting is over. There might, of course, be some humanitarian aid sent to Hanoi, but not for reconstruction. Mr. Geijer promised to send "clarification" and said he would confer with Joe Curran, president of the National Maritime Union, Teddy Gleason, president of the International Longshoremen's Association (ILA) and AFL-CIO President George Meany.

Came the clarification. There is no indication in Mr. Nilsson's statements that he meant the Swedish millions not to go to America's military enemy until after all fighting stops. There is some talk about being misquoted and Mr. Nilsson's inadvertently omitting a sentence from his speech which would indicate aid would go to Saigon as well.

There is no direct transcript of his speech. Such a transcript should be available. There is a tape. It should be played to a group of international newsmen.

Furthermore, even the clarification says that the Swedish monies and its transmission are not "clearly defined." There will be money quickly for medicines and hospitals. No one can argue with this—except to ask why not humanitarianism for South Viet Nam as well? Is it because Prime Minister Palme loathes it so much?

Among the products which this money will buy, according to the clarification, is paper for school books—which of course will embitter young minds against the U.S. for decades. There is talk of supplying fertilizer—which means chemicals and can be diverted, etc.

Well, during Mr. Geijer's stay here he got some reciprocal clarification. He went up to visit Teddy Gleason on Tuesday, October 14. Mr. Gleason, now an AFL-CIO vice president, said that no one here wanted to interfere in Swedish affairs. The peppery ILA president added that no American should tell Sweden what to do. But in turn no Swedish official can tell any American what to do.

Mr. Gleason added that if Americans want to boycott Swedish goods, it is their privilege, just as Swedish labor runs global boycotts of its own.

Furthermore, Mr. Gleason's posture is that if Stockholm takes part of the profits it makes in the U.S. and sends it to Hanoi, there will be selective boycotts. Swedish ships containing the Volvos and Saabs can be picketed. This would paralyze them on the Atlantic and Gulf Coasts.

Teddy Gleason's colleague, ILA Executive Vice President Johnny Bowers, put it bluntly:

"They trade with the enemy and still can get our dollars. This is a disgrace. I have been getting many calls on whether our dock workers will handle Swedish cruise ships. We said 'yes' as long as those \$40 million don't go to our enemy."

It should be noted by the Swedish government that Mr. Bowers' word is as solid as steel. In March 1966, when he learned that ships of foreign lines were supplying North Viet Nam, he struck ship after ship of the lines which put into New York—Cunard, the French line, the Norwegian line, right on down. He held them until their top officials came down to the docks and pledged that no craft of their fleet ever would serve Ho Chi Minh.

They've kept their word. The Swedish government and merchant princes in that kingdom can count on Johnny Bowers and others in America keeping their word.

Unlike Prime Minister Palme, they hate dictatorships—Communist or any other brand.

There will be job action if Sweden breaks the word its emissaries have been giving here. As Mao would say—they believe that a friend of my enemy is my enemy. That little red book can work two ways.

EXTREMISM IN BIRTH CONTROL SCORED

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. BUSH. Mr. Speaker, the following article that appeared in the New York Times on November 2 points to a problem of great concern to me. As chairman of the Republican Task Force on Earth Resources and Population I am very much aware of the various degrees of concern espoused by the population and environmental fraternities.

What Mr. Straus has said about the extremists harming the whole birth control movement is not very encouraging. I certainly hope that this is not correct. Our task force has held extensive hearings on the subject and has conducted extensive research on the subject. We feel that our resources will provide us with enough food and medicine to prevent starvation and pestilence in this century but we also recognize that at some number world population must stop growing. If we are to accomplish a population growth rate where births do not outnumber deaths we are going to have to be active—very, very active in the 1970's so that by the turn of the century we will have already applied the brakes.

Providing family planning services to our 5.3 million poor or near poor women is only a small portion of the answer to solving this urgent problem. This is the area of greatest need and of immediate concern because of the poverty and health aspects but by no means will it solve the problems of deteriorating environment and depleting resources.

What we need in the next decade is some new thinking about our prevailing attitudes toward marriage and children. How we address ourselves to this problem is going to take an honest national debate and an education of the consequences that our children and grand-

children will face if we continue this current growth rate.

I am confident that once the facts are well understood the young people of the world, particularly here in America, will voluntarily contain the size of their families and have fewer children than is currently prevalent.

The article follows:

EXTREMISM IN BIRTH DEBATE SCORED

(By Bayard Webster)

The former chairman of the board of Planned Parenthood-World Population has charged that extremists in the dispute over how to slow the world's population growth were harming the whole birth control movement.

Donald B. Straus, who is also president of the American Arbitration Association, said that aligned on one side are those who advocate compulsory birth control, "the doom-sayers—those who say that famine and pestilence are just around the corner."

But, he contended, the militant members of the opposing camp—those who advocate family planning and call the other side "agents of genocide"—are just as bad. Mr. Straus spoke last week at the annual convention of the National Council of Women in the U.S.

CAUSE HELD DAMAGED

The polarization of attitudes has damaged the entire cause, Mr. Straus said. "What we want," he said, "is to quietly close the gap, to educate and make available all the facilities and facts to those five million indigent women who have no access to advice or information about birth control."

Remarking on population control in the United States, as well as in the underdeveloped countries, Mr. Straus said: "We should remember that every child born in the U.S. will use eight times as much of our natural resources as a child born in an underdeveloped country."

Mr. Straus' remarks were addressed to the final session of the three-day meeting of the council, held at the Carnegie Endowment Center.

Also addressing the session, which was devoted to a discussion of population pressures an environmental problems, was Marya Manes, a critic of both male and female mores.

"I am suggesting," she said, "that the next civil right—for both men and women—be the right to use our bodies and conscience without being told how to use them by the church or state. This means, of course, that in the case of men, there will be no more conscription, and in the case of women, the repeal of all abortion laws."

A "CLASSIC EXAMPLE"

What was described as a major weakness in the over-all conservation movement was noted by Glenn L. Paulsen, an air pollution expert and a member of the Department of Environment Biomedicine at Rockefeller University. He told more than 200 council members at the meeting that inadequate research lay at the root of many failures of the conservation effort.

"A classic example of this," he said, "is the fact that there are 250,000 cases of lead poisoning yearly in urban areas. This is a case of an earlier technology whose consequences were completely unknown. No one thought to test the paint for toxicity," he explained.

Mr. Paulsen said that a similar lack of research was hampering efforts in almost every environmental field—air, noise and water pollution and environmental pressures of all kinds. "The trouble is that we have insufficient knowledge," he said.

Sydney Howe, head of the Conservation Foundation, also addressed the Council of Women.

Mr. Howe is chairman of an ad hoc com-

mittee of conservationists that is seeking to determine the feasibility of establishing a nationwide conservation legal organization.

"We need to use the law more effectively to achieve a clean environment," he said, "something that every man should have a legal right to," he said.

The Council of Women announced that it had adopted two resolutions. One called for outright repeal of the abortion law. The other called for lowering the voting age to 18.

PORNOGRAPHY PUSH AIMS AT FRONT DOOR

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. CHAMBERLAIN. Mr. Speaker, the U.S. Supreme Court on October 27, 1969, announced that it would review a decision of a Federal district court in California denying numerous mail order smut peddlers injunctive relief to prohibit the Postmaster General of the United States from enforcing provisions of Public Law 90-206. This law, which became effective last year and which I joined in sponsoring in the House, was specifically designed to follow guidelines laid out by the Supreme Court in previous obscenity cases, particularly in *Ginzburg* against U.S. in 1966. It simply provides postal patrons the means, if they so request, to stop the repeated flow to their homes of unsolicited mail, matter which in their judgment they consider to be obscene. The *State Journal of Lansing, Mich.*, in a timely and thoughtful editorial on Thursday, October 30, 1969, discusses this problem and concludes with the hope that the Supreme Court will uphold this new protection. I fully share that concern and commend the editorial to the attention of my colleagues. The Supreme Court has ruled that obscenity is not protected by the freedoms of speech and press. Thousands of Americans resent the use of the U.S. mails to help promote such filth. Their right to be secure from such material should not be denied. The editorial follows:

[From the *Lansing (Mich.) State Journal*, Oct. 30, 1969]

PORNOGRAPHY PUSH AIMS AT FRONT DOOR

The arrogance of pornography peddlers apparently has few limitations. Having made breakthroughs in many areas regarding the right to push their product publicly, they now seek to invade the home.

In 1967, after a rising tide of public complaints, Congress passed a law giving families the right to force any firm to discontinue mailing unsolicited materials to their homes which the recipients considered to be obscene or of a pandering nature.

This law does not deny the right of others to receive such materials if they want them but it does permit individuals to stop those things they find objectionable. The statute, in particular, gives parents at least a small weapon to prevent minors from receiving unsolicited junk through the mails.

This is not an unreasonable law. But several companies have now gone to the U.S. Supreme Court claiming the legislation denies them free speech and due process.

It was further contended that since the firms do not keep alphabetical mailing lists,

it costs them about \$5.00 to delete an individual name. One might ask who asked them to put the name on their lists in the first place? And what about the time and inconvenience to the individual who must go to the Post Office to file a formal complaint after he has received such unsolicited mail?

There is little doubt that the materials causing the tide of complaints registered with the Post Office result from purchased mailing lists. The senders, for example, mail out the stuff without knowledge in many instances of who they are sending it to. The recipients may be 35-year-old men or women, or they may be nine or 10-year-old elementary school children.

Postal officials have confirmed that such materials have been sent to children.

Arguments may rage from here to eternity about what is obscene and what is not and perhaps the courts will never deliver a formal definition.

But we believe most Americans, particularly parents, would endorse one opinion expressed by U.S. Supreme Court Justice Potter Stewart on the question of "hard core pornography."

He said: "I shall not today attempt to further define the kinds of material I understand to be embraced within that shorthand description (hard core pornography); and perhaps I could never succeed in intelligibly doing so. But, I know it when I see it."

We think most parents "know it when they see it," particularly when it comes unsolicited through the mail addressed to children of elementary and junior high school age.

Perhaps there's another legal question which should be answered by the high court, the right of individuals to protection from those who abuse the use of mailing lists.

Youngsters frequently send in to various companies for items they see in catalogues. In so doing the child's name may very well end up on a mailing list for what amounts to pornographic materials.

This, in fact, has been happening.

There are laws of every type in this nation to protect children from being mistreated or exploited.

We would hope that the Supreme Court will keep this law on the books and give parents at least a small measure of protection from having this junk pushed into their homes.

HOUSING CREDIT GAP IN RURAL AMERICA

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. PRICE of Texas. Mr. Speaker, H.R. 13827, which has been reported by the Committee on Banking and Currency to this House, contains in title IV a vital provision which will extend the rural housing loan program of the Farmers Home Administration until October 1970.

The companion bill from the other body, S. 2864, includes a provision which would extend the program until October 1973. I would hope that the eventual result of the deliberations of the Congress on this point will be closer to the 4-year extension.

I want to emphasize in the strongest possible terms that this action is absolutely essential to help carry out the goal that we in the Congress reaffirmed last year when we passed the Housing and Urban Development Act of 1968.

That goal calls for a decent home for every American family at the earliest possible time.

Yet, rural America with only 30 percent of the Nation's population has half of its substandard housing. The problem is acute for hundreds of thousands of families which still exist in inadequate housing, some with primitive plumbing and utilities.

Through its rural housing program, the Farmers Home Administration has been making substantial inroads on this problem, and it is vital that this activity not only be continued but accelerated.

Our former colleague in this House, James V. Smith of Oklahoma, who now serves as Administrator of the Farmers Home Administration, discussed this subject recently in testimony before a committee of the other body. He made these important points:

There is a well-defined credit gap in rural areas. Consequently, the flow of housing credit to the countryside is often inadequate, sporadic and sometimes non-existent. Small town bankers and other lenders are just unable to tie up their limited lending resources in long-term housing credit. Furthermore, rural facilities for tapping the credit resources of larger institutions in big cities are inadequate.

Mr. Speaker, Administrator Smith has made an excellent case for passage of the measure extending the rural housing program. Construction of homes in the countryside and in towns of not more than 5,500 population must continue to be a high-priority item until the problem of substandard rural housing is finally overcome.

The committee report on H.R. 13287 makes clear the committee's commitment to "expanding the capacity of the Farmers Home Administration since it is the only vehicle which has consistently supplied mortgage credit in rural areas and, under the present circumstances, it is the only vehicle which can be expected to do so in the future."

Other provisions of the bill are also of major significance to the agency's ability to carry out its mission. It would remove the \$100 million ceiling on the amount of unsold insured mortgages that can be held by the Secretary of Agriculture. This ceiling limits the size of the program unnecessarily.

Another provision would authorize the Secretary to sell insured notes in blocks, as well as individually, thus substantially simplifying the transactions and making the notes more attractive to investors.

Also, the bill would merge the insured and direct loan accounts and allow the agency to make conditional commitments so that builders can engage in volume construction pending sale of homes to individual families and thus save on construction costs.

Finally, the 5,500 limitation on population in areas Farmers Home Administration serves would be repealed. The agency would be responsible for defining rural areas consistent with the law, and greater flexibility is certainly desirable.

In short, Mr. Speaker, the rural housing provisions of H.R. 13827 represent

a substantial step forward toward meeting our goal of a decent home for every American family. I urge prompt passage of the bill.

MOTHER OBJECTS TO USE OF DECEASED SON'S NAME

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. RHODES. Mr. Speaker, hundreds of thousands of Americans have sacrificed their lives for the freedom of peoples in distant lands. Oftentimes these people have not shared the same culture, the same religion, the same race, or even the same language with their defenders. They did share a common ideal: The right to choose whether or not they wanted to live their lives in tyranny.

Today in Vietnam—whatever our opinion concerning the political ramifications of that venture—tens of thousands of Americans have sacrificed their lives for this same principle.

No doubt some of these brave men would not be offended if they knew that their names had been associated with the various moratoria. I am convinced, however, that the majority of these soldiers would be sickened and disgusted to have their supreme sacrifice flaunted in such a manner as we have witnessed in recent weeks.

For this reason, I think it highly inappropriate that many so-called peace groups have seen fit to use the names of American boys who have died in Vietnam in such a manner as to imply that they would endorse the political objectives of such groups. It is doubly inappropriate when the wives and parents of these men object to the use of their names in such a fashion.

Mrs. Faye Staley of Phoenix, Ariz., is a mother who resents the use of her deceased son's name in a way in which she knows he would not approve. Accordingly, she has mounted a campaign that would allow Arizonans who do not wish their sons' and husbands' names to be used in a way to undercut the American road to peace to make that fact known. I am hopeful that the "peace" groups who engage in this practice will appreciate the fact that these wives and mothers and fathers have borne a heavy burden. I hope that they will respect the wishes of these families and not contribute further to their anguish.

Relatives in States besides Arizona may wish to take similar action. With this thought in mind, I would like to direct the attention of my colleagues to Mrs. Staley's campaign:

PHOENIX, ARIZ.,
November 3, 1969.

HON. JOHN J. RHODES,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RHODES: We have launched a campaign as of October 19, 1969 to have all servicemen's names removed from any lists to be read, burned or used in any way by the "Vietnam Moratorium" groups in

Arizona unless they have specific permission from the "nearest of kin" to do so.

It has been our considerate opinion for some time that these men who so gallantly gave their lives for this country would not want their supreme sacrifice treated in such a shameful manner and from letters we are receiving this is the case.

We have had some difficulty obtaining correct addresses of nearest relatives, however, we are receiving a tremendous response to those names we have sent out so far. Of the first mailing of October 23d, we have already received 95 signed statements, 24 letters and 1 note to the first 130 names sent out. Not one negative reply to date. We plan to present all names to Governor Williams by November 13th, requesting him to use his authority as governor to ask that all servicemen's names be removed from any moratorium lists here in Arizona. We believe this would be an effective way for every state in the union, on an individual state basis, to effectively counteract this divisive Vietnam Moratorium movement.

Anything you can do to support us by suggesting similar action to other states from your office will be greatly appreciated. Also, we would be grateful for a letter from you as a citizen of Arizona backing our cause here in this state.

Very truly yours,

Mrs. FAYE STALEY.

PHOENIX, ARIZ.,
October 19, 1969.

To Whom It May Concern:

As you may know, a list of 380 names was read automatically the night of October 15, 1969 at a gathering of Protestors at Arizona State University. These names, given a moment of time, were the names of our beloved sons, husbands and fathers.

My son, who was a graduate of ASU, was a man who dearly loved our country and enjoyed the freedoms our form of government afforded him and these freedoms he would not want altered nor would he want his name used to promote a cause so alien to everything he held dear. I know my son, and I believe your son also, would not like to have his sacrifice treated so lightly.

If you feel as I do, would you please sign the enclosed statement and we will do everything possible to prevent their names being used, burned, or otherwise desecrated in any public demonstrations planned for the future.

Very truly yours,

Mrs. FAYE STALEY.

STATEMENT

This is to indicate that we do not want our son's or husband's names read, put on a list that is to be burned, connected with surrender in Vietnam, or used in any way to undercut our American position at the peace table. He gave his life as a supreme sacrifice for the Freedom of all people in this world. We know he would not want his name used in this manner.

PRESIDENT'S SPEECH ON
VIETNAM

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. DEL CLAWSON. Mr. Speaker, the President gave the Nation in the brief period of one-half hour as honest and comprehensive an accounting of the background of our involvement in Vietnam and the course he is pursuing to

bring the conflict to an honorable conclusion as could have been provided. It was not an address to inflame emotions nor to set Americans against each other. It should, however, appeal to the ideals which in my opinion the majority of Americans still hold valid, a simple sense of fairplay. Do we elect a man to the highest office in the land, entrust to him the awesome responsibility of Commander in Chief of our Armed Forces, allow him to shoulder the weight of decisions affecting the future of all mankind, and then force him to deal with the enemy without our support? I think not.

The President has set the facts before the American people in straightforward fashion with the expectation that when they have been told what measures he has already taken, the available alternatives and what he proposes, they will want to choose the more arduous route of honor and responsibility. I think they will, and am happy to pledge my support by cosponsoring the resolution endorsing his efforts.

LONG LIFE OF SERVICE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. SHRIVER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following editorial from the Topeka, Kans., Daily Capital, which is an appropriate memorial tribute to the late Edward H. Rees, of Emporia, Kans., who was my predecessor in Congress and who represented, with distinction, the Kansas Fourth Congressional District for 24 years. Mr. Rees passed away in Emporia on October 25, 1969. The editorial follows:

LONG LIFE OF SERVICE

Ed Rees was a quiet, kindly man—conservative by nature—who so ably represented what was then Kansas' 4th congressional district that a whole generation of voters grew up with little thought of voting for anyone else for Congress.

Before his retirement nine years ago, voters of the district sent him to Washington for 24 years. Priorly he had been a member of the Kansas Senate and House. Service to his district, state and nation were keys to his long political career—that and his knowledge of the area he represented, partly gained at Emporia's Citizens National Bank where he climbed the ladder of success to attain the title of executive vice president.

He was Emporia Welsh, a member of the rural Sardis Congregational Church which was started by the Welsh. This gave him a strong link to the community, one which strengthened the longer he held public office.

Rees numbered his friends by the thousands, among them some of the most influential in Kansas and the nation. It was Emporia's William Allen White who first encouraged him to enter politics. It was the leaders of both major political parties—as well as his constituents—who expressed sorrow when he decided to step down from Congress after so many years.

During his later years, both in Congress and as a private citizen, his snow white hair and eyebrows, his rudy and pleasant Welsh

countenance were recognized wherever he went. He was a gentleman of the old school.

As chairman of the House Post Office and Civil Service Committee for 13 years, he was instrumental in guiding legislation pertaining to those fields of government. Possibly forgotten by many is the fact that he authored the legislation which changed Armistice Day to Veterans Day across the nation.

Death claimed Ed Rees last week at age 83. His was a career of service for which Kansans are grateful.

THE REPUBLICAN VICTORY IN
NEW JERSEY

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mrs. DWYER. Mr. Speaker, on the basis of present returns, it appears that the election yesterday of our distinguished colleague from New Jersey (Mr. CAHILL) as Governor of that great State was the biggest gubernatorial victory in modern New Jersey political history.

The fact that Mr. CAHILL's victory was won against one of the most popular former Governors of New Jersey and took place in a State which is widely recognized as one of the most sensitive "swing" States in the country makes his victory even more impressive in personal terms and even more significant in a political sense.

BILL CAHILL's tremendous victory was a personal tribute to a man who possesses warmth of personality, commitment to public service, deep human understanding, and a fighting, "never-say-die" approach to political campaigning. He is a winner, and New Jersey voters have crowned him as their leader for the next 4 years.

But this great victory, I believe, has implications of consequence both to the Republican Party and the country. Among many other things, BILL CAHILL's triumph means the following:

It means that the Governor of every major industrial State in the United States is now a Republican, a far cry from the myth that the Republican Party has no appeal for working people.

It means that the heavily populated, economically critical Northeastern States can be as happy a hunting ground for Republicans as any other part of the country—so long as Republican candidates demonstrate an awareness of their problems and a commitment to deal with them effectively.

It means that a Republican candidate, with a constructive and progressive record in public life, can be enormously attractive to the voters, especially in States with large numbers of independents.

It means that New Jersey, a "bellwether" State, responded favorably to the strong endorsement given to Mr. CAHILL by President Nixon, a Republican President who is striving mightily to solve the social and economic problems that plague our biggest urban States.

It means that on the central issue of

our time, the war in Vietnam, the people of New Jersey—to whom that war is an especially sensitive issue—are convinced their President is doing everything possible to end the war.

Finally, it means that the people of New Jersey, like their fellow citizens elsewhere, are concerned primarily with the issues of a campaign, not just the personalities, for in this Cahill-Meyner campaign it was BILL CAHILL who offered constructive change in place of contentment with the status quo; it was BILL CAHILL who recognized New Jersey's desire for new and fresh leadership; it was BILL CAHILL who put his finger on the failures and promised something better; it was BILL CAHILL who proposed detailed plans for improving education, building an effective mass transportation system, and strengthening law enforcement; and it was BILL CAHILL who communicated to our young people the conviction of a man determined not just to be a Governor but to do something with the authority of that office.

For all these reasons, therefore, Tuesday, November 4, was a great day not only for Republicans but for the people of New Jersey and of the United States. BILL CAHILL can do the job and as he approaches his new office I know that he carries with him the friendship and the generous interest in his success of all his colleagues here.

ELECTORAL REFORM

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. BOLAND. Mr. Speaker, the Senate is lagging far behind the House in electoral reform. We in the House have passed—and passed by an overwhelming majority—legislation calling for outright abolition of the electoral college in favor of direct popular election. This proposed constitutional amendment, substantively identical to one I introduced the first day of this Congress, would put genuine equity into presidential elections and clear away the threat of a constitutional crisis every 4 years. Yet, the Senate—the body that conventionally takes the lead in issues involving the Constitution—has yet to consider electoral reform.

The Senate Judiciary Committee, in fact, has announced it will postpone action on electoral reform until next year. It is plain—indeed, conspicuous—that such a delay would jeopardize the already slim chance that the States will have enough time to ratify an electoral reform amendment before the 1972 presidential election. This election may be as harrowing close as any in this country's history, ranking with those of 1960 or 1968. George Wallace may again be a candidate in 1972—and, again, he may threaten to barter away electoral votes in an effort to wrest away concessions from other candidates.

The time for action on electoral reform is now—not next year or the one after that.

An antiquated and unjust institution that has threatened to deny the will of

this country's voters for nearly 200 years, the electoral college must be abolished before it endangers another presidential election.

Direct popular election—a method that is simple, that is straightforward, that is just—is the means of achieving the abolition I have just cited.

I urge the Senate Judiciary Committee to reconsider its decision to delay further in this critically important issue.

Mr. Speaker, the Boston Herald Traveler today published an editorial outlining the alarming significance of the Judiciary Committee's decision. I include the editorial in the RECORD at this point: [From the Boston Herald Traveler, Nov. 5, 1969]

DELAY IMPERILS ELECTORAL REFORM

Since the timing of an amendment to substitute direct popular election for the Electoral College is almost as important as its approval by Congress, the decision of the Senate Judiciary Committee to postpone action on the amendment approved by the House until early 1970 is troubling and disheartening.

Congress plainly understands that electoral reform faces an electoral deadline before 1972. If the system is to be changed to avoid the possibility of electoral crisis or electoral mischief-making, the states must be given sufficient time to ratify the amendment and to rewrite their state laws and election regulations accordingly.

The direct election amendment passed by the House of Representatives in September stipulates that the necessary three-fourths of the states must ratify the electoral reform plan before Jan. 21, 1971, if it is to become effective before the presidential election in 1972.

Senate sponsors of electoral reform, realizing that the deadline adopted by the House will crowd precariously on the schedules of state legislatures, have hoped to extend the deadline for ratification until sometime in the spring of 1971. But even so small a change by the Senate would entail the bill's being referred again to the House for concurrence—a parliamentary procedure that might expose the amendment to still further obstruction.

The best chance—perhaps the only chance—to get the amendment ratified and operative before the next presidential election is to persuade the Senate Judiciary Committee to process the amendment expeditiously.

Given the magnitude of electoral reform, the endorsement and support of President Nixon, and the possibility of third (or even fourth) party movements in 1972, the entire Senate ought to assume the responsibility of allaying electoral anxiety by pressing for fast and firm action by a committee of its own creation.

It is still not too late, but each week of delay puts the plan for direct election of the President by the people one week closer to defeat.

PROUD TO BE AMERICANS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. ROGERS of Florida. Mr. Speaker, in this day and age, we see and hear too often in the news dissatisfaction expressed with our Nation, and efforts by malcontents to disrupt our democratic form of government. I would like to submit in rebuttal, portions of a letter I

have just received from Mr. A. E. Naya, of West Palm Beach, Fla., who eloquently expresses his and his wife's feelings on becoming citizens of the country they were not privileged to be born in:

I mentioned in my letter "our goal is to become American citizens like our children are."

My dear Congressman, at last that day has arrived. On November 7, 1969, my wife and I will become American citizens. We are very proud of it. As a matter of fact, it will be the happiest day of our lives. I can easily compare it with the birth of our children at the time we became parents. Now, we are becoming part of this big, free and wonderful country, like our children are. Now we have a flag and a hymn, and more important a constitution.

Our constitution gives us the vote . . . Our kind regards and everlasting gratitude from a family of proud Americans.

CORPORATE GIANTS MOVE TO THE FARM

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. UDALL. Mr. Speaker, dynamic changes are taking place in American agriculture. We in Congress will be discussing these changes this year and next as we wrestle with development of a new national farm program.

One of the most significant movements is that of large corporations into agriculture, some of them for perhaps the first time. Changes taking place in Arizona were recently pinpointed by the Arizona Farmer-Ranchman in its issue of October 18, 1969. I want to commend this perceptive article to the Members of the House:

CORPORATION FARMING—WHY?

Something is happening to American agriculture that is bound to have profound effects on the future of our country, and probably not for the better.

That is corporation farming, widely diversified as to both products and localities.

The USDA has issued reassuring reports to point out that the farmland acquired by powerful corporations, previously in different and unrelated fields, is only a small fraction of the total. That is true, but still a trend is definitely indicated and the evidence may be stronger in Arizona than elsewhere.

The latest example of this trend is the take-over of Bud Antle, Inc., by the Dow Chemical Co. It involves 14,000 acres, largely in Pinal and Pima Counties but with other blocks extending into California as far as Salinas.

It is easy to say that Antle became overextended on money borrowed from Dow, and that Dow had to assume control or take chances in an involved bankruptcy proceeding. That theory does not look so reasonable when closely examined. Certainly Antle did expand to an extent that would have been overexpansion for him, but it is unlikely that Dow would have bankrolled him in that program. More likely it was all planned in advance, with the take-over to follow when enough acreage had been acquired. Dow had decided to get into agriculture, and did so through Antle.

Purex, until a year or so ago a manufacturer exclusively of bleaches and other laundry products, has bought two of the largest independent grower-shippers of

Arizona vegetables, one of them also interested in citrus. These acquisitions are only two of seven, the others being in California and Colorado and well dispersed as to growing seasons and maturity dates.

Sterling Precision Corp. of New York, a maker of industrial equipment, has bought 84,000 acres between Red Rock and Tucson, and is rapidly adding to its 5,000 cultivated acres. For all that anyone in Arizona knows, Sterling may be in other agricultural ventures in other states.

United Fruit Co., which has heretofore confined its agricultural operations to bananas and other tropical fruits in Latin America, is growing lettuce and other vegetables in Paradise Valley northeast of Scottsdale. United has never made any public announcement that it is getting into the domestic produce business, but it has done so here and probably is so engaged elsewhere.

There is reason to suspect that the real purchasers of Whitewing Ranch, north of Dateland, and several other large properties that have recently changed hands, are actually wealthy corporations with no previous interest in agriculture.

Why these investments in an industry that is in deep trouble on so many fronts, seldom earns large profits, and almost never nets returns comparable to those of manufacturing?

One theory is that the investors are hedging against inflation, in the expectation that land is a commodity which will always be in demand and will constantly rise in value as population increases.

That may be part of it. But another explanation is that financiers and economists have reached the conclusion that agriculture as we have known it is on its way out. They believe that the individual farmer, even the man with thousands of acres but all in one district, must inevitably succumb to the pressures of a changing economy. He must forever buy on a seller's market and accept what his crops will bring in the open market (plus, at the moment, what he can draw in government support payments).

Those payments will cease one of these days, the forecasters think. Crop marketing will become more haphazard than ever. Prices of machinery and everything else the farmer buys will continue their upward spiral. Unionization of farm labor must come and the farmer will be helpless against the likes of Cesar Chavez.

Corporation farming, it is reasoned, is the only answer. A company that grows many crops in many districts, with harvests disbursed through the year, can balance losses here against gains there. It can buy in wholesale lots, for all its units, at the lowest prices its purchasing agents can arrange. It can exercise enough muscle to deal with the unions if mechanization does not entirely displace hand and stoop labor.

The Antle venture and others of similar nature, according to this hypothesis, are only pilot projects and small in comparison with those to come.

This is a frightening prospect. Every rural American will hope that it will never come to pass, and every American of every station should feel the same. It is regrettable, however, that the evidence of the above theory's validity is not less convincing.

A TRIBUTE TO BJARNE J. SIGURDSEN, CLERK TO THE OFFICIAL REPORTERS OF DEBATES

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. OLSEN. Mr. Speaker, I would like to join my colleagues and extend my per-

sonal best wishes to Johnny Sigurdson on his retirement after 32 years of devoted Government service. His service to this House and to the Nation has been deeply appreciated by those of us who have had the pleasure of his company. I have known Johnny not only as a diligent and loyal public servant but also as a warm personal friend. His presence on the Hill will be sorely missed. I am sure, by the entire membership, I wish him many happy years of retirement and personal fulfillment.

FCC CHAIRMAN JOHNSON HONORED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the RECORD a release from the National Citizens Committee for Broadcasting announcing a well-deserved honor to Commissioner Nicholas Johnson, of the Federal Communications Commission.

As one of Commissioner Johnson's friends and admirers, I am most happy to join his many other friends and admirers in noting this well deserved recognition of a distinguished American.

The release follows:

FCC'S NICHOLAS JOHNSON TO BE HONORED BY NCCB NOVEMBER 6

Federal Communications Commission Nicholas Johnson, whom some broadcasters seek to have "impeached," will be honored by the National Citizens Committee for Broadcasting (NCCB) for his championing of citizens rights in broadcast matters and deliver a major address at a luncheon at the St. Regis Hotel in New York City on Thursday, November 6.

NCCB Chairman Thomas P. F. Hoving, with the NCCB Board of Trustees, will preside at the luncheon. Charles Benton, President of Films, Inc., who was responsible for a two-year \$200,000 Benton Foundation grant this past spring toward the Committee's work, also will address the luncheon.

Ben Kubasik, NCCB Executive Director, said the luncheon is being held to express support for Commissioner Johnson's steadfast and courageous stand in the public interest at a time when there is a rising tide of criticism against Commissioner Johnson and his philosophy from the commercial broadcasting industry and from some members of Congress.

At the same time, Mr. Kubasik revealed that more than 4,000 citizens have contributed to the support of the NCCB's work. Those 4,000 persons will be joined by thousands more people as they learn that the NCCB exists for them as a legally oriented organization dedicated to protecting citizens rights in broadcasting before the FCC and, if necessary, the courts," Mr. Kubasik said.

In commenting on the broadcast establishment's response to a dedicated and singular public servant, Mr. Kubasik said that "the tempo of both the open and covert attacks against Commissioner Johnson increases daily. These volleys come in the form of unjust and hysterical broadsides directed against him by Broadcasting Magazine, calls for "impeachment" by state associations of broadcasters, and further harassment and ridicule by the National Association of Broadcasters. Five state associations of broadcasters

have petitioned the FCC, Congress and the President to 'impeach' Commissioner Johnson on the grounds that he does not represent the public interest. The NCCB disagrees, and believes that Commissioner Johnson is the best man for the job."

Mr. Kubasik termed Broadcasting Magazine the bible and the associations the chief tools of the commercial broadcasters' lobby. He noted that Boston College Law School Dean Robert Drinan recently characterized the broadcast lobby as "the most powerful in history—more intensive, more persuasive than the veterans or the bar or medicine." "The NCCB agrees with Dean Drinan's judgment," Mr. Kubasik said.

"It is easy to see why the broadcasters are opposed to Commissioner Johnson," Mr. Kubasik continued, "but there also are members of Congress who are inexplicably antagonistic to him and what he stands for. As the public's servants, these elected officials should be applauding the courageous stands taken by Commissioner Johnson on behalf of responsible broadcast service for the people of this country."

The luncheon will be attended by not only the NCCB's Board of Trustees and members but by interested private citizens actively supporting the Committee's work, foundation leaders, and national organization heads. The luncheon is planned as a forerunner to a National Strategy Conference on Citizens Rights in Broadcasting to be held at the New York Hilton on March 30, 1970.

In an invitation currently being mailed out by Mr. Hoving, Commissioner Johnson is quoted as saying, "to the extent that I have a constituency, it is made up of 200,000,000 Americans, those who do not have the millions of dollars for the highest priced representatives in Washington . . . I think that the broadcasting industry ought to be heard from (but) I don't think that (the broadcasters) ought to be the only voice that is heard. There are many other interests in our society besides those of broadcasters who are bent on making the greatest possible profit from their private use of this public property and these voices are also entitled to be heard.

Mr. Kubasik said, "To the extent that the NCCB has a constituency, we believe that they are the same 200,000,000 citizens as Mr. Johnson's."

ARAB TERRORISTS MENACE TO ALL MIDDLE EAST

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. CELLER. Mr. Speaker, the remarkable silence of the pro-West democracies in the face of the Lebanese crisis is scarcely understandable. The terrorist forces of El Fatah are factually not only encouraged but supported by Syria. Again factually, an independent and separate Lebanon is anathema to Syria's political ambition to embrace and absorb Lebanon. Lebanon, too, stands in her way as she seeks the annihilation of Israel. Note, too, that Syria released the two terrorists who hijacked the TWA plane to Damascus while she continues to hold two Israeli citizens, two citizens innocent of any defiance of law, international or domestic. Yes, this is the Syria only recently elected to membership on the Security Council of the United Nations, fomenting war and destruction in the area which she supposedly represents in

an organization presumably dedicated to the maintenance of peace.

I have warned before that those countries who are permitting the Arab terrorists to continue in their acts of death and destruction against Israel are creating a monster which in turn will devour them. Let Syria question whether, if she permits the Lebanese Government to be tyrannized by El Fatah, will she not find herself in her turn on El Fatah's list of those to be destroyed. Let Iraq and Egypt ask themselves the same question.

There are other governments in history who sought to use lawless power believing that it could stay in control of a growing beast. Witness the Junkers who thought they could use and control Hitler. We watch in silence the destruction of moderate Jordan and watch in silence the destruction of moderate Lebanon and expect perhaps Israel to watch in silence as she becomes exposed to enemy fire from every direction.

It is at least understandable that the Soviet Union backs the Arab terrorist. Turmoil in the Middle East suits her not-so-cozy plan for a firm hold in that area of the world which is the gateway to three continents.

How red must the danger signal be before protective instincts are aroused to act?

The United Nations has proved to be both futile and cowardly in its treatment of the Middle East disturbances. The pro-Western democracies like England, France, and the United States, albeit belatedly, must clearly denounce the terrorist activities as a threat to world peace and must use such diplomatic leverage that will curb the growing power of guerrilla lawlessness.

ROLL UP YOUR SLEEVES FOR A DECADE OF CHANGE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. BUSH. Mr. Speaker, yesterday at the 40th annual meeting of the Independent Petroleum Association of America in Houston, Tex., Mr. Andrew W. Tarkington, vice chairman, Continental Oil Co., challenged the oil and gas industry to take an honest look at itself and gear itself for the future.

Mr. Tarkington pointed out that the industry had too long assumed a mask of complacency confident that along with the increased demand for energy went public understanding of the need for exploration incentives. This fall the mask has been brutally shattered and Mr. Tarkington correctly stresses the importance of new action programs for the industry to increase public understanding and to increase business participation in solving the domestic problems of our society.

Mr. Tarkington stated:

With more business in government, rather than less, such action would lead to the day when "we will bring ourselves closer to the

government so often denounced as 'them' . . . Our government has never been 'them', it is still 'we'."

Mr. Speaker, I insert Mr. Tarkington's speech in the RECORD at this point:

ROLL UP YOUR SLEEVES FOR A DECADE OF CHANGE

(By A. W. Tarkington)

Chairman Carrol (Bennett), my fellow inmates of the political doghouse. It's a great pleasure to salute IPAA on your 40th birthday. It's a warm personal pleasure to have been associated with you for over half that time. But if the treatment we are getting in Washington is their idea of a birthday party, I'd be happy to return to my own teens and start over.

Regardless of these political reversals, I do think that the 1960's which we will soon close out have formed a remarkable decade—in American history and the history of mankind.

They were also the years that shattered the mask of complacency which we in the energy industry have worn with some comfort for 20 years. By energy producers, I am not restricting myself to petroleum producers—but we figure prominently in such an assessment.

For example, a few politicians, some academic types, and some energy producers, too, have been unwilling to recognize that unless exploration is stepped up there is a very real possibility of national shortages. But now—as in the case of gas production—they admit it's happening.

For example, so much of our work requires highly skilled and experienced technicians that we could not imagine hiring large numbers of unemployables and training them. But now it's happening.

For example, with the staggering and ever-growing costs of finding mineral sources, we felt no one would seriously try to undercut the tax incentives that contribute to the continuing search for new discoveries. But, now it's happening.

For example, with the Mid-East in frequent economic and political turmoil, could anyone seriously suggest that we abandon our import quotas in favor of foreign oil and allow the nation's security to become dependent on those interruptible sources? But, now it's happening.

The irony of these aspects of the 1960's is that they all occurred in a decade when energy helped to boost man into space, and made it possible for him to walk on the moon.

The energy story is still spelled O-I-L and G-A-S. From all we know right now, for the next couple of decades the story is going to be spelled the same way. The roles we will play within that story will not be the same. The economics of business will change. The economics of exploration, production and marketing of oil will change. We all know that even if we don't talk much about it. And, the change will apply to independent producers as well as majors. But regardless of the changes, nothing can detract from the service to the nation that has been provided by the industry and by the independents—be it past, present or future service.

All of us in IPAA should be interested to know that the people in the "think tanks" are now predicting that by the year 2000 we may have foolproof methods of locating oil reserves. If so, they will have been a long time in coming.

The important thing is that you don't regulate or govern our industry by rules that might—or might not—apply 30 years from now. And as I look over the legislative bills that could do nothing but curb incentive in our industry, I think that is just what some lawmakers would like to do.

Dave True understands the need to apply sensible laws to our exploratory problems. Certainly his testimony in Washington said he did. I know that those of us at Continental know the importance of incentives for exploratory wells. If Washington is concerned about progressive development of our domestic resources, then the leadership must act positively to encourage that exploration—not undercut it.

With those considerations in mind I want to take this opportunity to salute IPAA for the hard thinking and the harder work that have gone into presenting the oil story in the Congress and in the communities of this nation. The thing we can least afford is to lose the incentive to search, the incentive to find and the incentive to produce more energy. The stand we took against Senator Proxmire's "sliding-scale" tactic on percentage depletion was, in my opinion, a vote of confidence both for America in 1969 and for this industry's ability to produce the energy we need in the 1970's. Your stand was right because the proposal itself came at the wrong time, for the wrong reasons, and against the wrong industry.

I do not say that we should always expect to speak with a single voice. Such a posture would not always be consistent with the best interests of the independent, nor would it necessarily be in keeping with our best national interests.

I believe the time has come for an honest look at ourselves and our place in society. Out of that should come an action program to recapture the excitement and the confidence of our publics. And, let's put the emphasis on *action* more than program. Until two or three years ago, opinion surveys showed strong public confidence in our ability to meet the demands for energy. The studies showed approval for the way we ran our business. Now the trend is in the wrong direction. Public confidence in our industry has eroded. As business managers, you and I should have foreseen the possibility of such erosion. But perhaps we were too comfortable in that mask of complacency. We saw ourselves as energy suppliers while the public's view was restricted to what they saw at the service station.

Little wonder, then, that when—for various reasons—we were bombarded with adverse publicity, the public simply didn't know enough about *our* role in *their* lives to say "No, this isn't true." We had done too little homework to retain their confidence. The education job was too big to do in a few months—too big to achieve even in one session of Congress. To me, the lesson is this: that unlike coffee, there is no such thing as *instant* public confidence—no such thing as *instant* education of our publics.

We cannot afford to repeat the confidence-slides of the last three years. But the only way to avoid a repetition is to be able to see three years *ahead*. We must identify the forces that are moving for and against us. If we had rolled up our sleeves earlier we would have already done this job.

What we have been through is more than a decade of achievement; it has been a decade for reckoning. We reassessed our social responsibilities and took vital steps toward new and more aggressive solutions. We took inventory of our wealth and our shortages. We questioned our values and our goals. In short, we laid the foundation for the 1970's, which is The Decade of Change.

While you may argue that every decade is a decade of change, this one will be, I think, special. Let's take a brief look at what is just ahead. We have heard of a generation of rising expectations. One aspect of this is surely rising consumption. Just after World War II Americans consumed 60 percent of the world's goods. Today that has shrunk to 30 percent. In the 1970's there will be a sky-

rocketing consumption by other nations. In short, while we may presently have an edge on affluence, we have no monopoly.

By the end of the coming decade we will have about 3½ million more people in the working force, but we will also have about 16 million more non-workers—people either over 65 or too young to work. In other words, we will have one new tax payer for every five new dependents.

These developments are bound to affect the qualities as well as the quantities of our lives.

They mean that there will have to be more schools and more state aid for schools.

They mean more hospitals and nursing homes to care for the aged.

They mean more park and recreation areas. Not necessarily great wide open places far outside the cities, but lots of smaller areas near the city to which middle-income families can escape for afternoons and weekends.

They mean more money for pollution abatement and conservation of the wild land we have left.

And all these developments mean a soaring need for energy. They mean new markets and new opportunities—many of them in areas that today use relatively little energy. We don't yet know how dramatic those foreign needs will be. We do know that in this country alone, we will need to produce as much energy in the next two decades as we have produced in the past 70 years. Or, to put it another way, all the energy produced in the world prior to 1900 would not supply the needs of our next 12 months.

Consider the demands that will be made on the conventional uses of energy: More people—more affluence—more activity. What will happen to the 70% of our fellow Americans who have never flown and to the 55% who don't take a vacation each year? Consider, as well, those same groups of non-fliers and non-vacationers throughout the world. Travel will become much more the order of the day.

And what about the technological developments that require more energy for new uses. Recently I was looking over a list of 100 technical innovations that two of our best known futurologists say will come about in the next 30 years. Out of the 100, energy was the foundation of 87. It doesn't require much insight to predict that if we have individual flying platforms we will have a new use of energy. And what demands for energy will be placed upon us because of interplanetary travel?

Isn't it ironic then that while the public demands more fuel, more energy, more pollution control equipment, more job training programs, while we are called on to go to the money market for vast sums for exploration, Congressional critics cry that our earnings for the industry are too high?

Still more ironic is the charge that our earnings are too high when our actual rate of return on investment has been consistently below comparable rates of return for other industries. And with the mounting costs of drilling, of deeper wells, of labor, of pollution abatement—it becomes all the more important to at least maintain, and hopefully to improve, that rate of return.

Capital requirements within the industry have assumed vast new proportions and that trend will continue. Therefore, in our business, never has it been more urgent that we maintain the confidence of the entire investing public. Without that confidence we will simply lack the means to do the job. And if that should happen, there will be two groups of losers: a vital industry and—even more important—the consumer public.

Now let's look at the good news—or at least the better news.

I think we are making progress in Washington with the energy story. Much remains to be done, but I believe we can do it—if we

continue to talk facts and good sense. Our trade associations have a tremendous job to do. But we as individuals have an even bigger job to accomplish. Still ahead is the Senate vote on the tax bill which carries the Senate Finance Committee's recommendation of 23% depletion. Beyond that is the debate that will take place on an entire tax reform compromise bill. Finally, the President himself will have to weigh the bill before him for signature or veto. I believe that history will prove that our strong defense of the 27½ figure for percentage depletion was justified. In fact, I predict that before long some of us will be called again before Congress—this time to testify on how best to restore and increase the incentives to produce the energy this nation must have.

What is important is the way we gear ourselves for the future: how clearly we tell the story of our work, our successes and our handicaps in continuing to meet America's energy demands. It is a time to roll up our sleeves. A time not just to fight but to build. A time to restore public understanding and support for our role in everybody's life.

Our biggest job will be to take a hard look at the goals of our society and be sure that we are constantly—day-by-day—associating our business with those developments and those goals.

Let's look at the coming decade with all its changes.

First, the age of the consumer—which is just putting down its roots—will hold an even firmer position in public importance.

Second, unless inflation is curtailed, its force will be reflected in our pricing policies.

Third, safety in production methods of all extractive industries will grow in significance.

Fourth, the voices for environmental protection will be louder and stronger than ever.

Fifth, there will be even more forces at work to dovetail industrial progress with solutions to our major social problems.

These form only the barest skeleton of futurism for our industry, but they offer some important considerations for the type of positive program that we must undertake. We must be for the consumer, for sensible prices, for safety, for environmental protection, and for solution to social problems. To favor such programs means, quite simply, that we must know the new rules of the new game. The new game involves government, it involves the community, it involves our future managers, it involves the independent, and it involves increased costs.

Our most important problem is not percentage depletion; it is not oil imports; it is not pollution abatement—however vital those problems are. Our foremost problem is to redevelop our base of understanding and informed support. But to achieve that goal, we must follow through with a positive program. We must audit our public relations and public affairs activities. We must be sure our advertising tells the right story. We must develop our base on the university campus with both students and professors. We must develop it with the housewife and at every strata of people. We must develop it with the media people and with consumer groups. We must develop it with the political precinct leader and in the halls of Congress.

As a recent example of the positive programs we can develop, let me recall the programs that so many oil companies are developing to get service station dealerships into the hands of more members of minority groups. A similar move is being made by the automobile manufacturing industry to provide dealerships to minority business men. All of these require extraordinary financing and training. But it's happening.

It is of the highest importance that we both create such programs and that we communicate our activities to our publics. Only

through such communications will we overcome the charge of not being responsive to society's more important goals. If the student on the university campus knows the business offers him a meaningful way to serve his fellow human beings, we will have made a great stride in recruitment. We are going to have to spend more of our personal time with students and with professors.

I want to emphasize this group because in a very few years a much larger proportion of the power structure will be concentrated on the campus. Young people are becoming a larger part of our population. They will be increasingly important through their ballots regardless of their lack of contact with the business world. That contact must come from us.

It seems to me that the first step of any program of involvement in our socio-political environment begins by opening the doors of communication. For example, a public survey not so long ago showed that only 9 people in a hundred ever write a letter to their Congressman or Senator.

Faced with the vital issues all around us—and as before, I am not limiting this to oil issues—we must all speak to our representatives more often and with more conviction. The battle for the urgently needed incentives is not over. In reality it is just reaching a crucial stage and now as never before we must inform all Americans of this industry and this nation's needs. What we do say must be made positive. It is incumbent upon us to particularize our recommendations and our solutions. We must not accept even the status quo without an inquiry into its propriety in The Decade of Change.

We must accept and understand that what we did yesterday is not necessarily right for tomorrow. In short, today's problems are not as important as those of tomorrow. Without that realization—without that vision, there is no end—and can be no end—to this defensive posture that characterizes our industry today. If we are forward-looking, we will have the right to expect forward-looking treatment from the institutions of society and government. We will bring ourselves closer to the government so often denounced as "them." For surely we are willing and anxious to evaluate today and every day our policies and the needs of the society in which we operate. Our government has never been "them." It is still "we."

With that in mind let's evaluate the opportunities open to each of us in actual participation in government. Even to the point of seeking and accepting appointive or elective office! Even with notable exceptions to the rule that business people don't go to the trouble of getting themselves elected or appointed to office, I think our goals will be more important in the 1970's than they have been in the past. It is not alone a question of our own participation in elective or appointive office, but rather we should be structuring a corporate attitude which will encourage the up-coming generation of managers to understand that a few years of holding public positions is part of their ladder of advancement in business.

I do not see how we can say that there is a job waiting for the manager who enters the Army to fight for his country and at the same time leave any doubt in the mind of the person who is willing to spend a couple years fighting for the kind of progress that this country can only achieve through enlightened laws and regulations.

Our commitment must be one of total involvement. And that involvement is more than doing our job of finding and producing the energy that is so essential to our futures. We must work more closely with our institutions of government and of learning. We must be more visible in our communities' efforts to solve the social problems. We must recapture the waning confidence of our

publics—including the essential support of the investing public. I know we can achieve that goal of confidence and once we have done so our publics will be more understanding of the incentives that are so vital to our industry.

Leadership always challenges our experience, our abilities and our imaginations. We are moving into a decade when those challenges will be sharper than ever before. Our words will neither save nor destroy our industry and our national future. But our actions will.

Let's you and I make that commitment to recapture the public confidence in the energy business. If we do, history will record the 1970's as the decade we indeed looked ahead—the decade we *spoke* a great deal and *did* a great deal more.

STATE DIRECTOR OUTLINES CIVIL DEFENSE NEEDS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. EDMONDSON. Mr. Speaker, the Oklahoma congressional delegation recently met with members of the Oklahoma State Committee on Interstate Cooperation, here in Washington, to discuss legislation which directly affects Oklahoma.

One of the main purposes of the meeting was to hear reports which were prepared by each State department and agency recommending changes and improvements in existing Federal programs.

Mr. Don Guier, Oklahoma's director of civil defense, has provided me with a copy of his report to the Oklahoma State Committee. I believe Mr. Guier's very thoughtful analysis of this Nation's need for an effective civil defense program, and his recommendations for improving our current facilities and training programs, are deserving of the attention and careful consideration of my colleagues. I include portions of Mr. Guier's report in the RECORD, as follows:

RECOMMENDATIONS

1. It is recommended that the federal civil defense budget be increased to a level adequate to sustain programs already established, and to permit federal matching of local funds for all approved civil defense programs. At present, less than ten cents of each hundred dollars the federal government budgets for defense is allocated to civil defense. Yet no other defense program offers as great a potential return in actual life-saving. Special emphasis should be placed on the state-federal cooperative efforts.

Civil defense is recognized as a joint responsibility of the federal, state and local governments by both federal and state laws. Local ordinances and local appropriations have been passed in compliance with federal and state statutes on the assumption that the responsibility would be shared. The State of Oklahoma has provided appropriations and model statutes at the behest of federal officials, and each succeeding state legislature has appropriated the requested amounts to provide the state share of funding, with gratifying expressions of support for a sound civil defense program in Oklahoma.

In contrast to this support by state and local governments (steadily increasing over the years in Oklahoma and in many other states), the federal appropriations for civil defense have been declining with each annual budget. One result has been curtailment of existing and planned programs at the state and local level. Another is a growing concern on the part of local officials as to the sincerity of the federal appeal for civil defense effort. The programs affected are of great value to Oklahoma in non-war emergencies, and could be of vital importance to our survival, as individuals and as a state, in the event of a nuclear attack on the United States.

The declining federal civil defense appropriations (fiscal year totals and those accounts relating specifically to state and local civil defense) are shown in Attachment 1. Effects of this decline on specific programs and communities in Oklahoma are set forth in Attachment 2.

2. Voluntary coordination of federally funded programs for emergency services is being carried out in Oklahoma, to avert duplication of effort, of expenditures, and of facilities. This type of coordination should be required by act of Congress. The Civil Defense Act (Public Law 920, as amended), the Highway Safety Act of 1966 (Public Law 564), and the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 351) all contain provisions for emergency facilities purchased in part or wholly with federal funds, by state and local agencies. The potential for waste should be removed.

3. Congress should pass the \$2.5 million experimental shelter incentive program requested in the FY 1970 civil defense appropriations bill. This program would provide, on an experimental basis, funds to partially cover the extra cost of adding fallout shelter to new construction projects in places where existing buildings cannot shelter all the people. Experience in federal and state government construction (discussed in Recommendation 4 below) proves that such shelter modifications are economical and practical; it only remains to be proved that private sector builders will incorporate such modification if offered partial subsidy.

4. Oklahoma statutes require that all new state government construction include maximum protection against radioactive fallout when feasible at reasonable cost. Federal law makes the same requirement for certain federal buildings, but there is no such provision for

(a) buildings, such as postoffices, erected solely for lease to the federal government, or for

(b) buildings erected under the various federal grant programs (e.g., Hill-Burton Act hospitals, public housing, etc.)

This oversight should be corrected by an act of Congress.

BASIC CIVIL DEFENSE POLICIES

During the years following World War II, two strategic and technological developments created a need for a civil defense program which would include the entire United States. The first was the development of nuclear and thermonuclear weapons by the U.S.S.R., an empire whose government was avowedly hostile to this country. The second was development of ballistic missiles able to deliver these weapons over great ranges, or from vessels on or beneath the surface of the world's oceans.

Every community in America lies within reach of these weapons systems, although most are still not likely targets of war. A blue ribbon presidential commission headed by H. Rowan Gaither, and a privately financed study financed by the Rockefeller Brothers Fund, made in-depth surveys of the changed defense situation, reporting in 1957 to President Eisenhower and to the public, respectively. Both recommended

many changes which were undertaken over a period of years. But both also recommended a long-range and elaborate civil defense program, which was considered too costly.

In 1961, President Kennedy transferred the civil defense responsibility from the Executive Office to the Pentagon. A policy of concentrating available resources on development of a nation-wide system of fallout shelters was adopted, and remains the basic civil defense policy today. This policy is a recognition that radioactive fallout constitutes the greatest single potential danger to life in a nuclear war.

An attack on the United States, if ever undertaken, would be made with nuclear explosives, delivered with maximum surprise. A nuclear explosion near the earth's surface at any point in, or in upwind areas adjacent to, the United States would produce radioactive particles. When deposited downwind of the explosion by wind or rain, these particles (known as radioactive fallout) constitute a hazard to all life not sheltered against radioactivity. Duration of the radioactive life of this fallout is limited. But extended exposure to the radioactivity means certain death.

COMMUNITY SHELTER AND WARNING

To provide maximum protection of individual lives and of the basic organizations of society, a program of community shelters and warning, with emergency operating centers for federal, federal region, state, district and local governments was undertaken, beginning in 1962. Oklahoma has been one of the leading states in developing this system.

Community Shelter Plans have been completed in 41 of Oklahoma's 77 counties (33 have been printed, 31 already distributed to the public). Nine more are in early stages of development. These plans utilize existing buildings to provide shelter against radioactive fallout.

PUBLIC SUPPORT OF CIVIL DEFENSE

Over 300,000 Oklahomans have volunteered for, and received, extensive training for emergency duties.

A total of 350 political subdivisions in Oklahoma have officially appointed local civil defense directors, and 199 local governments submit comprehensive program papers and semiannual progress reports on their civil defense programs.

There are 120 Oklahoma communities with civil defense emergency warning systems. These systems have been credited with saving many lives in tornadoes or other natural disasters.

Emergency Operations Centers exist at the State Capitol and at many local points. In all, 139 city and county EOC's have been built or are being built in this state alone. Of these, 52 were built or converted specifically for use in emergency operations of government. A heavy deficit of such facilities remains, and the program is hampered by curtailment of federal funding.

Continuity of government and emergency resource management are provided by state law in Oklahoma.

From these indications of public support, it is evident that support of a sound civil defense program in Congress would be endorsed by the electorate.

MULTIPLE-PURPOSE USE

The facilities provided for civil defense, and the organization to meet emergencies, are of great value to all levels of government in non-war or non-nuclear emergencies. Fallout shelters may not be suitable refuges from tornadoes or floods (but may be and in many cases are so used). But the warning and communications facilities, the emergency operations centers, and the control systems are frequently used to cope with local emergencies. The trend, in Oklahoma

and nationwide, is to develop greater capability to utilize civil defense in the day-to-day life of the country and community.

The opportunity to present the views of the Civil Defense Agency on federal legislation is appreciated.

FEDERAL CIVIL DEFENSE APPROPRIATIONS
(In millions of dollars)

	Fiscal year 1967	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970 ¹
Total	101.4	86.1	60.9	64.2
State and local matching funds:				
Personnel and administrative	17.4	18.5	19.1	19.1
E.O.C.'s warning and communications	10.9	9.0	3.8	3.8
Training and education	12.7	13.2	6.1	4.2
Shelter survey and planning	22.2	10.9	5.5	6.7

¹ House action—Senate has not acted.

EFFECTS OF FEDERAL BUDGET REDUCTIONS ON OKLAHOMA CIVIL DEFENSE PROGRAMS

Reduced federal financial support of civil defense has already affected Oklahoma civil defense programs. The trend to further reductions of federal participation continues to hamper these state and local efforts.

PERSONNEL AND ADMINISTRATIVE

Federal appropriations to match local funds for the Personnel and Administrative expenses programs have not kept pace with the growth of local participation. As a result, local programs are being refused matching funds, or discouraged from proceeding with planned development, in Cleveland County, and in the cities of Guymon, Elk City, Stigler, and Broken Arrow.

Federal Matching Funds, Personnel and Administrative, Oklahoma:

Total:	
Fiscal year 1967	\$218,094
Fiscal year 1968	244,500
Fiscal year 1969	244,328
Fiscal year 1970	¹ 244,328

¹ Estimate.

WARNING, COMMUNICATION, AND EOC'S

Federal funds to match local funds for purchase of warning equipment, emergency communications equipment, construction of emergency operating centers and other emergency hardware items are being discouraged by state and federal officials due to lack of federal matching funds. Numerous communities have been denied federal participation in these projects after many years of planning, preparation and appropriation of local funds. Federal participation was anticipated in every instance.

Cities and counties where Warning is being refused or discouraged because of lack of federal participation: McAlester, being delayed; Enid, being delayed.

Cities and counties where Communications are being refused or discouraged because of lack of federal participation: Oklahoma City, refused; Claremore/Rogers County, being delayed; Clinton, being discouraged; Altus, discouraged; McAlester, delaying; Seminole, discouraged; Watonga, discouraged, Cushing, delayed; Midwest City, delayed.

Cities and counties where Emergency Operating Centers have been discouraged or refused because of lack of sufficient funds: Miami City, being discouraged; Norman City, being refused; Cleveland County Court House, being discouraged; Cushing City, refused; Midwest City, refused; Seminole City, being discouraged; Chickasha City, being discouraged; Tulsa, being delayed; Enid, being delayed; McAlester, being delayed.

Federal Matching Funds, Warning, Communications, Emergency Operations Centers, and emergency hardware, Oklahoma:

Total:	
Fiscal year 1967	\$286,085
Fiscal year 1968	154,321
Fiscal year 1969	51,286
Fiscal year 1970	¹ 35,000

¹ Estimate.

TRAINING AND EDUCATION

Rural Civil Defense:

The Rural Civil Defense program which was conducted through the Extension Division of Oklahoma State University was cancelled at the beginning of fiscal year 1969.

Federal Funds for Rural Civil Defense, Oklahoma:

Total:	
Fiscal year 1967	\$18,000
Fiscal year 1968	9,000
Fiscal year 1969	None
Fiscal year 1970	None

Skills Training, University Contract:

The skills training program, conducted on a state-wide basis by the University of Oklahoma, has been drastically reduced and is facing further curtailment.

Federal funds, University of Oklahoma Contract:

Total:	
Fiscal year 1967	\$78,000
Fiscal year 1968	90,000
Fiscal year 1969	90,000
Fiscal year 1970	67,500

Civil Defense Adult Education:

The Civil Defense Adult Education program coordinated by the State Department of Education and conducted by the schools in Oklahoma, was reduced to token representation and will be cancelled or further curtailed shortly.

Federal Funds for Civil Defense Adult Education, Oklahoma:

Total:	
Fiscal year 1967	\$122,656
Fiscal year 1968	117,000
Fiscal year 1969	75,000
Fiscal year 1970	39,771

Medical Self-Help:

The Medical Self-Help Training program operated by the State Department of Health has been eliminated. Up until FY 1969, federal funds were made available to Oklahoma State Health Department for purpose of promoting and carrying out an active Civil Defense Medical Self-Help training throughout the state, but due to the withdrawal of these funds, this program has been curtailed. Further, the federal funds for placement, maintenance and upgrading of Packaged Disaster Hospitals has been curtailed. During FY 1970 no funds are available for this program in Oklahoma. Oklahoma has 26 of these hospitals strategically placed throughout the state for emergency use. Each hospital is valued in excess of \$45,000.00. The majority of these hospitals were scheduled for upgrading during FY 1969 and 1970, but this has been delayed or canceled due to lack of federal funds. Future of these hospitals is now questionable.

COMMUNITY SHELTER PLANS AND SURVEYS

It is doubtful that federal funds for preparing Community Shelter Plans for our larger communities will be approved for Oklahoma during this fiscal year. Requests from the Mayors of Oklahoma City, Lawton

and Stillwater for these plans have been received and we still cannot provide any assistance. In addition, both Payne County and Canadian County are under consideration for funded CSP and will probably be delayed for lack of Federal funds. Funds to conduct shelter surveys of these areas are not available.

Funded CSP's (Major Cities):

Fiscal year 1968	\$92,000
Fiscal year 1969	55,000
Fiscal year 1970	0

A federal Contract, which provides funds for the State Civil Defense Agency to survey the counties for fallout shelter facilities and to prepare CSP's for them, will terminate in May due to lack of funds and we will have to discontinue this vital part of our program. 18 counties will remain unfinished. Under this plan, each citizen of the community would be allocated emergency shelter space, with detailed instructions for finding and using this space for survival during a nuclear emergency.

Community Shelter Program, federal funds by Contract Periods, Oklahoma:

1966-67	\$17,950
1967-68	101,157
1968	10,499
1969	93,758
1970	¹ 36,181

¹ Expires April 30, 1970.

WHAT CAN BE DONE ABOUT MAGAZINE SALES ABUSES?

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, in determining what can or should be done about widespread deception and fraud in the sale of magazine subscriptions, it is necessary to look at the subscription sales industry's past and present problems and ponder the question—"Are subscription sales agencies worth saving?"

Many individuals who have devoted a decade or two of their lives to selling magazine subscriptions have indirectly raised this same question by expressing a degree of doubt that subscription selling could possibly prove to be a profitable long-term venture if sales practices are totally cleaned up.

An opinion I have heard from many of these indicates it is virtually impossible to convince a consumer to buy \$150 or \$200 worth of magazines by telling him frankly he is about to obligate himself to a purchase of such magnitude. I have personally invited a number of representatives of the subscription sales industry and the publishers to prove me wrong by using one of my office telephones to make a sales solicitation. Not one has accepted my challenge.

In any event, when the average consumer is faced with the fact he is about to sign a contract obligating him to pay \$150 or \$200 for five or six magazines, that consumer is going to start thinking about the other things he could buy with that same sum of money—a new television set, a washer, a dryer, a dishwasher, even a freezer or refrigerator.

And when he does, chances are good he will refuse to sign the contract.

Thus, if subscription sales agencies are to sell subscription contracts of that magnitude, the average consumer must be misled in some manner—either by convincing him he is getting the magazines free or at bargain rates while paying only incidental charges for postage or wrapping or editing costs, or by misrepresenting the contract to be something other than what it really is.

Only a few years ago, the average contract for multiple, long-term subscriptions was about \$48, spread over a 2-year period at \$2 per month. Today, \$150 and \$180 contracts, requiring 30 payments of \$5 or \$6 per month, respectively, are commonplace. Some contracts, covering as many as eight or nine individual magazines plus assorted premiums or bonus gifts, run to \$400 or \$500. Sales agencies faced by extremely stiff competition have responded by becoming greedy and pushing contract packages so large they simply cannot be sold readily without resorting to trickery.

An example of the degree of competition can be found in statistics recently reported to me by Central Registry of Magazine Subscription Solicitors, the publisher-run and financed agency set up to police magazine sales practices. According to Central Registry, some 86,000,000 telephone solicitations are made annually to promote magazine sales. Since some 66,000,000 American households have telephones, every family in the Nation is likely to receive one or more magazine sales pitches by phone each year. But because many households have unlisted phones, chances are good the consumer whose phone is listed may receive two or more magazine sales pitches a year.

The degree of saturation is astounding. Precisely because the American consumer encounters magazine salesmen so frequently, either on his telephone or at his front door, many consumers have learned "the hard way" not to fall for the "unbelievable bargains" many of them claim were made "especially for you."

But to answer my own question about the merits of trying to save the subscription sales industry from impaling itself hopelessly on its own barbed spears, I will do so in three steps:

First, I am not at all certain that much good can be said for the wandering crews of cash magazine salesmen which blanket the Nation year-in and year-out. The illicit tactics of these sellers stagger the imagination. As one member of a cash crew explained:

We collected the paper boy's money at one house and sold magazines at the next.

By their own unscrupulous methods, cash sales crews have brought down upon themselves the wrath of every legitimate door-to-door sales industry, including some other types of magazine sales organizations. Unless the Federal Trade Commission can devise adequate and effective controls over cash sales organizations, then perhaps consideration

should be given to total discontinuance of this type of magazine selling by the publishers themselves, to preserve the integrity of their publications.

Second, I am definitely convinced that a variation of the cash subscription sales method known as the two-payment system should be prohibited, and I will convey this suggestion to the FTC. Under the two-payment plan, the first or downpayment on the subscription cost is paid at the time of the sale directly to the salesman, who generally represents this initial sum as payment in full. Only after the consumer reads what he often is lead to believe is his receipt does he learn that he must mail a second payment to the sales company or publisher before his subscription actually is entered. There is no justification to permit this type of subscription selling to continue, in view of the widespread misrepresentation of subscription costs which results.

In any event, I believe the Federal Trade Commission must take steps to halt the practice by cash and two-payment sales organizations to secure subscription orders by claiming to be students competing for scholarships, trips to foreign countries, and so forth. This contestant sales approach is a type of sympathy selling in which the salesman preys on the conscience of the consumer to buy magazines to help the salesman win points toward his scholarship or trip. Frequently, the sympathy is intensified by utilizing a civil rights pitch employing minority group members as sales personnel. Sales by intimidation often result from this method.

Third, only the PDS—paid during service—subscription sales organizations have something to offer consumers which really merits preserving—that is, long-term financing of multiple, long-term magazine subscriptions. Yet this one really attractive sales feature the PDS organizations have to offer—relatively low cost, long-term financing—is the very feature most PDS agencies fail to exploit. Instead, most rely on consumer deception or fraud to secure a signature on a contract.

If PDS selling is to survive, however, it must be cleaned up, it must be strictly controlled, and it must make a distinction between greed and business enterprise. It is the greed which has plunged PDS selling to its present state of gutteral activity. It seems obvious the industry cannot go on regulating itself because several decades of consumer deception proved self-regulation a joke. I believe the policing can best be done either by the Federal Trade Commission or a proposed Department of Consumer Affairs, provided either agency is given the tools to provide effective enforcement.

One vitally necessary tool is the authority to secure temporary injunctions to halt immediately those practices a Federal regulatory agency believes to be deceptive or fraudulent. We can no longer tolerate delays of 4, 5, or 6 years before known deceptive practices can be halted. The Deceptive Practices Act will provide this injunctive authority and I

intend to co-sponsor this measure in the House.

Also, I intend to introduce in the House with slight revision a bill which has been introduced in the Senate by Senator PHILIP HART, of Michigan. This bill, commonly known as the Fairness in Franchising Act can put an end to some of the bad features of magazine franchising. It will require the parent organization to serve 90 days notice of intent to discontinue a particular franchise, and clarify the franchisee's rights to contest such discontinuation. To this proposal I plan to add a section prohibiting the parent organization from "dismissing, reassigning, delegating or disavowing" its responsibility for use of fair and lawful business practices, "if in fact the franchisor or its agents or employees exert influences over the conduct of franchise operations which encourage the use of deceptive or unlawful business practices."

In addition, in the very near future, I will introduce in the House a revised version of the Door-to-Door Sales Act which passed the Senate in the 90th Congress but failed to win consideration in the House. This measure is authored by Senator WARREN MAGNUSON, of Washington, and contains several provisions which can provide protection against certain deceptive practices commonly used in subscription selling. A key feature is the establishment of a 72-hour "cooling off period" during which time the consumer may cancel a contract for goods or services sold door-to-door. The bill requires that this right to cancel be printed clearly on the sales contract.

I am going to ask the magazine publishers themselves to take several steps to reduce the likelihood that consumers can be misled when buying magazine subscriptions. If voluntary action is not achieved, I will introduce legislation to accomplish these objectives. Specifically, they are:

To clearly identify on each address label the exact month and year when a subscription will expire. This will allow the consumer to determine by glancing at a current issue of any magazine he receives exactly when his subscription will expire. Also, he will be able to determine if a new subscription has been entered for the proper length of time.

To imprint clearly on any mail solicitation of subscription renewals the exact month and year the subscriber's current subscription is due to expire. This will enable the consumer to judge whether he should respond to the renewal offer. Also, he will be able to determine exactly how long his subscription will run if he decides to renew.

By clearly printing the month and year of expiration on the magazine address label the consumer will be equipped to detect if subscriptions purchased from salesmen have not been entered for the period of time shown on his contract. This will help to halt an abuse of contract manipulation which is widespread in the PDS subscription sales industry—although some magazines already provide this information on their address

labels, others use a code which cannot be read by the average consumer.

Still another step which I have considered to halt subscription sales abuses involves the establishment of a Federal system of licensing for sales agencies engaged in interstate commerce. I have some serious reservations about licensing, however, and am not pursuing this idea at the moment. Similarly, while I have serious reservations about licensing of door-to-door salesmen at the local level, a local solicitor licensing law often is a community's only available defense against unscrupulous sellers. Further, it is the only means by which a local community can determine whether persons invading the community as members of traveling sales crews have serious criminal records.

Like many other business activities, there also is a problem in subscription selling associated with the use of sweepstakes, contests, and games of various types. The Federal Trade Commission's Bureau of Industry Guidance is looking into the problems posed by these games in an effort to find methods to control abuses. I have referred to the Bureau, information about games used in magazine subscription sales with the hope that abuses involving these games can be considered during the course of the study.

PROOF OF THE "VIETNAMIZATION" PUDDING

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. FRASER. Mr. Speaker, an interesting article on "Vietnamization" appeared on the editorial page of today's the Wall Street Journal. It is written by Robert Keatley and I include it in the RECORD at this point:

PROOF OF THE "VIETNAMIZATION" PUDDING (By Robert Keatley)

WASHINGTON.—The performances fit a predictable pattern.

Briskly, the intelligent and highly regarded military man enters the briefing room. Slide projectors and microphones await him. Assembled in neat rows are members of the Pentagon press corps, plus a detachment of military public relations men there to monitor his words.

The briefer gives a rundown on some phase of the Vietnam war, liberally illustrated with those slides and charts senior staff officers use so well, then fields questions. Throughout, he emphasizes the success of "Vietnamization"—the Nixon program for turning over responsibility to Saigon's armed forces and civilian government.

His news is mainly good. The Communist enemy is being bashed about, pacification is going well, the South Vietnamese are showing unprecedented will and ability, all of which allows visiting Americans—for the first time—to work themselves out of jobs and go home. "Of course, some problems remain," the speaker invariably cautions, briefly ticking off common complaints about poor leadership, lack of technical skills, limited aggressiveness. But the picture is basically upbeat, and portrays an ally who is bettering his nefarious ways and learning how to take

over duties with far fewer Americans there to help him. All in all, a vindication of the policy of Vietnamization.

Newspapers, please copy.

SOME MARKED CHANGES

Overall, the briefings are neither wrong nor unwelcome. A recent return visit to South Vietnam found marked changes from a year earlier—security has improved, enemy initiatives are diminished, the government does perform better and control more. It is even possible to find officials, such as the energetic province chief of Dinh Tuong, who talk of "now or never" and say Saigon should and must begin to stand alone.

Further, it may be unfair to expect the Pentagon—in doing its bit to sell Vietnamization to a skeptical populace—to do much more than offer a flood of facts about the military's mission and make responsible officials available to field questions. If the Nixon line remains unclear to the people, the fault may be partly their own, or that of the media—not entirely of those in charge.

Yet there is something disturbing about these briefings. Briefings, by definition, offer highly selective truths, and no official who values his career will choose facts that indicate his program is misguided, overrated or a failure. He doesn't necessarily lie; he simply chooses his truths with discretion.

Selective information inputs aren't limited to press briefings, of course. A President—whether Kennedy, Johnson or Nixon—hears similar accounts of how things go in Vietnam, and must base his decisions on them. President Nixon is getting optimism from the Vietnamization front these days, and this obviously was an important factor in his Monday night speech.

He nearly wrote off the Paris peace talks as a way out of the Asian morass, and said continued success in upgrading Saigon's efforts offer the best exit for Americans. "As a result, our timetable for withdrawal is more optimistic now than when we made our first estimates in June," he told the nation.

But doubts persist, if only from force of habit, and they leave most of us, whose knowledge of Vietnam may be limited to a briefing here or a visit there, somewhat confused about what to believe. A recent Pentagon session with Brigadier General John Barnes, much-praised former commander of the Army's 173rd Airborne Brigade, illustrates the point.

General Barnes' 7,000-man unit is based in mountainous Binh Dinh Province on the coast north of Saigon. An astute analyst with advisory duty in this central region before gaining his command, General Barnes decided that rampaging around the jungles after elusive North Vietnamese troops was no longer the right ballgame, if it ever was. "Treat them like tigers," he explained at the briefing. "If they're holed up in the hills they can't hurt you, and you shouldn't waste your energy chasing them."

Instead, the general put his men to work on an intensive pacification program in Binh Dinh's four northernmost districts, which had been largely Communist-controlled since 1945. He assigned small units to provide village security in active partnership with local militia forces ("co-located," in Pentagon jargon). The main GI task was training South Vietnamese to do the job unaided. Along with this went assorted social and economic programs to make the Saigon government (GVN) more responsive to local needs, more effective and more respectable in peasants' eyes.

The goal: To revive a society that has suffered greatly from war. "We're trying to restore their lives," the general explains. Further, he believes the unique program is working well—nothing similar has been tried previously on such a scale. The general says it

will permit the 173rd to leave Binh Dinh by year-end if all goes well, leaving behind a viable local government and security force.

This briefing was cited by Defense Secretary Laird as describing Vietnamization at its best. But, as with so much of this complex struggle, the story has other elements as well—ones not covered in the pressroom session.

RIISING LOCAL TENSIONS

Thus, another responsible American official recently visited this Binh Dinh area and returned appalled by rising tensions between U.S. soldiers and villagers. Troopers of the 173rd, he reports, run low on local currency before payday comes, and thus lack cash for buying pot and prostitutes on the local market. Their recourse is direct—they hold up the three-wheeled Lambrettas that ply Vietnamese roads as buses and cargo carriers, and take what they can get. Presumably this highway robbery involves only a few of the 7,000 men of the 173rd, but it happens often enough to have aroused widespread resentment against GIs among local people, the official reports.

Furthermore, American harassment of ordinary Vietnamese is increasing, according to several sources it sometimes takes the form of rather casual cruelty.

One Vietnam analyst, who has spent much of the past four years studying village life there, was in Binh Dinh recently revisiting hamlets just south of the 173rd's operating area. Watching an American Army truck roll through a small town one day, he saw a soldier in back deliberately toss a heavy sandbag through the windshield of a passing Lambretta. A week before, in the same village, a sandbag was dumped onto a Lambretta-load of lumber; a board flew up and put a nail in the driver's eye. Stories abound about American troops beating up old men, deliberately running cyclists off the roads, and otherwise harassing citizens for no special reason.

Such incidents used to be rare, but no longer. American soldiers complain bitterly about the "gooks" and "slopes" around them, and treat local people with contempt. Not entirely is that without reason. So many they meet are pimps, prostitutes, black marketeers and others out to enrich themselves—these people would be hard to like anywhere, least of all in a setting as foreign as South Vietnam.

The Vietnamese return this little-disguised dislike in full measure. Many villagers resent Yanks as crude oafs who bring only war and other trouble (not that they want the Vietcong around either), while intellectuals resent Americans for not being suave Frenchmen. By all accounts, such harsh feelings are intensifying on both sides.

Thus how can we really know what men of the 173rd, or any other U.S. unit, are really accomplishing with their pacification programs? Subtract the random robbery or beating from the newly constructed schoolhouse, and what is the result?

Such questions could be irrelevant if, in fact, the advisory effort is creating a viable GVN. Perhaps a serious government will remain after troublemaking Americans go home, and today's extensive friction will leave no lasting adverse impact. In that sense, at least, the problem could be grave but not serious.

There's no doubt that most American energy is finally being channeled into upgrading GVN abilities. General Barnes, for one, stressed to officials he met that "we're not coming back. This is your chance to make it, or fail." He claims success: Many local civil servants began to take their jobs seriously (one medical worker ventured off the main roads for the first time since 1954), and he detected popular appreciation of such changes. "A new spirit," the general calls it.

But is it? Until GVN officials begin worrying more about the populace and less about

enriching themselves, nothing lasting will result, many Americans insist—and they don't think any such change has occurred very widely.

General Barnes, somewhat diplomatically denies all knowledge of serious corruption in Binh Dinh. But one province chief there was recently fired for corruption, and by all accounts was guilty as charged. However, some informed reports say his real sin was not stealing Saigon's money but refusing to kick back enough to the Vietnamese general who bosses the highlands region. One account has it that the ousted official lost his job for refusing to let this general's wife peddle rice in Vietcong country. In effect, she wanted to sell food to her husband's enemies. (Many corrupt officials let their wives handle the dirty work.)

The story may be false—so many are—but apparently it is believed by many in Binh Dinh. Thus, to some degree, it offsets GVN good works aimed at achieving acceptability as does a companion belief that the new province chief's main qualification is complete willingness to kick back without qualm whatever his boss desires.

But how important is this? Authorities agree that the present highlands general is a vast improvement over the warlord he succeeded. And the present Minh Dinh Province chief, no matter what funds he diverts, is also hardworking and active. Perhaps Vietnamese corruption, though it exceeds the Asian norm, is no bar to stability, or to a government that does deal seriously with local problems.

AN ORDAINED "SUCCESS"?

So not even the combination of GI malice and GVN venality necessarily foredooms Mr. Nixon's Vietnamization policy. It could work smoothly. Some believe its "success" was ensured the day it was decided upon: Washington, wanting to justify its politically required troop withdrawals, isn't about to let unpleasant facts interfere with the preordained result. On the other hand, the whole program eventually may prove irrelevant to Vietnamese needs—its goals are mainly set by Americans—or it may simply fold when U.S. dollars stop flowing.

But canned briefings here will probably never tell precisely how things are going, and shouldn't be expected to. Both government officials in private and the press in public must rely on such appraisals. Yet General Barnes is probably right in his conclusion: "We really won't know what we've accomplished until we leave them on their own."

AMERICANS SHOULD NOT BE DETAINED WITHOUT DUE PROCESS OF LAW

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. PELLY. Mr. Speaker, there is grave concern in America today over the Internal Security Act of 1950 which legitimizes the detention of Americans without due process of law.

It remains a fact in our land that the President can declare an emergency and the people can be placed in detention camps without trial, in contravention of our constitutional guarantees.

Recently there was passed a memorial of the County Council of King County, Wash., regarding the matter, and under

unanimous permission, I insert this memorial at this point in the RECORD:

MEMORIAL

To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and Speaker of the House of Representatives, to the Senate and House of Representatives of the United States, in Congress assembled,

We, your Memorialists, the County Council of the County of King, State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, Title II (the "Emergency Detention Act") of the Internal Security Act of 1950 provides that the President can declare an emergency, and people can be placed in detention camps without trial, "if there is reasonable ground to believe that such a person will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage," and

Whereas, in 1942, 109,650 Americans of Japanese ancestry were removed to detention camps, some of their property and personal belongings were lost as a result of this action, and their loyalty to this nation's government was challenged without protection under law through trial; and

Whereas, in 1942, American citizens of German and Italian ancestry were not subjected to similar injustices and humiliations; and

Whereas, minority citizens recently have become concerned that those circumstances might be re-enacted, and that camps established under the McCarran Act might be re-established; Now therefore

We strongly urge that the Congress of the United States repeal Title II of the Internal Security Act of 1950, which section of the legislation is inimical to a democracy, and which legitimizes the detention of Americans without due process of law.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the United States Congress from the State of Washington.

Passed this 27th day of October, 1969.

THE TEXT OF THE PRESIDENT'S PRAYER BREAKFAST

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. DEL CLAWSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to include the proceedings of the congressional prayer breakfast at the White House in which I was honored to participate. The President so well recognizes the importance of prayer in the home that he has set the example for the Nation by starting the day with prayer in his home, the White House. The transcript of the White House observance of the National Day of Prayer, October 22, follows:

PRAYER BREAKFAST

The PRESIDENT. This morning we begin the National Day of Prayer. As I was determining what would be the most appropriate appearance for the President on this occasion—as you know, this is an annual occasion through the proclamation of the President of the United States—it occurred to me that it

would give me an opportunity to participate again with many of my old friends and many who came to the Congress and Senate years after I left it from the House and Senate prayer groups. So today we have the Wednesday group, the Thursday group and the Friday group. And now and then I see some of you here on Sunday.

I particularly want to say that I am most grateful for the fact that over these months that I have been here that you have invited me to come down to the prayer group. I was not, perhaps, as regular an attendant as I might have been, or should have been, when I was in the House and Senate.

I was a member of both groups, and I found it particularly helpful and particularly inspiring to meet with my colleagues and take that bit of time off on either Wednesday, as it was in the House, or Thursday, as it was in the Senate in those days, for the purpose of an inspirational meeting.

This morning we thought that all of you would like to have participation from both the House and the Senate.

We are going to have for our invocation, a Californian. That is only a coincidence. It just happens that he was selected by his colleagues as being one who could best participate—Del Clawson of California.

Congressman DEL CLAWSON. Reverently and humbly we pause this morning, our Father in Heaven, and reflect upon those things that have made and preserved this Nation. As we meditate here together we give thanks for those men who were willing to place upon Thine altar their lives, their fortunes and their sacred honor and we ask Thy blessing and Divine Guidance to be with us because we ask the question, can we do less than they in order to preserve their heritage that we enjoy?

We give thanks also for the men who serve today in leadership capacities. Let Thy helping hand rest upon Thy servant Richard Nixon and during the loneliness of decisionmaking, let the guidance and inspiration that is necessary from Thee, give him sustenance and solace, recognizing that as long as he looks to Thee in faith and understanding, that inspiration will be his and he will know and understand when the decisions are right and proper for this Nation and the world.

For all of us who serve in public capacities, let Thy spirit dwell with us and abide with us that we might recognize that righteousness exalteth a Nation and only through the use of both spiritual and eternal values and principles that are so basic in our lives can we permeate not only the people of our own Nation, but the people of the world with Thy word.

We are also grateful for the many blessings that we enjoy from Thy hand in a material way. We ask for a continuance of them as we deserve them. And for the bounties that we have enjoyed this morning, the goodness of Thy grace, we give Thee thanks.

Help us to use the strength we have derived therefrom in the service of our fellowmen, recognizing that when we are in their service we are in Thy service, for we ask it in Jesus' name. Amen.

The PRESIDENT. For the Scripture reading we turn to the Senate side and to an old friend. I have served with him in the Senate, when I was presiding over the Senate and prior to that time, Wallace Bennett.

Senator WALLACE BENNETT. In making my selection last night, instead of selecting a block of Scripture, I have chosen six scattered verses from the Book of Proverbs, six variations on a theme. The theme has already been stated by Congressman Clawson.

My first verse was: "Righteousness exalteth a Nation, but sin is a reproach to any people." "The way of the wicked is an abomination to the Lord, but he loveth him that followeth after righteousness." "The

righteous shall never be removed, but the wicked shall not inhabit the earth." "The Lord will not suffer the righteous to famine, but he casteth away the substance of the wicked." "The fear of the wicked, it shall come upon him, but the desire of the righteous shall be granted." "He that followeth after righteousness and mercy findeth life, righteousness and honor."

The PRESIDENT. Before we turn to Billy Graham, who will be here to bring us our message this morning, the script calls for some remarks by the President of the United States, by your host.

I have been trying to think of what would be appropriate. Last night we had a great State Dinner with the Shah of Iran, as is often the case in this room, and today we have a very different kind of a meeting, and yet it has very great meaning to all in this room.

This is truly an ecumenical meeting. There are Catholics and Protestants here, and among the Protestants, all the various groups or most of them are represented, the very large groups like the Baptists, the Presbyterians, the Methodists are in this room, and some of the smaller ones like the Mormons—the medium-sized. The Mormons grow, I find.

I imagine I am the only Quaker in the room. No, there is one other. Well, the Quakers have a tradition of worshipping in silence. I suppose that is why so few of them ever got to the Senate.

But, nevertheless, it seemed to me that I could bring you two thoughts before Billy Graham speaks to you that would be very appropriate this morning.

Over that fireplace when Franklin Roosevelt was President, an inscription was carved into that marble. Those of you who are close enough can read it. I think it is a very memorable inscription, particularly because of historical significance.

As you know, George Washington never lived in this house. The first President to live in it, and he lived in it even before it was completed, was John Adams. When John Adams, just prior to the completion of his term in office—his only term—returned to Washington, he was thinking of the future of this house and all who might live in it, and I am sure he even with his great faith, as all had faith in the future of the Republic, would not have been able to predict what would have happened now to the strength of America and how strong we are, this great nation.

But he wrote a prayer, a prayer about the Presidency, this house and what it means. I think it is well that it is inscribed there and perhaps it might be well to read it now.

It says: "I pray Heaven to bestow the best of blessings on this house and on all that shall hereafter inhabit it. May none but honest and wise men ever rule under this roof."

Now, as we look over our Presidents through the past 190 years, I think most of us would agree they were honest men, and history will perhaps have a considerable debate as to whether all of them were wise men, or at least as to the extent of their wisdom.

But no matter how honest or how wise they were, I think all of us realize that at times of great challenge to our nation, whether during the bitter war between the States or whether during the other military challenges or economic challenges which this nation has faced, particularly in this century, we know that during those periods there had to be something more than honesty and more than wisdom in the leadership of this country, whether it was in the President of the United States or in the Members of the House and the Senate.

There had to be, we believe, some call to destiny. I would prefer to say there had to

be that spiritual quality which we can feel in this room this morning as we meet with this group of Senators and Congressmen who recognize the spiritual heritage of America, how important it is, that there are times that we need help beyond ourselves, beyond what any man can give us in order to make the right decision for the nation.

Now among the Quakers—not all—but among the Quakers at least as my mother and my grandmother on my mother's side knew them, there was a different tradition. The Quakers worshipped in silence. Well, the modern-day Quakers, most of them have Ministers just as do Methodists, the Baptists and the rest, but even they always turn to silence now and then as the medium where each in his own way could think of his relationship to the problems around him and to the spiritual relationship he had with his Maker.

I am not going to suggest this morning that we worship in the manner of the Quakers, because those silent meetings my mother used to take me to would last for an hour, an hour when all would gather in the meeting house and would sit without a word being spoken during the whole period.

I do think this morning, though, that before Billy Graham speaks to us, that it would be appropriate if all of us, for a few moments, would sit in silence. I would not try to suggest what we would think about, except to say that at such a time we can think of our nation and we can think of those who try to defend it abroad. We can think of its tragedies and we can also think of what we can do to make life better for those who will follow us in this house and in the Halls of Congress.

But most of all, we can think of our own relationship to our colleagues, our own responsibilities, whether they not only have the ingredients of honesty and wisdom, but whether sometimes they have that extra ingredient of a spiritual quality, a spiritual quality which history tells me every President who has ruled in this house has turned to or has exemplified when very difficult decisions were before him.

So if we could have that moment of silence in the manner of the Quakers now, and then Billy Graham will speak to us.

(A moment of silence was observed.)

DR. BILLY GRAHAM. Mr. President and Members of Congress.

I think it is very fitting on this Day of Prayer that has been proclaimed by the President that we gather here in this house with all its history and all that it means to all of us as Americans. And certainly the President has turned the house, at least partially, into a sanctuary. And this is fitting, too, because we have historical precedents for it in periods of crisis in this country.

I remember hearing the story of a lady from Southern Texas, a Southern Baptist, who went to England, and she went to church on Sunday morning at Westminster, and here were the people in all their robes and all the dignity and all the ceremony, and she didn't think she would hear anything that would remind her of her Southern Baptist heritage, but when the clergyman got up, after all the kneeling and standing and the liturgy, he began to preach from the Bible.

Well, that quite amazed her and he said a few things which she agreed with and she said, "Amen, Brother." This, of course, shook the audience and the Minister almost lost his train of thought, and he said something else she agreed with, and she said, "Preach it, Brother."

Finally, an usher came and tapped her on the shoulder and said, "Lady, you can't do that in here." She said, "But I have got religion." He said, "But you didn't get it here."

It has now become possible that you can get religion in the White House, and as a matter of fact, last night a man who works

here told me about his own spiritual experience in the last few months while working here at the White House under two Presidents who believe in God and who worshiped God.

In thinking about what I wanted to say this morning, there was a statement that John Foster Dulles said that I would like to read, because I think it is appropriate here this morning.

He said: "All else avails us little. The lack cannot be compensated for by politicians, however able; by diplomats, however astute; or by scientists, however inventive; or by bombs, however powerful. Our greatest need is to regain confidence in our spiritual heritage."

I believe one of the purposes of our gathering together today is to regain confidence in our spiritual heritage which has always been the warp and woof of this country.

In "A Tale of Two Cities," Charles Dickens is trying to describe in that historical novel the French Revolution, and he begins the novel in the year 1775, and he begins with the paradoxical statement that it was at once the best and the worst of times.

In this manner he tried to express the fact that at times of unrest, when major human issues are beginning to take shape and momentous happenings seem to loom in the future, men react in confusion, some believing that great good is being achieved and others that great evil is inevitable and each holding to their views fervently.

We are living today, as all of us know, in a period of great stress and great strain. "Life" Magazine has been running in the last two issues, articles on revolution. In the current issue of "Life" Magazine it says this: "It is plain that we are living in profoundly revolutionary times. There is anger. There is a growing mood of violence. There are organized revolutionaries on campuses and in ghettos. They have turned campuses into devastated battle grounds. They have engaged police in bloody battles in the city streets."

Jesus once said that there would come a time when men's hearts would fall them because of fear, and he said that there would come upon the earth distress of nations with perplexity, and that word "distress" means pressed from all sides, and the word "perplexity" means no way out.

I read the Congressional Record every day—not all of it, but I skip through it, and get some of my speeches from it, and sometimes I wish I could contribute to it, but I sometimes have a feeling that some of you feel that there may be no way out, that perhaps we are now facing problems that seemingly are insoluble.

I believe there is a way out. You see, Jesus said that there would come a time at "X" point in history when the whole world would have this feeling.

Albert Camus said, "There is no exit from the human dilemma." Jean Paul Sartre wrote a book entitled, "No Exit." Sir Winston Churchill said, "Our problems are beyond us."

Have our problems reached the point of such pressure that there is no way out? I think that we have faced four periods in American history when this was true, and we took the same route out of our problems each time.

I think you have to go to Valley Forge and have them explain to you what happened there that winter when George Washington had our troops there, the thousands who deserted, the thousands that died, the few thousands of ragged men suffering from malnutrition that were left.

You have that picture of George Washington on his knees in prayer and then you are told something that I have not read in many books, that little prayer groups

among those men took place all over that area in which they were praying that God would help them.

I believe out of that turning to God came the solution to the problem in the Revolutionary War, and ultimate victory. So that when General Eisenhower went there once and looked over that place, he said, "This is where they got it for us."

Then, the second time in American history, I think, was the Constitutional Convention, which seemed as though the whole thing was going to break apart, and we were going to go back and fall into thirteen separate nations.

Benjamin Franklin reminded them of the nation being founded by men who believed in God, and that group of men, going to prayer, and out of that prayer meeting, coming our Constitution.

The third time was in the Civil War. There have been many books written on the religion of Abraham Lincoln. Lincoln never joined a church. But Lincoln was probably the most religious of all the Presidents.

Carl Sandburg one day said, when asked why Lincoln stands out so in American history, it was because Lincoln quoted from the Bible more and had a deeper spiritual conviction, probably than any other of our Presidents.

I think this is true. He didn't have any famous ancestors or famous descendants. He stands like a mountain in a desert.

What was that quality that Lincoln had? In the middle of the Civil War he wrote something that I would like to read. He wrote, in his own handwriting what he thought about the will of God in the middle of a terrible crisis that had torn this country apart.

Here is what Lincoln wrote: "The will of God prevails. In great contests, each party claims to act in accordance with the will of God. Both may be and one must be wrong. God cannot be for and against the same thing at the same time. In the present Civil War it is quite possible that God's purpose is something different from the purpose of either party and yet the human instrumentalities working just as they do are of the best adaptation to effect His purpose.

"I am almost ready to say this is probably true, that God wills this contest and wills that it shall not end yet. By his mere quiet power on the minds of the now contestants, he could have either saved or destroyed the Union without a human contest. Yet, the contest began, and having begun, he could give the final victory to either side any day. Yet, the contest proceeds."

One can see in the life of Lincoln the terrible agony that he was constantly faced with and how time after time he turned to God, calling the Cabinet to prayer, kneeling in prayer with a woman who came to visit him, a Quaker woman, by the way.

And then in the South, Jackson and Lee. One day General Lee was asked, "Do you think the South is going to win?" He said, "I don't know. My prayer is not for victory, my prayer is the will of God be done." General Lee and Abraham Lincoln battling each other over issues that they firmly believed, but both looking beyond themselves to, as the President has reminded us, a spiritual quality, to a supernatural power, to lead us at this hour.

I wonder if the fourth crisis is not the present crisis. I wonder if the time hasn't come for us to look even beyond the Congress and beyond the Executive and beyond the Judicial to the supernatural power of God that I believe has intervened in American history before. I wonder if this may not be the avenue of our salvation at a time of great confusion and frustration and crisis.

A psychiatrist friend of mine says that there are three simple rules to determine whether or not a person has good mental

health. I think these three rules can be applied to a nation.

First, a person must be able to give and receive love to be mentally healthy. Give and receive love. And the one dominating feature of the true Christian is love. Jesus said, "By this shall all men know that ye are my disciples in that ye have love one for another." Now His disciples disagreed with each other. There was dissent in His little group, but it was done in a spirit of love.

One of the great needs we have in America today is love. I had a group of black clergymen call on me the other day. They come from an area that has been torn apart. They said, "Mr. Graham, unless we have love come back into our community, we are in for hell in our little area."

And they said, "The only thing that is going to do it is if God intervenes and gives us love for each other." We got on our knees and prayed and I wish you could have heard those black men call upon God to baptize their community with love.

The generation gap, the racial crisis, the labor-management, where are we going to get this capacity to love each other that brings about healing? I think it comes from God and I think it comes in answer to prayer and meeting the conditions that God has laid down for spiritual renewal.

Our President has said, "Ours is a crisis of spirit." The great problem in America today in my knowledge is a spiritual problem. It is a spiritual problem and until we face it and attack it from that point of view, I think we are in for more trouble.

The second thing, my psychiatrist friend says is, a person must have a good opinion of himself to be mentally healthy. I think, personally, that we are tearing each other down too much and tearing the country down too much.

There are so many wonderful qualities about this country and even among these young people. I have spent a lot of time at universities and colleges and I have talked to a lot of these young people, and their's is really a spiritual search.

We just held a crusade in California and we averaged about 40,000 to 50,000 people a night at Los Angeles and 70 percent of those people were under 25 years of age.

There was a fellow with a long beard and long hair and granny glasses, who got on a plane and came down from Berkeley. He saw me on the Woody Allen Show, and he said, "You know, I believe that guy has got something. I want to hear what he has got."

When I gave the invitation to receive Christ, he came forward and made his commitment. A clergyman in Berkeley, where he went back to, said the fellow has now decided that he wants to be a clergyman.

When I gave the appeal there for people to come, 2,000 or 3,000 a night came. I made it hard and tough. I told them what it cost to follow Christ. I find that these young people accept a challenge if it is hard enough. If you tell it like it is, right from the Bible, about how hard it is to love, how hard it is to live, they respond, and what we see among our young people today is a spiritual search, and we have thrown them stones when they have been looking for bread. That is why the young people in Paris and Berlin and in America have been lashing out at what they call soulless materialism.

Sargent Shriver invited me last summer over to Paris to talk to a group of these students who had been engaging in the demonstrations in Paris. He said, "I want to find out what kind of a dialogue you could have with them."

I accepted his challenge. We had several hours in his home with these students and when it was over and we walked out to the car he said, "Billy, did you detect what I detected?"

I said, "What do you mean?" He said,

"Billy, their problem is a religious problem." I said, "Exactly. This is exactly their problem. They are searching for something to believe in."

If we allow a vacuum to develop among our young people in this country, we are in trouble, just as Germany was 35 years ago.

Even among the young people there is something good about what is happening, if we will meet the real basic problem that they are facing.

Then the third thing my psychiatrist friend said, he said, "A person must have a goal, a purpose in life, to be mentally healthy." A goal and a purpose. That is what these young people are looking for, also, purpose and meaning in life. Where did I come from? Why am I here? Where am I going? What is life all about?

Last night at the table in this room I got engaged in conversation with two or three people and one of them asked me that question. She said, "I don't have any idea what life is all about." She said, "I was hoping I could get to sit beside somebody and engage in this kind of conversation."

Life does have a purpose. America has a purpose. Bring all of your poor to our shores, the alienated, the troubled, the despairing. America has a purpose and a goal, I believe, in the sovereignty of God to fulfill a destiny. Everywhere I go in the world, traveling around the world, they are not looking for our gadgets and our technology so much as they are looking for that spiritual quality that makes up this country and that is what the Shah referred to last night in his remarks.

I talked to Mrs. Golda Meir the other day and I don't think she would mind me quoting her. She said, "America must not lose its spiritual strength."

This is the thing they are looking for in us, our moral and spiritual strength. Where are we going to get it? I think the greatest need in America at this moment is a spiritual renewal. How do you get a spiritual renewal? What do you have to do?

It is all summed up in one verse from II Chronicles "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 heal their land."

Humility, prayer, turning to God by faith, repentance of our sins which are many, God says, I will speak. I will heal your land, and that is an irrevocable law from Almighty God.

I submit to you men today, it could happen again in American history. Unless we turn that turn as George Washington and Lincoln did in their hours of crisis, I must confess to you that I fear for the future of this country.

Daniel Webster once said, "Everything that makes a man a good Christian makes him a good citizen." And Josephat, the great King of Judah, said this: "Neither know we what to do, but our eyes are upon Thee."

Now I want to close with that, and I want to read it again: "Neither know we what to do"—you and I don't know the answer to all the problems of today, but—"our eyes are upon Thee."

If we will get our eyes on God—and I believe the men in this room can help direct the nation's eyes to God—the American flag is going to continue to wave over the land of the free and the home of the brave for generations to come.

Yes, we are in a crisis. Let's do what other men have done, let's turn to God. You men are helping lead the way by meeting in prayer. One of the most encouraging things that has happened in our generation has been the prayer group in the House and Senate. It is something we can tell people about, to say that people in Washington are praying. God bless you and thank you.

Shall we stand? Our Father and our God, we pray that at this hour, like Josephat, when we don't know the answers to all of our problems, that we will put our eyes upon Thee and look to Thee for answers that are beyond ourselves.

We pray again for the President of the United States that Thou wouldst give him special wisdom, and to the Members of the Congress, that Thou wouldst lead and direct them, and may we in this country see this year a spiritual renewal that will sweep our nation like a prairie fire from coast to coast.

For we ask it in the name of Jesus Christ, our Lord, Amen.

HEREDITARY ASPECTS OF OUR NATIONAL HUMAN QUALITY PROBLEMS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. GUBSER. Mr. Speaker, on two separate occasions I inserted material in the CONGRESSIONAL RECORD relating to the efforts of Dr. William Shockley of Stanford University to promote the undertaking by the National Academy of Sciences of a scientific study of the hereditary aspects of our national human quality problems.

I did not take a position regarding the questions raised by Dr. Shockley, but did urge that the National Academy of Sciences should investigate his point of view as a logical pursuit of truth. It was my understanding that what appeared to be a subject meriting scientific investigation may have been quashed for fear the results would be socially embarrassing.

Dr. Joshua Lederberg, chairman of the department of genetics at Stanford University School of Medicine and also a winner of the Nobel Prize, took notice of my extensions of remarks and has sent me the full text of the National Academy's statement. He has suggested that it would contribute to the objectivity of the record if the full, actual text of the Academy committee's recommendations were presented. The statement, which was prepared with the assistance of several geneticists—James F. Crow, Wisconsin; James V. Neel, Michigan; and Curt Stern, University of California, Berkeley—follows:

The Academy has been urged to take strong measures to reduce the present uncertainty about the relative importance of heredity and environment as causes of human social problems and as causes of racial differences in behavioral traits. It is asked to promote actively the seeking of answers to such questions as: To what extent are urban slums the result of poor heredity? Is the genetic quality of the human population being seriously eroded by economic and medical advances that have dramatically decreased the death rate, and by differential birth rates in various social, economic, and educational groups? Are genetic factors responsible for a significant part of racial differences in educational and economic achievements? Could a eugenic program materially reduce our major social problems? By concentrating on en-

vironmental approaches, is society neglecting promising genetic possibilities?

The question has been raised as to whether research in these areas is being carried out as vigorously and intelligently as it should be.

Do anthropologists and geneticists have an environmentalist bias that discourages research into the hereditary bases of individual and racial differences in intelligence and ability to adapt to our society? Is this research being seriously impeded by investigators' fears that the results might be unfavorable to some ethnic minorities?

How urgent is it that such questions be answered?

We certainly need to know more about human genetics; as to the desirability of further research there can be no serious question. Researchers in experimental and human genetics have brought deep insights concerning ourselves and our past. The detailed understanding of the molecular basis of heredity is one of the intellectual triumphs of the twentieth century. New genetic knowledge is already bringing practical benefits in the understanding, prevention, and treatment of genetic diseases. We can expect continued rapid progress in this area.

With complex traits like intelligence the generalities are understood, but the specifics are not. There is general agreement that both hereditary and environmental factors are influential; but there are strong disagreements as to their relative magnitudes—which is another way of saying that the evidence is not conclusive. Furthermore, it is not obvious that really substantial increases in this knowledge will come soon, even if the amount of research were greatly increased. The problem of disentangling hereditary and environmental factors for complex intellectual and emotional traits where many genes may participate, where measurements are often not reproducible, where it is not certain what is being measured, and where subtle environmental factors are involved is extremely difficult. It is unrealistic to expect much progress unless new methods appear.

Even greater difficulties are encountered in any attempt to assess the relative role of heredity and environment in determining racial differences in intellectual and emotional traits. Despite the great number of tests that have been performed on Negro and white populations, it is still not clear whether any differences found are primarily genetic or environmental. For example, there is no scientific basis for a statement that there are or that there are not substantial hereditary differences in intelligence between Negro and white populations. In the absence of some now-unforeseen way of equalizing all aspects of the environment, answers to this question can hardly be more than reasonable guesses. Such guesses can easily be biased, consciously or unconsciously, by political and social views.

It is indeed possible that some studies have not been carried out for fear that the results might not be acceptable to some groups. Many researchers prefer to work in noncontroversial areas where public feelings are not involved and where they can work undisturbed. There is, however, a more valid reason that might keep scientists from working in such areas as the separation of hereditary and environmental contributions to complex human behavioral traits and to racial differences in these traits. This is the conviction that none of the current methods can produce unambiguous results. To shy away from seeking the truth is one thing; to refrain from collecting still more data that would be of uncertain meaning but would invite misuse is another.

Yet, it is not proper to say that we know nothing about the inheritance of complex

traits, or that the consequences of a genetic program are not at all predictable. Animal experiments have shown that almost any trait can be changed by selection. The immensely successful history of animal and plant breeding, for a long time based on no more complicated principle than that "like begets like," shows this. A selection program to increase human intelligence (or whatever is measured by various kinds of "intelligence" tests) would almost certainly be successful in some measure. The same is probably true for other behavioral traits. The rate of increase would be somewhat unpredictable, but there is little doubt that there would be progress.

On the other hand, it is contrary to all evidence that social problems such as poverty, slums, school dropouts, and crime are entirely genetic. There is surely a substantial and perhaps overriding environmental and social component. Therefore, society need not wait for future heredity-environment research in order to attempt environmental improvements, nor will it do so. We can be sure that no amount of genetic research will demonstrate the futility of all attempts at environmental improvements. It should be emphasized that the existence of even a strong hereditary component in any condition, individual or social, does not imply that the condition cannot be cured or ameliorated.

There are two aspects of eugenics that, although not entirely different, are sufficiently distinct to be considered separately. They are:

1) *The reduction of the incidence of known inherited diseases.* This involves the discovery by medical, chemical, or cytological techniques of persons with a high risk of having children with gross abnormalities, or with severe physical or mental disease. A great deal of human misery, both of parents and of children, can be prevented through genetic counseling. The decisions can be made by the individuals involved; social decisions are ordinarily not needed.

2) *Attempts to alter the population genetically for intellectual and emotional traits that vary continuously, or to reverse possibly undesirable effects of differential fertility.* To bring about any substantial change in the next generation would require a large change in reproductive patterns. To do this by education, by persuasion, by economic incentives, or by stronger measures would require social decisions that are not lightly made. It is clear that for many important and complex traits the population could be changed by either genetic or environmental means. They are not mutually exclusive; more likely they are mutually reinforcing.

Heredity-environment uncertainty is not the main reason for avoiding drastic selection measures. The major impediment to eugenic action is not genetic ignorance but rather Society's uncertainty about its aims and about the acceptability of the means for attaining them. Even if it were known beyond doubt that the heritability of social maladjustment is very high, would we choose to remedy the situation by eugenic means?

For one thing, our society still severely restricts even the voluntary individual application of some available techniques. Birth control is only gradually becoming legally accepted, especially among the unmarried, long after it has become widely practiced among well-to-do and educated people. Therapeutic abortion is very safe when done under proper medical conditions, but is forced underground or to other countries, with the consequence that it is available safely only to the privileged. Artificial insemination, although widely practiced, is in such a questionable legal position that no accurate records, even of its frequency, are available. Any program of genetic improvement, even

if entirely voluntary, would be seriously impeded by inability to make full use of techniques now known.

Moreover, regardless of the acceptability of the methods and regardless of the success of research in disentangling the role of heredity and environment in complex social traits, society is far from ready to interfere to any significant extent with the reproductive preferences of this generation in order to change the gene pool of the next. On the other hand environmental measures have wide and immediate social acceptability.

Genetic changes are measured in generations. Whatever genetic deterioration is occurring as a result of decreased natural selection or by differential birth rates is slow relative to many environmental changes, particularly those associated with technological innovations. Likewise, genetic improvement by any eugenic program that is likely to be accepted in the near future by our society would also be slow.

For these reasons, we question the social urgency of a greatly enhanced program to measure the heritability of complex intellectual and emotional factors. This is not to say that such work should not be done. But we would not, for example, urge that work in other parts of genetics be reduced in order to supply trained personnel to study this area more intensively.

Likewise, we question the social urgency of a crash program to measure genetic differences in intellectual and emotional traits between racial groups. In the first place, if the traits are at all complex, the results of such research are almost certain to be inconclusive. In the second place, it is not clear that major social decisions depend on such information; we would hope that persons would be considered as individuals and not as members of groups.

On the other hand, no promising new approach to answering these questions should be discouraged. While existing methods offer little hope for unambiguous answers, there is always the possibility that new insights will come from an unexpected direction. The history of scientific discovery suggests that the best strategy would be the support of basic research from which such insights may arise.

I am also pleased to include an article written by Dr. Lederberg entitled "Race and Intelligence." It concerns the assertions of Prof. Arthur R. Jensen of the University of California, Berkeley, that racial differences in academic achievement are based on genetic differences in intelligence. Dr. Lederberg's article follows:

RACE AND INTELLIGENCE

(By Joshua Lederberg)

Professor Arthur R. Jensen, of the University of California, Berkeley, has provoked wide controversy by his assertion that racial differences in academic achievement are based on genetic differences in intelligence. This controversy has, in part, arisen from what I believe to be a misinterpretation of Dr. Jensen's assertions, often from a failure of popular commentators to heed the cautions that Dr. Jensen himself has attached to some of his speculations. In particular, he has himself remarked that "High heritability by itself does not necessarily imply that the characteristic is immutable. Under greatly changed environmental conditions, the heritability may have some other value, or it may remain the same while the mean of the population changes."

This remark is however counterbalanced by the contradictory stress that Jensen has placed on the futility of compensatory education, and on the utility of the I.Q. as a measure of biological competence. This leaves

some uncertainty about whether Dr. Jensen subscribes to "Jensenism," a popular exposition of his writings, such as appeared in an article by Lee Edson in the New York Times Magazine for August 31, 1969.

My criticisms, which follow, are directed to "Jensenism."

QUESTIONS RAISED

Out of many complex and intertwined questions raised by Jensenism, I extract two for separate discussion: 1) is the difference in average "intelligence" scores between races mainly hereditary? and 2) if so, what if any pragmatic meaning would this have?

The arguments that Jensen has assembled for hereditary factors in the variation of intelligence within populations of white Englishmen and Americans have been discussed and accepted by geneticists for at least 40 years. The novelty of Jensen's discussion is mainly that he is a psychologist, and most educators and psychologists have rejected or been unaware of genetic research on human behavior. In this, they were not altogether unwise, for our methods of genetic research in this field are so feeble that it is misleading to report these results under a photomicrograph of chromosomes. This could only have been intended to convey a flavor of experimental rigor which human behavioral genetics is a long way from approaching. For precisely that reason I must commend that part of Jensen's exposition that encourages further research, although I see much less hope for useful answers from these statistical studies than is offered by laboratory experiments on brain development and function.

Jensen himself pointed out that conclusions about the heritability of intelligence, from adoptions and separated twins within a white culture, could not fairly be transferred to the variation between races. That racial groups might have hereditary differences in intelligence is a perfectly plausible speculation. But until the manifest environmental factors are correctly controlled or assessed, any assertion about whose genes score highest is pure prejudice.

Dr. Jensen would not, I believe, disagree with these remarks; but he then adds that he has found consistently poorer performance of black compared to white groups whose "socio-economic conditions were controlled" so as to assure comparable environments. This control is crucial to Jensen's approach to these studies. In the end, however, it can only reflect a subjective judgment about which socio-economic (not to mention cultural) factors are most important for intellectual development. Can anyone measure the total impact of being black in a white-dominated world? Can we say that environmental influences have been controlled, in the face of the knowledge that the trends of infant mortality and birthweight among blacks, although constantly improving, lag so far behind whites?

EFFECT ON EDUCATION

The second point is even more important, for Mr. Edson implies that "no amount of compensatory education will improve this ability (to reason abstractly) since it is mainly inherited." This fatalism is a vicious extrapolation of "Jensenism" whose thrust is contradicted by every finding of modern biological research on how the genes influence development. If hypothetical racial genes did impair intelligence, they could operate like diabetes or hereditary goiter which are remediable by diet and hormone treatment.

I would agree that effective educational regimes are doomed to fail if they deny the possibility of biological as well as cultural differences among children. I do not agree that we know much about racial-genetic components of those differences.

TESTIMONY BY CONGRESSWOMAN SULLIVAN ON LEGISLATION DEALING WITH THE MAILING OF OBSCENE MATTER TO MINORS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mrs. SULLIVAN. Mr. Speaker, for many years the Congress has struggled with a desperately important problem we still have not been able to solve, despite the passage of numerous bills which were intended to strike at the heart of the issue. I am referring to the use of the mails by "merchants of filth" to send pornographic material to minor children. Former Congresswoman Kathryn E. Granahan, of Philadelphia, later the Treasurer of the United States, conducted extensive hearings on this issue while chairman of a subcommittee of the House Committee on Post Office and Civil Service, which carefully documented the manner in which children answering magazine advertisements for model airplanes or other innocent hobby items, or toys, often found themselves on the pornographers' mailing lists, receiving from them advertising material which their parents found to be unbelievably shocking and destructive.

As I recall, those hearings were in the late 1950's and early 1960's, and we have tried repeatedly since then to erect barriers to this flood of printed poison. I remember testifying in 1958 before a subcommittee of the House Judiciary Committee under the chairmanship of the late Representative Francis E. Walter, of Pennsylvania, pleading for legislation which would be constitutional and also effective in solving the problem. In recent years, we have enacted laws enabling householders to require the removal of their names and the names of all persons in their homes from mailing lists used to send them objectionable material. But the stuff still oozes into countless homes seemingly without a let-up.

Today, Mr. Speaker, I presented to Subcommittee No. 3 of the House Judiciary Committee, under the chairmanship of the Honorable ROBERT W. KASTENMEIER, of Wisconsin, a further plea for legislative relief from this scourge. Many bills have been introduced in this Congress, including a bill of mine, H.R. 6050, spelling out, in what is believed to be sufficiently specific and precise detail, the kind of material which may not legally be sent to a minor child, or sent unsolicited to a person having a minor child residing with him in the same household. I am not a lawyer and certainly am not a legal expert on the constitutional limitations of legislation in this field, so I am calling upon our Judiciary Committee to develop from among any of the bills before it a legislative vehicle which will accomplish this goal.

Because of the widespread concern among the Members of Congress, and

the parents of this country, over this serious problem, I submit for inclusion at this point my testimony submitted this morning to the Kastenmeier subcommittee, as follows:

STATEMENT BY CONGRESSWOMAN LEONOR K. SULLIVAN, DEMOCRAT, OF ST. LOUIS, MO., BEFORE SUBCOMMITTEE NO. 3 OF THE HOUSE COMMITTEE ON THE JUDICIARY OF THE CONGRESS OF THE UNITED STATES ON THE SULLIVAN BILL, H.R. 6050, AND OTHER LEGISLATION DEALING WITH THE MAILING OF OBSCENE MATTER TO MINORS, NOVEMBER 5, 1969

Of all the areas in which Congress legislates, this is one of the most difficult and frustrating. The harder we try to remove from the mails, or deny to children, commercialized obscenity, the more this material seems to proliferate. If there is going to be an effective answer to this moral dilemma, it will have to be defined and refined in this Committee of the House of Representatives, which alone has the legislative authority and the Constitutional expertise to give our law enforcement agencies the legal tools they need to protect the children of this country from the merchants of filth.

I am not an expert in Constitutional law. I know what the First Amendment provides, and I know how it has been stretched and tortured in interpretation to justify and permit the sale and distribution of the most depraved kind of smut and pornography.

Unless a parent actually sees some of this salacious garbage, made available to children so readily on a commercial basis, most people tend to think the public protests against pornography are exaggerated and overdrawn. But once one of the advertising brochures from the pornography factories comes into the home and a parent has an opportunity to look it over—to see what was sent to a son or daughter in elementary or junior high school, for instance—the reaction is angry and immediate from that parent: "This material is criminal, and sending it to my child is the act of a depraved person!" And the parents demand that we do something about it.

Every Member of Congress had material of this kind forwarded to him or to her by parents who are aghast at the shocking stuff their children have received in the mail, or the advertisements they have received which are often as bad or worse. The Members of Congress are counting on this Committee of the House to succeed where it so far has failed; and, that is, to draft legislation which will preserve the rights of the American people under the First Amendment to free expression of opinion while at the same time outlawing the sale and distribution through the mails to children of materials which even the most tolerant and permissive parent would never permit the child to have if the parent knew about it.

In a determined effort to provide a legislative foundation on which such a law could be drawn, many of us have joined in introducing a bill which we have been assured is precise and explicit enough to be technically adequate, and which could be effective, if enacted and enforced. My bill on this subject is H.R. 6050. It is one of many similar measures. If the bill is technically deficient in any respect, please change it, amend it, perfect it. But, we plead with you, do not destroy the range and scope of this legislation. We know now that simple technical amendments to present law will not close the flood gates to this deluge of filth. Before our youth drowns in this slime, please give us a defense we can use against these mind-poisoning materials invading the homes of America, aimed at young children by the filth factories now prospering because of inadequate Federal authority to act against them.

INSTALLATION ADDRESS OF DR. EDWARD C. MERRILL, JR., AT GALLAUDET COLLEGE, OCTOBER 23, 1969

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. CAREY. Mr. Speaker, on Thursday, October 23, 1969, on the occasion of his installation as the fourth president in Gallaudet College's century-long history, Dr. Edward Clifton Merrill, Jr., most eloquently responded to the challenges set forth in expectation for the future of the college under his leadership.

President Merrill comes to his post from that of dean of the college of education at the University of Tennessee, Knoxville. He was selected after a nationwide search by a Gallaudet College Board of Directors committee, in cooperation with a faculty committee. His was the unanimous choice of both committees from a large list of qualified people.

Because of the unique interest of the Congress in Gallaudet College, the world's only liberal arts college for the deaf, I include the full text of his address at this point in the RECORD.

Mrs. Kennedy, Members of Congress, Representatives of other Nations, Miss Switzer, Dr. Miller, Members of the Board of Directors, Gallaudet College Alumni, Dean Detmold, Faculty and Staff, Students, and Friends of the College:

Everyone benefits when I use the language of signs. My hearing friends benefit because I know relatively few signs, and therefore cannot talk very long. My deaf friends benefit because I tend to confuse even those few signs I do know, thus producing a sort of silent illiteracy; hence if my remarks today do not yield any information, they may at least afford some amusement.

I wish to express my deepest gratitude for your presence here today. It is a tribute—not to me—but to Gallaudet College, to the service it has rendered to its students and to its nation.

Since 1864, Gallaudet has educated deaf students; since 1891, it has sent teachers of the deaf to every state of the Union, into the provinces of Canada, and into many foreign nations. As I assume formal responsibility for this legacy from the past, it seems to me appropriate to discuss what that service should be in the future.

Gallaudet College has a unique purpose, one it does not share with any other institution in the world: the purpose of providing a higher, liberal arts education to the deaf.

But in addition, Gallaudet shares with colleges and universities throughout the United States and much of the world another set of responsibilities. They can be discussed separately, but they cannot be performed separately—for, I believe, unless Gallaudet fully accepts the mingled agony and ecstasy which characterize all of higher education today, it cannot discharge its responsibilities to its special sector of higher education.

I should like to respond to the challenge set forth by Mr. Sullivan by discussing those responsibilities and my aspirations for Gallaudet under four headings. I suspect that those aspirations will sound commonplace in the few words I will use to describe them. Yet I think you will agree that they are im-

portant—so I will rely on your insight, your interest in Gallaudet, and your good nature to supply a balance and a detail that these ideas might receive from another speaker.

My first aspiration is that Gallaudet serve all the deaf citizens of America—first the College's students, of course, but not only its students. We must continue and expand research on Kendall Green in the hope that Gallaudet can achieve breakthroughs in hearing, in language development, in easing social adjustment for the deaf. The College must keep pace with industrial and technological advance on behalf of its constituency—exploring new career fields and doing its best to ensure that deaf candidates are not rejected for employment, nor deaf workers for promotion, because of outdated, inaccurate assumptions. Gallaudet must initiate new programs of adult education, reaching out to those whom age or previous lack of opportunity have excluded from the pleasure and the profit of continued learning.

The College must, in sum, serve not only as educator of the deaf, but as a partner with them—asking quietly when possible, and loudly when necessary, for the services that hearing people take for granted.

Second, I hope that continuing self-analysis and educational development will become characteristics of Gallaudet. Every educator says that these days we all feel it necessary to genuflect in the direction of change.

Yet I have special reason to say these things about Gallaudet. The students on this single campus range in age from two years to the early twenties; the instructional program extends in scope from pre-school to post-graduate; thanks to Congress, our alumni and our friends, our faculty-student ratio is low; thanks to the same people, we have been able to explore new educational technology and begin revising curriculum in light of the latest learning theory.

All these factors give Gallaudet a genuinely unique opportunity to experiment in education; to individualize instruction; to test hunches and hopes and gamble on long-shots that other institutions lack the resources to try; and perhaps most important, to develop a teaching, learning and living environment that reflects a new integration, one going beyond considerations of race or geography or family income: the integration of learners from infancy to young adulthood in one community, in place of the segregation-by-age that education typically imposes.

We will take advantage of our opportunity to experiment so that—with the help of students, faculty, and staff—Gallaudet will be outstanding for its successes, not only in education of the deaf, but in education . . . period.

Third, I hope to create at Gallaudet an environment in which every person—faculty and student alike—can find his own identity, be a person in his own right, become a distinct and independent individual. Engaging with life, coming to grips with it, doing something greater than a man thinks he can do—these are not luxuries, the prerogatives of a fortunate few, but absolute necessities for every life that truly deserves the adjective *human*.

And yet, I believe, this extra dimension of human potential is frequently ignored or stifled in the educative process. Our educational programs are more directed toward shaping the individual than releasing him, more toward fitting him into society than toward encouraging the development of individual difference so that society can build on all the varied strengths that its members have to offer.

One can carry this criticism to an unjustified extreme: for all its faults our nation daily tolerates and assimilates behavior which, in other nations, would be immediately suppressed or socially ostracized. But

as our nation grows in population, as communications and urbanization heighten the density of our mass society, we need more than ever before to guarantee the rights of the individual.

With my colleagues here, I hope to demonstrate how a college campus can not only create community, but can also foster individuality.

And that point bears on my last: my intention of working with all members of the College community to create a model of responsible, representative government in higher education.

Dr. Brewster of Yale University recently expressed the opinion that students do not want—nor do they have time—to participate fully in representative government within higher education. Inasmuch as most Americans do not vote except in presidential elections, Dr. Brewster may be right.

Whether right or wrong, however, the observation strikes me as tragic. If students are expected to participate effectively in government after their college days, they must begin learning how in college or before.

The American university is a peculiar institution. It is extremely autocratic, reserving real power to a comparative few. Yet, paradoxically, it has managed to serve a democratic society reasonably well.

Nevertheless, the time is clearly upon us to seek a new balance between the authority that orderly education requires, and the broad participation that education for a democratic society should reflect. With the help of the entire College community—and I stress the word *entire*—I hope that we can evolve an internal government more consistent with the basic tenets of a democratic society. I hope that all of us in the College can learn to analyze possibilities, to debate alternatives, to share in decisions—and then to accept gracefully the consequences of those decisions, good and bad.

This will not be an easy process. It will involve a certain amount of anguish, a considerable amount of self-imposed humility, and undoubtedly some occasional anger. Yet I am convinced that it is necessary not only for Gallaudet, but American colleges and universities, to undergo the strenuous process of decentralizing education's internal government.

The reason was well put by John Stuart Mill in his treatise on liberty. "A State which dwarfs its men," he wrote, "in order that they may be more docile instruments in its hands *even for beneficial purposes*, will find that with small men no great thing can readily be accomplished."

It seems to me time to apply this statement about the State to higher education. The United States has great things to accomplish, and we cannot do them with a nation of small people. College, clearly, is a place to help our young grow tall—and Gallaudet will do its best to give them rain and light and room.

Dr. Muth, Mr. Sullivan, I trust that these aspirations bear upon the challenges which you have presented to me. I accept the responsibilities of this office and shall work diligently to serve the College—and through it to serve, also, my country.

SURVIVAL U: PROSPECTUS FOR A REALLY RELEVANT UNIVERSITY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the

CONGRESSIONAL RECORD an admirable article on the environment, education, and the wisest approach to our environment in preparing our young people to live in this world.

This article gives the basis for wise and necessary reform not only in our approach to our environment, but also in educating and equipping our young people to preserve their environment in the difficult years of heavy population pressure and intense technological development, all of which will adversely affect the environment in one way or another.

I hope my colleagues will find this thoughtful commentary useful.

SURVIVAL U: PROSPECTUS FOR A REALLY RELEVANT UNIVERSITY

(By John Fischer)

"It gets pretty depressing to watch what is going on in the world and realize that your education is not equipping you to do anything about it."—From a letter by a University of California senior.

She is not a radical, and has never taken part in any demonstration. She will graduate with honors, and profound disillusionment. From listening to her—and a good many like-minded students at California and East Coast campuses—I think I am beginning to understand what they mean when they say that a liberal-arts education isn't relevant.

They mean it is incoherent. It doesn't cohere. It consists of bits and pieces which don't stick together, and have no common purpose. One of our leading Negro educators, Arthur Lewis of Princeton, recently summed it up better than I can. America is the only country, he said, where youngsters are required "to fritter away their precious years in meaningless peregrination from subject to subject . . . spending twelve weeks getting some tidbits of religion, twelve weeks learning French, twelve weeks seeing whether the history professor is stimulating, twelve weeks seeking entertainment from the economics professor, twelve weeks confirming that one is not going to be able to master calculus."

These fragments are meaningless because they are not organized around any central purpose, or vision of the world. The typical liberal-arts college has no clearly defined goals. It merely offers a smorgasbord of courses, in hopes that if a student nibbles at a few dishes from the humanities table, plus a snack of science, and a garnish of art or anthropology, he may emerge as "a cultivated man"—whatever that means. Except for a few surviving church schools, no university even pretends to have a unifying philosophy. Individual teachers may have personal ideologies—but since they are likely to range, on any given campus, from Marxism to worship of the scientific method to exaltation of the irrational (*à la* Norman O. Brown), they don't cohere either. They often leave a student convinced at the end of four years that any given idea is probably about as valid as any other—and that none of them has much relationship to the others, or to the decisions he is going to have to make the day after graduation.

Education was not always like that. The earliest European universities had a precise purpose: to train an elite for the service of the Church. Everything they taught was focused to that end. Thomas Aquinas had spelled it all out: what subjects had to be mastered, how each connected with every other, and what meaning they had for man and God.

Later, for a span of several centuries, Oxford and Cambridge had an equally clear function: to train administrators to run an empire. So too did Harvard and Yale at the

time they were founded; their job was to produce the clergymen, lawyers, and doctors that a new country needed. In each case, the curriculum was rigidly prescribed. A student learned what he needed, to prepare himself to be a competent priest, district officer, or surgeon. He had no doubts about the relevance of his courses—and no time to fret about expanding his consciousness or currying his sensual awareness.

This is still true of our professional schools. I have yet to hear an engineering or medical student complain that his education is meaningless. Only in the liberal-arts colleges—which boast that "we are not trade schools"—do the youngsters get that feeling that they are drowning in a cloud of feathers.

For a long while some of our less complacent academics have been trying to restore coherence to American education. When Robert Hutchins was at Chicago, he tried to use the Great Books to build a comprehensible framework for the main ideas of civilized man. His experiment is still being carried on, with some modifications, at St. John's—but it has not proved irresistibly contagious. Sure, the thoughts of Plato and Machiavelli are still pertinent, so far as they go—but somehow they don't seem quite enough armor for a world beset with splitting atoms, urban guerrillas, nineteen varieties of psychotherapists, amplified guitars, napalm, computers, astronauts, and an atmosphere polluted simultaneously with auto exhaust and TV commercials.

Another strategy for linking together the bits-and-pieces has been attempted at Harvard and at a number of other universities. They require their students to take at least two years of survey courses, known variously as core studies, general education, or world civilization. These too have been something less than triumphantly successful. Most faculty members don't like to teach them, regarding them as superficial and synthetic. (And right they are, since no survey course that I know of has a strong unifying concept to give it focus.) Moreover, the senior professors shun such courses in favor of their own narrow specialities. Consequently, the core studies which are meant to place all human experience—well, at least the brightest nuggets—into One Big Picture usually end up in the perfunctory hands of resentful junior teachers. Naturally the undergraduates don't take them seriously either.

Any successful reform of American education, I am now convinced, will have to be far more revolutionary than anything yet attempted. At a minimum, it should be:

1. Founded on a single guiding concept—an idea capable of knotting together all strands of study, thus giving them both coherence and visible purpose.
2. Capable of equipping young people to do something about "what is going on in the world"—notably the things which bother them most, including war, injustice, racial conflict, and the quality of life.

Maybe it isn't possible. Perhaps knowledge is proliferating so fast, and in so many directions, that it can never again be ordered into a coherent whole, so that molecular biology, Robert Lowell's poetry, and highway engineering will seem relevant to each other and to the lives of ordinary people. Quite possibly the knowledge explosion, as Peter F. Drucker has called it, dooms us to scholarship which grows steadily more specialized, fragmented, and incomprehensible.

The Soviet experience is hardly encouraging. Russian education is built on what is meant to be a unifying ideology: Marxism-Leninism. In theory, it provides an organizing principle for all scholarly activity—whether history, literature, genetics, or military science. Its purpose is explicit: to train a Communist elite for the greater power and

glory of the Soviet state, just as the medieval universities trained a priesthood to serve the Church.

Yet according to all accounts that I have seen, it doesn't work very well. Soviet intellectuals apparently are almost as restless and unhappy as our own. Increasing numbers of them are finding Marxism-Leninism too simplistic, too narrowly doctrinaire, too oppressive; the bravest are risking prison in order to pursue their own heretical visions of reality.

Is it conceivable, then, that we might hit upon another idea which could serve as the organizing principle for many fields of scholarly inquiry; which is relevant to the urgent needs of our time; and which would not, on the other hand, impose an ideological strait jacket, as both ecclesiastical and Marxist education attempted to do?

Just possibly it could be done. For the last two or three years I have been probing around among professors, college administrators, and students—and so far I have come up with only one idea which might fit the specifications. It is simply the idea of survival.

For the first time in history, the future of the human race is now in serious question. This fact is hard to believe, or even think about—yet it is the message which a growing number of scientists are trying, almost frantically, to get across to us. Listen, for example, to Professor Richard A. Falk of Princeton and of the Center for Advanced Study in the Behavioral Sciences:

The planet and mankind are in grave danger of irreversible catastrophe. . . . Man may be skeptical about following the flight of the dodo into extinction, but the evidence points increasingly to just such a pursuit. . . . There are four interconnected threats to the planet—wars of mass destruction, overpopulation, pollution, and the depletion of resources. They have a cumulative effect. A problem in one area renders it more difficult to solve the problems in any other areas. . . . The basis of all four problems is the inadequacy of the sovereign states to manage the affairs of mankind in the twentieth century.

Similar warnings could be quoted from a long list of other social scientists, biologists, and physicists, among them such distinguished thinkers as Rene Dubos, Buckminster Fuller, Loren Eiseley, George Wald, and Barry Commoner. They are not hopeless. Most of them believe that we still have a chance to bring our weapons, our population growth, and the destruction of our environment under control before it is too late. But the time is short, and so far there is no evidence that enough people are taking them seriously.

That would be the prime aim of the experimental university. I'm suggesting here: to look seriously at the interlinking threats to human existence, and to learn what we can do to fight them off.

Let's call it Survival U. It will not be a multiversity, offering courses in every conceivable field. Its motto—emblazoned on a life jacket rampant—will be: "What must we do to be saved?" If a course does not help to answer that question, it will not be taught here. Students interested in musicology, junk sculpture, the Theater of the Absurd, and the literary *dicta* of Leslie Fiedler can go somewhere else.

Neither will our professors be detached, dispassionate scholars. To get hired, each will have to demonstrate an emotional commitment to our cause. Moreover, he will be expected to be a moralist; for this generation of students, like no other in my lifetime, is hungering and thirsting after righteousness. What it wants is a moral system it can believe in—and that is what our university will try to provide. In every class it will preach the primordial ethic of survival.

The biology department, for example, will point out that it is sinful for anybody to have more than two children. It has long since become glaringly evident that unless the earth's cancerous growth of population can be halted, all other problems—poverty, war, racial strife, uninhabitable cities, and the rest—are beyond solution. So the department naturally will teach all known methods of birth control, and much of its research will be aimed at perfecting cheaper and better ones.

Its second lesson in biological morality will be: "Nobody has a right to poison the environment we live in." This maxim will be illustrated by a list of public enemies. At the top will stand the politicians, scientists, and military men—of whatever country—who make and deploy atomic weapons; for if these are ever used, even in so-called defensive systems like the ABM, the atmosphere will be so contaminated with strontium 90 and other radioactive isotopes that human survival seems most unlikely. Also on the list will be anybody who makes or tests chemical and biological weapons—or who even attempts to get rid of obsolete nerve gas, as our Army recently proposed, by dumping the stuff in the sea.

Only slightly less wicked, our biology profs will indicate, is the farmer who drenches his land with DDT. Such insecticides remain virulent indefinitely, and as they wash into the streams and oceans they poison fish, waterfowl, and eventually the people who eat them. Worse yet—as John Hay noted in his recently published *In Defense of Nature*—"The original small, diluted concentrations of these chemicals tend to build up in a food chain so as to end in a concentration that may be thousands of times as strong." It is rapidly spreading throughout the globe. DDT already has been found in the tissues of Eskimos and of Antarctic penguins, so it seems probable that similar deposits are gradually building up in your body and mine. The minimum fatal dosage is still unknown.

Before he finishes this course, a student may begin to feel twinges of conscience himself. Is his motorcycle exhaust adding carbon monoxide to the smog we breathe? Is his sewage polluting the nearest river? If so, he will be reminded of two proverbs. From Jesus: "Let him who is without sin among you cast the first stone." From Pogo: "We have met the enemy and he is us."

In like fashion, our engineering students will learn not only how to build dams and highways, but where *not* to build them. Unless they understand that it is immoral to flood the Grand Canyon or destroy the Everglades with a jetport, they will never pass the final exam. Indeed, our engineering graduates will be trained to ask a key question about every contract offered them: "What will be its effect on human life?" That obviously will lead to other questions which every engineer ought to comprehend as thoroughly as his slide rule. Is this new highway really necessary? Would it be wiser to use the money for mass transit—or to decongest traffic by building a new city somewhere else? Is an offshore oil well really a good idea, in view of what happened to Santa Barbara?

Our engineering faculty also will specialize in training men for a new growth industry: garbage disposal. Americans already are spending \$4.5 billion a year to collect and get rid of the garbage which we produce more profusely than any other people (more than five pounds a day for each of us). But unless we are resigned to stifling in our own trash, we are going to have to come up with at least an additional \$835 million a year.¹ Any in-

dustrial growth rate of 18 per cent offers obvious attractions to a bright young man—and if he can figure out a new way to get rid of our offal, his fortune will be unlimited.

Because the old ways no longer work. Every big city in the United States is running out of dumping grounds. Burning won't do either, since the air is dangerously polluted already—and in any case, 75 per cent of the incinerators in use are inadequate. For some 150 years Californians happily piled their garbage into San Francisco Bay, but they can't much longer. Dump-and-fill operations already have reduced it to half its original size, and in a few more decades it would be possible to walk dry-shod from Oakland to the Embarcadero. Consequently San Francisco is now planning to ship garbage 375 miles to the yet-uncluttered deserts of Lassen County by special train—known locally as "The Twentieth Stenchery Limited" and "The Excess Express." The city may actually get away with this scheme, since hardly anybody lives in Lassen County except Indians, and who cares about them? But what is the answer for the metropolis that doesn't have an unspoiled desert handy?

A few ingenious notions are cropping up here and there. The Japanese are experimenting with a machine which compacts garbage, under great heat and pressure, into building blocks. A New York businessman is thinking of building a garbage mountain somewhere up-state, and equipping it with ski runs to amortize the cost. An aluminum company plans to collect and reprocess used aluminum cans—which, unlike the old-fashioned tin can, will not rust away. Our engineering department will try to Think Big along these lines. That way lies not only new careers, but salvation.

Survival U's Department of Earth Sciences will be headed—if we are lucky—by Dr. Charles F. Park, Jr., now professor of geology and mineral engineering at Stanford. He knows as well as anybody how fast mankind is using up the world's supply of raw materials. In a paper written for the American Geographical Society he punctured one of America's most engaging (and pernicious) myths: our belief that an ever-expanding economy can keep living standards rising indefinitely.

It won't happen; because, as Dr. Park demonstrates, the tonnage of metal in the earth's crust won't last indefinitely. Already we are running short of silver, mercury, tin, and cobalt—all in growing demand by the high-technology industries. Even the commoner metals may soon be in short supply. The United States alone is consuming one ton of iron and eighteen pounds of copper every year, for each of its inhabitants. Poorer countries, struggling to industrialize, hope to raise their consumption of these two key materials to something like that level. If they should succeed—and if the globe's population doubles in the next forty years, as it will at present growth rates—then the world will have to produce, somehow, *twelve times* as much iron and copper every year as it does now. Dr. Parks sees little hope that such production levels can ever be reached, much less sustained indefinitely. The same thing, of course—doubled in spades—goes for other raw materials; timber, oil, natural gas, and water, to note only a few.

Survival U, therefore, will prepare its students to consume less. This does not necessarily mean an immediate drop in living standards—perhaps only a change in the yardstick by which we measure them. Conceivably Americans might be happier with fewer automobiles, neon signs, beer cans, supersonic jets, barbecue grills, and similar metallic fluff. But happy or not, our students had better learn how to live *The Simpler Life*, because that is what most of them

¹ According to Richard D. Vaughn, chief of the Solid Waste Program of HEW, in his recent horror story entitled "1968 Survey of Community Solid Waste Practices."

are likely to have before they reach middle age.

To help them understand how very precious resources really are, our mathematics department will teach a new kind of bookkeeping: social accounting. It will train people to analyze budgets—both government and corporate—with an eye not merely to immediate dollar costs, but to the long-range costs to society.

By conventional bookkeeping methods, for example, the coal companies strip-mining away the hillsides of Kentucky and West Virginia show a handsome profit. Their ledgers, however, show only a fraction of the true cost of their operations. They take no account of destroyed land which can never bear another crop; of rivers poisoned by mud and seeping acid from the spoil banks; of floods which sweep over farms and towns downstream, because the ravaged slopes can no longer hold the rainfall. Although these costs are not borne by the mining firms, they are nevertheless real. They fall mostly on the taxpayers, who have to pay for disaster relief, flood-control levees, and the resettlement of Appalachian farm families forced off the land. As soon as our students (the taxpayers of tomorrow) learn to read a social balance sheet, they obviously will throw the strip miners into bankruptcy.

Another case study will analyze the proposal of the Inhuman Real Estate Corporation to build a fifty-story skyscraper in the most congested area of midtown Manhattan. If 90 per cent of the office space can be rented at \$12 per square foot, it looks like a sound investment, according to antique accounting methods. To uncover the true facts, however, our students will investigate the cost of moving 12,000 additional workers in and out of midtown during rush hours. The first (and least) item is \$8 million worth of new city buses. When they are crammed into the already clogged avenues, the daily loss of man-hours in traffic jams may run to a couple of million more. The fumes from their diesel engines will cause an estimated 9 per cent increase in New York's incidence of emphysema and lung cancer; this requires the construction of three new hospitals. To supply them, plus the new building with water—already perilously short in the city—a new reservoir has to be built on the headwaters of the Delaware River, 140 miles away. Some of the dairy farmers pushed out of the drowned valley will move promptly into the Bronx and go on relief. The subtraction of their milk output from the city's supply leads to a price increase of two cents a quart. For a Harlem mother with seven hungry children, that is the last straw. She summons her neighbors to join her in riot, seven blocks go up in flames, and the Mayor demands higher taxes to hire more police. . . .

Instead of a sound investment, Inhuman Towers now looks like criminal folly, which would be forbidden by any sensible government. Our students will keep that in mind when they walk across campus to their government class.

Its main goal will be to discover why our institutions have done so badly in their efforts (as Dr. Falk put it) "to manage the affairs of mankind in the twentieth century." This will be a compulsory course for all freshmen, taught by professors who are capable of looking critically at every political artifact, from the Constitution to the local county council. They will start by pointing out that we are living in a state of near-anarchy, because we have no government capable of dealing effectively with public problems.

Instead we have a hodgepodge of 80,000 local governments—villages, townships, counties, cities, port authorities, sewer districts, and special purpose agencies. Their

authority is so limited, and their jurisdictions so confused and overlapping, that most of them are virtually impotent. The states, which in theory could put this mess into some sort of order, usually have shown little interest and less competence. When Washington is called to help out—as it increasingly has been for the last thirty-five years—it often has proved ham-handed and entangled in its own archaic bureaucracy. The end result is that nobody in authority has been able to take care of the country's mounting needs. Our welfare rolls keeps growing, our air and water get dirtier, housing gets scarcer, airports jam up, road traffic clots, railways fall apart, prices rise, ghettos burn, schools turn out more illiterates every year, and a war nobody wants drags on and on. Small wonder that so many young people are losing confidence in American institutions. In their present state, they don't deserve much confidence.

The advanced students of government at Survival U will try to find out whether these institutions can be renewed and rebuilt. They will take a hard look at the few places—Jacksonville, Minnesota, Nashville, Appalachia—which are creating new forms of government. Will these work any better, and if so, how can they be duplicated elsewhere? Can the states be brought to life, or should we start thinking about an entirely different kind of arrangement? Ten regional prefectures, perhaps, to replace the fifty states? Or should we take seriously Norman Maller's suggestion for a new kind of city-state to govern our great metropolises? (He merely called for New York City to secede from its state; but that isn't radical enough. To be truly governable, the new Republic of New York City ought to include chunks of New Jersey and Connecticut as well.) Alternatively, can we find some way to break up Megalopolis, and spread our population into smaller and more livable communities throughout the continent? Why should we keep 70 per cent of our people crowded into less than 2 per cent of our land area, anyway?

Looking beyond our borders, our students will be encouraged to ask even harder questions. Are nation-states actually feasible, now that they have power to destroy each other in a single afternoon? Can we agree on something else to take their place, before the balance of terror becomes unstable? What price would most people be willing to pay for a more durable kind of human organization—more taxes, giving up national flags, perhaps the sacrifice of some of our hard-won liberties?

All these courses (and everything else taught at Survival U) are really branches of a single science. Human ecology is one of the youngest disciplines, and probably the most important. It is the study of the relationship between man and his environment, both natural and technological. It teaches us to understand the consequences of our actions—how sulfur-laden fuel oil burned in England produces an acid rain that damages the forests of Scandinavia, why a well-meant farm subsidy can force millions of Negro tenants off the land and lead to Watts and Hough. A graduate who comprehends ecology will know how to look at "what is going on in the world," and he will be equipped to do something about it. Whether he ends up as a city planner, a politician, an enlightened engineer, a teacher, or a reporter, he will have had a relevant education. All of its parts will hang together in a coherent whole.

And if we can get enough such graduates, man and his environment may survive a while longer, against all the odds.

TROUBLE FOR THE PRESIDENT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. HANNA. Mr. Speaker, on about a dozen previous occasions during this session I have taken the floor to report my views on the impending housing crisis and the ill-conceived anti-inflation policies being followed by the administration.

My statements were designed to demonstrate:

We are not meeting the housing needs of the people.

The present anti-inflation policies of the administration are crushing the housing and home finance industry, making this segment further unable to meet the demands of an expanding market.

Unemployment is rising more rapidly among unskilled, nonwhite young males—exactly the group who can least afford to be without job prospects.

The administration is concentrating its anti-inflation weaponry in the wrong direction.

Inflation is on the rise, contrary to present policies and optimistic statements.

To add to this dialog, I am having three very current articles reprinted. All three articles review, in detail, the issues mentioned above. All three support the argument I have made. Perhaps these articles will demonstrate the rising chorus of concern I predicted earlier. When the Wall Street Journal, the National Real Estate Board's publication, and the Economist magazine, indicate the difficulties of the President's policies, then I submit he is in serious trouble.

I commend these three articles to the attention of my colleagues. I am certain they will be of interest.

The material referred to follows:

[From the Wall Street Journal]

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

When if ever the present bout with inflation subsides, the biggest item on the American economic agenda will be housing. There are not many real shortages in this country. The land overflows with consumer wares of all kinds—from TV sets to sport cars. But housing is another matter. There is not enough of it. The supply has not kept up with the population. The imbalance grows worse yearly. Remedying it is going to be a tough nut because the cost of new housing, and land to put it on, threatens to get beyond the reach of buyers.

Home building hit its high tide in 1950, when some 1.9 million housing units were started. Nearly 20 years have passed since then. And in all that time yearly starts rarely got much above 1.5 million—were more often below that level. They stood at 1.5 million last year. But the population, meanwhile, has expanded by a third—more than 50 million people. And nonhousing production (industrial output) has more than doubled.

For a long time, the disparity between proliferating people and new places to put them was not sharply evident. Then, in the last half of this decade, the cumulative impact has suddenly grown painfully obvious.

The figures below trace vacancy rates in rental housing for the country as a whole.

Year:	Vacant Percent
1960	7.2
1961	8.0
1962	7.7
1963	7.2
1964	7.3
1965	7.7
1966	7.5
1967	6.6
1968	5.5
1969	5.0

The drop since 1965 from 7.7% to 5% is drastic. And these figures, being national averages, don't reflect the severity of the squeeze in some regions. In the Northeast, for example, the rental vacancy rate has slumped below 3%.

Spotlighting the crisis is a soaring marriage rate. The "war babies" of a quarter century ago swarm to the altars in multiplying thousands—while homebuilding plugs along at the outdated pace of yesteryear. The table below shows marriages yearly in this decade. The 1969 total is for the 12 months ended this past July.

Year:	Marriages
1960	1,523,000
1961	1,548,000
1962	1,577,000
1963	1,654,000
1964	1,725,000
1965	1,800,000
1966	1,857,000
1967	1,913,000
1968	2,059,000
1969	2,117,000

Nor is the steep climb in marriages about to end. More of it is ahead. By 1980, it is estimated, some 2.5 million couples will be taking the vows yearly.

The crunch is already reflected in runaway prices on homes new and old. These prices are not just another part of the general inflation. They reflect the inflation plus a particularly tight situation in housing—plus other special price-boosting factors. The figures below represent nationwide median selling prices on new houses covered by conventional mortgages in the last half-decade. The 1969 figures are for the first quarter.

Year:	Price
1965	\$22,700
1966	24,400
1967	26,000
1968	28,500
1969	29,900

The leap in these prices may to an unmeasurable degree reflect bigger and better houses. Nonetheless, they do trace a jump of some 31% in less than four years. The consumer price index, generally followed as the yardstick of inflation, has climbed little more than half that much—or about 17%.

The 31% increase in the price of the house since 1965 is more than three times the 9% increase in the cost of consumer durables that go into the house.

Official worry over this situation is acute. It was reflected as far back as a year ago when Congress passed a law setting forth a home building goal of a whopping 26 million housing units in ten years. That would be 2.6 million a year, or not far from twice as many as the country has been building.

But setting such a goal is one thing, and reaching it may be quite another. It isn't just a matter of providing the new shelter. It must be provided at a price people can pay. And the price is the rub. Construction (and land) costs are out of hand today. It takes some doing to see how they are going to be harnessed.

The cost of land to put a house on is a

massive roadblock to building. There's plenty of open land in the country, of course. But the abundance is not near the urban job centers where people must live if they want to work. At the start of this decade, in 1960, the median price of a land site for a new house covered by an FHA mortgage was \$2,404. The latest tally puts it at \$3,882. That's a jump of over 60%. And the trend continues apace.

The high price of construction labor has been widely publicized. Construction workers have by far the highest hourly wage rates of any major labor group in the country. And these rates still mount briskly. For the second quarter of this year the Labor Department reported average wage scales of union building trades showing "the largest increase since reporting of the quarterly data began in 1948." And late last week, in reporting a yearly wage-plus-fringe-benefit increase of 8.1% as the median of all major labor contracts negotiated in 1969 through September, Labor Department spokesmen noted that the median for the construction industry alone was about half-again as steep—or 12.5%.

The cost of mortgage money, every bit as vital to home building as lumber and nails, doesn't have to be reported here. Mortgage interest rates now well above 8% were under 6% at mid-decade. They may come down some day, but nobody knows when. And there are few who will bet that they will come down very much any time soon.

The high cost of mortgage money, like the scarcity of mortgage money, is a corollary of the Government's tight-credit battle with inflation. And thus, ironically, the program feeds the monster it fights—by an inflationary curtailment of supply in an area where supply grows critically short.

POLITICAL ANACHRONISM

Evidence is mounting daily that Realtors are not only becoming mystified but unexpectedly disenchanted with the Administration as a result of the intransigent position taken by the Treasury toward income-tax treatment of real estate investment.

A Republican administration historically has been oriented toward encouraging private investment and business activity that results in opportunities for employment and exchange of goods and services, thereby providing a basis for federal taxation as the transfer of money takes place. This Administration seems not to understand that principle. At least, not as it applies to real estate.

In its approach to taxation of the results of investment in real estate, the Administration would encourage—through tax policy—long-term holding of real estate investments, i.e., non-transfer of ownership! Anyone with a modicum of experience in development and management of real estate knows that blight and deterioration are the signs of static ownership—the absentee owner, the undistributed estate, the land trust, the tax-free institutional grantee—whether it is church, university, or foundation.

It is the transfer of property that creates business, that results in development, that encourages rehabilitation. Owners who are "locked-in," whether economically or for family or sentimental reasons, often do not develop property to its ultimate use. It takes a sale or an exchange—or even a lease—to create business. A new owner has a vision for improvement, for enlargement, or development. He may erect a new facade, repaint or rehabilitate the interior, refurbish it, convert from industrial or commercial—or vice versa. He may tear it down and erect a new building—or clear it for parking. Change in ownership invariably creates business in response to the buyer's vision—or plans—or whims. That business results in taxes paid to the federal government.

The longer that real property is held in the same ownership, the more likely that inflation will have created a profit—in paper dollars—and the less incentive there will be—for tax reasons—to sell. It is a condition that exists in many an historic landed estate. This is the situation that prevails in many of the "older" countries where the real estate economy is decadent and casts a heavy pall over the entire economy. It would appear that the present Administration, whether by virtue of misunderstanding or lack of experience—certainly not by virtue of stupidity—is moving in the same direction.

Changes in the federal tax laws are being sought—purportedly—for two principal reasons: (1) to create more equity by eliminating "loopholes" by means of which some people can escape paying a fair share of the cost of government, and (2) to create a fiscal policy that is badly needed to help fight the fires of inflation.

The Association supports both policies. We advanced a solution for tax avoidance including the closing of an alleged "loophole" for real estate investment. But too many of the Administration-supported proposals would kill any incentive to real estate investment and development while encouraging public and consumer spending and speculation. There is a strong Wall Street flavor to the policies that seem to be gaining dominance, unfortunately, for the health of the country—and of the Administration.

EUGENE P. CONSER.

[From the Economist, Oct. 25, 1969]

HE SAT STILL TOO LONG

The historians are quite possibly going to say that the pattern of Richard Nixon's presidency was set in his first nine months in office; and if they do, their judgment will be plain. They will commend Mr. Nixon for deciding that the main aim of his presidency should be to quieten America, but they will say that he failed because he thought the best way to do it was to be a quietist president. The two main problems that faced him last January, the Vietnam war and the American economy, seem to be slipping out of his control for the same basic reason. He has sat quiet too long; he has let events shape themselves; his lines of communication, both downward, into his own Administration and outward to the American people, have not been made to work properly.

Mr. Nixon's conduct in the next few months may belie this judgment. Certainly it is too early to say that this is what a majority of Americans think of him: the opinion polls continue to register the fact that most of his countrymen regard him as an acceptable leader if not exactly the apple of their eye. But the inner community of Americans among whom Mr. Nixon has to work—the politicians, the mass communications people, the businessmen and the intellectuals on the fringe of political life—are increasingly critical. Since he has hardly tried to appeal to his own America, the one that elected him a year ago, his standing with the electorate at large today is just not solid enough to withstand this erosion.

AMERICA'S FALTERING ECONOMY

At home, an early hope was that President Nixon's Administration would serve as a tranquilizer, which the United States urgently needed to take after its near-nervous breakdown in 1967 and 1968. Probably Mr. Nixon can claim to have partly performed that function. The demonstrations against the Vietnam war (and over the Negroes and university tension) would have been more febrile if a President Humphrey had been in the White House—and if Mr. Humphrey had appeared to be promising left-wing things in his speeches, while actually having to implement right-wing policies. But the

main touchstone of any government's domestic achievement is its economic policy. Here Mr. Nixon won a honeymoon because the men he appointed could talk modern economics very competently. Unfortunately, they have not so far put them into effect.

During Mr. Johnson's last year the American economy was still growing at an admittedly excessive 5 per cent a year, while inflation had risen to an annual rate of 4 per cent. Now, under Mr. Nixon, the growth rate is down to 2 per cent, and inflation up to about 5½ per cent. Moreover, there are worrying signs that something still more like a recession could be on the way: industrial production has fallen for two months in succession, unemployment has jumped to 4 per cent of the labour force, and there was an unwanted rise in inventories in the last quarter. Under the rules of the fundamentalist economics that some Republicans still believe in, it should have been impossible for this simultaneous slowing of growth and quickening of inflation to happen, or at any rate to go on for so long. It is going on because, although America is no longer suffering from a demand-pull inflation (a fact that the American Treasury and the Federal Reserve seem to have failed to note), it is suffering from a cost-push inflation. Some of the blame for this quickening of cost push should be laid at the door of the Nixon Administration, whose jettisoning of the Kennedy-Johnson guidelines on prices and wages has encouraged American industry to assume that there is an open season for hurrying forward price increases in 1969.

In 1970, an unusual number of labour contracts will be due for renewal, and the labour unions will be seeking large wage increases to compensate for these price increases. Some believers in fundamentalist economics say that it will therefore be important for America to keep credit particularly tight, so that industries cannot afford to grant these wage increases or at least will find great difficulty in selling their products if they do. If this policy really were sternly pursued, then America could drop into both strikes and a recession. But it seems much more probable that this middling-conservative Administration, with a middling-conservative Federal Reserve under Dr. Arthur Burns, will follow the sort of middling-conservative policy that Britain suffered in so much of the decade down to devaluation in November, 1967. Under this, a weak government allows bigger wage increases than it ought to; then it gets scared about them and holds down total demand just sufficiently to ensure that those wage increases are spread over a pretty stagnant total volume of output, thus pushing up unit costs by even more.

The danger before the United States under a Nixon Administration is of a dip for the next three or seven years into the familiar British stop-go syndrome: whose characteristics are a very low growth (perhaps only 1½ to 2½ per cent per annum), plus a worrying rate of continuing inflation, plus a pretty dreadful balance of payments position, although also probably a smaller rise in unemployment than most prophets of doom-through-stagnation have foretold.

Plainly the worst thing for everyone would be a real American recession, which would quickly spread serious economic difficulties all round the world. Beside that, an American relapse into British-style stop-go would be a much lesser catastrophe: the poor American balance of payments associated with it would probably actually allow Britain to run a better balance of payments. Nevertheless, it really is not to anybody's advantage that the greatest and strongest of the free nations should put itself in an economic hobble in this way. Both in the international and domestic field the attractively progressive ideas sponsored by Dr. Paul McCracken and others at the Council of

Economic Advisers do not seem to be getting through into policy.

Some say that this is because the only economist Mr. Nixon listens to is the more conservative, though equally numerate, Dr. Burns, who has written so many of the President's public relations statements and other messages, and has talked to the President about economic policy only in his spare time. Actually, a bigger trouble has been that fiscal policy can be enacted in America only after long delay (if then), so that the effect it has on policy works after even longer delay still. The real weapon of short-term economic management in the United States is monetary policy, which is in the hands of the committee system of the Federal Reserve. Like any committee system, this has a habit of reacting according to the moods of the moment, rather than according to the needs of the moment; so that it is quite capable of directing future policy to try to check the inflation of the past year instead of to avert the threat of recession next year.

That is why many economists welcome this week's announcement that Dr. Burns will take over as chairman of the Federal Reserve Board on February 1st. The newcomers include economists like Professor Milton Friedman who, despite his conservative image, fears that the Federal Reserve's present policy will lead to a recession next year. But it may be that the task of chairing the Federal Reserve now could best be undertaken either by a very determined despot or a very skilled diplomat; it is doubtful if Dr. Burns—an opinionated but scholarly man, inclined to bury himself in whatever papers are coming over his desk—really is enough of either of these things to put a whole committee machinery into reverse. Moreover Dr. Burns is not the sort of adviser who is likely to imprint on Mr. Nixon the concept that now most needs the presidential seal of approval. This concept is that America should determine to get back to 4 per cent annual growth, and should put more of the weight of its anti-inflationary policy on to countering the forces of cost push; it should stop thinking that it is doing anything apposite in battling on against the now faded forces of a once excessive demand pull.

THE VIETNAM COLLAPSE

And what is coming to look increasingly like Mr. Nixon's impending failure on his other main front, the Vietnam war, springs from much the same sort of cause. The economy is going wrong because of a mistaken analysis of the real cause of the trouble. The attempt to avoid a total defeat in Vietnam may be going wrong because of a mistaken analysis of American opinion. Mr. Nixon thought that he could repair the collapse of American morale that happened last year, by offering to end the war through an impartially supervised election and by reducing the American part in the fighting. It was a reasonable hope, so long as it was possible to believe that the damage to American self-confidence was repairable. It had seemed to be so, despite all that had happened since the Tet offensive and the New Hampshire primary last year. The lesson of the past week may be that it is not.

The demonstrations that took place on Moratorium day added little or nothing to the estimates of the relative number of Americans who support and oppose Mr. Nixon on the war. The total of those taking part—a million by most calculations, almost certainly not more than a million and a half—was only a fraction of the 30-odd per cent who had already registered their dissent through the opinion polls. The first reaction to the demonstrations, to judge from the Sindlinger poll taken just afterwards, may even have pushed a few per cent back to Mr. Nixon's side. But the real impact of Moratorium day was a negative one. It showed that

Mr. Nixon has failed to do what he needed to do, which was to contain and then reduce the volume of dissent. The line between passive and active opposition to the war—between voting against it when the pollster comes to your door, and going out on to the streets against it—has been crossed by a larger number of respectable unrevolutionary Americans than ever before. This is a fact that has to be absorbed. It has certainly been absorbed by the people who run America's newspapers and television; many of them, perhaps most, have come to the conclusion that Mr. Nixon's attempt to match the rate of American withdrawal to the requirements of the battlefield has now been kicked from under him.

Mr. Nixon may well say that his policy has not been given a proper chance. He has proposed that the war should be put to the test of an election in Vietnam held under conditions which, to anyone of a democratic turn of mind, seem about as fair as could reasonably be hoped for. The North Vietnamese and Vietcong have rejected it, doubtless because they know they would not win such an election. Mr. Nixon has taken out part of the American army, and given new tactical instructions to the rest, and has thereby cut the number of American casualties. He can claim that the defeat the communists suffered in their great offensive last year has brought about a major change in Vietnam itself; about 90 per cent of South Vietnam's population are now said to be living in more or less secure areas, and the claim has been tested by reporters who have gone out and travelled through these areas. If he had time, Mr. Nixon has a policy that would work. But it is now very likely that he is not going to be given the time because the Americans—or enough of them—are no longer interested in the slow changes in statistics. They are no longer interested in a fair election for Vietnam, or a compromise settlement that has to be fought for. They have relegated Vietnam in their minds to the obscurity which, in Mr. J. K. Galbraith's phrase, it deserves. They just want to get it over with.

It is not, of course, the whole story. It is just possible that Mr. Nixon has more room for manoeuvre than most people have assumed. The savaging the communists took last year, and the bombing they are still taking now, may mean that that 90 per cent of more-or-less security can be maintained even if Mr. Nixon announces in the speech he plans to make on November 3rd that he is pulling a lot more troops out. The new fighting orders that Mr. Laird has been issuing might be fudged into something that men nowhere near the war would call a "ceasefire." That might take some of the steam out of the second round of demonstrations planned for mid-November. But on present evidence it is unlikely to go that way.

There now seems to be very little connection between what happens in Vietnam and what the American opponents of the war do. Each successive change of position by the Administration is swallowed whole; each inevitable bloodiness in what remains of the continuing war is seized upon as a reason for demanding another change of position. The enemy negotiators in Paris naturally see even less need to change their terms. If that is still the pattern next month, it is possible to guess what Mr. Nixon may then tell himself. He may tell himself that his duty to the unity of the United States takes priority over his responsibilities in Asia. He will say that, anyway, the consequences of a defeat in Vietnam may be limited by what has happened in east Asia since the Americans went into Vietnam: the rescuing of Indonesia, the new edge to the Russian-Chinese quarrel, North Vietnam's need to repair its battered economy. He will reflect that the United States is the first country that has ever tried to fight a televised war

under the rules of democracy—free reporting, opinion polls, the lot—and that, if the result has been the unsurprising discovery that people loathe the war, that is something that all democracies will have to chew over in the future. He may know that he is giving too much away to the North Vietnamese too easily; that there will be a day of reckoning that is greater than any local defeat in Asia. But he may still decide that he has no choice but to wind up the war.

It has always been clear that the ultimate decision on this war should come from the American people. The decision need not be expressed in an election, or in a referendum formally addressed to the question of the war. It can come from what the man who has to run the United States judges to be the irreducible hostility of an unignorable opposition: unignorable not only in terms of peace in the streets, or his own prospects of re-election, but in terms of the stability of American society. It is the health of democracies, in the long run, that this is the principle they are based on. It is their weakness that they sometimes take great decisions without recognising the consequences that are likely to flow from what they are doing. This may be what is happening now in America. The consequences for western Europe, let alone eastern and southern Asia, of an American capitulation to a brave and ingenious but unrepresentative minority of South Vietnamese, sustained by soldiers from North Vietnam, are only just starting to be examined. Next month, with Mr. Nixon's appeal on November 3rd and the opposition's response ten days later, may settle the matter one way or the other. It may mark the moment when the other noncommunist countries will have to start making new dispositions to deal with a new situation: a world in which the United States has come to look smaller, more distant, more fragile, no longer a place you can comfortably lean on.

THE INCOMES ROUT

(NOTE.—The usual surrenders on incomes policy have had the usual results. Mr. Jenkins has had to maintain his import and travel restrictions, and surreptitiously tighten his squeeze. There will be worse to come.)

Well, it's happened again. A main economic question for 1969 had been whether all the recent high, glad hopes of burgeoning British economic recovery would once more be destroyed by cowardice in allowing uncontrollable wage inflation in the public sector of the economy. That was the story of last year when the fruits of Mr. Jenkins's brave near-£1,000 million a year tax increases in April, 1968, were thrown away in a fatal interview in early July, 1968, when two cabinet ministers told British Rail not to be so beastly as to lay off workers whose jobs had been made unperformable by their own trade unions' go-slow. British Rail went away to sign its big wage increase at Penzance, and from that moment Britain's costs and ills spiralled.

Now, with deadly similarity, the same sort of invidious example has been set this month. A fortnight ago the strike of London dustmen attracted considerable public sympathy. Unfortunately, the capitulation to it has also attracted immediate public imitation. Within a week a sizable proportion of the nation's coal miners had interpreted the dustmen's large rise as a sign that they too could get a bonanza settlement of their own wage claim if they came out on strike. They had interpreted it aright. Although coal is in the same apparently unpromising situation as British Rail last year—a nationalised industry in substantial deficit, with large parts of it kept open as a social welfare operation, so that any hard-headed employer ought on commercial grounds to welcome their closure by strikes or any other means—Lord Robens immediately agreed to an addition of at least £20 million to his annual wage bill. This

represented everything that the trade union had thought of asking for in terms of higher wages, leaving unsatisfied only a small part of their claim about shorter hours.

To what should have been nobody's surprise, the immediate response of the miners was to extend their strike; they are now proclaiming as a major point of principle that surface workers should be allowed to count towards their overtime entitlement every part of their 40-hour working week during which they are actually eating meals. Lord Robens will find that henceforth strikes become much more common in the coal mines; that is always the experience of employers who weakly give way. The Government, which is supposed to exercise ultimate control over the purses of the public authorities who pay dustmen and miners, has not uttered a word of protest at these blows at its incomes policy. Indeed, it tacitly encouraged Lord Robens to settle at any price.

In the period ahead, all public authorities will now run away up the inflationary spiral. The big question is whether private industry will follow suit, as it did after Penzance. The consequences last time cannot be too frequently retabulated. From Penzance on, the rest of British industry also assumed that incomes restraint had been abandoned, and capitulation became for every negotiator the written order of the day. Between the beginning of that third quarter of 1968 and the first quarter of 1969, the nation's per annum wages and salary bill soared by over £1,000 million. That was why Mr. Jenkins had to introduce another crisis budget in November, 1968, and why for most of this year he has had to hold down consumption (and push up unemployment) as the rises in prices springing from the previous wage surrenders have worked their way up through to the shops. The rise in unemployment in this period of financial squeeze would have gone on for longer but for the extraordinary good luck of an expansion in world trade at about twice the rate which the Treasury itself had expected in late 1968. Few people are expecting a similar expansion of world trade in 1970; and all through this year it has been a matter of living on tenterhooks lest the same story of public sector surrender to wage inflation should come round again.

There is, possibly, just one hopeful factor compared with last year. In 1968 the Government was trying to exert its general economic squeeze through fiscal policy. The disincentive to the imitative grant of higher wages by private industry was supposed to be the general slackness of markets, and the fear that heavily taxed consumers would not be able to buy any products whose prices rose. It did not work because, after Penzance, industry immediately assumed that every other worker was going to get higher wages, and thus more buying power, so that the real squeeze on markets was over. In 1969, by contrast, the Government's squeeze is being applied through the money supply. Any private employer who followed Lord Robens's example in raising his weekly wage bill by between 6 and 10 per cent would have to draw between 6 and 10 per cent more money out of the bank on next week's payday. In present circumstances, a private employer might not be able to do this.

Nevertheless, the Government cannot be sure that the inflationary consequences of its own weakness will not spread. That is why Mr. Jenkins has decided this week to remain in open breach of his commitments to the IMF, the OECD, the Efta, the British Parliament and the British public by keeping the maximum permitted travel allowance for British tourists down at £50 a year and by extending the import deposit scheme (at the slightly reduced rate of 40 per cent) for another 12 months. The travel allowance is a discriminatory quota restriction on a particular form of rather desirable invisible imports; it has created contempt for the law,

and for British tourists abroad; it is contrary to the written rules of both IMF and OECD; when the restriction was imposed, it was stated to be a very temporary measure. The import deposit scheme, although less objectionable in principle, was introduced for one year only. Parliament and British and foreign businessmen were given implicitly to understand that it would be removed this December unless the progress of Britain's balance of payments was unexpectedly bad. If the progress of Britain's balance of payments has recently been unexpectedly bad, this is not what once seems to remember the Prime Minister and the Chancellor saying to their party conference at Brighton.

The continuation of the import deposit scheme will also intensify the credit squeeze during the first quarter of next year. Hitherto industry had been assuming that the brutal drain on liquidity to be expected in that quarter of peak tax-gathering would be partly offset by the release of import deposit money. Now it is not going to be offset, and a wave of closures of small firms in the first half of next year, with a consequent increase in unemployment, becomes more probable. It may be that this strengthening of the squeeze has been made very necessary by the past fortnight's collapse of incomes policy. But Mr. Jenkins did not refer to the dustmen and coal miners when announcing the measures; and Labour MPs actually cheered him, apparently believing that he was keeping back a load of nice presents until nearer to general election time. The self-deception of British politicians, in the face of the umpteenth government betrayal of incomes policy in umpteenth years, surpasses belief. One would have thought that no MP had sat through a showing of this old, said, bad, familiar film ever before.

What may be called the short- to medium-term prospect for the British economy must be grievously hurt by the wage inflation now set afloat. Since the short- to medium-term political prospect will be greatly affected by this, all sorts of questions are now raised—including some new ones about the most likely date of the next general election. But the important long-term question is what can be done to restore some meaning to incomes policy. The first point to make is one that a future Conservative government, such as is now more likely to be created by the crisis that will eventually follow this week's surrenders, may note with some pleasure.

The tendency for incomes policy to collapse first in the public sector—not just in 1968 and 1969, but back to the Gullebaud inflation of 1960 and beyond—does illustrate the particular weakness put upon the British economy by the fact that the public sector is so large. Ordinary monetary and fiscal policy does not work as a sufficiently restraining force because nationalised industries and local authorities have the capability of pushing up wages in blithe disregard of it. They have special borrowing privileges in a money squeeze, and special fund-raising opportunities in a market squeeze; local authorities can recoup the cost of an excessive award to dustmen by putting up local rates (they cannot be deterred by any depression of market demand) and nationalised industries have special monopoly advantages in being able to put up their prices (or if the monopoly advantages should prove smaller than they thought—as if the coming rise in coal prices loses still more of the market to other fuels—then these industries fall back on more subventions from the taxpayer). One inescapable conclusion is that any future government, Tory or Labour, really must steel itself to standing up to strikes in the public sector. It must give specific instructions to employers in this sector that their total wage bills must not be allowed to rise in any year by more than a given incomes policy norm. Another con-

clusion is that Britain needs to move towards having a smaller public sector. A case for some denationalisations is being steadily made out by these repeated incomes policy disasters. If dustbin collection in Britain had been hired out on tender by local authorities to different private contractors across the country, then this month's monolithic wage inflation for all dustmen would have been averted, and Britain's customary economic crisis would have been at least somewhat delayed in 1970.

The other question is how wage inflation can be prevented from spreading. It may be that the next few months' experience will happily show that a money squeeze works better than a fiscal squeeze in effecting this. But this should also be a function for the Prices and Incomes Board. There has been a rumour that next week's Queen's Speech might announce the demise of the Prices and Incomes Board, and the division of its prices side to the Monopolies Commission and its incomes side to Mr. George Woodcock's Commission on Industrial Relations. Fortunately, the rumour seems very unlikely to be true. It is more probable that the Monopolies Commission will in practice be merged into the PIB (even if some other name is used, see page 68), and that the Queen's Speech will say that an option will be kept open for a possible merger of the CIR with this enlarged body later. The explanation of this last option would be the recognition by everybody, except by its creators among the authors of the Donovan report, that the CIR has no work to do; but it probably cannot quite be shrunk into an unimportant sub-department of any new joint PIB-cum-Monopolies Commission while Mr. George Woodcock is still there.

While this enlargement of the PIB might have some minor advantages—for example, it will be more difficult for a Tory Government to kill the PIB if the Monopolies Commission is also embedded into it—it would not overcome the PIB's present great disadvantage. It has become steadily clearer that it was a major misfortune when responsibility for making references to the PIB passed, at the time of Mrs. Castle's enthronement, from the old and dead Department of Economic Affairs to Mrs. Castle's Department of Employment and Productivity. Mrs. Castle's DEF is really only the old Ministry of Labour with a title coloured purple; basically, the civil service within it is still more interested in appeasement than incomes policy. It is a dreadful failure of economic management that the past fortnight's mess about dustmen and coal miners was not referred to the PIB which has been having to concern itself instead with the processing of films.

The proper next step for incomes policy would be to transfer control of the enlarged PIB-cum-Monopolies-Commission to the Treasury. After all, it is the lack of an incomes policy which is giving the Treasury most of its least pleasant work, year in and year out. As Mr. Jenkins made his announcement about import deposits and travel allowances this week, he should have had cause to remember that.

NATIONAL GALLERY SHOWS "CIVILISATION" A NO-COST SELL-OUT?

HON. JAMES G. FULTON

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, in order that the U.S. Congress and the American people know of an excellent film series at the National

Gallery, these days, I am inserting in the CONGRESSIONAL RECORD the article from the Washington Post issue Tuesday, November 4, 1969, as follows:

"CIVILISATION" AND THE RUSH IS ON (By Phil Casey)

The National Gallery of Art, which apparently figured it had a nice, quiet cultural festival on its hands, was wrong as it could be.

About 10,000 extra persons showed up and wanted to sit down in the gallery's 303-seat auditorium Sunday night to watch showings of the first program in a 13-part series of films and narration called "Civilisation."

J. Carter Brown, director of the National Gallery, noting immediately that he had a popular hit on his hands, decreed there shall be frequent showings of each of the films daily and Sunday, so that some of the thousands who want to see the series can see it.

Brown, who is getting the series free from the BBC, wishes that TV, either educational or network, would buy the series and show it to all of the people who apparently are eager to see it.

He has no control over that, but he can show the films as frequently as possible, and he is doing that, ever since he came face to face with what happened Sunday night.

"Civilisation" is a series of 13 one-hour films narrated by Sir Kenneth Clark and made originally for British TV. The plan had been to show the series only on Sundays and Saturdays, but Brown has given up that dream and he's glad civilization is such a hit.

This week, through Friday, the first program will be shown daily at 10:30 a.m., and 2:30 a.m. Then, on Saturday, the program will be shown at 10:30 a.m. 12:30 p.m. and 2:30 p.m.

On Sunday, programs two and three in the 13-part series will be shown together. Each show consists of two one-hour films. The shows begin at 12:30 p.m., 5:30 p.m. and 7:30 p.m.

These programs will be shown through the following week; at 10:30 a.m. and 2:30 p.m., Monday through Friday, and at 10:30 a.m., 12:30 p.m. and 2:30 p.m. on Saturday, Nov. 15.

The gallery will advertise a schedule of all programs and showings from now on. There is no charge. Free numbered tickets will be available in the gallery each day for the shows that day.

Last Sunday was an astounding day at the gallery. Normally, for a Sunday at this time of year, about 8,000 persons are counted visiting the gallery. On this occasion there were 22,000 persons, and Brown has a deep impression that about half of them wanted to go to the movie.

GLASS TARIFF SITUATION OUTLINED BY REISER

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 5, 1969

Mr. EDMONDSON. Mr. Speaker, the U.S. Tariff Commission currently is reviewing our tariff rates on glass products, including flat glass which is one of the major products of Okmulgee County in my district.

One of those who appeared during public hearings on the glass tariffs was Mr. Ralph Reiser, international president of the United Glass and Ceramic

Workers of North America, AFL-CIO, CLC.

Mr. Reiser's statement before the Commission is an excellent presentation of the serious problems growing percentages of imports are causing the domestic industry, and of the need for continued tariff protection. I would like to have this statement made a part of the RECORD at this point:

STATEMENT OF RALPH REISER, INTERNATIONAL PRESIDENT, UNITED GLASS AND CERAMIC WORKERS OF NORTH AMERICA, AFL-CIO, CLC

Mr. Chairman. My name is Ralph Reiser, I am International President of the United Glass and Ceramic Workers of North America, AFL-CIO, CLC. Let me begin by reading, rather than merely entering for the record, the position of Organized Labor as stated in recent conventions of the AFL-CIO. In the 1967 Convention the AFL-CIO stated and I quote from the Resolution on International Trade.

"Organized labor has consistently supported U.S. reciprocal trade policies in the national interest since 1934. AFL-CIO support for expanded trade has been based on the expectation that such expansion would contribute to the growth of employment and improvement of living standards at home and abroad.

"As conditions change, United States policies and their implementation must keep up with the times. In 1934, the Reciprocal Trade Agreements Act was passed during a depression, which was aggravated by world protectionism. In 1947, the General Agreement on Tariffs and Trade was signed amidst post-World War II devastated national economies in most parts of the world. In 1962, the Trade Expansion Act was passed with great expectations that have not been fully realized in the five years that followed.

"The AFL-CIO conditioned its support for the Trade Expansion Act on the promise that American workers and firms, adversely affected by imports, would be safeguarded and/or assisted. As a result of the Tariff Commission's rigid interpretation of that law, all petitions for trade adjustment assistance have been rejected. The AFL-CIO reaffirms its conviction that a workable and effective adjustment assistance program is essential as one solution for some trade-related problems.

"Moreover, in 1967, with the successful conclusion of the Kennedy Round trade negotiations, the AFL-CIO finds it necessary to call attention to additional problems that have developed.

"While the Kennedy Round was underway, many problems which created difficulties for American firms and groups of workers were not solved. Other nations have created or maintained barriers to trade, despite achievement of competitive prowess in world markets. Major trading nations have established quotas, border taxes, variable levies and buy-national policies. These have adversely affected some U.S. industries which could otherwise have become more competitive in world markets. Sheltered by these artificial barriers, which have created an unfair competitive situation to the detriment of some U.S. industries, foreign producers have frequently built up over-capacity, which has encouraged them to seek expanded outlets in the United States. These developments have had a disruptive effect on some American production and employment." Last week in Atlantic City, The AFL-CIO, in Convention stated and I quote from a similar Resolution.

"Organized labor's consistent support of U.S. reciprocal trade policies and the expansion of world trade has been based on the goal of increasing employment and improving living standards at home and abroad.

"Changes in world economic conditions require changes in U.S. trade policies. The Reciprocal Trade Agreements Act was adopted in 1934, during a depression which was aggravated by world-wide protectionism. The General Agreement on Tariffs and Trade of 1947 was signed amidst war-devastated national economies in most parts of the world. The Trade Expansion Act was passed in 1962 with great expectations that have not been fulfilled and with the promise of adequate adjustment assistance for adversely affected workers and firms that has not been kept.

"In 1967, the AFL-CIO called on the Administration and the Congress to reassess and revise the nation's trade policies, in the light of substantial changes in international investment, production, economic aid and trade. But these policies have not been updated. In 1969, the continuing deterioration of the U.S. position in world trade requires new national policies.

"The overall U.S. position in foreign trade has deteriorated, while world trade has expanded substantially. In manufactured goods, U.S. exports have declined from 27.7 percent of world exports to foreign markets in 1958 to about 23 percent of much greater world exports in 1968. U.S. exports have been rising slowly, while imports, particularly of manufactured and processed goods, have been rising rapidly. The result has been a narrowing surplus of exports over imports—down to \$800 million in 1968—and no improvement is predicted for 1969.

"Temporary factors, such as the rapid growth of the U.S. economy from 1965 to 1968 and the more rapid rise in the price level since 1965, can explain only part of this deterioration. Basic causes of the change involve new factors that came to the fore in the 1960s and pose more serious problems for the 1970s.

"By the 1960s regional trading blocs and the revived economies of previously war-shattered nations were creating new trading conditions for the U.S.

"During the past twenty-five years most countries moved to manage their national economies—with direct and indirect aids for exports and bars to imports that have affected the U.S. trading position.

"The skyrocketing investments of U.S. companies in foreign operations—combined with licensing arrangements and patent agreements—have transferred American technology and know-how to plants throughout the world. As a result, the U.S. productivity lead had been narrowed or eliminated in numerous industries. Much of the foreign operations of U.S. firms, in plants, with American technology, that pay workers as little as 15 cents an hour, substitutes for U.S. production—exporting American jobs and displacing U.S. produced goods in American and world markets.

"The rapid growth of U.S.-based international companies has been substantially changing the composition, as well as the size of U.S. exports, imports and the trade balance. These companies can juggle exports, imports, prices, profits and dividends from one subsidiary to another, across national boundaries, for the private advantage of the firm. In 1969, a large share of U.S. exports and imports are intra-corporate transactions, within the structure of U.S. based international companies.

"Moreover, while U.S. trade, investment and aid policies have fostered expanded world trade and the rapid development of foreign production, many other nations' policies have failed to move in a similar direction, at a pace that would help equalize the healthy improvement of living standards among nations.

In addition, emphasis on expanded trade in many industrial and developing nations has failed to take into consideration the need to expand consumer markets and to improve

domestic economic and social conditions. At the same time, the vast American market, with its high living standards, is a prime attraction to the export of foreign firms and foreign subsidiaries of American companies.

"The combination of these conditions has resulted in soaring increases of imports of a wide and spreading variety of products and components in recent years—disrupting markets, with adverse impacts on workers, communities and smaller companies.

"Old concepts and labels of "free trade" and "protectionism" have become outdated in this world of managed national economies, international technology, the skyrocketing rise of U.S. foreign investment and the growth of multi-national companies.

"AFL-CIO support for the orderly expansion of trade does not include the promotion of private greed at public expense or the undercutting of U.S. wages and labor standards. Our support for expanded trade involves the expansion of employment at home and among our trading partners. Our objective is to actively promote improved living standards and working conditions here and abroad."

I cite these excerpts from these Resolutions to refute the common assumption that Organized Labor is for International Trade period.

The support that labor gave GATT was based on the promises made in both Senate and House Hearings that workers who lost their jobs would be provided for in both training and compensation to make the transition to other industries or jobs.

Mr. Robert L. McNeill, as Deputy Assistant Secretary for Trade Policy, Department of Commerce, admitted this fact when he appeared before the House Subcommittee on Foreign Economic Policy on August 17, 1966, and stated as follows:

"We believe that the double test of the Trade Expansion Act to establish eligibility for assistance is far too severe. It requires that any dislocation result in major part from a tariff concession, and second, that the injury must in major part, be a result of imports. That is indeed a very difficult and severe test that has been impossible to meet since 1962 when the act was legislated by the Congress."

This promise has not been kept. For the Commission to render a decision that would result in workers losing their jobs seems inconceivable when it has been demonstrated time and again that trade and adjustment relief is more theoretical than real.

The flat glass industry pays wages which are among the highest paid by industries in the United States. In 1967, the average hourly earnings for production workers in the flat glass industry reached a level of \$3.66 an hour, excluding fringe benefits, or 30% above the average hourly wage earnings for all manufacturing industries.

This high wage characteristic of the flat glass industry is of significance because the industry's plants are predominantly located in the poverty-stricken areas of the United States. Of a total of 23 flat glass plants in operation during 1967, 13 located either in the Appalachian poverty belt or in areas which have been designated by the U.S. Department of Labor as areas of substantial unemployment.

In considering the question of the extension of escape clause tariff rates to imports of sheet glass, Vice Chairman Sutton of the U.S. Tariff Commission stated that the duties must be maintained—"at least until the effect of the partial restoration of rates already effective can be ascertained and until economic conditions in these communities have materially improved." Despite its potential for creating and maintaining high-paying jobs, employment in the U.S. flat glass industry has continued to decline in the wake of previously stated events.

As of March 1968, total employment in the U.S. flat glass industry was 30,500 compared with 32,300 in March 1967 and 32,800 in March 1966. The high point in the industry's employment was reached in March 1959 at 36,700 workers, according to BLS data.

Officials of the U.S. Department of Commerce, the Small Business Administration, and the U.S. Department of Labor have visited flat glass factories in Fresno, California; Shreveport, Louisiana; Henryetta and Okmulgee, Oklahoma; and Charleston and Clarksburg, West Virginia. The stated purpose of these visits was to enable the Government representative as part of a task force appointed by President Johnson "to search for alternate employment and to take other steps which will work out long-term solutions to the problems created by job dislocation."

At each plant, the Government representatives met with representatives of labor and management, and in some instances with other leaders in the communities in which the plants are located. Without exception, the labor, management, and civic representatives conveyed the determination of the affected members of each community to keep the flat glass plants in existence because of their importance to the economic life of their communities and because of the practical impossibility of retraining the highly paid flat glass workers for comparably remunerative employment in their communities.

The size of the work force and the payrolls represented by these flat glass plants were shown to be of such importance to the business, commercial, and cultural life of these communities that their elimination through deliberate tariff action by the United States was totally unacceptable to the workers and to the community leaders, as well as to management of the plants. The loss of employment in the communities in which flat glass plants are located as a result of the continuing gross imbalance in U.S. foreign trade in flat glass can be measured. By relating the plant shipments of flat glass to total employment in the flat glass industry, it is possible to derive a general indication of the amount of employment associated with each thousand square feet of plant shipments of flat glass. When this factor is applied to the square foot equivalent of flat glass moving in foreign trade, an approximation of the United States employment counterpart of these imports and exports may be derived.

On this basis, in 1967 the net balance of employment attributable to United States foreign trade in flat glass was a deficit of 7,268 jobs. The employment equivalent of imports exceeded the employment equivalent of exports by that amount.

At the prevailing average wage, this loss of 7,268 jobs in 1967 as a result of the deficit in U.S. foreign trade in flat glass represented a loss of payroll for the communities in which the industry's plants are located of \$56 million. Despite the total awareness of the loss of jobs resulting from GATT not one of these workers have received aid provided for in these various schemes.

We Glass Workers do not seek handouts or subsidies. We cite this woeful tale of betrayal of the workers in the flat glass industry to remind you in your deliberations that the only chance we Glass Workers have is time, time to adjust, time for our plans to materialize.

We haven't given up or pushed the panic button while consistent across the board reduction in U.S. import duties tears down more than we can build up during the same time period.

We need time for plans such as:

DOMESTIC

1. To cooperate in the installation and the change of methods of production in the various plants where we hold bargaining rights.
2. Utilize the Stone, Glass & Clay Co-

ordinating Committee to seek the inclusion of an international fair labor standards provision in all international agreements, by securing relief and subsidies, wages and training for members who become victims of GATT and lose their jobs.

3. Participate in and advance our activities in the Industrial Union Department of the AFL-CIO, such as coordinated bargaining, computer data, organizing and other programs to meet the flood of expected imports.

FOREIGN

1. Participate in and advance Glass, Ceramic and Chemical Committees of ICF so as to raise wages of workers producing products for the United States, Canada and other desirable markets.

2. Participate in and advance the work of ILO that sets up the working conditions that most countries abide by. Pressing for an international fair labor standards provisions.

These plans are not just pie in the sky. With new methods of production we Glass Workers have upped our production to 182.8 on the Federal Reserve score card. (1957-59 = 100)

Because of the international flow of flat glass technology and licensing arrangements, the U.S. producers cannot offset the competitive leverage achieved by foreign producers from low cost labor inputs—from one-third the U.S. wage rate in European countries to one-twentieth of our wage rate in Asian countries.

The competitive advantage arising from low wage foreign labor, has thrown open the U.S. flat glass market not only to wholesale usurpation of market growth by foreign producers but also the continual erosion of the U.S. producers' share of the remaining domestic demand for flat glass products.

In light of the industry's inability to either close the existent and growing competitive wage gap or to participate in any meaningful fashion in foreign markets due to the effective preclusion of U.S. products through a myriad of tariff and nontariff barriers. We have virtually left no stone unturned in other areas, in an effort to secure some semblance of an equitable market for flat glass.

We have joined with our fellow Glass Workers throughout the world in the I.C.F. (The International Federation of Chemical Workers). These Glass Workers do not appreciate the low pay they receive for producing glass sold in the United States. We have set up machinery to coordinate collective bargaining to meet the integrated global policies of these multi-national corporations.

This is not a term merely denoting domestically-oriented enterprises with international operations, but truly world-oriented corporations.

These are genuinely global in their perspective; their management makes fundamental decisions on marketing production, research, investment and industrial relations and wage policies in terms of alternatives existing anywhere else in the world.

Operating from manufacturing bases in at least a dozen countries they allocate capital, manpower and other resources globally. Their domestic and foreign operations are intrinsically integrated. It is not uncommon for these large corporations to earn up to 50 and 60 percent of their profits from foreign operations.

The report of the Monopolies Commission of the United Kingdom on The Supply of Flat Glass presents the following information on the operation of the Pilkington flat glass monopoly in the United Kingdom; the Compagnie de Saint-Gobain (St. Gobain) and the Glaverbel/Boussols/Delong which form a flat glass cartel in Europe; and the Asahi Glass Co., Ltd., Nippon Sheet Glass

Co., Ltd., and Central Glass Co., Limited, three companies which make up a flat glass cartel in Japan.

The Japanese cartel is precluded from gaining major access to the market of the United Kingdom or Western Europe. The European cartel is restrained by agreement from penetrating the U.K. market above export quotas which are established by agreement between Pilkington and the European cartel. Only the United States market is freely open, and the benefit of the open-door policy which has been created by our Government is extended to foreign monopolistic aggregations which are able to charge any price they choose to progressively take over the United States market.

As stated in the report of the U.K. Monopolies Commission on flat glass, under a draft agreement between Pilkington and the producers of France, Belgium and Germany, "broad quotas are laid down on a square footage basis for the total sheet exports of each national group, and the parties agree to observe common prices and conditions of sale in world export markets, each party's domestic market only being excepted. Although the agreement was never signed, we are told by Pilkington that its provisions have been loosely observed."

The effectiveness of this agreement for its beneficiaries is shown by the fact that, as reported by the Monopolies Commission, "In 1966 about nine per cent by value, and about eight per cent in terms of quantity, of the United Kingdom demand was met by imported glass."

The roughly equal shares of the United Kingdom market supplied by imports, whether expressed in value or in quantity, as indicated by the above quotation, are in marked contrast to the situation previously discussed in the United States in which very low unit values for foreign products yield a much lower market penetration ratio by value than by quantity. The implication is clear that as a result of the working arrangement between Pilkington and the European cartels, prices are maintained at levels acceptable to the European and United Kingdom groups, and the actual volume of imports permitted into England is correspondingly controlled.

In addition to the cartel arrangement mentioned for sheet glass, the Monopolies Commission reported that the four principal overseas suppliers of float and plate glass are the Western European producers which charge identical delivered prices and have identical conditions of sale. Further, the Commission reported that the share of the Western European glass makers of the market in the United Kingdom has been much reduced, and those producers "like Pilkington itself, may be willing on occasion to dispose of surplus production by selling it abroad at a low margin of profit."

The result of Pilkington's monopoly position and the cartel agreement between the Western European flat glass producers and Pilkington is to reduce competition within the home market of each producer from other members of the cartels while leading to a concert of pricing and export actions on their part in disposing of their surplus production in the open markets of the world, the principal one of which is the United States.

Because of past governmental action, public attention has been focused primarily upon the plight of the domestic sheet glass industry. In this respect, it should be noted that U.S. consumption in dollar terms of the remaining basic flat glass products (plate, float, cast and rolled) is even larger than that of sheet glass. Imports of these other basic flat glass products have also increased to a critical level.

We support the industry's petition to extend the remaining modified Escape Clause

Tariff Rates on sheet glass originally proclaimed by President Kennedy in 1962.

Further, we pray that you will find that sheet glass, plate and float glass, cast and rolled glass, and tempered glass are, as a result, in major part of concessions granted under trade agreements being imported into this country in such increased quantities as to cause, or threaten to cause, serious injury to the domestic flat glass.

In conclusion—

The ever increasing rate of foreign participation in our domestic market can not, and should not, be allowed to continue to the inevitable result that the U.S. Glass Industry—beleaguered by low wage, off-shore production—would transfer productive capabilities abroad—to compete in our own market place—at the expense of our jobs.

Management can and may export their capital—the workers have no option—only trade adjustment assistance—versus poverty. What's the score—Poverty 32 Trade Assistance 0.

OPPOSITION TO THE VIETNAM MORATORIUM

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. PRICE of Texas. Mr. Speaker, in recent weeks, the voices of protest over the course of the war in Vietnam have reached a pitch that threatens to overpower, by sheer volume, the less strident voices of those Americans who believe that we have a vested interest in fighting the enemies of freedom, and that a historic battle against the forces of tyranny is being waged in the jungles of Southeast Asia.

I believe, and I know my views are shared by millions of Americans across the land, that our cause in Vietnam is just, and goals are worthy.

I know full well that our national and individual sacrifices have been great ones. As a Korean war veteran, I also know the cost of freedom is high for its defenders, and the price of freedom is high for those who, like the South Vietnamese, desire it.

As a compelling reminder of the cost of freedom, and the feelings of many of those whose sons have sacrificed their lives to bring it to the valiant people of South Vietnam, I place in the RECORD the statement of a father whose son was killed on the field of battle. His statement is a forceful reply to those individuals who are trying to undermine our national efforts by their support of government of the streets and of the alleys:

[Taken from Wichita Falls Record News, Oct. 17, 1969]

USE OF SON'S NAME BLASTED BY PARENTS OF WAR VICTIM

LAS VEGAS, NEV.—"When they read my son's name to advocate peace at any price—the price being defeat, let them remember that he whose name they read did not surrender," wrote an anguished Malcolm Thompson.

"When they read the name of Gregory M. Thompson, let them realize that they are proving before the world the truth of the oft-repeated Communist claim that many Americans have become soft, decadent and yielding to any determined force which opposes them . . .

"When those hypocrites read the list of dead who defended South Vietnam, let them know that they have reached the ultimate low in the world record of human infamy, in that they willingly and cunningly utter a dead man's name to achieve the defeat of the cause for which he died".

Thompson's son, Gregory, was an 18-year-old Army PFC who was killed in combat in Vietnam May 17, 1969. The father's words, in a letter sent the day after Moratorium

Day, mirrored the other side of America's continuing Vietnam debate.

"It is the ones who saw his body returned in a flag-draped coffin who should be heard—not the protesters," Thompson wrote.

"These transparent propagandists were not there to see my son buried, nor do they accompany me on my trips to lay flowers on his grave. . . .

"It is we the parents who said goodbye to him when he went away to fight—not the

peace agitators. It is we the parents who wrote long, anxious letters to him during his three months of almost continuous combat—not the agitators. . . . My son was killed while fighting for his country. America cannot be permitted to perpetually persuade its citizens to instill in their sons a sense of patriotism, loyalty and a determination to defend the oppressed, and then, after the sons have died, suddenly change her mind and yield to those who killed him"