EXTENSIONS OF REMARKS

SENATOR RANDOLPH ADDRESSES SOUTHERN GOVERNORS' CONFERENCE ON MEETING ENERGY NEEDS—STRESSES COMPLICATION DUE TO MONEY AND TRADE CRISIS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 23, 1971

Mr. RANDOLPH. Mr. President, the Conference of Southern Governors is sponsoring today and tomorrow at the Holiday Inn, Chevy Chase, Md., a seminar on meeting tomorrow's energy needs. The official host is the Governor of Maryland, the Honorable Marvin Mandel. Maryland's Department of Economic and Community Development director, Edmond Rovner, presided as program chairman.

The Honorable David Freeman, assistant director for energy, environment, and natural resources in the Office of Science and Technology, Executive Office of the President of the United States, was the keynote speaker at the opening session. It was well attended by official representatives of Governors of all Southern States, utility regulatory agencies, and public and private utility companies from throughout conference member States.

Four panels are on the 2-day program, one on "Researching Energy Needs," with James Carpenter of the National Science Foundation as moderator; a second on "Energy and Community Goals," with Don Smith, an Arkansas public service commissioner, as moderator; the third on "State Agency Energy Planning and Implementation," with the Honorable William Goodman of the Maryland State Senate as moderator; and the fourth on "Fuels for Tomorrow's Power," with Morton Goldman, vice president of NUS Corp., as moderator.

It was my privilege to have been the speaker for today's luncheon session. I discussed the question of whether or not solutions to our energy crisis in the United States possibly will become more elusive. Reference is to a potential consequence of the complications growing out of what appears to be confrontations between our country and other countries of the world over monetary policy and the U.S. unilateral action in placing a 10-percent surcharge on most imports.

Mr. President, I ask unanimous consent to have printed in the RECORD following this introduction, a summary of the program of the Southern Governors' Conference on Meeting Tomorrow's Energy Needs, and the text of my Thursday luncheon speech.

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

GOVERNORS' CONFERENCE ON MEETING TOMORROW'S ENERGY NEEDS

HOLIDAY INN, CHEVY CHASE, MD.

Thursday, September 23, 1971

Introduction by Program Chairman Edmond Rovner, Secretary, Maryland Department of Economic and Community Development.

Keynote Speaker: David Freeman, Assistant Director for Energy, Environment, and Natural Resources, Office of Science and Technology.

Panel No. 1: Researching energy needs

Moderator: James Carpenter—National Science Foundation.

(1) "Forecasting"—E. B. Crutchfield, Vice President, Virginia Electric & Power Company.

(2) "Energy Generation and Distribution Problems"—Frederick Warren, Office of Advisor on Environmental Quality, Federal Power Commission.

(3) "Research Requirements—Participants, Function, Funding"—Eugene Cronin, Natural Resources Institute, Chesapeake Biological Laboratories.

Luncheon Speaker: Honorable Jennings Randolph, United States Senate for West Virginia.

Panel No. 2: Energy and community goals

Moderator: Don Smith, Arkansas Public Service Commissioner.

(1) "Reconciliation of Economics and Environment"—Paul Rodgers, General Counsel, National Association of Regulatory Utility Commissioners.

(2) "Impact of Energy on Location of Economic Activity"—J. W. Michel, Oak Ridge National Laboratories.

(3) "Alternative Approaches to Desired Levels of Economic Growth"—William Van Ness, Chief Counsel, U.S. Senate Interior and Insular Affairs Committee.

(4) "Process of Setting Environmental Standards"—Stanley Greenfield, Environmental Protection Agency.

Panel No. 3: State agency energy planning and implementation

Moderator: William Goodman, Maryland State Senate.

(1) "Power Plant Siting Processes"—William Matuszeski, Council on Environmental Quality.

(2) "Power Generation—Institutional Processes"—Shearon Harris, President, Carolina Power and Light Company.

(3) "Socio-Economic Impact of Energy Distribution"—Steve Hanke, Department of Geography and Environmental Engineering, Johns Hopkins University.

Friday, September 24, 1971

Focus on Issues of Previous Day's Panels:

Lee Zeni, Maryland Department of Natural Resources;

John Gore, Vice President, Baltimore Gas & Electric Co.; and

Dan Dreyfus, U.S. Senate Interior Committee.

Panel No. 4: Fuels for tomorrow's power

Moderator: Morton Goldman, Vice President, NUS Corp.

(1) "Nuclear Power—Availability, Logistics, Problems"—Milton Shaw, Director, Division of Reactor Development and Technology, Atomic Energy Commission.

(2) "Coal—Availability, Logistics, Problems"—Joseph Carter, Special Assistant to the Governor of Oklahoma.

(3) "Oil—Availability, Logistics, Problems"—Richard Gonzalez, Petroleum Economist (American Petroleum Institute).

(4) "Gas—Availability, Logistics, Problems"—Robert Ryan, Vice President, Columbia Gas of Maryland.

(5) "Multiple Purpose Energy Projects"—Eugene Plock, Science Advisor to Kentucky Department of Commerce.

Luncheon Speaker: Chauncey Starr, Dean, School of Engineering, University of California at Los Angeles.

SPEECH BY SENATOR JENNINGS RANDOLPH

ANSWERS TO ENERGY CRISIS BECOME MORE ELUSIVE, COMPLICATED BY THE ECONOMIC SITUATION

The ever-increasing demand for all sources of energy—especially for electric power—will place very severe requirements on fuel supplies. The availability of all types of fuels will be a matter of paramount importance to all Americans.

This will be especially so when proper and necessary considerations are accorded to the quality of our environment during the production and consumption of these fuels.

One all-important question we must ask is:

Where will this country obtain these huge quantities of fuels?

And at what cost will we obtain them—in economic terms—in the environmental context—and in national security terms?

The questions seem simple. But the answers can be very complex, depending in part, on the economic health of the Nation and its global business partners, and on the unknown political picture at home and abroad at the time of need.

And the temper of conservationists is another factor.

On the one hand, they warn of the dangers in mining or drilling for new fuel sources. And, on the other hand, they trumpet concern over environmental hazards and safety of new power plants. Even as we failed adequately to assess the environmental considerations and the conservation mood, energy planners failed also to predict the rapid upsurge in energy consumption. And, frankly, the Nation counted too heavily on the too-rapid development—the safe and economically feasible development—of nuclear energy.

Consequently, we are in a fuels and energy crisis.

Likewise, we are in a money crisis.

Will the energy shortages be compounded and complicated by the money crisis? Can one be solved without solving the other. These are valid questions—cogent questions—but the answers may be elusive for a long time.

The news from the London conference of finance ministers and central bankers is not sugar-coated; in fact, the news from that front is grim. It now is obvious that there is an international confrontation over the dollar crisis—over the Nixon Administration's "Dollar float" and ten percent trade import surcharge. One astute financial news commentator wonders if this trade and money confrontation between the United States and other countries will escalate into economic warfare that would bode ill for free world unity. The same commentator added:

"Unless the President's hard-nosed attitude can give way to a resumption of international cooperation the world-wide depression feared by some Europeans might well become a reality."

And some authoritative individuals say that if our country keeps its new policies in place without showing inclination to truly negotiate internationally, other countries will retaliate—investments will shrink—and unemployment over the world will grow.

This is hardly a climate in which to optimistically undertake to solve the fuels and energy crisis. But there is no choice. We must face the facts as they confront us and work with zeal to overcome our fuels and energy difficulties, even if some facets of the picture are fraught with foreboding.

Going back now in this discussion to fuels and energy supply and demand considerations:

One prognosis on the availability of supply sources, insofar as relates to mineral fuels, is contained in a recent report by the National Petroleum Council, entitled, "U.S. Energy Outlook—an Initial Appraisal (1971–1985)".

In that report the Petroleum Council emphasized:

1. Continuation of present government policies and economic conditions would lead to significantly increased United States dependence on foreign energy resources, mostly in the form of oil from Eastern Hemisphere countries, and to an acute shortage of gas.

2. Potential energy resources of the United States would support higher growth rates for domestic supplies, given adequate economic incentives and careful coordination of efforts between government and industry.

3. Capital requirements to meet United States energy needs through 1985 are extremely large and will be difficult to obtain unless the general economic climate for the energy resource industries is improved.

The full impact of increased dependence on oil imports is conjectural at this time. But it is estimated that oil imports in 1985 will account for almost 57 percent of our petroleum supplies and about 25 percent of our total energy consumption.

This is compared with 1970 conditions when 23 percent of our petroleum supplies and 10 percent of our total energy requirements were satisfied by oil imports.

The increased demand for foreign oil is due in part to increased national demands for all petroleum products and, in part, to the necessity for making up the expected shortfall in other energy supplies, particularly natural gas.

When we consider the imports of both the oil and the gas required to meet our demands through 1985, we can expect that up to 30 percent of our energy fuels supply will be derived from imports.

It is especially pertinent to question at this time—under existing conditions—whether or not the United States, notably the eastern seaboard, should become more and more dependent on foreign fuels as energy sources to achieve our national goals.

In addition to the problem of the security and the reliability of energy supplies, increased imports will necessitate the construction of additional fuel handling equipment of all sorts, and on a very large scale.

The increase of overseas oil and petroleum porduct imports will require the availability of more than 350 tankers, each having 250,000 deadweight tons. At present, none of our ports can receive vessels of such size.

And the importation of significant amounts of liquified natural gas will require—by 1985—120 special tankers and the associated gas-handling plants at both the points of shipment and of entry. These are formidable construction requirements and very large expenditures on the part of or on behalf of industry.

Also, the balance of payments aspects of oil and liquified gas imports must be considered.

On this point, the Cabinet Task Force on Oil Imports Control declares:

". . . We can observe that increased imports would have a net negative effect on our balance of payments in the amount of $300 million to $400 million per year for each additional million barrels per day imported.

From now through 1985, our oil imports are expected to increase to a level of about 15 million barrels per day—which would be an increase of about eleven million barrels per day over the 1970 level of imports.

How would it be possible to forestall—or at least diminish—our growing dependence on imports of energy sources?

It would be a simple answer if we could say that the development of our domestic United States energy resources should be expanded to accomplish this.

But here we are—in a sense—limited by our current policies, or lack of policies, in many areas of fuels and energy considerations.

Much expert technical evidence exists to indicate that the amount of fossil fuels remaining in the ground is ample to meet domestic demands for many years to come. This is especially so up to 1985.

Most assuredly, the potential mineral resource base of all the fossil fuels is sufficient to meet our energy needs until the time when the nuclear breeder reactor is a significant contributor of electric power, and until the nuclear fusion reactor has been proved successful.

A body of national and state policies must be established and implemented to enable our native resources to be developed and made available consistent with our national goals, including the protection of our environment.

Such an establishment must be a coordinated effort in many areas, such as in taxes and economics, in regulatory policies and practices, in research and development, in transportation, and, in consumer affairs.

We must especially develop and implement special techniques through which *COAL*—the fossil fuel which has the greatest supply potential—can be used safely to maximum advantage. These techniques include better power plant pollution controls, the conversion of coal to gas and to liquid fuels, and better reclamation of land disturbed by mining.

We must also develop the necessary techniques for extracting the maximum amount out of less-productive oil and gas fields.

And we must evaluate all reasonable sources of power to determine their potential contributions to a solving of the energy crisis.

If we do not encourage our domestic energy industries to increase their outputs, we will become progressively more dependent on foreign sources—with all the accompanying worries about their reliability.

Thus far, we have discussed fuels and energy problems in general terms related mostly to the country as a whole.

How do the States represented in the Southern Governors Conference fit into the overall energy picture?

In 1970, these states produced 57 percent of the coal, 70 percent of the crude petroleum, and 84 percent of the natural gas of the total national production of each of these fossil fuels. These are significant statistics.

Clearly, such of our country's national energy goals as are met are accomplished mainly by the fuels industries and the production thereof in these states. Equally as clearly, increased production of fuels in these Southern States will be essential—even as we look more and more to the West for increases in our domestic supplies.

In the next decade, these Southern and border States will add electric power generating capacity amounting to approximately 45 percent of the national capacity additions during the same period. This includes the addition of 200 fossil fuel power plants. These Southern and border States are making, and will continue to make substantial contributions to the overcoming of our national fuels and energy crisis.

The future availability of reliable energy sources is a major concern, if only for meeting United States requirements for generation of electricity.

Importation of residual fuel oil to be used for fuel, especially under electric power plant boilers along the Eastern Seaboard, is currently unrestricted, to all intents and purposes—and probably will continue to be.

And, of course, air pollution and other environmental considerations will make the use of low-sulfur residual oil a more attractive alternate fuel for use in power plants.

However, with the continuing decline in residual oil output from *domestic* refineries, foreign supplies must be used. This places an ever-increasing reliance on foreign sources—and this trend must cause us major concern.

Nevertheless, we know that more power plants, designed to handle both nuclear and fossil fuels, will be needed to provide energy in the near future. Many of the proposed plants will be the center of local disputes over air, water, or thermal pollution, siting, location of transmission lines or numerous other problems about which citizens are becoming increasingly concerned.

Because nuclear power has fallen far behind both predictions and expectations, I agree with Secretary of the Interior Morton that our requirement for the last three decades of this century will involve:

The finding, production, processing and distribution of a staggering amount of fuel minerals—far in excess of anything we have so far managed to supply from domestic resources. United States (continental) reserves of petroleum are declining while demand increases steadily. And we have the making of a widespread shortage in gaseous fuels, especially natural gas. The shortage probably will strike in full force within the next few years, despite anything we might do. Coal gasification could help, but our society and our government have been too slow while doing too little to develop and produce and market a good quality of pipeline gaseous fuel—a clean fuel—from coal. We must do more—and do it faster—to gasify coal, our most abundant fuel.

Otherwise, we will be in a deeper energy crisis and the coal economy, so vital to several of our states here represented, will be in trouble because of environmental problems.

I am against any drastic relaxation of coal mine health and safety standards or regulations.

I am for tighter regulation of surface mining of coal, but against abolition of such surface mining, which supplies more than a third of all the coal mined and vitally needed in this country.

A cleaner environment and more adequate quantities and properly distributed fuels and energy can be simultaneous and parallel goals. We must not thwart the drive for adequate supplies of fuels and energy to satisfy unrealistic demands on behalf of the environment. But neither will we ever again virtually forget the need for environmental protection while building up the fuels and energy supplies.

We must think and act constantly, consistently, and cooperatively on behalf of both energy and the environment.

A problem in trying to plan for the future in the fuels and energy fields is that so many agencies of government, as well as private utilities and private industry—and even foreign nations and foreign policy—are involved. So, the planning has been and continues to be too piecemeal.

Today, there are numerous studies and much piecemeal action.

My hopes for a better future for the fuels and energy aspects of our country's economy are reposed in a bona fide Congressional study now underway in the Senate. It moves along unpretentiously—but solidly—in the Committee on Interior and Insular Affairs under the authority of a Senate Resolution sponsored jointly by Interior Committee Chairman Henry Jackson and this Senator, Chairman of the Committee on Public Works.

This country desperately needs a National Energy Policy, and we have high hopes that within the next 18 months to two years the foundation for such a policy will come from the Fuels and Energy Policy Study now developing and progressing.

MORE RICHARD M. NIXON ON RED CHINA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RARICK. Mr. Speaker, for over 20 years, in statement after statement as Senator Nixon, Vice President Nixon, and simply citizen Nixon, the present occupant of the White House has supported and defended the Republic of China while censuring and denouncing Communist China. The reversal by Richard M. Nixon of his longstanding views on China since assuming the office of President is nothing less than incredible.

In recent remarks—see CONGRESSIONAL RECORD of September 15, 1971, pages 32073–32078—I called the attention of our colleagues to statements on Red China made by candidate Nixon in 1960. I insert in the RECORD at this point statements on Red China made by Senator Nixon in 1951, by Vice President Nixon from 1952–60, and by citizen Nixon from 1960–66:

FROM THE QUOTABLE RICHARD NIXON BY PERRY HALL, EDITOR

RED CHINA

Statement, February 6, 1960: United Nations. I can think of nothing which would be more detrimental to the cause of freedom and peace . . . than to recognize Red China and admit it to the United Nations at this time . . . Now, will (this position) never change? The answer is: it will change, but only when the policies of the Communist Chinese Government change.

Address, American Society of Newspaper Editors, Washington, D.C., April 20, 1963: Red China and Russia are having their differences. But we cannot take too much comfort in the fact that what they are debating about is not how to beat each other but how to beat us. They are simply arguing about what kind of a shovel they should use to dig the grave of the United States.

Address, National Association of Manufacturers, New York, December 3, 1965: Today, Red China is a fourth rate military power with no significant nuclear capability. Five years from now Red China and Russia may have settled their differences. And, even if they have failed to do so, Red China will then have a dangerous nuclear capability.

[Richard M. Nixon, "The Challenges We Face," E 835, N 54]

FOREIGN POLICY IN ACTION: COMMUNIST CHINA[1]

Time and again over the past eight years, the critics of the present Administration have claimed that we have been too rigid in insisting on a firm stand against recognition of Red China. The question is often put, "Considering our policy toward some other dictatorships, should we not adopt a different attitude toward Red China? By recognizing Red China, might we not influence its conduct of foreign policy in the future?"

I recognize—looking ahead over the next twenty-five years—that it is essential that we in the West take the long view on all of these problems. What happens in Communist China is going to have a great impact on the retention of freedom and the maintenance of peace throughout the world.

Looking at the problem at the present time, however, my position with regard to being able to influence the course of Red China's development can be expressed in two ways. First let us consider the example of our British friends: they recognize Red China. Their relations with Red China have not improved at all by reason of recognition and are no better than ours. So I doubt that we should take the naïve attitude that by recognizing Red China and elevating them to the status of a respected member of the community of nations, we are thereby going to get better treatment from the Red Chinese at a time when their policies are obviously aggressive—much more so, as a matter of fact, than those of the Soviet Union.

Secondly, let us look at this problem from the standpoint of American and free world foreign policy. I can think of nothing which would be more detrimental to the cause of freedom and peace to which we are dedicated than to recognize Red China and admit it to the United Nations at this time.

The Charter of the United Nations states unequivocally that it is an organization of peace-loving nations or nations dedicated to peace. The question immediately arises, how did the Soviet Union get in? They were, of course, charter members. As far as Red China is concerned, at a time when they are engaged in aggressive activities in Tibet, when they are engaged in activities against a United Nations member, India, in a border dispute, when they are still in defiance of the United Nations in Korea, when their policy is directed openly toward subversion in every free country in Asia—I think to reward this kind of conduct by recognition and admission to the United Nations would have a disastrous effect throughout Asia, and for that reason cannot now be considered as a real possibility.

Now, this is a position which I know could very well be at issue during the course of the 1960 campaign. But I feel that under present circumstances, when you study all the facets of the problem and see what effect recognition would have, the conclusion has to be that our present policy of nonrecognition must be continued.

As long as Red China maintains, as it has in the past, and as it does at the present, a position of defiance to the United Nations by its actions in Korea, in Indo-China, and in other parts of the world, we would be making a mistake to recognize that government in any way. And I mean not only diplomatically but also through such de facto recognition as is involved in cultural exchanges.

The moment that we elevate the Red Chinese regime to the position of respected member of the family of nations, what do we suppose is going to happen? The impact of such an action throughout Asia might well be catastrophic as far as our interests are concerned.

We often hear the term "overseas Chinese." There are not too many of them, compared to the number of people in Red China itself—where there are some 550 to 600 million.

There are only about 12 million so-called overseas Chinese. But let's us where they are.

There are 3 million in Indonesia. There are 3 million in Malaya, and another 2 million in Thailand. And there are a great number, pretty close to a million, in the Philippines. There are also overseas Chinese in Burma.

Now what would happen to them in the event that Communist China became a recognized member of the family of nations in good standing? These overseas Chinese would then owe their allegiance to this Communist government and there would be set in motion in all of these countries—all of which of course are trying to maintain their independence—subversive activities which might result in just the imbalance that would push them over to the Communist side and away from the side of the free nations.

From time to time in recent years, I have been asked whether conditions in Communist China might not be changing for the better. To attempt to answer such a question, I can only guess, because of course I have never been to Red China and it is one area where our intelligence is not too reliable. Nor do I claim any special knowledge on this score.

It would seem to me, however, that there are no grounds at the moment for any immediate hope of a revolution in Red China.

I would like to believe the contrary. I do think that they are having trouble in Red China—economic troubles, especially. Agriculturally, for example, production is not what it should be or what it was once claimed to be. I think they are having political troubles, too—differences of views and opinions. But basically I think we have to assume that Red China is still under the iron control of a few men at the top, and that it will remain so, at least for an indefinite time.

Occasionally some specific event or announcement made by the Chinese—for example, their offer in 1958 to withdraw their troops from North Korea—might suggest to some a fundamental change in their policies.

I personally do not see in these moves any significant changes on which we can base a change in our own policy. As far as the offer of withdrawing troops from North Korea is concerned, I do not see that that offer is one that will pave the way for any reduction of tensions in that area. As a matter of fact, what is needed in the Korean situation, as we all know, is simply an agreement to conduct free elections; the Red Chinese and the North Koreans have consistently refused to agree to that. In evaluating such announcements, we must consider whether they involve deeds which would really reduce tension, or merely words which are designed, primarily, for propaganda consumption. I think the offer of withdrawal of troops was a propaganda venture.

With these factors in mind, we must continue to remain firm in our attitude toward Communist China. Will our policies ever change? The answer is: they will change, but only when the policies of the Communist Chinese government change.

We must expect in the years ahead that there will be changes in Red China. But, until we find a real and significant change in their policy toward the free world, we and our allies must continue on our present course.

There is a considerable body of opinion in the world that sees a split developing between Red China and the Soviet Union, and believes that the policies of the United States and the other free nations should be designed to encourage that split. Eventually, according to this view, we would not have this tremendous force of manpower in Red China, together with the industrial power of the Soviet Union, joined together in a united bloc against the free world.

If such a split were actually developing and if it were something that we could anticipate reaching culmination in the near future, this line of reasoning would certainly stand up.

I am inclined to think, however, that at the present time this prospect is, in essence, wishful thinking. I realize there are experts in this field who disagree. Nevertheless, this is my opinion.

[1] The material in this section is derived from the following sources:

Responses to questions at the California Newspaper Publishers Association Convention, Los Angeles, California. February 6, 1960. Responses to questions at Televised Press Conference, Los Angeles Press Club, Los Angeles, California. February 18, 1958. Responses to questions at the Conference with Representatives of the Four Armed Services, Washington, D.C. July 29, 1957.

I believe that the Soviet Union and Red China today can be classed in all essentials as partners, with the same *major* objectives. They both want, of course, to impose the Communist system on their own peoples, and they are both dedicated to the eventual success of the Communist world revolution. And they will work together toward that overriding goal.

At the present time the Soviet Union is the senior partner and will continue to be as long as its strength is greater than that of Red China. I believe that the partnership will be held together not by any personal friendships between the leaders—and, by the same token, that means that the partnership will not be destroyed by mere personal animosities between them—but by their common adherence to and belief in the Marxist, Leninist, and Stalinist theories.

Now I use the word Stalinist advisedly, recognizing that Mr. Khrushchev has said some things about Stalin that are far from complimentary. And also Mao Tse-tung has said some things which would indicate that he is taking a different line in Communist China, in this as in other respects, from the one they are taking in the Soviet Union.

But when you analyze what has been done in these countries and you look at it over the long range, I think you can reach only one conclusion: at least in the foreseeable future, and until we have much more solid evidence to the contrary, we must continue to assume that the Soviet Union and Communist China will be working together toward the same major goal of world domination. And since they are working together, our own policies must be designed to meet the common threat they present.

[Richard M. Nixon, excerpts from the speeches of the Vice President—1948–59, E835/N55]

RED CHINA, KOREA, AND FORMOSA

The President's action in removing General MacArthur from his command was a paralyzing blow to the unity which the American people need in this period of crisis.

It is just as important to the United States to keep Asia from going Communist as it is to stop Communist aggression in Europe.

Ending the war in Korea with appeasement would be just as bad as withdrawing our troops. . . . Our objective then must be to develop a program which will end the war in Korea with victory and not appeasement.

We should grant military and economic aid to Chinese Nationalists on Formosa and to the guerrilla forces on the Chinese mainland. (Speech in Chicago, Illinois, April 1951).

Stop all trade with Communist China, including the billion dollars worth of goods which the British are shipping into the port of Hong Kong annually.

Remove the restrictions on the Chinese Nationalists on Formosa so that the Communists will have to divert some of their troops from the Korean battlefield in order to defend against the threat of invasion from the South.

Ask for more help from the other allies on the Korean battle front. (Presented on "America's Town Meeting of the Air," Toledo, Ohio, May 1951).

We should warn the Chinese Communists that unless they cease sending supplies and troops into Korea by a certain date in the future, our commanders in the field will be given the authority to bomb the bases from which those supplies are coming.

We should take the required steps, including naval blockade if necessary, to stop all trade with Communist China.

Our commander should be given the right to conduct reconnaissance, not only over the coastal areas of China but also over Manchuria.

Secretary Acheson and the President should follow the lead of General Marshall and should make a forthright unequivocal statement to the effect that Formosa is essential to our defenses and will under no circumstances be turned over to the Communists and that the United States will, if necessary, exercise the veto to keep Communist China out of the United Nations." (Address before the Ohio State Bar Association, May 1951).

(A)s far as the war in Korea is concerned, I think we have to recognize that continuance of the war in Korea is not in our interest—that it must be ended.

I don't believe we can get out of Korea for the reason that that action would give such encouragement to the Communist movement in Asia that the fall of all Asia to the Communist forces would then eventually become inevitable.

Can we end the war with political appeasement at the conference table? The answer is that we can't because the price is too high. The Chinese Communists insist that we turn over Formosa to them and that we give them a seat in the United Nations.

So, the third alternative is that we must somehow find ways and means of ending the war with victory on the battlefield. It is quite apparent that we can't win it at the present time, with the limitations that are placed upon our armed forces by the U.N. directive. I am not going to suggest here today what portions, if any, of the MacArthur program should be adopted. I do say . . . that eventually we are going to have to give our commanders in the field additional authority so that they can bring the war to a military conclusion as quickly as possible. (Address before the Conference of Presidents and Officers of the State Medical Associations, Atlantic City, New York, June 1951).

The least we can do to back up our men who are fighting there (in Korea) is: to condition any further aid to our allies in Europe on their making a greater contribution to the ground forces needed to win a military decision in Korea.

While, because of the build-up in Red air strength it may have now become unfeasible for the United States to bomb the Red Chinese bases in Manchuria, the least we should do is to impose a complete Naval blockade on the Chinese Communist coast and stop the flow of supplies to the Red war machine.

We should remove our Naval blockade from Formosa so that the Chinese Nationalists can initiate any diversionary action of which they are capable against the South China coast. (Basic Speech, April 1952).

The decision to go into Korea was right. I favored it at the time and I don't intend to change my position now simply because it might be the political thing to do. . . . And I believe also that the decision to go into Korea was right only if we were prepared for the consequences of going in, and I mean by that that we should have gone into Korea only if we were prepared to send our men there with the weapons to win and the right to win as far as policy is concerned.

(W)hen we had superior power in Korea a year and a half ago, we should have used that power to bring the Korean conflict to a successful military conclusion.

It seems to me that a basic error was made when we did not allow all the military installations in Northern Korea to be bombed. . . . As to whether or not we should have bombed across the Yalu, I think that these decisions should have been made first, and if that would not have brought military conclusion, then certainly consideration should have been given to bombing across the Yalu after warning the Red Chinese of the consequences of continued aggression. (Interview U.S. News & World Report, August 1952).

What does Mr. Stevenson present to meet this challenge? For the war in Korea he counsels "patience"; he says we should stop "whining," and he adds "the war can't last forever." He sees eventual recognition of Red China by the United States and its admission into the UN. He even foresees the possibility that Formosa might be granted to the Chinese Communists. I charge that such program would mean the final destruction of Free China and the end of all hope for the Free World in Asia. (Campaign Speech, San Francisco, California, October 1952).

There has been some criticism of our policy toward Communist China. There are those who ask why do we: Refuse to recognize Communist China and oppose its admission to the United Nations? The answer is that we do not recognize the Communist government of China as a respected member in good standing of the family of nations. Does this government qualify for such recognition?

The United Nations Charter says, 'Membership in this organization is open to all peace-loving states who accept the obligations imposed by the Charter.' Let us measure the conduct of the Chinese Communist government against this standard. Thousands of American boys are dead because the Communist Chinese supported the attack on South Korea. Korea is divided today because the Communist Chinese refuse to agree to free elections. Thousands of Chinese Communist troops remain in North Korea in direct defiance of the United Nations. The Communist Chinese are bringing equipment into North Korea in direct violation of the truce. They refuse to release citizens of the United States whom they hold in violation of all recognized rules of international law and decency. They encourage, incite, and support insurrection, rebellion, and subversion in every free country of Asia, and particularly in Indonesia, Laos, Cambodia, Vietnam, Thailand, and Malaya. They have not renounced their previous threat to take Formosa by force.

Any government which continues to engage in activities of this type disqualifies itself from being treated as a respected, law-abiding member of the family of nations. In light of such conduct, the government of the United States is justified in refusing to recognize the government of Communist China, approve its admission to the United Nations, or agree at this time to a meeting at the Foreign Minister level. (Address, National VFW Encampment, Boston, Massachusetts, August 29, 1955).

The reason we have not had to fight since the President ended the Korean War is that we have always made it clear that we are not afraid to fight. (Campaign Address, Kansas City, Kansas, September 26, 1956).

But as far as Red China is concerned, I believe that as long as Red China maintains, as it has in the past, and as it does at the present a position of defiance to the United Nations by its actions in Korea, in Indo-China and in other parts of the world, as long as it maintains this position, we would be making a mistake to recognize that government in any way. I mean not only diplomatically. I mean not only admitting it to the United Nations, but I mean also through methods of cultural exchanges and the like.

Because the moment that we elevate the Red Chinese Regime to the position of being a respected member of the family of nations, then what is going to happen? It's going to mean that the impact of that all over Asia can be almost catastrophic as far as our interests are concerned. (Conference with Representatives of the Four Armed Services, Washington, D.C., July 29, 1957).

A MORE RESPONSIVE COURT

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. CHAPPELL. Mr. Speaker, in recent years, the American people have become increasingly alarmed by the actions of the U.S. Supreme Court.

Our police officers are being hindered in the enforcement of laws. Hard-core pornography abounds in our cities. The educational opportunities of all our children are being jeopardized by massive busing. Our children may no longer participate in voluntary prayer in their classrooms.

All of this because the Supreme Court has strayed from its original purpose. I think the people of America are ready for a change—for a means whereby the Supreme Court Justices become more responsive to the voter. I have taken steps to pave the way for that change through the introduction of House Joint Resolutions 865 and 866.

When the Founding Fathers wrote the Constitution, they delegated to the Supreme Court the power to rule on the constitutionality of laws, to settle disputes between States, and to review cases appealed from the lower courts. Unfortunately, the Court has taken upon itself legislative powers and is handing out guidelines on how laws should be implemented.

Thomas Jefferson saw the possibility of this problem arising. He argued that the one weak link in the system of checks and balances was the method of selecting the membership of the Court. He felt that to appoint the judges for life during good behavior failed to provide the effective check which lay with the voters themselves.

In order to implement Jefferson's sound thinking in this matter, I have introduced constitutional amendments to restructure the selection process of Justices in order to bring them regularly before the voters.

I propose that the United States be divided into nine equally populated judicial districts—one for each Justice of the High Court. Justices would be appointed or elected—one from each region—for a period of 6 years.

Depending on which of my proposals may be approved, Justices would be elected directly by the people every 6 years, or would be reappointed every 6 years by the President, with the consent of the Senate.

What will this change mean to our judicial system? It will make it more responsible to the voters. Justices would have to go before the electorate—either at the polls or through the elected representatives of the people in the Senate—every 6 years.

By having nine judicial regions, we would be implementing the one-man/one-vote idea, which the Court itself has supported in recent years.

I believe this concept is sound. It would have no effect on current Justices, but it would serve notice to future Justices that they must be about the business of interpreting—instead of legislating.

Our Constitution has been a remarkable instrument. In nearly 200 years, we have amended it only 28 times because its system of checks and balances has been a firm foundation.

Now, the one major weakness which Jefferson foresaw has come to pass—the need to make Supreme Court Justices more responsive to the voters. And the time has come for an amendment to reenforce those checks and balances, and to insure that our freedom remain intact.

CITIZENS' RIGHTS TO OWN GOLD

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. CRANE. Mr. Speaker, there are many reasons why the right of individual American citizens to own gold should be restored. The restoration of this right would mean the recreation of a truly free gold market here. Because of distrust of floating paper currencies, it would mean that international trade and investment would soon be increasingly conducted in terms of gold, with a weight of gold as the unit of account.

Thus, even if gold were not to be "monetized" by any government it would become an international money. On the foreign exchange markets national paper currencies would be quoted in terms of gold. Even without a formal international agreement, this would pave the way for a return of national currencies, country by country, to a sound gold standard.

Those who are seeking a cure to our current problem of inflation should consider the fact that a gold standard provides the indispensable discipline to enforce abstention from inflating. David Ricardo summed up this reciprocal relation more than 160 years ago:

Though it (paper money) has no intrinsic value, yet, by limiting its quantity, its value in exchange is as great as an equal denomination of coin, or of bullion in that coin. . . .

Ricardo continued:

Experience, however, shows that neither a state nor a bank ever has had the unrestricted power of issuing paper money without abusing that power; in all states, therefore, the issue of paper money ought to be under some check and control; and none seems so proper for that purpose as that of subjecting the issuers of paper money to the obligation of paying their notes either in gold coin or bullion.

In a recent column on this subject in Newsweek magazine, Economist Milton Friedman points out that—

This "nationalization" of gold was for one purpose and one purpose only: to keep private individuals from profiting by the rise in the dollar price of gold that the government deliberately engineered. Private holders of gold were required to turn their gold over to the U.S. Treasury at $20.67 an ounce when the market price was well above this sum.

Dr. Friedman declares that—

This was an act of expropriation of private property in no way different in principle from Castro's nationalization of U.S. owned factories and other properties without compensation . . . As a nation, we do not have a leg to stand on when we object to these acts of expropriation. We did precisely the same thing to residents of the U.S.

In this column, Milton Friedman expresses support for a bill I have introduced to repeal the prohibition on the ownership, purchase, or sale of gold by private individuals.

I share this column with my colleagues, and insert it in the RECORD at this time:

GOLD

(By Milton Friedman)

The West Coast Commodity Exchange recently initiated public trading in gold futures. The Exchange thought it had found a loophole in the Treasury Regulations issued under the Gold Reserve Act of 1934, which prohibits U.S. residents from owning, buying or selling gold except for industrial and numismatic purposes. The Treasury objected and after a few days the Exchange suspended trading. The matter will now be decided in the courts.

There never was, and there is not now, any valid reason to prohibit individuals from owning, buying or selling gold. Individuals should have the same right to trade in gold as they have to trade in silver, copper, aluminum or other commodities.

MISGUIDED LEGISLATION

It is widely believed that the prohibition had a valid monetary justification when it was first imposed. That is false. When President Roosevelt severed the link between the dollar and gold on March 6, 1933, the U.S. gold stock was higher relative to the total quantity of money than at any time since the Federal Reserve System was established in 1914. There was no major run on gold in 1933, separate from the run on banks which led holders of deposits to try to convert them into currency, including gold coin and gold certificates. FDR severed the link between the dollar and gold and then deliberately raised the price of gold—first in 1933 by manipulating the market and then in early 1934 by fixing the price at $35 an ounce under the Gold Reserve Act of 1934—in order to devalue the dollar relative to other currencies, and thereby raise the dollar prices of farm products and other internationally traded goods. He did not raise the price to protect a dwindling official stock of gold or in order to permit monetary expansion. The rise in the price of gold produced a flood of gold into the U.S. The U.S. gold stock more than tripled from 1934 to 1940.

Why then did President Roosevelt forbid the private ownership of gold and require all holders of gold to deliver their holdings to the government? This "nationalization" of gold was for one purpose and one purpose only: to keep private individuals from profiting by the rise in the dollar price of gold that the government deliberately engineered. Private holders of gold were required to turn their gold over to the U.S. Treasury at $20.67 an ounce when the market price was well above this sum.

This was an act of expropriation of private property in no way different in principle from Castro's nationalization of U.S.-owned factories and other properties without compensation or from Allende's nationalization of U.S.-owned copper mines in Chile at a price well below market value. As a nation, we do not have a leg to stand on when we object to these acts of expropriation. We did precisely the same thing to residents of the U.S.

Of course, holders of gold resisted the expropriation. Those who held gold certificates

were helpless, since the Treasury would no longer honor them. But those who held coin were in a different position. Of the gold coin estimated to be held by the public in February 1933 ($571 million), only half was ever turned in—and much of this was probably turned in by commercial banks whose holdings were a matter of official record.[1]

END THE PROHIBITION

Whatever arguments there might once have been for prohibiting the private ownership of gold, there are none today. The reduction in the monetary role of gold that President Roosevelt began has now been completed. Gold-reserve requirements for Federal Reserve notes and deposits have been abolished. The attempt to maintain the world market price of gold at $35 an ounce has been abandoned. There is a free market in London on which the price is currently more than $40 an ounce. The official price is wholly symbolic, and so is the monetary role of gold.

Congressman Philip Crane has introduced a bill repealing the prohibition on the ownership, purchase, or sale of gold by private individuals. That bill should be passed promptly. Let us end once and for all an utterly unnecessary and shameful, if niggling, restriction on individual freedom.

READER'S DIGEST "REPORT TO CONSUMERS" SPOTLIGHTS GLARING DEFICIENCY IN LAW GOVERNING MEDICAL-TYPE DEVICES WHICH H.R. 1235 WOULD CORRECT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mrs. SULLIVAN. Mr. Speaker, since 1961, when I first introduced H.R. 1235, my omnibus bill to rewrite the Food, Drug, and Cosmetic Act of 1938, I have included in that measure a section which would require pretesting of all medical and therapeutic devices for safety and for effectiveness, before they could be offered for sale.

This is the same omnibus bill which also contains the section closing the loophole on cosmetics safety, along with a large number of other loopholes in our 33-year-old consumer statute.

There have been no House hearings on this legislation since 1962, when we enacted one part of H.R. 1235 as the Kefauver-Harris Act, dealing entirely with medicines.

The September issue of Reader's Digest contains an excellent article by Jean Carper which spotlights the deficiencies of the law on therapeutic devices. It is entitled "Beware Those 'Quick-Reducing' Gadgets." While it relates only to the reducing devices, many of which are described in the article as pure junk, the same deficiencies in the law which permit the widespread sale of such products also apply to a wide variety of other appliances and devices which can be marketed before proof is established that they are either safe or efficacious.

As the Carper article points out, we have required since 1962 that prescription drugs cannot be marketed until proof is established of both safety and efficacy.

That requirement of the 1962 act came out of the original H.R. 1235; but nearly a decade later we have done nothing about applying similar standards to medical-type devices, including those used by doctors and other practitioners in good faith, only to discover later that they are dangerous or defective or ineffective. The testing, in other words, is done on the patient or purchaser after the product has been placed on the market.

UNTIL PRECLEARANCE LEGISLATION IS PASSED THE PUBLIC WILL NOT BE SAFE"

After describing the uselessness of some reducing devices and the difficulties experienced by the Federal Government in trying to get them off the market under obsolete provisions of the 1938 Food, Drug, and Cosmetic Act, the Reader's Digest article states:

Amazingly, there is a simple solution to this chaotic lack of protection: to require all makers of medical devices, including "quick-reducing" equipment, to supply *proof* to the government *prior to sale* that their products are effective and safe. That has been the law for prescription drugs since 1962. Why not for medical devices as well, since they can also be hazards and gyps?

The FDA recommended such "pre-clearance" legislation for medical devices as long ago as 1954. Many bills have since been introduced in Congress to effect such protection, but none has brought action—because there has been no public outcry for reform. Consumers fed up with being exploited by these frauds should write their Senators and Congressman, and the Department of Health, Education, and Welfare. Until pre-clearance legislation for medical devices is passed, the public will not be safe from the schemes of the profiteers.

MANY OTHER DEFICIENCIES IN FOOD, DRUG, AND COSMETIC ACT

Mr. Speaker, the Reader's Digest article touched on one important weakness in the present Food, Drug, and Cosmetic Act. There are many, many more. I mentioned the gap in consumer protection on cosmetics—any producer can market any cosmetic item without any proof of its safety. To understand the scope of the things wrong with the 1938 act, or the changes which have to be made in it to make it truly effective in providing the necessary authority to protect consumers, I list herewith the area covered in H.R. 1235, as taken from the title of the bill itself, as follows:

H.R. 1235: IN THE HOUSE OF REPRESENTATIVES, JANUARY 22, 1971—MRS. SULLIVAN INTRODUCED THE FOLLOWING BILL; WHICH WAS REFERRED TO THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to amend certain labeling provisions of the food, drug, and cosmetic chapters to assure adequate information for consumers, including cautionary labeling of articles where needed to prevent accidental injury; expand the coverage of the "Delaney Clause" to apply to mutagenic and teratogenic agents; eliminate the "Grandfather's Clause" for pre-1958 chemical additives used in food; prohibit worthless ingredients in special dietary foods; authorize the establishment of standards for medical devices; require medical devices to be shown safe and efficacious before they are marketed commercially; require all antibiotics to be certified; provide for the certification of certain other drugs; require records and reports bearing on drug safety; limit the distribution of sample drugs; require cosmetics to be shown safe before they are marketed commercially; clarify and strengthen existing inspection authority; make additional provisions of the Act applicable to carriers; provide for administrative subpenas; provide for strengthening and facilitating mutual cooperation and assistance, including training of personnel, in the administration of that Act and of related State and local laws; prohibit the use of carcinogenic color additives in animal feeds; safeguard the health of children by banning sweetened or flavored aspirin from commerce; authorize a system of coding for prescription drugs; establish a United States Drug Compendium; provide additional authority to insure the wholesomeness of fish and fishery products; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Amendments of 1971."

ARTICLE IN SEPTEMBER READER'S DIGEST

Mr. Speaker, the Jean Carper article in September Reader's Digest, which I have referred to in my remarks is as follows:

A READER'S DIGEST REPORT TO CONSUMERS: BEWARE THOSE "QUICK-REDUCING" GADGETS

(By Jean Carper)

Despite the exotic claims for many farewell-to-fat devices, they are almost certain to reduce just one thing: your pocketbook.

Via radio, television and the press, Americans are being flooded with advertisements for miraculous-sounding "exercise" equipment: inflatable shorts "guaranteed to reduce your waist, hips and thighs a total of six to nine inches in just three days"; magic belts that "melt away excess flab"; body suits that "tone the muscles even while you sleep"; effortless exercisers that "streamline your body and strengthen your heart all in just two minutes a day." Whatever their shape, size or price, they all imply a quick, easy substitute for proper diet and exercise—and Americans are forking out millions of dollars to acquire them.

Yet, in the view of most medical authorities, these gadgets are ineffective, and some are even dangerous. According to Dr. Joseph B. Davis, director of the Division of Clinical and Medical Devices for the Food and Drug Administration (FDA), many of the devices are "pure junk." Despite their makers' claims of proved medical worth, "there is *no* valid scientific evidence at all that they work." And the American Medical Association's Committee on Exercise and Physical Fitness is concerned that users of the effortless exercisers are being cheated out of proper exercise.

In the last few years, the FDA and the Post Office Department (in charge of mail fraud) have received numerous complaints from consumers who have bought such items. In fact, the struggle of these agencies to squelch false advertising and sale of such devices is proving endless. "We no sooner get one device off the market than two new ones appear," observes Dr. Davis.

Here are the major types of "quick-reducers" that consumers should be leery about:

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[1] To maintain the fiction that the law had been obeyed, the official statistics were "revised" to exclude the $287 million not turned in, on the ground that this amount must have been lost, destroyed, exported without record or held in numismatic collections. In its official statistics, the Federal Reserve System went so far as to subtract this amount from its estimates of the quantity of money all the way back to 1914. This revision cannot be justified. It can be demonstrated conclusively that the maximum error on this score was trivial. Accordingly, in estimates of the U.S. money stock made by Anna G. Schwartz and myself, we have eliminated the spurious revision.

INFLATABLE CLOTHING

An early item on the market was the plastic belt worn like an inflated inner tube around the waist. A financial success, it was followed by inflatable shorts. Wearing the shorts, and performing "simple exercises," will, according to one advertisement, make unwanted fat disappear almost overnight without dieting—even without any loss of weight. Exercising while wearing the air-filled device supposedly creates sauna-like "hot-spots," to make the area under the garmet shrink by several inches in only three days.

Most reputable medical opinion scoffs at such claims. Dr. Sedgwick Mead, a specialist in physical medicine at the Kaiser Foundation Hosiptal in Vallejo, Calif., says, "It is impossible to reduce waistline measurements permanently without reducing body weight." In addition, a recent FDA study among prisoners at Lorton, a correctional institution in Virginia, revealed that inflatable shorts (and, by inference, belts) have no lasting effect on reducing waist and thigh girth. On the basis of this data, the U.S. Postal Service has already persuaded several mail-order sellers of inflatable clothing to discontinue sales or change their advertising.

WEIGHTED WAIST BELTS

Wear one of these belts, filled with 10 to 15 pounds of lead or steel shots, and—so goes the theory—the added weight you carry around will make you use up more calories, thus causing you to lose weight. However, Federal Trade Commission (FTC) investigations have shown that the belts are not effective in reducing weight or the waistline as advertised. Dr. Bruno Balke, professor of physiology and physical education at the University of Wisconsin, has calculated that to shed just one pound a six-foot, 200-pound man would have to wear a ten pound belt eight hours every day for 45 days!

Of special concern to FTC officials is evidence that the belts can physically injure some wearers. Recently, the FTC obtained a consent order prohibiting Tone-O-Matic Products, Inc., from representing the belt as a substitute for exercise, and requiring that it include this statement in its packaging and advertising: "WARNING: This product may be physically injurious to some individuals. Consult your physician before purchase and use." The company has stopped making the product, but other companies continue to make and sell weighted belts.

CONSTRICTING BANDS AND BODY SUITS

A surprising number of "fat-off" devices are no more than wide, non-porous bands designed to fit snugly around waist, thighs, upper arms or even chin. They work, according to advertising, by causing you to sweat off weight.

Actually, a person can *temporarily* lose weight by perspiring, but this is not true weight loss. The minute he drinks water, the weight is back. "It is a fundamental law of physics," says Dr. Kenneth Rose, chairman of the AMA's Committee on Exercise and Physical Fitness, "that if you want to lose fat you have to work it off or starve it off." Constricting belts, he adds, may cause a temporary size loss by squeezing fluid from the affected tissue to other areas of the body—but "in a couple of days the fluid will be right back where it was."

In the past, the FDA has had complaints about plastic body-exercise suits touted to sweat off unwanted pounds. Recently, it has received inquiries about a new porous nylon body suit for women. Reputedly, with no effort on the part of the user, it firms, tones and smooths through a massage action caused by friction between suit and skin even when the wearer is asleep. Comments Dr. Rose, "It's a medical fact that for a muscle to be strengthened, it must be actively engaged in movement, not merely acted *upon* as in massage."

MUSCLE STIMULATORS

According to Dr. Davis, Americans have spent some $100 million in the past 20 years on electrical body- and facial-muscle stimulators. These devices bombard the skin with electrical charges, causing muscle contractions that supposedly reduce girth, tone muscles and destroy wrinkles. Recently, the FDA obtained an injunction which led to the discontinuance of the manufacture of Relaxacizor (formerly the largest-selling muscle stimulator, marketed for as much as $450). The court's decision was based on evidence showing that the Relaxacizor can induce miscarriage, damage the heart and other vital organs. Despite this decision, and evidence that such devices are grossly ineffective in reducing body size or eliminating wrinkles, similar muscle stimulators are reportedly still being sold.

Unicycle wheels, hand-grippers, spring platforms for jogging, pushpull gadgets, stationary bicycles and treadmills and a hundred other devices on the market fall into a different category. Treadmills and stationary bicycles, for instance—when used long and hard enough at a stretch—can provide exercise that will benefit the heart and lungs in the same way as long-distance swimming, running or cycling. But because such devices are not always used in a manner that will induce any cardiovascular pulmonary benefits, medical authorities are concerned lest people be deluded about the kind of exercise they are getting in the use of such equipment.

How do exaggeratedly advertised gadgets get on the market in the first place? Why, if many are practically worthless and some dangerous, doesn't the government curtail their sale immediately? The truth is that laws governing the sale and advertisement of such devices are hopelessly inadequate. No government agency is empowered to require proof that a medical device works, or is safe, prior to marketing. Anyone can put such a contraption on sale, and then it is up to the government to try to *disprove* its claimed worth—a laborious, difficult and time-consuming task. Companies with money and legal talent can drag the process through the courts for years. The FDA, for example, went to court in 1966 to get an injunction against Relaxacizor. It was not until four years later that the injunction was granted; the cost of the trial to taxpayers was estimated at half a million dollars.

Even when a company is found guilty, it is rarely punished; it is merely ordered to stop selling the product or to change its advertising. And when companies learn that the government is after them, they may engage in shenanigans to circumvent the law. A Texas company, after FDA seized one of its muscle stimulators, simply brought out a line of ten slightly modified ones, all with different names. The FDA then had to initiate another case against the newly named devices. After postal officials moved against a company selling inflatable belts, it switched to inflatable shorts and continued its national advertising.

Amazingly, there is a simple solution to this chaotic lack of protection; to require all makers of medical devices, including "quick-reducing" equipment, to supply *proof* to the government *prior to sale* that their products are effective and safe. That has been the law for prescription drugs since 1962. Why not for medical devices as well, since they can also be hazards and gyps?

The FDA recommended such "pre-clearance" legislation for medical devices as long ago as 1954. Many bills have since been introduced in Congress to effect such protection, but none has brought action—because there has been no public outcry for reform. Consumers fed up with being exploited by these frauds should write their Senators and Congressman, and the Department of Health, Education and Welfare. Until pre-clearance legislation for medical devices is passed, the public will not be safe from the schemes of the profiteers.

AN INSIDER'S VIEW OF MEDICINE IN SWEDEN

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ARCHER. Mr. Speaker, much has been said in recent months downgrading the quality of American health care. We are urged to move in the direction of a nationalized system, and are often told that we lag far behind the socialized systems of Western Europe. What is the status of medicine in Sweden, the country with the highest tax rate of any in the free world? For an eyeopening answer, I refer my colleagues to an article in the August 9 edition of Modern Medicine magazine. Dr. Gunnar Biorck, a leading medical educator who has worked within the Swedish system for 30 years, was asked to compare medicine in Sweden to medicine in the United States. His reply is contained in the article which follows, "An Insider's View of Medicine in Sweden."

The article follows:

AN INSIDER'S VIEW OF MEDICINE IN SWEDEN

In a letter to me you have asked my opinion on some statements made in an article in which Swedish medicine was compared with American. In particular, you wanted to know whether Swedish medicine was far superior to American medicine because it is socialized—as allegedly stated by Senator Kennedy—whether the Swedish system offers substantial incentives for doctors to do a superior job, whether the waiting lists are short to get into hospitals and a doctor will see patients at any time, whether socialized medicine lowers hospital costs, and, finally, whether the only thing against the Swedish system is that its patients are kept in experimental hospital beds for too long a time.

Before commenting on these statements I would like to say that I adhere to the old concept that a visitor to a foreign country should abstain from involving himself in the internal (or foreign) politics of that country, and, likewise, that he should abstain from belittling his own country, even though at home he may voice independent and nonconformist views in matters of public interest. I would like to add that I do consider U.S. senators generally to be quite well informed, and I have great respect for their judgment in public affairs.

However, I have been invited to this country on the occasion of the 200th anniversary of the New York Hospital and asked to participate in open discussions concerning the tasks of a university medical center in the future health care organization in your country. Against this background, and the information I have got over the years on your system of medical care, I venture to answer your letter to the best of my knowledge.

As you know, I have been working within the Swedish system for more than thirty years, of which the last twenty have been in university hospitals. For all practical purposes, I have been a civil servant, employed fulltime by government or local authorities, although up to Jan. 1, 1970, as a university professor and head of a department of medicine. I had the right of seeing a few private

patients in consultation in the hospital. I have been serving on many committees, appointed both by the government and by professional organizations, and in our last big "reform" in Greater Stockholm, as of this year, I am a kind of "regional director" of medicine in the Stockholm area in addition to the tasks as professor and head of a big department of medicine. I tell you this only to point out that I think I have some personal experience of the "inside" of the Swedish system and maybe a little more so than representatives of the government and their public relation interpreters, who do not practice medicine themselves.

I think it is necessary to begin with some general statements. Sweden is a country with a population of 8 million, which is less than the New York metropolitan area. Furthermore, it is a country with a homogenous population, as regards race, religion, or cultural values; many of its social institutions have old traditions, and we have not been in war for almost one hundred sixty years. It is obvious that comparisons of the actual state of health in our two countries (such as infant mortality, life expectancy, etc.) *cannot* relate only to differences in *systems* of medical care *delivery*, but must be viewed against a complicated "anthropological" background and also take into account the difficulties created by numbers in your case. Rather than comparing Sweden with the U.S., one might select for comparison perhaps the State of Minnesota, to get the proportions straight.

Against this background, which should be almost self-evident, I do not think that "Swedish medicine" is far superior to "American medicine," and even though "delivery" may be somewhat better at home than it is here for many groups in the society, I doubt if this is due mainly to it being "socialized."

Let us get things straight: if you think in terms of economics and management (which are only in part applicable to medicine, by the way) "protection," delivery, and consumption must be considered. As for "production," I sincerely believe that the achievements of American medical science over the years have been—and still are—outstanding in the world. I know it, from many visits to the excellent medical schools and research institutes in this country. The medical profession in my country is profoundly grateful for all opportunities for learning that you have provided us for so long. The impressive number of American Nobel prize winners in the biomedical sciences should convince yourself of how the world outside the U.S. recognizes your achievements. I find it utterly deplorable that in the present era of guilt feelings, bad conscience, and self-accusations, in which I am surprised to find so many medical men (who should know better) in this country, the *morale* of the centers of learning and study seems to be weakening. The American medical school and university hospital, as I know them, have a good cause and a clean record and, by Jove, they should be worth fighting for in the upright position.

Now, to the delivery system. This is a part of the American medical system I personally know less about. My own experience tells me that an insurance system would be the logical solution of the economical and practical difficulties that arise subsequent to disease as well as to loss of earning capacity for other reasons: unemployment, childbirth, etc. It is also obvious that because not all men are rational creatures, not all are middle-class wage earners, and some are stricken very much more than others, *individual* insurance schemes may not suffice, and the burden may have to be shared by all. In essence, part of the "welfare" money may have to be channeled into "health" money. I do not know your system (sometimes referred to as a nonsystem) well enough to go into further detail. But it is my strong belief that a system based on the insurance concept, and with some mechanisms that make it worthwhile for the individual citizen to try to keep in good health and not to lean on—and abuse—a community service organization, is far better than a system in which access to medical services on demand and without cost to the individual at the moment is being promised. No such organization has as yet been able to live up to the expectations—and is not likely to do so. The Treasury will eventually refuse to pay the bill.

Up to Jan. 1, 1970, I would have denied that Swedish medicine was "socialized." We had a compulsory health insurance, paid together with our taxes; we had free hospital care, discounts on expensive or lifesaving drugs, cash money for sick wage earners, and three-fourths of doctors' fees being reimbursed to the patient by the insurance for visits to private practitioners, hospital physicians, and outpatient departments. This system did in fact work well and it did minimize medical bureaucracy and permit a fairly free choice of doctors. The private sector was responsible for one-third of the delivery of ambulant medical care, which is, I believe, a reasonable green belt priority, fresh air and possibilities for doctors and patients alike.

On Jan. 1, 1970, there was a political shutdown on this state of affairs. *All* hospital physicians were deprived of their right to see private patients in consultation; with the exception of professors, they all got working-hour schedules of about fifty hours a week in the hospitals. By means of other legislation, their security on the job is lessened, and the avenue to political appointments instead of appointments based on evaluation of training and competence is being opened. Attempts are being made to buy out the private practitioners by providing so many posts in the community-run ambulant health services that no market will be left for the private initiative. In short, the medical profession in Sweden is soon likely to become what epidemiologists refer to as "a captive population." No wonder that a number of our best young doctors are feeling their way to the U.S.

Against this background I venture to say that the "delivery" system in Sweden between 1955 and 1970 and was not "socialized" and did work well. What we have got after 1970 is very much more socialized—and intended to become fully socialized in due time—and what we have seen of it as yet has not worked as well as before. And that is precisely because this new system does not offer substantial incentives for doctors to do a superior job. There are, no doubt, a few physicians who feel that the absence of "economic transactions" between them and their clients make life easier, but I believe that in the majority of cases the doctor-patient relationship has become weaker in a situation where the patient is no longer seeing the doctor of his or her choice, but an impersonal institution, in which one cannot be assured of meeting one's "own" doctor. My feeling is that incentives are being reduced in a socialized system, and unless you introduce incentives other than economic, you are going to get a service that is worse, and not better, than what we used to have.

A reflection of this situation is the fact that—contrary to what is stated in the article you refer to—waiting lists have been substantially increased during 1970 for admission to hospital outpatient departments and so useless for admission to certain clinical departments (such as departments of medicine) that they are almost not in use. Two-thirds to three-fourths of all admissions to departments of medicine take place as emergencies, in many instances emergencies among those who were on the waiting list. Waiting time in our outpatient department has doubled in 1971, and this is true also of other departments. One of the reasons for this is precisely that "socializing" of physicians in ambulant care makes them less interested in the work-up of the more difficult patients, who are, instead, increasingly being referred to the hospitals. It is, of course, equally true of the Swedish system as it is of the American that patients will be seen by a doctor "at any time," inasmuch as this refers to emergency units in hospitals. Otherwise, it is, of course, not true. Doctors in both countries are increasingly unwilling to work outside office hours or to make house calls. This is a consequence of the present trends in the affluent society at large, where—as taxes rise—leisure becomes a more and more valued commodity.

As for the statement that "socialized medicine" lowers hospital costs, I doubt it and can see no sensible reason why this should be so. Hospital costs as such are mainly salaries, which make up 80% of the average Swedish hospital budget. It is, in fact, obvious that the use of full-time salaried staff must be more expensive than your way of soliciting a good deal of unpaid or little-paid medical manpower by means of "visiting physicians." However, what ultimately is of importance is, of course, bed occupancy rates and results of treatment relative to running costs. I have no impression at some plans to double the intake of medical students and at the same time shorten medical schools from four to three years. It is unlikely that with larger classes, fewer teachers per student, and a somewhat lower average scholastic level of students one should be able to produce the same quality as today. Some may, of course, possibly consider the present quality well too high in meeting the needs of the community. I do not share that view. I think a bad doctor may be more expensive to the community in the long run than a good doctor.

Finally, in looking toward the future, let me warn you on one score where you should not fool yourselves.

In epidemiological studies from this country, one seems always to be dealing with "men 40 to 64" years of age. Above and besides this, the rest is silence. But with improved general health—not least through efforts within the area of preventive medicine—you may gain those five, six, seven years of life expectancy in which you differ from us, and you may increasingly have to face the *repeated acute episodes* from one or more chronic diseases in your retired population, men and *women*, 65 to 90+ years of age. These people *cannot* be taken care of during conventional office hours in health centers, and they will not be helped by multiple health screenings; they remain the task for emergency services, intensive care units, and wards of large hospitals and competent institutions for the chronically ill.

These are the people who during their active lives made this country prosper and provided the means upon which the present American "health empire" (to use a phrase from a wicked and vicious pamphlet) was built. They should have the right of being properly—which means well—taken care of, and not discarded as useless and nonproductive. Therefore, do not demobilize your hospitals in a wave of enthusiasm for "health centers." You will need both.

And in order to support both, I believe that you—and we—must do away with the easy dreams of futurologists: that paradise will come to us without effort, only as a product of technology and self-perpetuating economic growth. With present-day emphasis on values other than material gain and productivity, we may easily run into a situation with diminishing or discontinuing growth, contracting budgets, and less money available for health purposes.

Medical men may well be playing *two* roles—and those who are fit to do so *should* do so—namely, one *professional* role and one role as *citizen*. It is in the latter capacity, more than in the first, that a medical man

may have to attack and try to solve major problems in the society which may cause ill health. These two tasks and two roles should not be confused with each other.

To decide upon priorities in a rising economy is difficult, but to do it in a declining one is worse. I feel we should all remember—and the youth "movement" in particular—what William Osler once said: "The master word in medicine is work."

CRITICAL TIMES FOR SPECIALTY STEELS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. GAYDOS. Mr. Speaker, a recent article published by Steel Service Center emphasizes the inadequacies of the voluntary restraint arrangement negotiated in 1968 by the Department of State and Japanese-European steel producers. Letters of intent from these nations placed well-defined, self-imposed tonnage restrictions on their steel shipments to this country but were vague with respect to product mix. The result has been an unprecedented influx of higher priced specialty steels creating a crisis in our domestic specialty steel industry.

I submit for the record and the attention of my colleagues the article by the Reverend William T. Hogan, S.J., entitled "Critical Times for Specialty Steels." Father Hogan is a professor of economics at Fordham University and is a member of President Nixon's Task Force on Business Taxation. Father Hogan has been associated with the iron and steel industry for 20 years and has authored numerous articles and participated in many conferences dealing with this industry's development and problems. I strongly urge my colleagues to read Father Hogan's most informative report on the critical situation facing our Nation's specialty steel industry.

The article follows:

CRITICAL TIMES FOR SPECIALTY STEELS

Steel's last line of defense against foreign competition, the specialty steel business, has been outflanked by low-priced imports. Armed with prices that have severely undercut those of domestic producers, foreign mills have zeroed in on the elite steels that contain expensive alloys, that are labor intensive, difficult and costly to produce, and suited to special or critical applications. Overall, imports have captured more than 21 per cent of the market for these specialty steels, but in specific product lines the toll has been much higher. In 1970, for example, 68 per cent of the stainless wire rod market went foreign, as did 54 per cent of the market for stainless wire and 34 per cent of that for stainless cold rolled sheets. Even the more sophisticated among the specialty products have been affected, witness a 17 per cent loss of the market for tool steel.

The fact is that import pressure on the specialty steel business has been intensified under the Japanese-European voluntary restraint programs, adopted at the close of 1969 to head off legislated quotas. Since that time, a shift in product mix toward the more expensive steels, including the specialty grades, accompanied by a general increase in prices, has permitted foreign steelmakers to maintain the dollar volume of their business here, despite the voluntary limitation of that business on a tonnage basis. Although total steel imports in 1970 were 25.6 per cent below the level of pre-quota 1968, virtually the same revenues were generated by these imports, $1,967,000,000 in 1970 vs. $1,976,000,000 in 1968, a difference of less than ½ of 1 per cent. Over the same period, imports of specialty steel were up 3.2 per cent, and their dollar value, reflecting stepped up competition for the higher-priced specialty products, increased 24.8 per cent.

For the specialty steel industry, which includes a number of comparatively small companies, the import invasion has meant trouble. It has been coincident with a sharp cost inflation affecting the prices of most raw materials and services used by the industry, and its continued acceleration in the last year or so has run counter to a lower level of domestic demand. The impact on individual companies has started to show up in the most damaging ways: product lines have been dropped, employment lost, facilities shut down, and red ink entries posted to profit and loss statements. In effect, a quick and unexpected reversal has beset an industry that just a few short years ago had become established as a uniquely profitable and growing segment of the steel business.

As late as November 1968, *Fortune* cited the healthy profit margins of a number of specialty companies and concluded that highly complex technology and custom work, primarily in the finer specialty grades, tended to provide a degree of insulation against imports. The article, an industry profile, was keynoted as follows: "A small group of Pennsylvania-based companies have found some expanding markets where even the Japanese can't compete."

Compared to carbon steel products, the specialty steels generally sold at prices that more nearly reflected economics rather than politics, and it had become common for the specialty companies to earn upwards of 10 per cent on their invested capital, even in 1967, when imports, centered in the stainless grades, claimed 16.8 per cent of their market. In 1968, earnings were trimmed somewhat, when labor contract talks occasioned an irregular pattern of production, and the market share taken by specialty imports was boosted to 18.5 per cent. Nevertheless, at year's end, as operating rates returned to normal, improvement was anticipated, particularly with an expected decline in imports under the voluntary quotas then in final negotiation. Within the last two years, however, specialty companies, even those producing the finer tool steels, have run into severe foreign competition that has forced major price concessions to regain lost volume in what were formerly solid markets.

This latest dimension to the steel import problem has stirred up serious concern within the industry, the steelworkers' union and government—concern building to the levels of 1968, when legislative measures against foreign steel became imminent, and voluntary restraints were quickly adopted by Japanese and European steelmakers. This time around, much less in the way of absolute tonnage is at issue, but the products involved are far more costly and strategic in nature, the import penetration of their markets more severe and, so too, the impact on domestic producers. The events of the recent past and the need for relief in the short-term future make these critical times for the specialty steels.

This special supplement to *Center Lines* makes an analysis of the specialty steel industry and its current problems. It discusses in depth the types of specialty steel and their end uses or markets, the companies engaged in their production, the methods of production employed, the recent inflation in raw material costs, and the impact of foreign competition on this most vital and strategic industry.

WHY SPECIALTY STEELS ARE "SPECIAL"

The specialty steel industry, known primarily for its production of stainless and tool steels, caters to a wide variety of "special" material requirements, many of which call for critical performance metals of little or no iron content. More often than not, however, the industry's output is referred to as "specialty steel," and consequently, the term covers a broad range of products, turned out in thousands of variations, each designed for a specific application and frequently tailormade to meet individual customer needs.

Steel and alloy products can be classified as specialties for a variety of reasons, such as their alloy content, price, volume of production, and end use. Most of the specialty steels are high in alloys, and relative to ordinary carbon steels, they are manufactured in smaller quantities and sell at much higher prices. To a limited extent, however, the specialty classification can also be applied to certain carbon and low-alloy steels designed to perform specialized, critical functions. Specialty steels are generally considered to include stainless and heat resisting steels, tool steels, high temperature steels and alloys, pressure and mechanical tubing, and refractory, reactive, and electronic metals.

In many of their uses, particularly in consumer goods and in architecture, specialty steels are both functional and aesthetic, and in other applications they are critical and strategic, with no available substitutes. Certain stainless steels, for example, because of their attractiveness, strength and resistance to wear and corrosion, are used in monumental construction and for automobile hubcaps, while other specialty steels have essential, high-technology applications in such products and components as aircraft turbine blades, ultra-high strength landing gear assemblies, the high temperature bearings of jet engines and industrial machinery, the structural parts of space vehicles, the grid wires in electron tubes, the seamless tubing for nuclear power plants, and corrosion resistant piping used to carry concentrations of hot sulfuric acid. These are only a few of the ways in which specialty steels are used under severe conditions demanding superior materials with one or more properties, most notably, toughness, hardness, and tensile strength, or resistance to extreme temperatures, corrosion, and abrasion.

Specialty steels obtain the high-performance characteristics from ther alloy content and the meticulous care that must be exerted throughout their production. Among the expensive elements they contain in substantial quantities are chromium, cobalt, molybdenum, nickel, silicon, titanium, tungsten, vanadium, and zirconium. Certain stainless steels require the addition of up to 30 percent chromium and 26 percent nickel; high speed tool steels contain as much as 45 percent of the alloying elements in various combinations, and many of the high temperature specialty products are 100 percent alloy. The chemical compositions of particular specialty steels depend upon their individual uses, and therefore, many of them are ordered, manufactured, and sold in small quantities, often measured in pounds rather than tons. This, together with their alloy content, makes them costly and difficult to produce, with relatively low yields (sometimes 60 per cent) from crude to finished products. In short, it requires a great deal of skillful handling and careful supervision to turn out small orders of many compositions, each meeting specifications of chemistry, size, uniformity, and quality.

Compared to ordinary carbon steel, which is produced in large tonnages, specialty steels have a very high labor content. Their average man-hour requirement per ton of output is approximately 7 times greater than that for carbon steel, and for the tool steel spe-

cialties the labor input is about 15 times greater. This labor requirement, their consumption of expensive alloys, and the low yields common to their production are the principal reasons for the high price tags carried by the specialty steels. Stainless steel prices, for example, average more than $1,200 per ton, or 7½ times higher than an average of somewhat more than $160 per ton for carbon steel. Naturally, the differentials on the more sophisticated specialties, which are sold by the pound, are much greater: the selling prices for high speed tool steel range up to $4 per pound, and some high temperature alloys sell for $5 per pound, which tallies out at $10,000 per ton.

Because specialty steels are labor intensive, their domestic producers are at a substantial competitive disadvantage relative to foreign producers with low wage costs. Further, because specialty steels are much higher in price than ordinary carbon steels, shipping costs are a much smaller percentage of the dollar value shipped, and consequently, the competitive disadvantage that accrues to foreign producers via freight charges is minimized.

STAINLESS: THE NO. 1 SPECIALTY STEEL

The specialty steel industry produces thousands of stainless steel products for a broad range of applications. Often classified as "stainless and heat resisting steels," they contain numerous combinations of alloys, primarily chromium and nickel, and are offered to the consuming market in a wide variety of shapes and surface finishes. Stainless is used primarily for its superior corrosion resistance at atmospheric and elevated temperature levels, but it also affords the advantages of attractive surface, toughness at low temperatures, strength, wear resistance, cleanliness, and ease of maintenance, qualities which make it the most widely used specialty steel.

The ability of stainless steels to resist corrosion derives primarily from their chromium content, with the alloying elements aluminum, copper, molybdenum, nickel, and silicon of limited usefulness in this regard. The most popular stainless steels are the iron-chromium and iron-chromium-nickel types, which are generally grouped according to their characteristics and alloy contents into three main categories: martensitic, ferritic, and austenitic.

Stainless steels in the *martensitic* category (400 and 500 series, hardenable by heat treatment) are usually of the iron-chromium type (Chrome 4–18%, Carbon 0.10–1.20%) and have excellent heat resisting qualities at temperatures up to 1100 F. They are more corrosion resistant than alloy steels, but because of their relatively low chromium content, they are not considered "stainless" in the same sense as ferritic and austenitic steels. Responsive to heat treatment, they develop a wide range of mechanical properties and are used to meet the requirements of strength, hardness, and resistance to abrasion in such items as turbine and machine parts, jet engine compressor blades, bearings, coal screens, valve trim, nuts and bolts, surgical instruments, cutlery, and golf club heads.

The *ferritic* stainless steels (400 series, not hardenable by heat treatment) are also of the iron-chromium type (Cr 15-27, C 0.12 max), are suited to high temperature use, and provide good resistance to corrosion and oxidation. Having fair ductility, they can be fabricated by the usual methods, and their surface can be finished to resemble chrome plating, a desirable characteristic for automotive trim applications. Ferritic stainless steels are also used in such items as annealing baskets and nitric acid tanks, which require their high temperature, anti-corrosion properties.

The *austenitic* stainless steels (Cr 16–30, Ni 6-26, C 0.08-0.25 max) are principally of the 300 series iron-chromium-nickel types, but also include 200 series stainless in which all or part of the nickel is replaced by manganese. The most widely used category of stainless, the austenitic steels are not hardenable by heat treatment, but provide maximum resistance to corrosion, maintain their structure at low temperatures, and have good ductility. They are readily adaptable to welding, standard fabrication, severe deep drawing, and forming. The iron-chrome-nickel variety resist oxidation and have high rupture and creep strength values. Some of the major uses for austenitic stainless are in chemical and food processing equipment, architecture, railroad car and truck trailer bodies, pulp handling and photographic equipment, nuclear power plants, aircraft structurals and cowlings, jewelry, and cookware.

STAINLESS STEEL PRODUCTION AND SHIPMENTS

The production of stainless steel in all grades, including the heat resisting types, traditionally has amounted to slightly more than 1 per cent of the nation's total raw steel output. Stainless steel shipments, on the other hand, given relatively low production yields, usually represent slightly less than 1 per cent of the total steel shipped. Compared to the total demand for steel, the demand for stainless, and consequently its production and shipments, is more sensitive to the level of economic activity, particularly as it relates to capital goods spending. This was demonstrated in 1970, when stainless demand dropped 20.1 per cent compared to a reduction of 5.5 per cent in overall steel demand.

STAINLESS STEEL PRODUCTION AND SHIPMENTS, 1960-70 (NET TONS)

	Production	Shipments
Year:		
1960	1,004,000	587,527
1961	1,137,000	564,758
1962	1,085,000	631,860
1963	1,204,000	659,279
1964	1,443,000	771,242
1965	1,493,000	879,170
1966	1,651,000	932,941
1967	1,451,000	837,080
1968	1,432,000	819,042
1969	1,569,000	909,453
1970	1,279,000	709,437

As the table above shows, both stainless production and shipments exhibited strong growth patterns prior to 1967, but during the last four to five years, their trends have been decidedly biased on the downside. An exception was the record steel year, 1969, when stainless tonnages recovered to their second best level in history. However, in 1970, stainless production and shipments were down 18.5 per cent and 22.0 per cent respectively, proportional to the sharp drop in stainless demand. Gauged in terms of apparent consumption (shipments plus imports minus exports), demand fell from a record of more than 1 million net tons in 1969 to just over 800,000 net tons, the lowest level since 1964.

Four-fifths of the decline in stainless shipments during 1970 was accounted for by lower tonnages in three product groups: cold rolled strip, cold rolled sheets, and cold finished bars, which together fell 160,235 net tons. Among these major product categories, cold rolled sheets registered the largest percentage loss (29.5 per cent), while lower tonnage categories were also hard hit, particularly, stainless wire and wire rods, which incurred shipments' losses of 41.9 per cent and 33.1 per cent respectively.

STAINLESS STEEL SHIPMENTS IN 1969 AND 1970 BY PRODUCT CATEGORY

Product	1969 Shipments (net tons)	1969 Percent of total	1970 Shipments (net tons)	1970 Percent of total
Cold rolled strip	283,830	31.2	212,124	29.9
Cold rolled sheets	223,611	24.6	157,749	22.3
Cold finished bars	101,812	11.2	79,145	11.2
Plates	67,316	7.4	54,754	7.7
Hot rolled bars	49,454	5.4	42,832	6.0
Blooms, slabs, billets, sheet bars	44,227	4.9	41,786	5.9
Hot rolled sheets	38,578	4.3	34,241	4.8
Pipe and tubing	27,866	3.1	32,119	4.5
Hot rolled strip	29,404	3.2	23,408	3.3
Wire	25,390	2.8	14,748	2.1
Ingots and castings	7,621	.8	9,674	1.4
Wire rods	10,133	1.1	6,778	.9
Structural shapes (heavy)	127		77	
Tube rounds	84		2	
Total[1]	909,453	100.0	709,437	100.0

[1] Includes stainless and heat resisting steels.

Although the specialty steel industry, as noted previously, turns out stainless in a variety of shapes, sizes, and chemistries to meet the needs of its customers, two-thirds to three-fourths of total stainless shipments are usually centered in the top four product categories listed above, and about one-half of all the stainless shipped is in the form of cold rolled sheets and strip. Within these leading product categories, market requirements permit a further concentration into stock sizes and chemical compositions. The resulting high-volume products show up on mill schedules as essential, "bread and butter" tonnage that makes it possible for stainless producers to achieve efficient operating rates and economic returns on their expensive plant and equipment.

Much of the demand for stainless comes from customers who use relatively small tonnages. Thus, there are very few orders for high tonnage production runs from customers who are end users. Consequently, stainless producers count on the steel service centers to consolidate much of the market demand and distribute a significant percentage of their products. Because of this relationship, the steel service centers regularly constitute the largest single outlet for stainless steel shipments.

FACTORS CURTAILING STAINLESS STEEL GROWTH

Cutbacks in stainless consumption and increased import competition have been responsible for the reduced levels of stainless activity during most of the period since 1967. Consumption had experienced strong growth during the 1950's through the mid-1960's, increasing from just under 450,000 net tons in 1950 to 981,027 net tons in 1966, but the trend has since been interrupted for a number of reasons. Stainless has been replaced in some of its applications by lower cost substitute materials, such as plastics, aluminum, and coated carbon steels, while demands for the metal have been scaled down in the automotive and capital goods markets, as well as for military purposes, particularly for the production of gas turbine aircraft engines.

Style changes in auto construction, some made in the interest of economy, have reduced the amount of stainless used per car, from 36 pounds to 23 pounds over the last 15 years, and further reductions are in prospect if the sub-compacts catch on in a big way. Meanwhile, since the mid-1960's, Detroit has run into an import problem of its own, and to the extent that foreign competition has checked the growth of domestic auto production (1965's record car output of

9,335,227 units has not since been equaled), it has also precluded any considerable increase in the auto industry's consumption of stainless steel. Last year, Detroit's demand for stainless slumped badly, as the General Motors strike played a major role in cutting domestic passenger car output by 20.4 per cent, to 6,550,128 units from 8,224,392 units in 1969. So far this year (through June 26), 4,583,981 cars have been turned out, 14.9 per cent more than in the same non-strike period a year ago, but despite the introduction of the Pinto, Vega, and Gremlin, imports are still on the rise. Over the first five months of this year, foreign car imports were running one month ahead of last year's pace. From January through May they totaled 1,089,999 units only 132 units less than in the first six months of 1970.

Another major factor curtailing the growth of stainless consumption, particularly in the last year or so, has been a decline in industrial machinery and equipment production, one of the principal sources of stainless demand. Capital appropriations by manufacturing firms, an advance indicator of investment expenditures, reached their peak in the second quarter of 1969 and trended downward in 1970, when operating rates slipped in relation to industrial capacity. During the current year, according to a recent Department of Commerce-Securities and Exchange Commission survey, business investment should increase by only 2.7 per cent, which amounts to a decline on a real dollar basis.

IMPORTS TAKE TWENTY-TWO PERCENT OF THE STAINLESS MARKET

While the growth of stainless demand has been interrupted in recent years, an increasing percentage of this demand has been supplied by foreign steelmakers. Thus, imports have also contributed to the reduced levels of domestic production and shipments. Because of foreign competition, the record stainless demand in 1969 failed to generate record tonnages for the domestic industry. Demand that year was 2.4 per cent greater than in 1966, but shipments were 2.5 per cent short of their 1966 record. Stainless imports, which accounted for 14.0 per cent of apparent consumption in 1966, increased their market share to 18.1 per cent in 1969 and to 22.1 per cent in 1970.

GROWTH OF STAINLESS STEEL IMPORTS (NET TONS)

Year	Imports	Apparent consumption [1]	Imports as percent apparent consumption
1964	79,352	754,593	10.5
1965	113,460	899,565	12.6
1966	137,390	981,027	14.0
1967	149,321	871,381	17.1
1968	174,031	905,422	19.2
1969	182,224	1,004,303	18.1
1970	177,209	802,923	22.1

[1] Apparent consumption includes domestic shipments plus imports minus exports.

Last year, despite the sharp downturn in domestic demand, stainless imports were sustained close to their peak level, off only 2.8 per cent compared to the 20.1 per cent drop in domestic demand. This in itself had a disruptive impact on the domestic stainless market, but an examination of the import tonnage on a product basis reveals a dramatic shift in its composition, away from semi-finished and into higher priced finished stainless, principally cold rolled sheets, one of the prime, high-volume products that domestic producers must turn out to operate profitably. Imports of semi-finished stainless were cut 44.9 per cent last year, and foreign producers shifted the tonnage into every other product category except pipe and tubing, hot rolled sheets, and wire rods. Singled out for special attention, the cold rolled sheet category jumped 20.6 per cent and accounted for 42.7 per cent of total stainless imports, up sharply from a 34.4 per cent share in 1969.

PRODUCT MIX OF STAINLESS STEEL IMPORTS

Product	1969 Imports (net tons)	1969 Percent of total	1970 Imports (net tons)	1970 Percent of total
Cold rolled sheets	62,739	34.4	75,681	42.7
Semifinished	49,044	26.9	27,015	15.2
Round wire	13,966	7.7	16,804	9.5
Wire rods	14,864	8.1	13,885	7.8
Strip and flat wire	11,908	6.5	12,848	7.3
Plates	7,153	3.9	8,342	4.7
Cold finished bars	6,121	3.4	7,913	4.5
Hot rolled bars	6,507	3.6	7,283	4.1
Pipe and tubing	7,929	4.4	6,361	3.6
Hot rolled sheets	1,993	1.1	1,077	.6
Total	182,224	100.0	177,209	100.0

During the current year, the shift in stainless imports from semi-finished to finished products has continued. The 80,540 net tons of stainless steel imported through the end of May included 6,656 net tons of semi-finished products, only 8.3 per cent of the total; this was down from 15.2 per cent in 1970 and 26.9 per cent in 1969. Meanwhile, imports in the crucial cold rolled sheet category continued to increase relative to all stainless imports. Over the first five months, they amounted to 36,022 net tons, which represented 44.7 per cent of the import total.

An analysis of the import product mix relative to the domestic markets for individual stainless steel products reveals that the impact of foreign competition has been particularly severe in certain product lines. The 22.1 per cent overall market share taken by stainless imports last year is a matter of serious concern, but domestic producers of stainless wire rods must contend with the fact that 67.5 per cent of their market has already gone foreign. Stainless wire producers have lost 53.7 per cent of their market, and 34.3 per cent of all the stainless cold rolled sheets consumed in this country are produced overseas.

JAPAN ACCOUNTS FOR 61 PERCENT OF STAINLESS IMPORTS

Despite last year's sharp decline in domestic stainless demand, Japanese producers managed a 19.5 per cent gain in their U.S. stainless business. Imports from Japan rose from 86,239 net tons to 103,077 net tons, and with tonnages from other countries down in the aggregate by 22.8 per cent, roughly in line with the drop in our demand, the Japanese share of total stainless imports increased from 47.3 per cent in 1969 to 58.2 per cent in 1970. During the first five months of the current year, 61.2 per cent of our stainless imports originated in Japan.

STAINLESS STEEL IMPORTS BY COUNTRY OF ORIGIN

Country	1969 Imports (net tons)	1969 Percent of total	1970 Imports (net tons)	1970 Percent of total
Japan	86,239	47.3	103,077	58.2
Canada	54,790	30.1	36,757	20.7
France	14,222	7.8	15,173	8.6
Sweden	15,615	8.6	12,961	7.3
United Kingdom	5,099	2.8	3,063	1.7
Belgium-Luxembourg	2,098	1.1	2,212	1.3
West Germany	1,422	0.8	1,425	0.8
Italy	1,385	0.8	748	0.4
Austria	397	0.2	314	0.2
Other countries	957	0.5	1,479	0.8
Total	182,224	100.0	177,209	100.0

The intensity of the Japanese sales effort in stainless was pointed up by a recent full page ad in *Metal Center News*. Placed by Kanematsu-Gosho (U.S.A.) Inc., it reads as follows: "Now—for service centers only, Aichi Steel, Japan's largest producer of quality stainless angles and flats, offers same day service from four local mill depots, Chicago, Rahway, Los Angeles, Toronto." Stainless imports from Japan during January-May of this year totaled 49,290 net tons, more than four times the import volume from Canada, the next largest country of origin.

PRICES OF FOREIGN VERSUS DOMESTIC STAINLESS

Comparisons between foreign and domestic book prices for stainless steel products reveal wide disparities in favor of imports. As an example, the following table provides an up-to-date listing of American published prices for stainless wire in a variety of gauges, as well as French and Japanese price schedules for the same product.

FOREIGN AND DOMESTIC BOOK PRICES FOR STAINLESS WIRE

(Cents per pound)

Type	Gage	French price	Japanese price	Domestic price
304	0.086	77.36	57.50	109.25
304	.128	71.10	55.50	99.00
304	.148	69.63	62.15	96.00
304	.160	69.40	61.45	93.00
304	.203	66.75	60.90	84.75
304	.217	52.00	46.05	76.75
304	.250	52.00	46.05	72.50
304	.280	52.00	46.05	72.50
304	.312	50.00	46.05	72.50
316L	.086	107.61	84.00	140.50
316L	.128	101.35	82.00	130.25

The stainless wire category affected by the price spreads given above is relatively low in tonnage and has incurred particularly severe import competition. However, domestic producers are also faced with substantial price differentials on high-tonnage stainless products. In the market for cold rolled sheets, for example, foreign mills have waged intense price competition, which domestic mills have countered by increasing distributor's allowances from 3 to 18 per cent since the second quarter of 1970. Nevertheless, price disparities favoring imports by 15 per cent continue to affect the market for Type 304 cold rolled sheets, one of the most popular stainless products.

STAINLESS STEEL PROSPECTS

Unless effective measures, voluntary or otherwise are instituted to control stainless imports in regard to product, mix and total tonnage, foreign competition will continue to restrict the growth of domestic stainless activity and ultimately may result in a shutdown of some domestic stainless facilities. This is particularly true if the recovery in demand beyond the near future fails to live up to expectations. Stainless producers anticipate that demand will pick up rapidly as the economy and capital spending recover, and the longer-term outlook is most favorable, as stainless is expected to find new and expanded markets in the nuclear power and pollution control fields. It is also possible that the automotive market for stainless will receive a boost from the development of a catalytic muffler or other device to control auto exhaust emissions. Stainless, therefore, despite current lagging demand, is expected to re-establish its position as a growth metal in the years ahead.

TOOL STEELS: ESSENTIAL, LOW-TONNAGE SPECIALTIES

Tool steels perform the vital function of transforming and shaping materials used in virtually every type of manufacturing. With this role and the absence of economic or readily available substitutes, they represent a class of specialty steel products that is essential to the nation's economy, even though it accounts for just 1/10 of 1 per cent of total steel shipments.

Although tool steels, also referred to as "tool and die" steels, sometimes find their

way into non-tool uses that require superior wear resistance, their principal applications are in drills, taps, broaches, reamers, chasers, and milling cutters, as well as high-production dies for cold working operations, for stamping, forming, punching, shearing, trimming, hot heading, hot extrusion, and die casting. Depending on their applications, tool steels vary in chemical composition, ranging from plain carbon types to heavily alloyed high speed cutting types, all capable of hardening and tempering. They are produced in small batches, frequently in hundreds of pounds, under critical tool steel practice and subjected to rigid quality control and inspection procedures.

TOOL STEEL SHIPMENTS

Since 1960, tool steel shipments have followed the same basic pattern as stainless shipments, reaching their peak in 1966 and trending downward over the last four to five years, 1969 excepted. The record 121,345 net tons shipped in 1966 was 39.9 per cent above the annual shipments figure for 1960, but last year's shipment at 88,337 net tons were 27.2 per cent below their 1966 level and 22.5 per cent lower than in 1969.

The decline in shipments since the mid-1960's has paralleled a downturn in tool steel demand, which unlike that for any other category of specialty or carbon steel products, derives almost entirely from the producers of machinery, industrial equipment, and tools. Measured as apparent consumption, demand reached a record 137,184 net tons in 1966, a figure that has not since been equaled. Last year, following a temporary recovery in 1969, demand slipped 17.9 per cent to 103,813 net tons, lower than the level of 1964.

Tool steel shipments, 1960–1970 [1]

	Net tons
1960	86,784
1961	79,751
1962	94,786
1963	94,097
1964	102,379
1965	118,242
1966	121,345
1967	109,929
1968	106,366
1969	113,921
1970	88,337

[1] Includes high speed and other alloy tool steels.

IMPORTS SUPPLY 17 PERCENT OF TOOL STEEL MARKET

Despite last year's decline in tool steel demand, imports increased 15.0 per cent to 17,635 net tons. This was nearly double their 1964 volume of 9,081 net tons, and with demand running below the rate of 1964, their share of the tool steel market was boosted to 17.0 per cent, compared to 8.3 per cent in 1964 and 12.1 per cent in 1969.

GROWTH OF TOOL STEEL IMPORTS (NET TONS)

Year	Imports	Apparent consumption [1]	Imports as percent apparent consumption
1964	9,081	109,185	8.3
1965	12,954	129,544	10.0
1966	17,614	137,184	12.8
1967	18,859	127,149	14.8
1968	15,162	119,922	12.6
1969	15,253	126,449	12.1
1970	17,635	103,813	17.0

[1] Apparent consumption includes domestic shipments plus imports minus exports.

The growth of imports has encompassed a broad range of tool steel grades, from those of low and medium alloy content to the higher-priced, high speed types, containing substantial amounts of the expensive alloying elements. Although lower in tonnage, imports of high speed tool steels have been increasing at a much faster rate than those in the other alloy grades. During 1964–1970, they jumped 141.5 per cent, from 2,674 net tons to 6,457 net tons, while other allow tool steels rose from 6,407 net tons to 11,178 net tons, a gain of 74.5 per cent. This increased the share of total tool steel imports in the expensive high speed grades from 29.4 per cent to 36.6 per cent.

FOREIGN COMPETITION IN FINISHED STEELS IS UNDERSTATED

Tool steel imports, including both the high speed and other alloy grades, have been concentrated in three product categories, hot rolled bars, wire rods, and cold finished bars, which in 1970 accounted for 97.2 per cent of total imports. Although hot rolled tool steel bars represent the dominant product category, wire rod imports were up 52.6 per cent last year, with the critical high speed grades accounting for 87.7 per cent of the increase. High speed tool steel wire rod imports totaled 2,772 net tons in 1970, compared to 1,390 net tons in 1969, only 916 net tons in 1968, and 90 net tons in 1964.

PRODUCT MIX OF TOOL STEEL IMPORTS

Product	1969 Imports net) tons)	1969 Percent of total	1970 Imports (net tons)	1970 Percent of total
Hot rolled bars	8,994	59.0	10,662	60.5
Wire rods	2,996	19.6	4,571	25.9
Cold finished bars	2,236	14.7	1,899	10.8
Wire	550	3.6	289	1.6
Plates and sheets	477	3.1	214	1.2
Total	15,253	100.0	17,635	100.0

The above listed data on the product mix of tool steel imports, like similar statistics for other steel products, represents an accurate accounting made by the U.S. Bureau of the Census when these products entered the United States. However, the imported product mix on tool steels tends to understate the inroads made by imports into the markets for finished products, particularly tool steel wire. This has been the case in the last two years, ever since foreign producers, partially to minimize tariff costs and inventory problems, have established stateside companies with finishing facilities to import their tool steel in semi-finished form for conversion here into finished products. Consequently, in recent years, while domestic producers have encountered more intense foreign competition in the sale of high speed tool steel wire, import statistics in this product category have declined, from 1,717 net tons in 1968, to 550 net tons in 1969, and to 289 net tons in 1970.

STATESIDE AFFILIATES OF FOREIGN TOOL STEEL PRODUCERS

To date, three overseas companies, two Swedish and one Japanese, have established finishing facilities for tool steel in the United States. The first such operation dates back to 1969, when Fagersta Steels Incorporated of Sweden purchased the Sterling Steel Company of McKeesport, Pennsylvania, an offshoot of Firth Sterling. The second company to be established by Swedish interests, Stora-Koppaberg, is located in Northern New Jersey. Basically, the operations of these two Swedish companies involve the importation of tool steel rods, which are drawn into a wide range of wire products, principally for the manufacture of drills and reamers, and the importation of semi-finished tool steel bars on which grinding operations are performed. The Japanese facility, Hi Met, Inc., located at Irwin, Pennsylvania, is patterned after the Swedish operations. Backed by Hitachi Metals of Japan, it is expected to import semi-finished tool steel rods and bars for conversion at Irwin into finished products, which are to be marketed throughout the United States.

SWEDEN IS PRINCIPAL SOURCE OF TOOL STEEL IMPORTS

Sweden, with two successful finishing operations here, is this country's chief source of tool steel imports. Last year, 6,040 net tons or 34.2 per cent of our total imports of tool steel originated in Sweden, almost twice the total from the second largest source, Canada, which accounted for a 17.4 per cent import share. Japan ran a close third, contributing 13.2 per cent of the import total.

TOOL STEEL IMPORTS BY COUNTRY OF ORIGIN

Country	1969 Imports (net tons)	1969 Percent of total	1970 Imports (net tons)	1970 Percent of total
Sweden	4,734	31.0	6,040	34.2
Canada	2,474	16.2	3,066	17.4
Japan	1,460	9.6	2,329	13.2
Austria	3,154	20.7	2,014	11.4
West Germany	1,527	10.0	1,256	7.1
France	846	5.6	1,123	6.4
United Kingdom	868	5.7	1,038	5.9
Belgium-Luxembourg			207	1.2
Other countries	190	1.2	562	3.2
Total	15,253	100.0	17,635	100.0

As in stainless steel, foreign producers have concentrated their sales efforts on tool steel products of standard sizes and chemistries. Price competition has been extremely severe, with differentials of up to 40 per cent in favor of imports countered by 10 to 40 per cent price reductions on the part of domestic producers.

SPECIALTY TUBULAR PRODUCTS

Like other specialty steel products, the significance of specialty tubing cannot be assessed in terms of tonnage. The product accounts for a relatively minor 1.5 per cent share of the steel industry's total shipments, and yet, like other specialties, it has critical applications, and more importantly, it is indispensable to the generation of electric power.

Specialty tubing can be either seamless or welded and is produced by a number of methods. The seamless variety is made from a solid, round bar of steel by means of hot piercing, hot extrusion, or cupping and drawing. Welded specialty tubing, on the other hand, is manufactured from flat-rolled strip and is welded into tube form by one of four processes: furnace welding, electric resistance welding, electric flash welding, and fusion welding. Designed for a variety of specialized requirements, specialty tubing is produced in a wide range of carbon, alloy, and stainless steel grades.

Depending on its applications, specialty tubing is classified into two main categories: pressure and mechanical. As the name implies, *pressure tubing* (seamless or welded) is used to transport liquids under pressure, often at high temperatures. Included within this product classifiction are boiler and superheater tubes, oil still tubes, ad heat exchanger and condenser tubes. Pressure tubing is essential to the manufacture of electric power generating equipment, and is used in the key parts of virtually all types of transportation equipment, in the processing of oil, gasoline, and chemical compounds, as well as in food processing. *Mechanical tubing* (seamless or welded) is used for a great number of mechanical purposes and is produced according to specifications in round, square, rectangular, or special shapes. Some of its more significant applications are in automobiles, food processing and handling equipment, aircraft and aerospace equipment, farm and construction machinery, military hardware, and medical equipment.

SHIPMENTS OF SPECIALTY TUBING

The performance of specialty tubing shipments over the past decade closely parallels the movements of other specialty steel product shipments. During 1960–1966, total shipments of specialty tubing, including the pressure and mechanical types, increased by 521,861 net tons, or 50.5 per cent. However, since recording their record tonnage of 1,555,695 net tons in 1966, their trend has been downward, with the exception of 1969, the record year for domestic steel production. The actual decline between 1966 and 1970 was 266,349 net tons, or 17.3 per cent.

SPECIALTY TUBING SHIPMENTS, 1960–70 (NET TONS)

	Mechanical	Pressure	Total
Year:			
1960	762,582	271,252	1,033,834
1961	683,011	256,344	939,355
1962	814,247	248,063	1,062,310
1963	829,371	248,473	1,077,844
1964	1,008,698	287,938	1,296,636
1965	1,132,992	326,357	1,459,349
1966	1,224,050	331,645	1,555,695
1967	1,051,711	260,291	1,312,002
1968	1,219,970	241,558	1,461,528
1969	1,289,902	242,030	1,531,932
1970	1,052,359	236,987	1,289,346

With the exception of 1961, 1967, and 1970, shipments of mechanical tubing have increased during the past decade. They reached a high point of 1,289,902 net tons in 1969, but fell back to 1967's level last year. It must be stressed that many manufacturers of pressure tubing do not report their shipments to the American Iron and Steel Institute, and consequently, the pressure tubing statistics listed above understate actual shipments. On the basis of reports made to AISI, shipments of pressure tubing during 1960–1966 rose by 60,393 net tons, or 22.3 per cent. However, starting with 1967, they fell sharply to a low point of 236,987 net tons in 1970, a decline of 28.5 per cent over four years.

SPECIALTY TUBING IMPORTS UP SHARPLY

As is the case with other specialty steel products, the domestic producers of specialty tubing have met with heavy import competition. Between 1965 and 1970, imports of alloy and stainless (including heat resisting) seamless tubular products increased from 15,108 net tons to 42,995 net tons, a gain of 184.6 per cent. The penetration by imports into the market for these two types of seamless tubing is estimated at about 23 per cent and 30 per cent respectively. Welded alloy pipe and tubing imports have also increased sharply, from 473 net tons in 1964 to 10,730 net tons in 1970. Leading exporters of specialty tubular products are Japan, West Germany, Sweden, the United Kingdom, and Canada.

SPECIALTY STEEL INDUSTRY PROFILE

Because the specialty steel industry's products frequently sell in small quantities and are priced high relative to ordinary carbon steels, this segment of the overall steel industry is much more significant than its tonnage shipments indicate. Stainless and tool steels, for example, account for only 1 per cent of net steel mill product shipments, but they are responsible for about 7 per cent of the steel industry's total dollar revenues; the 1.5 per cent share of net industry shipments represented by specialty tubing generates 4.5 percent of total steel revenues.

The specialty steel industry is composed primarily of companies that are relatively small, judged by the size of their operations and revenues. Although a number of the major steel companies produce specialty steels, they at most contribute one-third of the industry's product shipments. Included in the industry's ranks are 38 integrated producers and many more smaller firms that purchase semi-finished specialty steel and roll, draw, fabricate, or otherwise transform it into finished products. There are, for example, over 100 such non-integrated companies engaged in the manufacture of specialty tubing.

The centerfold of this special *Center Lines* supplement on the specialty steel industry contains a profile of the industry's integrated producing companies. All of the firms listed operate melting furnaces, as well as finishing facilities for the production of specialty steel products. The profile indicates the locations of each firm's facilities, the types of melting practice they employ, and the specialty steel products they produce.

Included among the industry's integrated producers are three types of companies: First, six of the nation's eight major steel companies have varying degrees of participation in the specialty steel business. Their specialty operations range in size and diversity from those at Republic and Armco, which turn out a wide variety of specialty steel products and rank among the leaders in stainless steel output, to those at Bethlehem, where tool steel production constitutes a relatively minor part of the company's activities. Second, the industry has a number of large tonnage producers of its own. Among these industry leaders are Allegheny-Ludlum Industries. Cyclops Corporation, and Colt Industries (Crucible), which produce full lines of specialty products. Third, there are a substantial number of "specialists" in the industry, companies that concentrate on relatively few classes of products, such as tool steels and specialty tubing. Included among these industry members are Latrobe Steel Company and Columbia Tool Steel Company.

As the centerfold profile indicates, some type of electric furnace practice is employed in the production of most specialty steel products, including the stainless steels and tool steels. The most widely used furnace type is the electric arc, while some companies melt in electric induction furnaces or by a vacuum melting process. The open hearth and basic oxygen furnace can be employed to produce some alloy steels, as well as steel used to make mechanical or pressure tubing in certain carbon and alloy grades.

EARNINGS PERFORMANCE OF SPECIALTY STEEL COMPANIES

The earnings performances of 11 specialty steel companies during 1960–1970 inclusive are indicated in the table below. The selection of these companies was based on the availability of financial data and the criterion that specialty steel sales account for a major or substantial share of their total sales revenues. However, even though the companies listed meet this criterion, a number of them are engaged in diverse business activities, and consequently, their earnings trends are likely to reflect other influences in addition to the ups and downs of the specialty steel business. This is particularly true of Allegheny-Ludlum, Colt, Sharon, and Heppenstall.

SALES AND EARNINGS PERFORMANCE OF SELECTED SPECIALTY STEEL PRODUCERS

[Millions of dollars]

Company	1970	1969	1968	1967	1966	1965	1964	1963	1962	1961	1960
Allegheny Ludlum Inds., Inc.[1]											
Net sales	515.04	536.47	487.89	425.37	442.89	335.99	292.55	259.07	258.31	238.24	238.77
Net earnings	14.82	22.35	22.88	24.91	31.19	19.47	15.85	10.85	8.75	11.69	8.75
Stockholders' equity	246.80	249.39	243.23	222.93	200.14	143.43	127.66	119.37	116.18	114.61	110.49
Earnings percent sales	2.88	4.17	4.69	5.86	7.04	5.79	5.42	4.18	3.39	4.91	3.66
Earnings percent equity	6.00	8.96	9.41	11.17	15.58	13.58	12.42	9.08	7.54	10.20	7.92
Carpenter Technology Corp.[2]											
Net sales	174.68	163.53	148.71	150.71	137.84	117.59	94.61	85.62	88.85	66.12	85.08
Net earnings	11.06	11.31	11.81	15.84	14.92	11.14	6.97	5.43	6.14	3.31	6.57
Stockholders' equity	103.76	101.04	98.11	91.63	81.91	70.91	64.16	60.15	57.40	52.99	49.31
Earnings percent sales	6.33	6.91	7.94	10.51	10.83	9.47	7.37	6.35	6.91	5.01	7.72
Earnings percent equity	10.66	11.19	12.03	17.29	18.22	15.71	10.86	9.03	10.69	6.25	13.33
Colt Industries, Inc.[3]:											
Net sales	665.64	729.21	663.86	642.54	610.51	533.83	471.70	427.17	N.A.	N.A.	N.A.
Net earnings	13.27	5.53	28.84	21.96	19.35	15.54	10.63	6.88	N.A.	N.A.	N.A.
Stockholders' equity	245.79	243.13	254.65	214.32	194.00	179.76	164.35	160.48	N.A.	N.A.	N.A.
Earnings percent sales	1.99	0.76	4.34	3.42	3.17	2.91	2.25	1.61	N.A.	N.A.	N.A.
Earnings percent equity	5.40	2.27	11.33	10.25	9.98	8.64	6.47	4.29	N.A.	N.A.	N.A.
Copperweld Steel Co.:											
Net sales	131.62	142.31	136.94	124.03	128.70	132.18	118.31	101.43	93.19	104.74	114.80
Net earnings	2.10	5.18	5.08	3.14	4.69	6.06	6.38	3.65	2.54	1.48	2.44
Stockholders' equity	55.37	55.82	53.56	51.40	51.17	49.39	45.63	41.40	39.98	39.69	47.80
Earnings percent sales	1.59	3.64	3.71	2.53	3.65	4.58	5.40	3.60	2.73	1.41	2.13
Earnings percent equity	3.79	9.27	9.49	6.11	9.17	12.27	13.99	8.82	6.35	3.73	5.11
Cyclops Corp.:[4]											
Net sales	240.64	248.03	234.85	214.73	240.16	217.15	198.93	175.30	164.91	148.81	144.18
Net earnings	1.59	9.35	10.08	6.50	10.11	10.62	8.34	6.67	5.70	4.84	5.06
Stockholders' Equity	114.51	116.72	111.28	104.62	102.03	95.85	88.79	83.63	79.85	76.78	74.63
Earnings percent sales	0.66	3.77	4.29	3.03	4.21	4.89	4.19	3.81	3.46	3.25	3.51
Earnings percent equity	1.39	8.01	9.06	6.21	9.91	11.08	9.39	7.98	7.14	6.30	6.78
Heppenstall Co.:[5]											
Net sales	51.75	54.96	58.57	54.75	52.77	47.91	41.60	37.00	NA	NA	NA
Net earnings	(1.55)	.34	2.11	2.19	2.16	1.92	1.12	.08	NA	NA	NA
Stockholders' equity	18.52	20.79	20.83	19.06	11.82	10.96	9.69	11.07	NA	NA	NA
Earnings percent sales	(3.00)	.62	3.60	4.00	4.09	4.00	2.69	.22	NA	NA	NA
Earnings percent equity	(8.38)	1.64	10.13	11.49	18.26	17.49	11.57	.73	NA	NA	NA

Footnotes at end of table.

SALES AND EARNINGS PERFORMANCE OF SELECTED SPECIALTY STEEL PRODUCERS—Continued

[Millions of dollars]

Company	1970	1969	1968	1967	1966	1965	1964	1963	1962	1961	1960
ITT Harper Inc.[6]											
Net sales	N.A.	26.41	24.22	26.07	26.07	22.51	19.44	16.19	15.85	14.81	12.68
Net earnings	N.A.	1.47	1.09	1.32	1.43	1.03	1.07	.90	1.03	.84	.80
Stockholders' equity	N.A.	13.47	12.56	11.75	10.84	9.73	10.54	9.81	9.44	9.03	5.79
Earnings percent sales	N.A.	5.55	4.50	5.04	5.49	4.58	5.48	5.55	6.52	5.67	6.32
Earnings percent equity	N.A.	10.87	8.68	11.19	13.21	10.60	10.12	9.16	10.94	9.29	13.84
Joslyn Manufacturing & Supply Co.[7]											
Net sales	115.56	118.36	111.47	105.57	107.22	93.49	83.16	77.56	82.89	82.59	85.05
Net earnings	3.66	4.55	4.90	5.11	6.82	4.54	3.73	2.97	3.20	3.42	3.32
Stockholders' equity	59.14	58.27	56.52	54.41	52.09	47.84	44.59	43.94	42.84	41.52	39.68
Earnings percent sales	3.17	3.84	4.40	4.84	6.36	4.86	4.48	3.82	3.85	4.15	3.90
Earnings percent equity	6.19	7.81	8.67	9.40	13.09	9.50	8.18	6.75	7.46	8.25	8.36
Latrobe Steel Co.:[8]											
Net sales	44.93	53.87	46.09	50.70	51.98	42.99	34.91	32.31	32.30	25.57	24.79
Net earnings	(.65)	.78	2.39	2.43	3.08	2.15	1.53	1.77	1.97	.72	1.11
Stockholders' equity	25.21	26.05	25.83	23.99	22.08	19.87	18.27	17.43	16.16	14.72	14.45
Earnings percent sales	(1.45)	1.45	5.18	4.78	5.93	4.99	4.38	5.47	6.11	2.83	4.49
Earnings percent equity	(2.59)	3.00	9.24	10.11	13.97	10.79	8.37	10.14	12.19	4.92	7.70
Sharon Steel Corp.:[9]											
Net sales	225.43	229.84	220.43	184.75	194.79	187.86	161.19	136.44	135.13	126.37	116.09
Net earnings	3.67	7.71	2.93	3.09	4.47	4.43	2.41	.59	1.40	1.09	1.13
Stockholders' equity	107.97	106.78	101.46	100.12	98.48	87.35	82.93	80.37	79.87	79.47	76.03
Earnings percent sales	1.63	3.36	1.33	1.67	2.30	2.36	1.50	.43	1.04	.86	.98
Earnings percent equity	3.40	7.22	2.89	3.08	4.54	5.07	2.91	.74	1.75	1.37	1.49
Washington Steel Corp.:[10]											
Net sales	43.36	41.49	39.58	34.22	26.33	31.53	28.13	24.20	25.55	26.17	32.91
Net earnings	2.84	2.01	2.07	2.29	1.13	1.82	1.82	1.13	1.04	.94	2.14
Stockholders' equity	23.53	21.72	20.57	19.30	17.55	17.25	15.69	14.50	14.01	13.63	13.40
Earnings percent sales	6.54	4.83	5.23	6.68	4.31	5.78	6.47	4.67	4.06	3.60	6.51
Earnings percent equity	12.05	9.23	10.06	11.85	6.47	10.56	11.60	7.79	7.40	6.92	15.99

[1] The figures for 1966, 1967, and 1968 have been adjusted to include accounts (on a calendar year basis) of pooled subsidiaries acquired in 1967, 1968, and 1969, respectively.
[2] Carpenter's fiscal year ends June 30; net sales include other revenues.
[3] Net earnings include extraordinary items.
[4] Figures for 1970 include Detroit Steel Corp. from its date of acquisition, Nov. 12, 1970. The figures for 1968 and prior years have been restated to include the results of Sawhill Tubular Products, Inc., which was acquired on July 31, 1968.
[5] Heppenstall's fiscal year ends Oct. 31.
[6] Net earnings for 1965 exclude a special item charge of $1,000,000.
[7] Net earnings for 1966, 1968, 1969, and 1970 include extraordinary income items.
[8] Net earnings for 1968 and 1970 include extraordinary credit items.
[9] Net sales include other revenues; net earnings exclude special items.
[10] Washington's fiscal year ends Sept. 30.
NA-Comparable data not available.

THE SPECIALTY STEEL INDUSTRY

Company	Locations of specialty steel facilities	Furnace processes	Specialty steel products
Air Reduction Co.: Airco Vacuum Metals Division.	Berkeley, Calif	Electron beam hearth refining	Electron-beam hearth refined stainless and special steel products in the form of cast slabs and blooms.
Allegheny Ludlum Industries, Inc.: Allegheny Ludlum Steel Division.	Brackenridge Works—Brackenridge, Natrona and Westwood, Pa.; West Leechburg Works—West Leechburg and Bagdad, Pa.; Bar Products Division—Dunkirk and Watervliet, N.Y.; The Wallingford Steel Co.—Wallingford, Conn.; Special Metals Corp.—New Hartford, N.Y.; Ajax Forging and Casting Co.—Detroit and Ferndale, Mich.	Electric arc, vacuum melt induction, vacuum melt electrode, consumable electrode.	Stainless and heat resisting steels in all types, magnetic steels, high temperature alloys—producing a complete range of products, including hot and cold rolled sheets and strip, plates, hot rolled and cold finished bars, wire, seamless and welded pipe and tubes, wire rods and billets; tool and die steels.
Armco Steel Corp	Ambridge and Butler, Pa.; Middletown, Ohio; Baltimore, Md. (Advanced Materials Division); Torrance, Calif. (National Supply Division); Houston, Texas and Wildwood, Fla. (Tube Associates).	Electric arc, vacuum arc	Seamless mechanical and pressure tubing; stainless bars, billets, rods, rounds, wire products, sheet, strip and pipe; also, superalloys, and titanium products.
Athlone Industries: Jessop Steel Corp.	Washington, Pa.; Owensboro, Ky. (Green River Steel Corp.)	Electric arc, electric induction, electric induction vacuum melt.	Stainless sheared plates, hot rolled and cold rolled bars, hot rolled sheets, armor plate, tool bits, tool steel, cold finished tool steel.
Babcock & Wilcox Co.: Tubular Products Division.	Alliance, Ohio; Beaver Falls, Pa.; Elkhart, Ind.; Milwaukee, Wis.	Electric arc	Stainless welded and seamless tubes, pressure and mechanical tubing, seamless rolled rings.
Baldwin-Lima-Hamilton Corp.: Standard Steel Division.	Burnham, Pa	Basic electric arc, vacuum electrode.	Jet engine, missile, nuclear and power generating components, such as forgings, flanges and rings.
Bethlehem Steel Corp	Bethlehem, Pa	Electric arc	Tool steels.
Cameron Iron Works, Inc	Houston, Tex	Vacuum induction, vacuum consumable.	Forgings, rolled rings, extruded heavy wall pipe, vacuum melted specialty alloys.
Carpenter Technology Corp	Reading, Pa., and Bridgeport, Conn. (Steel Division); Union, N.J. (Tube Division); El Cajon, Calif. (Special Products Division).	Electric arc, electric induction, vacuum induction, consumable electrode.	Stainless wire rods, hot rolled and cold finished bars, hot and cold rolled strip, tool steel, electric-weld, mechanical and pressure pipe and tubing.
Colt Industries, Inc.: Crucible Materials Group.	Alloy Division—Midland, Pa.; Magnetics Division—Elizabethtown, Ky.; Specialty Metals Division—Syracuse, N.Y.; Stainless Steel Division—Midland, Pa.; Trent Tube Division—East Troy, Wisc., Fullerton, Calif., Bremen and Carrollton, Ga.; Spaulding Operation—Harrison, N.J.	Electric arc, electric induction, electrode vacuum, vacuum melting induction, vacuum melting electrode arc remelting.	Hot rolled and cold finished bars, tube rounds, tool steels, high speed steels, stainless steel products, including sheets, strip and welded tubing, high temperature alloys, automotive valve steels, titanium alloys.
Columbia Tool Steel Co	Chicago Heights, Ill	Electric arc	High speed, high and low alloy and water hardening tool and die steels.
Continental Copper & Steel Industries, Inc.: Braeburn Alloy Steel Division.	Braeburn, Pa	Vacuum consumable electrode arc remelt.	Rolled and forged tool steel in high temperature alloy grades.
Copperweld Steel Co	Steel Bar Division—Warren, Ohio; Steel Tube Division—Shelby, Ohio.	Electric arc	Stainless tube rounds, hot rolled and cold finished bars, seamless and electric-weld mechanical and pressure tubing
Cyclops Corp	Empire-Reeves Steel Division—Mansfield and Dover, Ohio; Sawhill Tubular Division—Sharon and Wheatland, Pa.; Universal-Cyclops Specialty Steel Division—Bridgeville, Pittsburgh, Titusville, Pa.; Coshocton, Ohio; Tex-Tube Division—Houston, Tex.	Electric arc, vacuum electrode, vacuum induction.	Stainless hot and cold rolled sheets, strip, plates, bars, tube rounds, wire and wire rods; pipe and tubing; high speed tool steels; specialty tubing.
Driver (Wilbur B.) Co	Newark, N.J	Electric induction, vacuum induction.	Stainless wire rods and drawn wire, cold rolled strip and flat wire.
Easco Corp.: Eastern Stainless Steel Co.	Baltimore, Md	Electric arc, electric induction, vacuum melt induction, vacuum melt consumable electrode.	Stainless plates, hot and cold rolled sheets and strip; superalloys.
Harper (H. M.) Co.: Subsidiary of ITT.	Morton Grove, Ill	Electric arc, electric induction	Stainless wire rods, light structural shapes, forgings, hollow bar, hot extruded and cold finished bars, seamless pipe and tubing, wire.
Heppenstall Co	Pittsburgh, Pa. and Bridgeport, Conn.; Philadelphia, Pa. (Midvale-Heppenstall Co.).	Electric arc, vacuum electrode	Stainless steel, billets, forgings and tool steels.
Jones & Laughlin Steel Corp	Aliquippa and Pittsburgh, Pa., Louisville, Cleveland and Youngstown, Ohio; Oil City, Pa. and Gainesville, Tex. (Specialty Tube Division); Warren, Mich. (Stainless and Strip Division).	Electric arc	Stainless wire rods, hot rolled bars, hot and cold rolled sheets and strip, electric-weld mechanical and pressure tubing seamless pressure tubing.
Jorgensen (Earle M.) Co	Los Angeles, Calif. and Seattle, Wash	do	Steel blooms, billets and finish machined forgings in stainless and aircraft grades.

THE SPECIALTY STEEL INDUSTRY—Continued

Company	Locations of specialty steel facilities	Furnace processes	Specialty steel products
Joslyn Mfg. and Supply Co. Joslyn Stainless Steels.	Fort Wayne, Ind	Electric arc	Stainless steels, bars, wire, shapes (angles), billets.
Kaiser Steel Corp.: Metal Products Division.	Los Angeles, Calif.; Kaiser Steel Tubing Plant	Open hearth, BOF	Welded mechanical tubing.
Laclede Steel Co	Alton, Ill	Electric arc	Continuous weld and electric-weld mechanical tubing.
Latrobe Steel Co	Latrobe, Pa	Electric arc, vacuum induction	High speed steels, high alloy steels, extrusion die steels, die casting and die forging steels, plastic mold steels, tool steels, wear-resistant steels, vacuum-melted specialty and high temperature alloys, heat- and corrosion-resistant steels and high strength steels.
Lukens Steel Co	Coatesville, Pa	Electric arc	Clad steel plates including but not limited to stainless, nickel monel, iconel and copper cladding on all types of carbon an alloy backing steel.
McLouth Steel Corp	Trenton, Detroit and Gibraltar, Mich	do	Stainless sheared plates, hot rolled and cold rolled sheets and strip.
National Forge Co	Irvine, Erie and Titusville, Pa	do	Stainless steel ingots and forgings; steel castings.
NVF Co.: Sharon Steel Corp	Farrell, Pa.; Union and New Market, N.J. (Union Steel Corp.)	do	Stainless steel strip and welded stainless tubing.
Phoenix Steel Corp	Claymont, Del. and Phoenixville, Pa	Electric arc, Basic open hearth	Stainless clad steels and mechanical and pressure tubing.
Republic Steel Corp	Massillon and Canton, Ohio—Central Alloy District; Brooklyn, N.Y., Cleveland, Ohio, Detroit, Mich.—Steel and Tubes Division; Massillon, Ohio—Union Drawn Division; Cleveland, Ohio and Gadsden, Ala.—Bolt and Nut Division; Chicago, Ill.—A. Finkl & Sons Co.	Electric arc, vacuum melt electrode.	Alloy, stainless and vacuum-melted steels in semi-finished, bars, sheet and strip, and plates; stainless-clad sheets and strip; carbon and stainless mechanical and pressure pipe and tubing; stainless steel cold finished bars; stainless steel bolt and nut products; tool steel; not work die steels for closed die forging industry; specialty products for plastic mold and die casting industries.
Teledyne, Inc.: Teledyne Columbia—Summerill Vasco Metals Corp.	Teledyne Columbia—Summerill—Carnegie and Scottsdale, Pa. and Union City, Calif. Vasco Metals Corp.: Monroe, N.C. (Teledyne Allvac) and Latrobe, Pa. (Teledyne Vasco).	Electric arc, electric induction, vacuum arc, vacuum melting electrode.	Stainless cold finished bars, seamless pipe, mechanical and pressure tubing, forgings, plates, sheets, cold drawn shapes, drill rod, precision ground tool steel, ground bars, tool bits, ultra high strength steels, vacuum-melted metals, reactive and refractory metals.
Texas Steel Co	Fort Worth Tex	Electric arc	Stainless hot rolled bars and castings.
Timken Co. (The)	Canton and Wooster, Ohio	Electric arc, vacuum melting electrode.	Stainless tube rounds, wire rods, hot rolled and cold finished bars, tool steel forgings, seamless mechanical and pressure tubing.
United States Steel Corp	Duquesne, Pa. and South Chicago, Ill.; Homestead works and Ellwood City, Pa., Gary, Ind., Cleveland, Ohio, Waukegan, Ill.	Electric arc	Stainless sheets, plates, strip, pipe and wire; mechanical and pressure tubing.
Wallace Murray Corp: Simonds Steel Division.	Lockport, N.Y	Electric arc, electric induction, consumable electrode.	Stainless sheared plates, forgings, tool steel, hot rolled and cold finished bars, hot rolled sheets, hot and cold rolled strip.
Washington Steel Corp	Washington and Houston, Pa.; Los Angeles, Calif. (Calstrip Steel Corp.).	Electric arc	Stainless, slabs and cold rolled sheets and strip, titanium sheets and strip.
Wheeling-Pittsburgh Steel Corp	Allenport, Pa	Basic open hearth, BOF	Seamless mechanical and pressure tubing.
Youngstown Sheet & Tube Co.: Van Huffel Tube Corp.	Warren, Ohio	Basic open hearth, BOF	Mechanical and pressure tubing.

Note: This table includes only companies with steel-melting capacity.

Sales and earnings growth for most of the 11 selected companies was quite pronounced during the first seven or eight years of the period, but thereafter a leveling off occurred in most instances, and with a few exceptions, earnings declined during 1969–70. Two of the companies issued deficit reports for last year, and it should also be noted that at least two privately owned specialty steel firms not reporting publicly were also in the red.

EMPLOYMENT LOSSES AND SHUTDOWNS

The specialty steel industry's troubles have been manifested in more than balance sheets and income statements. The loss of steelworkers jobs has been of particular concern. For instance, the number of hourly employees at Armco's Advanced Materials Division in Baltimore, Maryland is down by 40 per cent from its peak, and temporary shutdowns have not been uncommon within the past few years. At one time last fall, Allegheny-Ludlum's Bar Products Division plant at Dunnkirk, New York was operating with roughly 56 per cent of its normal work force, and although a degree of improvement resulted with hedge-buying activity, some workers called back have been furloughed once again. At various times, employment at Latrobe has been down to 1,700 men from a normal level of 2,200. In October of last year, Carpenter was forced to permanently cease operations at a 90-man stainless wire mill in North Brunswick, New Jersey. In addition, at least five companies have left the tool steel segment of the industry; they are Henry Disston Co., Philadelphia, Pennsylvania; Vulcan-Crucible Steel Co., Aliquippa, Pennsylvania; Midvale Steel Co., Philadelphia, Pennsylvania; Firth Sterling Co., Pittsburgh, Pennsylvania; Heller Brothers Co., Newark, New Jersey.

INCREASED COSTS OF RAW MATERIALS

While the products that specialty steel producers sell have met with a lower level of market demand and increased import competition, the prices of raw materials and services they purchase have undergone a substantial price inflation. Reduced earnings in the specialty steel business, therefore have reflected lower levels of production and shipments activity, on the one hand, and worsening cost structures on the other. The principal raw materials used in the production of specialty steels, such as chromium, nickel, and manganese, come almost entirely from foreign sources, and an examination of their availability and market prices in recent years points up the cost problems facing specialty steel producers.

CHROMIUM: SOVIET UNION IS PRINCIPAL SUPPLIER

Chromium, which represents the principal alloying element in stainless steel and is used in other specialties to increase hardenability and improved abrasion resistance and carburization, is found in Rhodesia, South Africa, the Soviet Union, Turkey and Iran. Before 1965, a very large portion of our chrome ore came from Rhodesia. However, with the imposition of sanctions in 1966, our supplies from that source were completely cut off. Two American companies, Union Carbide and Foote Mineral, operated mines in Rhodesia. At present, the Rhodesian government operates these mines, but the two American companies have not been expropriated, and there is every indication that when the sanctions are lifted the mines will be operated again by their owners. The Rhodesian deposits are the largest and richest known to exist in the world. The ratio of chrome to iron is 3.5 to 1 and, in some instances, as high as 4 to 1. The structure of the ore is large and lumpy, and as such, it produces a highly desirable ferrochrome product, which is about 70 per cent chrome.

Since 1966, the greater portion of our chrome ore has come from the Soviet Union. Ore deposits there are extensive and rich, running between three and four parts chrome to one part iron, which at times makes it comparable to the Rhodesian ore.

In 1970, the United States imported a total of 1,405,000 tons of chrome ore. This was in three categories: below 40 per cent chrome, between 40 per cent and 46 per cent, and above 46 per cent chrome. Almost all of the ore in the below 40 percent category is used by the chemical industry and for refractories. The steel industry, for the most part, uses the ore above 46 per cent and some of the material between 40 per cent and 46 per cent. The Soviet Union supplied 409,000 tons of the better than 46 per cent ore. This compared with 135,000 tons from Turkey, 97,000 tons from the Republic of South Africa, 31,000 tons from Iran and 31,000 tons from Pakistan. Thus, the Soviet Union, accounting for 58 per cent of our imports, is by far the principal supplier of high grade chrome ore to the specialty steel industry.

Ferrochrome is made in this country from chrome ore by the electric furnace process. The largest manufacturers are Union Carbide, Airco, Inc., and Foote Mineral. In addition to the imports of chrome ore, ferrochrome is imported in substantial quantities. In 1969, such imports amounted to 61,000 tons, of which 26,000 tons came from South Africa. There are indications that more ferrochrome will be imported and less will be manufactured here. Since all of the ore is imported, it makes economic sense to have the ferrochrome processed at the minesite and the finished product shipped to the consumer.

INCREASES IN CHROMIUM PRICES

The price of ferrochrome has increased substantially in the last two years. In January, 1969, low carbon ferrochrome sold for 23 cents per pound of contained chromium, and by January, 1971, this figure had risen to 38 cents per pound, an increase of 65 per cent. Other types of chromium, such as chromium silicon (containing 40 per cent chromium, 43 per cent silicon, and 12 per cent iron) rose in price between January, 1969 and July, 1970 from 12.5 cents per pound to 17 cents per pound, or 36 per cent. Charge chrome, which makes up a substantial volume of the burden for stainless steel, rose in price over the same period from 16.5 cents per pound to 25 cents per pound, an increase of 51 per cent.

THE SANCTIONS AGAINST RHODESIA

Recently, there have been a number of moves to lift the sanctions against Rhodesia, which would allow the United States to resume trade with that country and again

obtain its rich chrome ore. There have been reports that the British government will attempt to reach a solution of its problems with the Rhodesians and resume trade sometime this year. On the American side, a number of bills have been introduced in Congress to resume trade with Rhodesia. One of these H.R. 5445, introduced in the House of Representatives by Mr. Collins (R-Texas) on March 3, 1971, reads: "A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law."

If this move is successful, it is virtually certain that the price paid for Rhodesian ore will be lower than that which is currently paid for ore from the Soviet Union, and thus it will be possible to decrease the price of ferrochrome to the specialty steel industry.

NICKEL: CANADA IS NO. 1 SOURCE

In addition to chromium, nickel is an element used in substantial quantities in the production of stainless steel. Generally it represents a little less than half the amount of chromium. One of the more popular types of stainless steel is the 18–8, which contains 18 per cent chromium and 8 per cent nickel. In addition to its use in stainless, nickel simplifies heat treatment and makes steel particularly suited for case hardening to increase its resistance to wear and fatigue.

A number of countries throughout the world produce nickel, but by far the greatest and richest source is Canada, which provides approximately 60 per cent of the world's supply from ores ranging as high as 4 per cent in nickel content, although the average is closer to 2 per cent. The deposits are located in Sudbury, Ontario, where both International Nickel and Falconbridge have mines. There is also a significant deposit in Manitoba. The largest producer is International Nickel with a capacity of some 600 million pounds per year. Falconbridge is rated at 100 million pounds, and Sherritt Gordon's capacity is some 30 million pounds. There are some nickel mines in the United States; these are located in Oregon and are operated by the Hanna Mining Company. Their capacity, however, is relatively small, amounting to about 30 million pounds per year.

The Canadian nickel, for the most part, is produced from sulphide ores leached by an ammonia process, which takes off the iron and copper and leaves virtually pure electrolytic nickel.

Nickel is found in a number of other countries throughout the world. These include the Soviet Union, (which has a large sulphide deposit in the area which formerly belonged to Finland), Australia, New Caledonia, Colombia, Indonesia and Cuba. For the most part, the nickel mining operations in these countries are open pit, as distinguished from the deep shaft mines in Canada, and their ores are lateritic, ranging from 0.8 per cent to 2.2 per cent in nickel content. They are concentrated in the final product, a ferronickel with 20 per cent to 25 per cent nickel and about 70 per cent iron.

INCREASED NICKEL PRICES

At the present time, there seems to be no problem about the world's supply of this metal, but there have been substantial increases in price during the last three years. Between December, 1968 and January, 1969, the price rose from 97 cents to $1.03 per pound. After labor negotiations were concluded in November, 1969, the price was increased to $1.28 per pound, and in October, 1970 it rose to $1.33 per pound. The lateritic nickel sells for $1.30 per pound.

In the 18–8 steels there are 180 pounds of nickel charged per ton; 100 pounds comes from scrap and 80 pounds from prime nickel, usually 10 pounds are electrolytic nickel and 70 pounds are ferronickel. Thus, it can be seen that the increase of 36 cents per pound during the last three years has had a substantial effect on costs.

BRAZIL AND GABON ARE CHIEF SOURCES OF MANGANESE

Manganese is used in virtually all grades of stainless steel, usually to the extent of 2 per cent of the total content. There are a number of fairly large deposits in the United States located in Wyoming, Nevada and Maine. However, the manganese content is less than 10 per cent, and at the current price, it would not be economical to mine and concentrate these ores.

With imports the total source of supply used in this country, the largest tonnages have come in from Brazil and Gabon. In 1970, of a total of 847,000 tons, 292,000 tons came from Brazil and 261,000 tons from Gabon. U.S. Steel has a 49 per cent interest in a large deposit of rich ore in Gabon; it runs to more than 50 per cent manganese. In Brazil, Bethlehem Steel owns a 49 per cent interest in an extensive ore deposit, the manganese content of its ore running to 47 per cent. Other significant tonnages of manganese were imported from South Africa, 66,000 tons; India 37,000 tons; the Congo, 33,000 tons, down from 105,000 tons in 1969; Ghana, 36,000 tons; and Australia, 33,000 tons. In addition to the imports of ore, some 223,000 tons of ferromanganese were imported. This came principally from France, where U.S. Steel has a 27 per cent interest in a ferromanganese manufacturer called Utro.

In the United States, ferromanganese is made in blast furnaces and electric furnaces. Both U.S. Steel and Bethlehem operate blast furnaces, and Union Carbide and Airco are the principal electric furnace manufacturers. In 1969, some 750 million pounds were produced in blast furnaces and 400 million pounds by the electric furnace process.

MANGANESE PRICES

During the past six years the price of ferromanganese has come down and then risen again. Ferromanganese is divided into two types: medium carbon (80 per cent to 85 per cent manganese) and low carbon (85 per cent to 90 per cent manganese), with the majority of sales made in the medium carbon product. The trends in prices for both products during 1965–1971 are indicated in the following table:

FLUCTUATIONS IN FERROMANGANESE PRICES

[Cents per pound of contained manganese)

Date of price change	Medium carbon manganese	Low carbon manganese
January 1965	18.0	24.5
February 1965	17.4	23.9
June 1965	15.8	23.9
April 1966	16.5	23.5
January 1968	17.0	25.0
July 1969	17.75	27.4
January 1970	18.5	28.65
January 1971	19.5	30.5

The price of medium carbon ferromanganese has increased very little over the last six years, rising from 18 cents to 19.5 cents. Low carbon ferromanganese, however, has fluctuated from 24.5 cents to 30.5 cents, an increase of about 25 per cent.

PRICE INCREASES IN OTHER ALLOYS

In terms of their total tonnage, chromium, nickel, and manganese are the principal specialty steel alloys, but other elements, although required in smaller amounts, have essential uses and have undergone substantial price increase in recent years.

PRICE INCREASES IN SELECTED ALLOYS, 1966–71

[Prices per pound of contained metal]

Alloy	1966	1971	Percent increase
Vanadium	$2.78	$4.12	48.2
Tungsten	3.26	4.60	41.1
Columbium	3.89	5.25	35.0
Cobalt	1.65	2.20	33.3
Molybdenum	2.04	2.21	8.3

Vanadium is used in tool steels, and with chrome and molybdenum in high temperature steels. Tungsten is used extensively in high speed steels to obtain hot strength and hardness, and in tools, as tungsten carbide, it provides shaping and cutting ability. Columbium is used largely in the stainless grades to improve the corrosion resistance of welded structures. Cobalt is added to certain heat resisting steels to increase their high-temperature strength, and it also has applications in high-strength aerospace steels and permanent magnet steels. Molybdenum increases the high-temperature tensile and creep strengths of ferrous alloys, as well as the corrosion resistance of high-chrome and chrome-nickel steels.

THREE SOURCES OF STAINLESS STEEL SCRAP

Stainless steel scrap can be divided into three classifications, depending on its source: home or in-house scrap that is generated in the steel mill itself, industrial scrap that comes from the manufacture of products using stainless steel, and obsolete scrap that results from salvage when these products are discarded. The amount of yield on stainless is sometimes as low as 60 per cent from the ingot to finished steel products, so that specialty steel producers generate considerable in-house scrap. Principal sources of industrial scrap are the automotive industry, which uses a great deal of stainless for wheel covers and trim, the appliance industry, and the manufacturers of stainless flatware. The areas in which much of the industrial scrap is generated are Grenada, Mississippi, where North American Rockwell has a large plant for the manufacture of automobile wheel covers; Oneida, New York, where much of the stainless flatware is manufactured; Detroit, Milwaukee and Dayton. Scrap from obsolete material has been growing in the last few years, as more stainless steel items are being discarded.

The average charge in the furnace for a heat of stainless steel consists of approximately one-third mill generated scrap, one-third purchase scrap, and one-third virgin material. In the production of the most popular stainless grades, the charge consists of 1,600 pounds of iron, 400 pounds of chrome, and 200 pounds of nickel.

PRICES OF STAINLESS STEEL SCRAP

Stainless steel scrap prices have fluctuated violently in the past five years. They rose from a low of a little more than $200 a ton in early 1965 to a high of over $500 a ton in late 1969. Since that time, with the drop in stainless production, there has been a decrease in the demand for scrap, with a consequent decline in price. In July, 1970, the average price for 18–8 nickel chrome scrap delivered at Pittsburgh was $340 a ton; in September, it was $300 a ton; in January, 1971, it was back to $340 a ton; by April it had declined to $300 a ton, and in July, 1971 it fell to somewhere between $250 and $260 a ton.

Scrap is generated completely in the United States, and its price depends on the level of activity in the stainless steel segment of the industry. When output is high, all of the producers are in the market for substantial tonnages, and this drives up the price, as it did in late 1969. The present market price of scrap is a factor on the positive side

for the stainless steel industry, but it can be expected that this price will rise when production increases.

VOLUNTARY QUOTAS—POSSIBLE SOLUTION

In mid-1968, while Congressional support for a mandatory quota bill on steel imports was growing, the Japanese and the European Coal and Steel Community voiced their intentions of placing voluntary quotas on their steel exports to the United States. In December of the same year, definite proposals were made whereby the Japanese and the EEC would each restrict their steel shipments here to 5,750,000 net tons, and based on this proposal total world exports to the United States were to be held to about 14 million net tons in 1969, with a 5 per cent increase in each of the following years.

On the subject of product mix, the proposals were somewhat loosely worded, stating that the countries involved would try to maintain their product mix in approximately the same tonnages as previously, or that they would not change it greatly. This to some extent left the door open to a shift in the composition of steel exports to this country, and although their total volume has been reduced, more expensive steel products, including specialty steels, have been imported in increasing tonnages. Consequently, the voluntary restraint programs have intensified the competitive problems in selected steel markets, including those for specialty steels.

Presently, negotiations are in progress to extend the voluntary quota arrangement for the next two years. One of the main points under discussion is the product mix, particularly in regard to specialty steels. If th's can be satisfactorily resolved, it could help materially in easing the crisis facing specialty steels today.

PCB'S: PERSISTENT POISON

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RYAN. Mr. Speaker, for the past 2 years I have attempted to get the appropriate Federal agencies to take the necessary preventive action that would safeguard our health and our environment from an extremely persistent, highly toxic industrial chemical—polychlorinated biphenyl—PCB.

Manufactured in the United States solely by the Monsanto Co., PCB's are extremely toxic to animal life, cause birds to lay eggs with shells too thin to protect the embryos they enclose, and have a deleterious effect on the reproductive capacity of animals.

But by far the most frightening hazard is the effect of PCB's on human beings. Polychlorinated biphenyls may be taken into the body by direct action upon the skin, as a vapor through the respiratory tract, or through the contamination of the food supply. The effect on the skin is chloracne; the early symptoms of which are pimples and dark pigmentation, later, more serious eruptions. Persons who have been continuously exposed to PCB's may suffer nausea, vomiting, loss of weight, edema and abdominal pain, increased respiration, lowered blood cell count, and inhibition of the carbohydrate metabolism. More serious effects are those on the kidneys. The principal effect, however, is on the liver—possibly leading to atrophy, followed by death.

Yet despite the severe hazards of this chemical, the Federal Government has displayed a callous disregard for the public health and welfare and has taken none of the necessary actions to forestall serious PCB-contamination.

The result of this inaction are now tragically clear. In recent months we have witnessed an unprecedented number of occurrences of PCB-contamination of our food supply.

Two recent articles point out the serious nature of this contamination and the lack of initiative on the part of the Federal bureaucracy in attempting to deal with it. The first is by Joe Pichirallo and appeared in the September 3 Science magazine. The other is a column by Robert Walters which appeared in the Washington Evening Star on September 23. I commend these articles to the attention of my colleagues:

[From Science magazine, Sept. 3, 1971]

PCB's: LEAKS OF TOXIC SUBSTANCES RAISES ISSUE OF EFFECTS, REGULATION

(By Joe Pichirallo)

Sharp criticism of federal regulatory agencies has followed in the wake of a bizarre contamination of poultry feed marketed in a part of southeastern United States. The controversy reached full steam on 18 August when the Food and Drug Administration (FDA) meekly acknowledged that a shipment of some 60,000 eggs contaminated with toxic polychlorinated biphenyls (PCB's) escaped federal inspectors and apparently got into the stomachs of Washington, D.C., area residents. The announcement came on the heels of FDA's seizure of another batch of PCB-contaminated eggs (75,000) on 13 August—almost a month after the initial discovery that PCB's had gotten into fish meal eaten by millions of chickens in ten southeastern states.

Besides possibly threatening human health through direct contamination, PCB's are considered a long-term potential hazard to the environment. In the United States, PCB's are produced solely as a heat transfer mechanism and an insulating fluid, particularly in cooling systems and big power transformers. In response to mounting evidence that PCB's are a potential hazard, the single U.S. manufacturer of PCB's, Monsanto Chemical Company, in order to restrict their release into the environment has limited the chemicals' uses to sealed systems. In the past, Monsanto widely produced PCB's as an additive in such things as sealants, rubber, paints, plastics, adhesives, printing ink, and insecticides.

Infiltration of PCB's into the environment occurs mainly in three ways

From accidental leaks in industrial equipment, such as heat-transfer systems;

Through the weathering or friction wearing of the many materials that have PCB's as an ingredient. (Since they are fire resistant, PCB's usually remain intact even as a waste product.)

Through interaction with food products in their uses as an ingredient in substances like paint and plastic.

Before the fish meal contamination incident, however, PCB's were virtually unknown except to a few scientists and some professional environmentalists. Critics have now become quite vocal in warning about the threat of PCB's, and, more important, they have expressed doubt about the ability and desire of federal agencies to effectively shield the consumer and the environment from the potential long-term dangers of thousands of synthetic chemicals.

The controversy is fueled by a basic disagreement among the participants as to the precise threat PCB's pose to human health and the environment. Federal officials, while acknowledging a problem, do not feel that PCB's are a serious enough hazard to justify major governmental action. Research on composition of PCB's and toxicity is very incomplete. The actual composition of their product is known only by Monsanto. Present evidence indicates that severe injury or death from short-term exposure to PCB's is unlikely. Like so many other environmental hazards, the potential PCB danger is long-term, low-level exposure, perhaps making it difficult for "crisis prone" regulatory agencies to respond in a big way now. Except for isolated accidents, federal officials contend, PCB's in their present application will not get into the environment or the food chain in harmful amounts.

From an industrial standpoint, PCB is considered very valuable, mainly for its incredible persistence as a chemical, being capable of withstanding temperatures of up to 1600°F (870°C). Like DDT—another, related chlorinated hydrocarbon—PCB's are fat-soluble but do not dissolve in water. For these reasons, industry holds that PCB's are in fact "safety" chemicals that are needed in populated areas to reduce the chances of accidental explosions, especially in big power transformers. It is this very persistence of PCB's that makes them a great concern to environmentalists. PCB's have been detected throughout the world in fish, birds, waterways, and humans. In a study released by the Environmental Protection Agency (EPA), PCB's were detected in samples of human fatty tissue with concentrations as high as 250 parts per million (ppm).

Despite Monsanto's assurances that the present uses of PCB's are safe, critics say the recent fish meal incident vividly illustrates that use of PCB's in any form is too risky to permit. Leading the fight against PCB's are consumer advocate Ralph Nader and New York Democratic Congressman William Fitts Ryan. They argue that, even if Monsanto can stop PCB's from getting into the environment, products containing them are in wide use and will continue to disperse PCB's in the environment in harmful amounts. The government should act now, Nader asserts, to ascertain where PCB's have been used before they cause serious damage to the environment and get into the food chain.

Besides the fish meal incident, there have been two other hazardous leaks of PCB's in the past 2 years. One of these accidents, in Japan in 1968, resulted in 300 people developing a severe skin disease and in babies showing symptoms of chlorobiphenyl poisoning. Indeed, the preliminary research, though incomplete, makes Nader's anxiety about PCB's potential danger quite plausible. University of California research ecologist Robert Risebrough, one of the foremost authorities on PCB's says that while the effects of PCB's on humans are undetermined, the contaminants in PCB's are "among the most poisonous compounds known." Tests of PCB's by the Environmental Protection Agency's Florida laboratory revealed the chemical killed one-half of the test population of pink shrimp exposed to 1 ppm and similarly killed samples of white shrimp. These tests, EPA's Thomas Duke told *Science*, indicate that PCB's are a "potential threat to the environment." Monsanto, however, has reported that its own tests have shown "no adverse effects" to rats or other laboratory species fed PCB's in amounts up to 100 ppm. This conflicts with tests repeated by others that have linked repeated dosages of PCB's to liver damage in mice and lower fertility in birds.

In fact, the recent contamination at the North Carolina plant that manufactures fish meal was detected only after the hatchability of eggs from chickens fed the meal began to diminish alarmingly.

The PCB's were traced to a leak in a pipe in the cooling system at the fish meal plant. Although the leak began in late April, PCB's were allowed to drip into the fish meal until the defect was discovered in mid-July. In the intervening period of 2½ months, approximately 16,000 tons of fish meal had been distributed to more than 60 companies in ten states. One of the purchasers of the fish meal, Holly Farms, the nation's largest poultry producer, voluntarily slaughtered 77,000 fowl after discovering PCB's in amounts above those deemed safe, reportedly as high as 40 ppm. In the meantime, the U.S. Department of Agriculture undertook its own tests of poultry that had been fed the fish meal. On 29 July, USDA said that its tests turned up no evidence that chickens given the contaminated meal were unsafe. The chickens in the ten-state area, USDA reported, were "wholesome," and the consumer could continue to eat chickens "with confidence." But this did not explain why chickens at Holly Farms contained unsafe amounts of PCB's. In response to this apparent disparity, Harry Mussman, director of USDA's laboratory service division, told *Science* that the department "surmised" that Holly Farms got an "extremely contaminated" batch of fish meal while the other producers did not.

CONTAMINATED EGGS SEIZED

Two weeks later, on 13 August, FDA, under prodding from associates of Nader, revealed that it had seized over 75,000 eggs because tests had detected excessive amounts of PCB's in eggs from chickens that had consumed the contaminated fish meal. On 16 August—a month after the leak was detected—USDA took its turn and "detained" more than 50,000 pounds of frozen-egg products in which the level of PCB's was high. When FDA seized the 75,000 contaminated eggs, a spokesman said they knew of no incident in which contaminated eggs had reached consumers but could offer no assurances that this had not happened. Unwilling to stop there, associates of Nader and Ryan conducted their own ad hoc investigation and, to their dismay, discovered that contaminated eggs had reached the consumer. The FDA, on 18 August, confirmed that a shipment of 60,000 contaminated eggs had reached the retail market and apparently had been consumed in the Washington, D.C, area after this information had been released by Ryan's and Nader's associates.

The disclosure prompted both Ryan and Nader to blast the government's handling of the entire fish meal incident as one of the most flagrant examples of misregulation by federal agencies.

In denying that it has lagged on PCB's the FDA points out that since January it has been conducting studies to determine the toxicity of PCB's and their effect on humans. An FDA spokesman said that the test results should be known "within a year." For its part, EPA is doing some research at two field laboratories. Since the beginning of the year USDA, according to Mussman, has conducted a routine surveillance of poultry for PCB's and other related chemicals.

Perhaps some of the difficulties in regulating PCB's can be attributed to the confusing, overlapping jurisdictions of federal agencies. For example, FDA has jurisdiction over PCB's in whole shell eggs and in fish meal, USDA has control over cracked eggs and their products—such as mayonnaise—and poultry, and EPA is in charge of PCB's once they get into the air and water.

In the recent incident, FDA had to recall the contaminated fish meal and locate where it was sold and then, in turn, supply USDA with a list of the fish meal purchasers, so that USDA could check the affected chickens. When associates of Nader raised the possibility of contamination of egg products, they had to go to FDA for testing whole eggs and to USDA for cracked eggs and frozen poultry products.

Such a confusing arrangement makes it almost inevitable that some of the contaminated eggs would slip through this network. As for the eggs that did reach the consumer, an FDA spokesman says there is no immediate danger since "any potential health hazard would come from continued consumption of PCB's over an extended period of time."

PCB's intrusion into the environment is difficult to regulate because of a lack of federal laws and because no one is quite sure how much PCB's have been produced. EPA and FDA officials point out that at present they have no legal authority to halt Monsanto's present uses of PCB's. Last year PCB's in pesticides were banned by USDA's pesticide regulation division, now a part of EPA. According to a spokesman, FDA has, in the past, indicated to Monsanto that it would not allow PCB's to be used in food as an additive.

It is virtually impossible to determine the exact amount of PCB's already present in the environment and where the chemical might be concentrated because no one, except Monsanto, knows what amounts of PCB's have been made. A National Academy of Science panel estimates that, in 1968 alone, 5 billion grams of PCB's were produced in the United States, in addition to those made by PCB's manufacturers in Europe, the Soviet Union, and Japan. Monsanto has refused repeatedly to make available, even to government officials, production and sales figures for PCB's because it regards this information as a "trade secret." Monsanto is backed up by its industrial counterparts and by a law that permits a company in certain situations to withhold information that might seriously jeopardize its competitive advantage. A National Academy of Sciences panel, in disagreeing with Monsanto's refusal to release the important figures, noted "it is not only competitive concerns alone that determine the less than candid posture assumed by industry concerning production figures." A bill now before Congress would give federal agencies the authority to get production figures from companies manufacturing hazardous chemicals.

In a further effort to cut down on PCB's released into the environment, Monsanto recently built a special incineration unit at Sauget, Illinois, to destroy waste PCB's. It has also told government officials that it will not sell PCB's for use in power transformers and cooling systems that will be used near foodstuffs. In the fish meal plant, Monsanto reportedly claims that it was misled by the name—East Coast Terminal, Inc.—into believing that the PCB's sold for cooling purposes would not be used near food products. Monsanto now refuses to comment on PCB's for publication. The reason, a company spokesman told *Science*, is that there are "many investigations under way" of Monsanto and PCB's, and the company does not want "misinterpretations" about Monsanto's production of PCB's.

Associates of Nader and Ryan admit, in part, that their strong criticism of the federal handling of PCB's via the fish meal incident stems from their disagreement with the way federal agencies respond to environmental problems. They dislike what they feel is the slow response of federal agencies to potential hazards like PCB's. The government is geared more to reacting to a crisis, they hold, than to taking the type of preventive action necessary to head off disasters before they occur. Federal officials point out that, as far as they are concerned, PCB's are a rather new problem that they do not consider as "top priority." Since PCB's had not in the past caused any major catastrophes that can be likened even to the fish meal incident, most government officials were not aware of PCB's until recently.

The FDA regards the fish meal contamination as an accident that is not likely to occur again. Blaming FDA for the fish meal incident is "like asking a police department to be responsible every time a crime occurs," one FDA official told *Science*. But critics claim that federal agencies have had sufficient warning about PCB's. In the last year, they say, Campbell Soup Company, a New Jersey firm, discovered soups contaminated with PCB's, and certain Ohio dairymen lost their licenses to sell milk when PCB's found their way into silage consumed by their cows.

MIGHT ENTER FOOD CHAIN

Risebrough points out that in "our throwaway society" PCB's, because of their past wide use, will eventually become wastes and thereby enter the environment. It is believed that the PCB's could make their way to the sea through drainage systems, spillages, and the like, and eventually into the food chain.

No tolerance levels have been determined, Risebrough says, for human food supplies. As an interim guideline, FDA set PCB limits of 5 ppm as safe for human consumption of poultry, and USDA pronounced that chickens below this level in the fish meal incident were "wholesome." Critics claim the 5 ppm guideline is "unfounded" and "arbitrary." "Five parts per million is just a number," Risebrough told *Science*. "I'm sure FDA pulled it out of the air."

FDA officials reply that the interim guideline is based on the "best scientific information available." The guideline was set for the fish meal contamination, FDA says, and can provide an adequate "margin of safety" for the "short-term exposure expected to occur."

"It's not complete," an FDA official told *Science*. 'But you got to go on what you have. We can't be held accountable for every goddam chemical!"

[From the Washington Evening Star, Sept. 23, 1971]

WASHINGTON CLOSE-UP—U.S. IGNORES THE REAL PCB DANGER

(By Robert Walters)

It's business as usual within the Federal Government.

Officials of two major agencies, the Food and Drug Administration and the Agriculture Department, have spent the past two months facing the growing problem of a potentially serious health hazard while continually minimizing the contamination danger in their announcements to the public.

The hazard is posed by a highly toxic, extremely persistent family of industrial chemicals known as polychlorinated biphenyls or PCBs. In the United States, the sole producer of PCBs is the Monsanto Co. of St. Louis, which markets them under the Aroclor trade name.

The unusual durability of PCBs—the very characteristic which has made them so valuable for a wide variety of industrial uses during the past four decades—now apparently is the principal factor in turning them into an environmental menace. They are highly resistant to heat and fire, insoluble in water and easily transferred through the food chain.

PCB is, however, soluble in animal fat, and that is precisely where an increasing number of reputable researchers are finding that it concentrates in the fatty tissues of birds, animals and human beings.

The principal danger which PCB poses to human health is best described by Dr. Robert Risebrough, a member of the faculty at the University of California at Berkeley and one of the country's leading experts on the subject:

"There is no evidence to indicate that PCBs in the environment are likely to reach levels which would cause severe injury or death from short-term exposure. The possible PCB hazard, like so many environmental hazards, is one of long-term, low-level exposure and perhaps of effects from its combination with other poisons."

When Risebrough, Rep. William F. Ryan, D-N.Y., and others began to warn the country in early 1970 about the potential hazards posed by PCB, Monsanto was indignant about the "political charges, scare tactics and sensational headlines" which the firm said "completely ignore voluntary actions the company has taken to restrict use of the material."

When Ryan wrote to Monsanto in mid-1970 to request copies of the firm's technical bulletins on PCB, annual production and sales figures for the chemical, a complete list of the company's suggested uses for Aroclor and similar data, he was denied all of that information.

Instead, Ryan received an indignant letter from John Mason, Monsanto's assistant general manager, who said the congressman's concerns were based on "a complete lack of factual information." Then he added:

"Monsanto is taking an extremely responsible attitude to this problem and is doing everything within its power to ensure a maximum degree of control to prevent the possibility of the (PCB) escaping into the environment."

Precisely one year after that statement was made, a coolant containing substantial amounts of PCB was dripping onto 16,000 tons of fish meal at East Coast Terminals Inc., in Wilmington, N.C. Among the results of that leak:

The Food and Drug Administration seized 45,000 pounds of Ralston Purina Co. catfish feed in Louisiana, Georgia and Mississippi. Ralston Purina then issued a recall for another 1,000 tons of fish feed.

National By-products Inc., of Mason City, Ill., was forced to recall 48 tons of rendered meat meal, because of high levels of PCB.

Holly Farms, a North Carolina firm which is the nation's largest poultry producer, voluntarily slaughtered 77,000 chickens after discovering high concentrations of PCB in the fowl.

The Agriculture Department has ordered the slaughtering of 250,000 pounds of turkeys in Georgia. Last week, George R. Grange, deputy administrator of the department's consumer and marketing service, warned of another possible "spill" of PCB at an unnamed Minnesota plant.

FDA officials seized 75,000 fresh eggs in Norfolk, Va., but allowed another 60,000 eggs with virtually identical concentrations of PCB to go on sale in the Washington, D.C., area because of inadequate testing and warning procedures, then refused even to discuss the Washington incident until pressured by Ryan and Ralph Nader.

In an equally bizarre action, the Agriculture Department ordered off the market more than 169,000 pounds of processed frozen eggs because laboratory tests had shown high levels of PCB, then partially reversed itself and released 36,000 pounds of the product.

Each time an official action has been taken, the federal officials have emphasized the lack of danger in short-term, low-level consumption—but their announcements have completely ignored the serious, long-term problem of residues in human tissue.

If that performance has failed to inspire citizen confidence in either Monsanto or the two federal agencies involved, the government now has turned to its time-honored solution for serious problems: A six-agency "interdepartmental task force" will coordinate a "government-wide investigation."

WHITEWASH FOR PHOSPHATES

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RONCALIO. Mr. Speaker, the New York Times carried an editorial yesterday which should be required reading for everyone trying to understand the shifting tides of the phosphate controversy.

In homes throughout America, indeed within the House Public Works Committee, confusion as to the proper course of action prevails.

In the words of the Times, a dilemma has been building up in the matter of detergents. Unless it is resolved, the sensitivity to the environment so long and laborious in the making will be seriously blunted.

The following editorial is one of the best statements on the problem I have seen:

WHITEWASH FOR PHOSPHATES

The Federal Government succeeded last week in undoing several years of public education on the harm that detergents do to the nation's waters. In an action as unnecessary as it was sudden and confusing, four of its top health and environmental officials urged a return to phosphate detergents on the ground that alternative cleansers were worse.

Nothing in the Government's explanation justified its panicky reversal. Its explanation, it may be pointed out, followed closely the line of reasoning advanced by leading elements in the soap and detergent lobby. Whether or not it was industry pressure that accounted for the change, people who have been accurately warned of how much damage phosphates can do to lakes and streams will find it difficult to take on faith the next warning that issues from the guardians of the environment.

Admittedly, a dilemma has been building up in the matter of how America should wash its clothes. With the spreading knowledge that phosphates can choke the life out of a lake by nourishing destructive algae and vegetation, alternative cleansers came into use—but they, too, presented problems.

Some contained NTA, a chemical compound that might possibly cause cancer. Other detergents, including some of the biggest sellers at the supermarket, contained caustic soda, though not in its free form; these pose just enough threat of damage to the eyes, nose and throat, not to mention the innards of children, for the Surgeon General to talk of having them banned, though he has so far refrained from directly recommending that course. Old-fashioned soap, it might be added, is not adapted to dishwashers, leaves a scum in laundry machines and is impractical for use on synthetic fabrics designed to be cleaned only by the chemical action of detergents.

The Environmental Protection Agency suggests now that the solution must lie in the building of special sewage treatment facilities, or the adaptation of existing plants, with a view to ridding effluents of all harmful phosphates, not just those from detergents. Such a program, if carried out immediately, would be ideal, since phosphate detergents account for only part of the phosphorus which induces eutrophication in our waters. The rest comes from agricultural fertilizers, animal feeds and industrial products. Phosphorus can be precipitated at a treatment plant without difficulty. The trouble is that governments move at the pace of a leisurely snail; by the time essential equipment is installed, untold damage may be done.

The question, then, is what to do in the meantime. And here the Government's position is untenable. Instead of rescinding bans on phosphate detergents, as the Federal officials now urge, states and localities that have such bans should keep them in force—at least until the E.P.A. completes a proposed study that will identify those endangered waters that might be saved from decay by appropriate sewage treatment.

Less harm would be done for the time being if housewives continued, with reasonable care, to use so-called caustic sodas, especially in combination with regular soap. A nation that suffers the lethal automobile and allows handguns is not likely to be overwhelmed by the presence of washing sodas in the home—along with a dozen other potentially risky substances such as drain cleansers, dangerous drugs or even kitchen matches. Time, moreover, gives promise of producing really harmless detergents, several of which are reported to be well on the way.

A holding pattern of this sort, rather than the implausible course the Government has chosen, would allow a continuing effort to save the nation's waters without causing more than a minimal risk to health. There would perhaps be some social risk in wearing clothes with a touch of tattle-tale grey. But then again, that just might be viewed as a badge of honor.

STUDENTS SHOULD TAKE A LONG LOOK AT THINGS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DERWINSKI. Mr. Speaker, as elementary and high schools of the country have reopened and the new college term is upon us, the subject of the proper course of behavior that students should adopt is a timely one.

A very realistic and responsible commentary, directed to college students in particular, appeared in the September 16 edition of the Harvey Tribune. It contains a great deal of good, old-fashioned horsesense.

The article follows:

STUDENTS SHOULD TAKE A LONG LOOK AT THINGS

Student leaders at some of the American colleges continue to rally followers behind an effort to lead this nation "out of the wilderness." Many are forming political organizations and these, of course, could become a potent factor on every governmental level—if they exercise their rights to vote.

It will be interesting in the forthcoming elections to discover just how important the "young" vote is, particularly because the newly franchised voters have been slow even to register. Candidates can be depended upon to "woo" their votes, nevertheless, and the platforms of many will be geared to attract the younger element.

We don't think it's an unfair statement to say that many student leaders believe they know all the answers to the nation's ills, and not to completely fault them, we believe they do know some of them. They speak positively about their responsibility to turn the nation around and place it on a new path, to show

the nation's adults and its workers just what must be done and how new and greater things can be accomplished.

Student interest in politics, government and business, as well, is most desirable. From time immemorial, however, students fresh with book knowledge and theories handed down to them by college professors have often missed one basic fact: they don't know that they don't know it all. So, as they proceed to save the nation and mankind generally, and as they proceed down the path of life, we can hope that the truth might dawn upon them—that Pa and Grandpa might just have a little sense, after all, and that the nation does have some features well worth preserving. Experience is needed to go along with the book knowledge they have spent some years in absorbing.

PIRATES CLINCH EASTERN DIVISION TITLE IN NATIONAL LEAGUE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MOORHEAD. Mr. Speaker, the Pittsburgh Pirates last night beat the St. Louis Cardinals, 5 to 1, and thereby won the National League's eastern division title.

I want to congratulate Manager Danny Murtaugh and all of the Bucs for the excellence of their play and the excitement which they served in huge amounts to the Pittsburgh fans.

The Pirates will probably finish the season leading every offensive team department in the league, including highest team average, most hits, most runs scored, most runs batted in, and most at bat. They will also finish with the best won-lost percentage in the older circuit.

Pittsburgh is a great sports town and the Pirates' attendance figure of 1½ million people reflect this. The Pirate management has done much to make attending the games easier for all, including reduction in ticket prices for specific groups, more ticket windows, and overall good service.

But naturally most of the credit goes to the players themselves. Willie Stargell, who led the league for most of the year in home runs and runs batted in; Roberto Clemente, who at 37, is the game's most exciting player; Manny Sanguillen, our catcher who is a consistent .300 hitter and the rest of the Bucco team who played capable, exciting, team baseball.

Pittsburgh is proud of them, so am I. Our next hurdle is the National League playoffs and then the world series. And I am sure the Pittsburgh Pirates will make an excellent showing in those two sets also.

I would like to include some news stories of the Pirates' victory last night and their clinching of the National League eastern division title.

The articles follow:

BUCS BATHE IN BUBBLY

The Pittsburgh Pirates bathed in champagne and the San Francisco Giants were swallowed up with a wonderful feeling as they widened their lead to 2½ games over the Los Angeles Dodgers last night in the hectic National League pennant races.

Manager Danny Murtaugh's Pirates clinched their second straight NL East flag, stopping the runner-up St. Louis Cardinals 5–1.

The Pirates' dressing room was a sea of champagne and ice water, with the liquid well above the shoe soles. In the middle of it all was Murtaugh, a tee-totaler who has a rocker in his quarters in which to recline when the exhaustion of the game grips him.

"It's good to clinch it against a club that's contending," Murtaugh said.

MURTAUGH GIVEN CREDIT

"Murtaugh handled us quite well," said Bob Robertson, the Bucs' first baseman from Frostburg, Md.

Robertson, who made the final putout against Luis Melendez, said, "I did the same thing last year in the clinching game against Art Shamsky." Dave Giusti was the mop-up pitcher last night.

"I think we have a dynasty," Robertson said.

"It's been a team effort," said a drenched Willie Stargell. "Now it's our turn to make it to the World Series."

The Reds eliminated the Bucs in the playoffs a year ago, depriving them of a shot at the Baltimore Orioles.

"It's a lot different when everyone's expecting you to win it," Murtaugh said. "This club had pressure on it, but it responded well. We went into our little slump and then came out of it."

The Bucs built an 11½-game bulge in late July, aided by an 11-game winning streak, then fought off the challenges of the Chicago Cubs and then the Cardinals.

"The 11-game streak was the nucleus of the season," Murtaugh said. "It gave us a cushion when we ran into troubles."

Luke Walker and Giusti limited the Cardinals to six hits last night and beat Bob Gibson, who had pitched a no-hitter against the Bucs on Aug. 14. Manny Sanguillen drove in the tie-breaking run with a single in the fourth inning.

11-GAME STREAK IN JULY BROKE RACE: PIRATES DID IT IN MIDSEASON

PITTSBURGH, Sept. 2.—It was an 11-game winning streak in midseason that propelled the Pittsburgh Pirates to their second National League East Division title in two years.

In the first week of that streak, just before the All-Star break on July 13, the Pirates jumped their grip on first place from 4½ games to 10½ games as contending Chicago and St. Louis faltered.

At the end of the stretch, Luke Walker pitched a one-hitter over the Los Angeles Dodgers and the Pirates moved 11½ games ahead, their biggest spread of the season.

That was enough to tide the Pirates through a drought right after the streak when they lost 23 of 35 games and their lead fell to four games over the Cardinals.

"The 11-game winning streak was the nucleus of the season," said Pirate Manager Danny Murtaugh. "It gave us a pretty good cushion when we ran into troubles."

The Pirates moved into first place permanently on June 11 with the slugging of Willie Stargell and the pitching of Dock Ellis having been major factors.

By the halfway mark of the season, Stargell, the hefty left fielder, had 28 home runs and 80 runs batted in and Ellis had a 13–3 record.

Likewise, Dave Giusti had 16 saves by then (29 when the Pirates clinched the title) and his consistent performance throughout the year provided a stabilizing factor from the bullpen—especially when the Pirates went through a 16-game stretch in the second half without a complete game pitched.

Both Stargell and Ellis tailed off in the second half of the season, but the Pirates had plenty of hitting and pitching strength left.

On the 10th of July, 20-year-old Rennie Stennett joined the Pirates from their Charleston, W. Va., farm club.

Filling in for Dave Cash who was in military reserve camp, Stennett was expected to remain with the Pirates for just a month. But the slick Panamanian stayed on when reserve infielder Jose Pagan broke a shoulder bone and was out for the season.

Stennett couldn't be gotten out of the lineup. He batted over .400 for a month, and went on an 18-game hitting streak.

Even when Cash returned, Stennett, only in pro ball for three years, remained at second. Cash platooned at third with Richie Hebner, who after a flying start tailed off at bat because of interruption for military duty, injury and illness.

When Stargell's bat become somewhat silenced, veteran right fielder Roberto Clemente and catcher Manny Sanguillen kept up their hitting. Both were well above .300 most of the season.

Steve Blass was a workhorse of the pitching staff, never missing a start. With two turns left, Blass had a 15–7 record and a 2.83 earned run average, best of the starting rotation.

And Nelson Briles, a relief pitcher and spot starter, broke into the rotation in early September and won three straight key games.

When the Pirates clinched a tie for the division title, they had five regular players batting over .300 and Stargell's average was .299.

For the season, they have produced an average of almost five runs a game and have a team batting average of .277, tops in the league.

The title was clinched on their 94th victory, most for the club since 1960 when they won the world championship.

TRIBUTE TO MRS. JANET O. DENT

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. McKEVITT. Mr. Speaker, as many of my colleagues know, tragedy touched my office this week. I am speaking of the untimely death of Mrs. Janet O. Dent, who served my Denver constituency by helping people with their individual problems.

Mrs. Dent was my caseworker. She excelled in her work because she cared tremendously about people. When an individual approached my office seeking help, it did not matter to Mrs. Dent whether the problem was a minor one or extremely complicated. To her, each individual problem was of major consequence because it involved a human being. She had compassion, understanding, and patience. She also possessed tenacity and courage. These attributes made her an outstanding caseworker.

In my office files there are dozens of letters of appreciation and thank you notes that directly resulted from Mrs. Dent's work. A portion of one from the wife of a serviceman reads:

A special thanks to Mrs. Dent for her persistance and determination; we can't really tell you how appreciative we are.

This kind of letter is typical. Perhaps not so typical was the lady who called from Denver in tears of joy because of the help Mrs. Dent was able to give her. There were also the not so happy cases such as the one involving the return to this country of the remains of a constituent's relative who had passed away overseas. And I well remember the night Mrs.

Dent worked very late trying to help the bereaved parents of a young lady from my district who was killed in an automobile accident in Pennsylvania.

But mostly her work gave people happiness.

Mr. Speaker, yesterday I received a letter from my district which read, in part:

I am stunned by the tragic news in the Denver Post regarding Mrs. Janet Dent. I was very impressed with the speed, perseverance and genuine interest she demonstrated in handling our case. She undoubtedly was a dedicated person and I know she will be missed.

Mr. Speaker, my staff and I feel the same way.

POLITICAL AWARENESS AMONG MEXICAN-AMERICAN PEOPLE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ROYBAL. Mr. Speaker, last week the Mexican people commemorated the independence of Mexico from Spanish colonial rule on September 16, 1821. This day has symbolized the cultural solidarity of the Mexican people throughout the Western hemisphere.

But the day is much more than a simple reminder of the past, more than a parochial event. It is a feast, a celebration, of the bicultural and bilingual roots of this country, and of a growing political awareness among the Mexican-American people.

Today the Mexican American is asking for his measure of justice and equal opportunity. He cannot be ignored, for he is no longer a regionalized, Southwest phenomenon. Working together with other Spanish speaking groups, he is developing a national strategy to gain equal opportunity in this country.

In a press conference held today, Senator MONTOYA, Congressmen BADILLO, LUJAN and I announced the convening of a national coalition of over 500 Spanish speaking national and regional representatives to be held October 23–25. The purpose of the conference is to develop national strategies which directly represent the needs and priorities of the Spanish speaking; and to explore the formation of a continuing coalition of Spanish-speaking groups.

Recent statistics show that equal employment has not reached the more than 12 million Spanish-speaking Americans. One of the best measurements of this national neglect is employment.

Data collected over the past 2 years show a de facto occupational caste system in this country. The passage of the 1964 Civil Rights Act, Executive Orders 11246 and 11478, nondiscrimination clauses in Federal contracts, and the whole body of affirmative action programs have not ended this pattern of exclusion.

This indictment applies particularly to the Federal Government which is charged with the moral and statutory responsibility to break down this caste system.

I intend to oppose funding any agency which does not comply with civil rights statutes providing for equal employment of the Spanish speaking.

While the country suffers under a 6-percent unemployment rate, Mexican Americans and Puerto Ricans are facing a significantly higher rate of 10 percent. Nearly twice as many are less likely to be employed than the dominant groups in this country.

In terms of actual employment, twice as many are less likely to be employed as white collar workers, while nearly 80 percent find work as blue collar and service workers.

Reversing our perspective, we find that Anglo males who account for a little over half of the work force command a disproportionate 96 percent of the jobs paying over $15,000. This pattern of exclusion from better paying, more responsible jobs is even more reprehensible in the Federal Government. The Government has acted immorally and illegally. By its indifference it has perpetuated this occupational caste system and turned the ideal of equal employment into another American myth. Despite passage of the Civil Rights Act and Executive Order 11478 in August 1969, over half of GS–1 jobs, or the lowest Federal pay category, are filled by minority groups, while only 2-percent hold GS–18 positions, or the highest white collar category.

Using these figures as a backdrop, we find less than 3-percent Spanish surnamed employed out of 2.6 million Federal employees. By focusing only on the top echelon of Government the pattern of exclusion is even more conclusive: Only one-third of 1 percent are Spanish surnamed. These proportions are grossly inadequate from a purely population basis of 6-percent Spanish-speaking Americans.

One of the worst offenders is the Civil Service Commission, obligated under Executive Order 11478 to execute an equal employment program for the Federal Government including the enforcement of the 16-point program. The 16-point program is designed to increase the number of federally employed Spanish-speaking Americans. Despite this mandate the Commission has failed to act decisively in its own agency. Recent data for 1971 shows that out of a total of over 5,300 employees only 140, or 2.6 percent, are Spanish surnamed, with three-fourths in lower paying jobs. Compared to last year's figures, we find little improvement by percentage—one-fifth of 1 percent—and number—an increase of only 17—despite an increase in employment.

This puts Congress in an awkward position. On the one hand, we are forced to rely on Commission leadership to execute an effective equal employment strategy, and yet must criticize it for failing miserably.

We face a similar situation with the Equal Employment Opportunity Commission, mandated to fight discriminatory employment practices. According to mid-1970 figures, EEOC employs 700 employees with 419 listed as minority. Only 64 are Spanish surnamed with not one holding a top level position.

Similar deficiencies exist in other Federal units, especially those involved in minority development. For instance, the Departments of Commerce, Labor, HEW, and HUD employ less than 2 percent Spanish surnamed with less than three persons in key level jobs. Put in terms of total minority population, Spanish speaking are severely underrepresented. Although comprising 30 percent of total minority, they fall far below this minimum by an average of 20 percent.

In detail, the Commerce Department employs 28,000 with 5,197 listed as minority. Only 189, or less than 1 percent, are Spanish surnamed, with not one found in top management.

The Labor Department employs over 10,100 employees with 2,918 listed as minority. Only 168, or less than 2 percent, are Spanish surnamed, with only two in key level jobs.

The Department of Health, Education, and Welfare employs 104,100 employees with 36,373 listed as minority. Only 1,209, or a little over 1 percent are Spanish surnamed, with only two in top management.

The Department of Housing and Urban Development employs over 14,200 employees with 2,968 listed as minority. Only 186, or less than 1½ percent are Spanish surnamed.

The Department of Justice employs over 37,400 employees with 4,476 listed as minority. Only 844, or less than 2½ percent are Spanish surnamed, with only two in top-level jobs.

Another violator is the Office of Economic Opportunity, mandated to serve the poor and minority groups in this country. OEO employs nearly 2,400 employees with 894 listed as minority. Although Spanish speaking comprise 24 to 27 percent of the poor, only 3.6 percent are Spanish surnamed with only three persons in top-level jobs.

No matter what basis of comparison is used, whether by total general or minority population, Spanish-speaking Americans do not receive equal employment, particularly in top Federal positions. This conclusion extends to other minority groups as well.

As long as this occupational caste system continues, I will oppose funding those agencies which show little improvement in this area. I am now asking for your support of my position within your own committee deliberations and, in the future, on the floor of the House.

CONGRATULATIONS TO RONNIE SOX AND BUDDY MARTIN

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. PREYER of North Carolina. Mr. Speaker, I would like to bring to the attention of my colleagues the accomplishments of two fine young men from Burlington, N.C., located in my congressional district—Ronnie Sox and Buddy Martin.

Ronnie and Buddy are members of the Chrysler Motors Corp. factory-supported

Plymouth drag racing team and were among those race drivers honored by the President on Tuesday of this week at a White House reception. Ronnie Sox is the driver and Buddy Martin is the partner-manager of the team. These young men carry out a year-long sales promotion, good will, and ambassador program dealing with highway safety and supervised auto racing. Sox and Martin were members of the U.S. Drag Racing Team in 1964 which made a goodwill trip to England and since that time, they have won every major championship drag race title in the United States and Canada.

These young men pioneered a program in 1967 whereby they conduct performance clinic programs throughout the country at Chrysler-Plymouth dealers which allows them to share their automotive know-how with drag racing and automobile enthusiasts.

They were recently honored in Burlington with a Sox and Martin Day which recognized their contributions to the community and to the youth of our country through their association with racing as well as administering a flourishing high performance parts and race car building business in Burlington. I would like to add my congratulations to Ronnie Sox and Buddy Martin on their fine achievements.

THE CATFISH KID—HIS OWN MAN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MAZZOLI. Mr. Speaker, it is never easy to be your own man these days and to say no to conformity and convention when you feel you owe it to do "your own thing."

The Catfish Kid, of Louisville, has been able to say no. He is just the man he wants to be, and does only what he wants to do. Nothing more—nothing less. Most of the time this means throwing four or five lines into Beargrass Creek and waiting for the catfish to bite.

The Catfish Kid may never read this, as he never learned how to read. In many ways, his colorful existence now resembles a grownup Huck Finn. As life flows by him, the Catfish Kid still rules out things like baths as "not my way," and lives for the next time that he can bait his hooks and throw in his lines.

Mr. Speaker, the Catfish Kid is a unique, refreshing individual. He is a piece of Americana. There is a little of him in all of us, but most of us cannot or will not let it show.

For the benefit of our colleagues, I would now like to enter into the RECORD an article by Jerry Bledsoe of the Louisville Times about the Catfish Kid. It is entitled, "Life's No Bag of Worms for the Catfish Kid":

LIFE'S NO BAG OF WORMS FOR THE CATFISH KID

(By Jerry Bledsoe)

Along about twilight is when you would be most likely to spot him. You couldn't help but notice.

He would be on his bike. And you could be sure of one thing: he would be headed for the river.

It is quite a splendid bike that he rides. Painted brilliant orange, striped in silver, right down to the spokes, where orange pop-bottle caps whirl in decoration. On the back of the seat, there is a license plate with his initials, JRG, the R being more prominent and in silver.

Dangling from the handlebars are a glowing gasoline lantern, a gallon of fuel, and a bucket holding an assortment of stuff, including a cricket (bait) cage and a transistor radio.

A wire basket is attached to the front of the handlebars, and in it sits a big metal tackle box. Behind the box, five fishing rods stand in a row along with a large landing net, all in bright orange and yellow stripes. The rods are tied together at the top, making the collection look something like a gaudy Christmas tree. The "tree" is topped by an orange and yellow entrenching shovel pointed heavenward.

And there, peering around the whole conglomeration, pumping away, is the Catfish Kid.

He is quite a sight himself. He is short (5-feet-4) and stout (188). His baggy dungarees, spotted with concrete and rolled at the bottom, always appear in dire danger of falling off. A grubby T-shirt droops almost to his knees. Around his middle is a wide belt with an Army canteen and a sheathed Bowie knife. He usually wears a green baseball cap with a brightly shined Army enlisted man's cap insignia and an American flag across the bill. Sometimes he sports a second hat atop this one. It is a construction hat painted orange and yellow with a plastic eagle squatting on top.

Unless you catch him on a Sunday night after he has undergone his weekly cleanup, he will likely be in need of a shave and a bath.

Somehow, even on Sunday nights, there seems always to be a smudge on the end of his nose. People sometimes josh him about it and ask him why he doesn't bathe more often. His answer is short and to the point:

"It's not my way."

Anyway, if you should see him pedaling along, he will probably be smiling, and he'll wave if you do. And you can be certain the Catfish Kid is going fishing again.

Sometimes he fishes down near the Coast Guard station at Third Street, but most often he goes up to the mouth of Beargrass Creek, which is his favorite spot. He can tell you some tales about some catfish that he's taken out of the mouth of Beargrass Creek.

Once at the river, it takes him a while just to untie all the equipment from his bike, and a little longer to get his lines out. He sets all five rods, each line with two hooks baited with dough balls and night crawlers.

When the lines are all out, the Catfish Kid stretches out on the bank and lights one of his pipes. He smokes natural leaf chewing tobacco and it stinks to the heavens. "Keeps away the skeeters," he says with a grin. Along with most other living creatures.

You need only look at the Catfish Kid stretched out on the river bank in the glow of his lantern to know that this is the place and the time that he is happiest. He'll tell you that if you ask him.

"I like to fish at night," he says. "I can have peace and quiet. Not so many boats at night."

After a few hours, he'll curl up and doze off and sleep there on the bank until dawn. "I like to hear the birds sing about daylight," he says. "The birds wake me up in the morning."

Usually there'll be a catfish or two on the lines.

IT'S A GOOD LIFE—NOW

It is a good life, the Catfish Kid will tell you. But the first part of his life was not so easy.

The Catfish Kid came from a big family and he never got along. He'll tell you about beatings and fights. From as far back as he can remember people were telling him that he was "retarded" or "not just right."

"I may be a little bit," he says, "but not much. I got enough sense to know what 'Im doing. Trouble with me, I just can't read. I can look at a sign and tell you what it is. I can take a puzzle and put it together in no time flat. I can make things out of wood. And I can tell you about boats. I know about boats."

When he was 11, the Catfish Kid was sent to Ormsby Village, the home for delinquent youths. "I was accused of setting a fire," he says, "but I didn't do it."

"Catfish wasn't delinquent," says his friend, Sam Draper, "he just didn't have a home. He's a good kid."

Three or four times the Catfish Kid was sent out to foster homes. But like Huck Finn when he ended up with the Widder Douglas the Catfish didn't like it.

"They take you in, buy you clothes and food and stauff and expect you to do all their work," says Catfish, taking a puff on his pipe. One of his foster fathers once beat him with a rosebush, he claims.

Catfish was almost 18 when he got out of Ormsby Village. He didn't go home. "We didn't get along," he explains.

He started living along the river, sleeping on the bank, or taking shelter in people's garages. He gathered pop bottles and sold them, sometimes helped out on a vegetable truck, snagging vegetables to eat when the operator wasn't looking.

Then one day he ran into Draper, a masonry contractor, when they both ducked into the same garage during a rainstorm. They struck up a conversation and before it ended, Draper offered the Kid a job. So the Catfish Kid took up residence in Sam Draper's garage and started learning brickwork.

That was eight years ago.

Now the Catfish Kid has a room up on Broadway where he keeps his worms and dough balls in the refrigerator with his food and the 16-ounce Pepsis that he is partial to. He parks his bicycle with all its paraphernalia beside the bed, where he sleeps during the day when the sun's hot and the fishing's not so good.

He still works with Draper when there are jobs to be done. Sometimes they go rambling about the country together. In the winters they just might go down to Key West for a month or so and fish.

But now it is summer and the river and the catfish beckon, and almost every night the Catfish Kid answers their call. Usually he'll catch five or six, and maybe a fat old carp, that dangle from the stringer on his handlebars as he pedals back up Broadway at daylight. He gives the fish away, usually.

"There's this old couple over in the project I know. He's old and his wife's crippled. He can't go fishing. I take the fish and give 'em to him."

But now he is on the riverbank, and his lines are out, and he is stretched out, puffing away on his foul-smelling pipe, and he has a faraway look in his eye.

"I tell you what I dream for," he says. "A boat."

Just an old, second-hand aluminum boat would do, he says. "That's all you need."

"He's raising hell to take his money and get him a boat," says Draper, "but I keep telling him first you got to use your money to keep a roof over your head and to buy food."

But the Catfish Kid doesn't see it that way.

"You got a boat," he says, "you can fish out there in that channel, you can really catch something. . . ."

TRAGEDY AT ATTICA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ROSENTHAL. Mr. Speaker, all America watched with heartbreak and horror as the disturbances at Attica Prison culminated in pointless tragedy. Affairs that needed to be handled with delicacy and patience were executed instead with expediency and force. Blazing guns took the place of reason and compassion. Let us hope this is not part of a pattern of resorting to violent action before exhausting all nonviolent options.

This Nation needs to reaffirm its dedication to peaceful solutions to problems if it is to remain at peace with itself. Belligerent alternatives undermine our spirit, our freedom and our very survival.

We are a nation of laws. Laws that structure and reinforce us, that allow our "Government of the people" to function. But Government can become as removed from the spirit of its laws as it can become alienated from its people. It can come to sanctify laws more than the people the laws are created to protect and enrich. It can hold legality more precious than life.

At Attica, deadly recourse was taken rather than prolonging the difficult negotiations toward settlement. Extension of the State's commitment in time and energy to the negotiations in progress was not deemed worthwhile. Postponement in utilizing massive armed force until the negotiations proved fruitful was considered an unacceptable expense. But what expense could it have proved to be compared to the deaths of 40 men? Delay in such a case is not a sign of acquiescence or weakness, but of strength and careful restraint. And in this instance, delay could have meant the saving of two score lives. There can be no better justification for any course of action. Forbearance then could have spared suffering now.

The decision to turn Attica into a bloody citadel should not be taken as an example by others in similar circumstances and adopted as policy. A policy which takes the rhetorical dimensions of law and order and conjures an image of security and stability. For there are too many American remembrances that serve to shatter that ephemeral image. Too many rights infringed upon, too many freedoms revoked, too many lives sacrificed for the semblance of order. There are too many Kent States and Jackson States, Fred Hamptons, Berrigan Brothers and Maydays to still believe we are merely seeking justice. Too many to still argue that law and order is anything more than an epithet to cry when we are frightened and mutter when we must apologize.

We must not confuse order with tranquillity, nor abandon peaceful alternatives for the expediency of quick solution. Such actions might incorrectly be interpreted as favoring premature violent response as opposed to calm, responsible measures. On either a governmental or citizenry level, this spells potential catastrophe. It leaves the specter of "authorized" violence hovering over the Nation.

Let us remember Attica was no isolated incident. Borne out of prison reform neglect, it was nurtured by inmate frustration. Frustration and grievances that in the future must be afforded viable channels for redress. Neglect that must come to an end right now.

Mr. Speaker, may I bring to your attention an extremely fine and timely article by Mr. Anthony Lewis which appeared in the New York Times of September 18, 1971. I take the opportunity of inserting this commentary into the RECORD at this point:

[From the New York Times, Sept. 18, 1971]

THE PRICE OF VIOLENCE

(By Anthony Lewis)

LONDON.—The events at Attica prison raise terrible questions for Americans: about the racial divide in our society, about the prison system, about official truthfulness and political courage. Tom Wicker, who was there, has written of all these with moving restraint. At a distance, the episode evokes some general thoughts on violence.

Those of us who can take for granted the advantages of life in a political democracy should beware of smugness in denouncing the use of violence to change the system. It is too easy to say that violent tactics can never be justified.

Was it wrong for the American colonists to take arms against King George and his ministers? Were Jewish underground groups wrong in their activities in mandatory Palestine, or Algerians in their guerrilla war against the French? Would it have been morally illegitimate for the inmates of a German concentration camp to use force against their oppressor. if they could have done so effectively?

When the channels of access to political influence are open to everyone in a society, then violent means cannot be justified. But is there such a perfect society anywhere?

It took the explosion in Watts to make many white Americans begin to realize the desperate conditions of life in the urban ghettos of the North. Britain is often cited as a model of democracy, but the Roman Catholics of Northern Ireland acquired civil rights as elementary as equality in voting only after they turned to provocative mass demonstrations.

There are, then, groups with inadequate access to the levers of democratic power. For them violence may be the only effective means of political expression. And there can hardly be a more extreme example of such a case than a group of largely black prison inmates: The undisputed facts of the Attica tragedy show that the prisoners faced appalling conditions and had no peaceful way to challenge them effectively.

But frustration of political grievances does not alone justify violence. Moral judgment depends also, in the end, on the nature of the violent act and its consequences.

It is one thing to block streets, another to kill. And violence does not usually stay under control: it escalates. The consequence may not be the desired social change but reaction. And whatever the political result, any violence involves the risk of brutalization. Even the milder forms of student revolt, restricted to foul language and disrespect, degrade the civility of the classroom. The question is whether any gain is worth these or bloodier costs.

For those reasons, philosophers of liberal democracy argue that the only legitimate use of violence in an open society is to call attention to blocked political channels, to areas of official or public insensitivity. Once the fault has been dramatized, the political process must be left to correct it. That may be slow, but the attempt to force faster change by continuing violence or guerrilla tactics is likely to bring results worse than the disease.

In bitter hindsight, the dangers of violence can be seen clearly enough in what happened at Attica prison. If only the inmates had been able to dramatize their complaints and then accept a reasonable settlement. . . . But of course the situation could never be reasonable. It led to the death of a guard, to fear, to hatred among the forces of law and in the surrounding community. So far had the process gone, so brutalized had public feelings become, that many citizens of Attica simply refused to believe the evidence that hostages had been killed not by the prisoners but by the guns of the attacking guards.

That power of fear and hate to overcome evidence is familiar. After the Chicago convention of 1968. Americans who had seen on television the official brutality that an inquiry called a "police riot" nevertheless said when polled that the treatment of demonstrators had been right.

Which leads to a larger point about the horror at Attica prison: It cannot be seen in isolation from recent American history. Violence leads to violence, and brutality to increased tolerance for more brutality.

For officials to commit or condone violence has the most corrupting social effect, and it is from this that the United States has especially suffered. When the police can club innocent people in a hotel room and go uncriticized, or National Guard men kill students without being prosecuted, the whole society is brutalized. And so it is, of course, when American soldiers are known to take part in the torture of prisoners, or when the President intervenes in behalf of a soldier convicted of killing babies.

The Times of London, in writing about the final assault on Attica, mentioned Kent State and the Mylai massacre and indiscriminate American bombing in Vietnam. All, it said, were disturbing examples of "power being used without the control and discipline expected of a civilized country."

That is the burden of decent governments: to be civilized: Individual violence is dangerous enough. But it is much worse when Governors and Presidents depart from the path of restraint, for they are meant to speak for civilization.

PAN AM OFFERS NEW LOW FARES TO VIETNAM GI'S

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. O'KONSKI. Mr. Speaker, now that the Congress has passed the draft bill and our attention turns once again to other matters, we should not lose sight of the tremendous progress which has been made in winding down the conflict in Southeast Asia. I know my colleagues join me in hoping that the negotiations in Paris will be successful and that genuine peace will be achieved soon.

Regardless of our differing viewpoints concerning the war, surely we can all agree that it is imperative that we continue to give the highest priority to supporting the needs of our valiant servicemen involved in this conflict.

I am proud to say that Pan American World Airways, this country's pioneer air carrier in the Pacific, under the able and dynamic leadership of its president and chief executive officer Najeeb E.

Halaby, has traditionally supported these needs.

Now, according to an announcement by James J. Rice, Pan Am staff vice president for military transportation, under a new agreement between the Military Airlift Command—MAC—and Pan Am to become effective October 1, 1971, subject to Government approval, Vietnam-based servicemen will be able to fly round trip to the west coast of the United States on 2-week leave.

Mr. Rice said:

This is another step in Pan Am's program of giving our Vietnam servicemen some relief from the tensions of the combat zone, a program we began with our Rest and Recreation airlift to nearby furlough spots in 1966.

Under the new arrangement, a serviceman will travel between Saigon and Honolulu on daily scheduled 747 service, instead of on military charter flights. This portion of the flight is paid by MAC.

The serviceman then can complete the transpacific trip by flying between Honolulu and California at the low round-trip military fare of $184 confirmed or $124 standby.

Pan Am will also drop the weekend restriction on military fares and will waive the rule that servicemen traveling on these fares travel in uniform.

Mr. Rice said:

We hope domestic airlines flying from Honolulu to the West Coast to other mainland points will follow our lead and will also waive the weekend restrictions and the uniform regulations for servicemen home on leave from Vietnam.

Although 18 U.S.-flag carriers offer nonscheduled and charter services to Vietnam under contract to Government agencies, Pan Am is the only U.S.-flag airline certificated to offer regular commercial scheduled passenger service into and out of Saigon.

Mr. Speaker, I commend Pan American World Airways and "Jeeb" Halaby for making these new low fares available to our Vietnam GI's in yet another example of this airline's splendid cooperation with our Government.

At this point, I want to share with my colleagues remarks entitled "Pan Am Eases Travel Rule for Viet Home Leave Plan," which appeared in the September 22 issue of Navy Times.

The article follows:

PAN AM EASES TRAVEL RULE FOR VIET HOME LEAVE PLAN

WASHINGTON.—Pan American Airways has liberalized its rules to make it easier for servicemen in Vietnam to take advantage of the new 7 and 7 home leave program set to begin October 1.

Under the program servicemen will be able to fly to the United States, with a stopover in Honolulu, for a total of 14 days away from Vietnam. Seven days will be charged to rest and recuperation and seven to annual leave.

Normally, the Saigon to Honolulu leg of the journey is on chartered Military Airlift Command planes.

Under the new Pan Am arrangement, a serviceman may travel between Saigon and Honolulu on the regularly scheduled 747 flights instead of the charters.

He may then complete the trans-Pacific trip by flying between Hawaii and California upon regular Pan Am flights at his own expense, but at the low military rates.

The round-trip military fare for a confirmed reservation is $185. Standby is $124.

The weekend restriction on military fares and the rule that servicemen traveling on these fares must be in uniform also are being waived by Pan Am for men on leave.

REHABILITATION IS COMPLEX

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MANN. Mr. Speaker, each of us shares a portion of the responsibility for the poor progress made in the vital area of prisoner rehabilitation in recent years. I am sure that the tragedy at Attica has brought home to all of us the necessity for accelerating our efforts for prison reform. At the same time, we must not lose sight of the fact that the vast majority of prisons in this country are State and local prisons and that the substance of reform must primarily be handled by the several States. I am eager to use the Federal resources and the Federal purse to assist them in this effort. Society can no longer tolerate the high rate of recidivism that results in four prisoners out of five finding their way back to prison in a few short years.

The problem is complex, and solutions are not easy. We must nevertheless be about the job. The following editorial from the Spartanburg Herald—Spartanburg, S.C.—of September 20 poses some of the problems that we confront:

NOT SO SIMPLE AS WE'RE TOLD

Ever since their profession was given a name, penologists have been confronted with a curious fact: Punishment works best with those who need it least.

A man who shoots his wife's paramour in a blind rage may never have committed a crime before and will never commit another as long as he lives. The same may be true of a man who, panic-stricken by personal debts, succumbs to temptation and embezzles funds from his employer.

Both are sent to prison because society cannot tolerate such violence and dishonesty, and as lessons to potential murderers and embezzlers.

Yet beyond satisfying certain needs of society and possibly of the criminals themselves, who may feel they have "a debt to pay," of what use is their punishment? Certainly not rehabilitation, for they are as fit to re-enter society on the day of their sentencing as they will be 10 years after it—and perhaps more so.

It is otherwise with the career criminal, the man who has been in and out of trouble since childhood and in and out of reformatories and prisons since he was a teen-ager. For him—and he is in the vast majority—punishment is a degrading and embittering and hardening experience.

Rarely is the career criminal able to admit his own guilt, or if he does, rarely does he accept responsibility for it. It is, as any number of sociologists and psychologists will hasten to assure him, society's fault.

(Strange how society is blamed for the tens of thousands of persons in prison, yet society gets no credit for the tens of millions who have never been and never will be in prison.)

Even rarer is it for this kind of criminal to feel any responsibility for the welfare of his victim or his victim's family, to vow that he will try to make amends for what he may have done.

This should be a part of rehabilitation, yet our laws do not even have any provisions for encouraging the man who wishes to make amends.

Of late, a new dimension has been added to all the other problems of penology—political radicalization.

"Political radicalization is becoming more commonplace in American prisons and the state authorities in charge of prisons are having to become more aware of the concept in dealing with prisoners who see their criminal offenses as strictly political acts," said Race Relations Reporter a week before the shootout at San Quentin in which "Soledad Brother," George Jackson was killed.

Jackson, the No. 1 "political prisoner" in America in some eyes, is now the No. 1 political martyr.

Wrote Journalist Tad Szulc after an interview with Jackson, shortly before his death.

"The convict-politicizing process obviously meshes with the growing opinion among prisoners and outside radicals, including ideologically motivated lawyers and criminologists, that most crimes committed in the United States, particularly by minorities and poor whites, are essentially 'social' and 'political' in nature. This is so, the argument runs, because such crimes derive from sociological and political conditions in the country."

The same sort of nonsense was taken as an article of faith by the architects of the Communist revolution in Russia.

It is worth noting that not only have millions been imprisoned or liquidated in the U.S.S.R. for political "crimes", but that more than 50 years after the overthrow of czarist oppression, there are proportionately just as many bandits, burglars, rapists, murderers and garden-variety crooks in Russian jails as there ever were.

Crime is not as simple as some people including criminals would have us believe.

NATION'S AMBULANCE SERVICES MUST BE REFORMED

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MOLLOHAN. Mr. Speaker, on July 19, I introduced two bills designed to increase the effectiveness of the Federal Government in improving the Nation's ambulance services. Presently the National Highway Traffic Safety Administration and the Division of Emergency Health Services of the Department of Health, Education, and Welfare are working on this goal.

And this is a worthwhile goal, and let me explain briefly why we in the Congress should see to it that that goal is reached.

First, according to an estimate from Dr. Henry Huntley, Director of the Division of Emergency Health Services, about 60,000 persons who die each year from highway accidents or medical emergencies, such as heart attacks or poisoning, could be saved if the Nation had a truly effective emergency medical services system of professional ambulance care and improved hospital emergency room treatment.

Second, countless numbers of people are dying each year because of poor medical treatment given to them on ambulances, and this is especially acute in our rural areas where 70 percent of all highway accident fatalities occur. In many areas there are not enough ambulances to serve the population and in most areas of the country ambulances are little more than taxicabs to the graveyard. Only a handful of States regulate ambulance services and prescribe the level of medical training of ambulance personnel and the equipment that each ambulance should carry in order to save lives.

It is a vastly neglected area of health care, for the public has come to take it for granted that an ambulance is simply a hearse or a station wagon and that its purpose is simply to rush a patient to a hospital or carry him to the morgue.

Furthermore, recent surveys of the Public Health Service show that less than half of the ambulance attendants in the Nation have had advanced Red Cross first-aid training.

Now, the National Highway Traffic Safety Administration has been charged with the task of improving the Nation's ambulance service through the Highway Safety Act of 1966. The NHTSA makes grants to States to finance projects to purchase specially built ambulances and to insure that these ambulances carry recommended life-support equipment.

Supposedly this 50-percent Federal aid is only going to those projects which meet standards established by the Secretary of Transportation, but that may not be the case, for the Department has less than desirable methods for overseeing how the States spend this money.

I do feel that the $23 million that the Department has channeled through State highway safety programs since 1966 for improving emergency medical transportation has had its effect, but this effect has mostly been toward pointing the way to better ambulance care. Unfortunately, the States have not shown much progress in this area, and to this day about three-fourths of the States have no laws governing ambulance services.

In most States, a station wagon with a sign on the side reading "ambulance" and a red light on the top of the roof may be called an ambulance. Most States do not even require that ambulance attendants have first-aid training, although mere first-aid training itself is hardly enough to permit an attendant to save lives. A few States have advanced to the level of requiring all ambulances to carry first-aid kits, but statutes in most other States are conspicuously silent about what life-support equipment should be carried aboard ambulances.

For those who wish to go into detail on this, I recommend two publications prepared by the Division of Emergency Health Services of the Department of Health, Education, and Welfare. The publications are entitled, "Ambulance Services and Hospital Emergency Departments," and "A Compendium of State Statutes on Ambulance Services and Good Samaritan Laws."

The Federal Government's role in improving ambulance services is largely confined to the Highway Safety Act. The act requires that States must submit highway safety programs to the Transportation Secretary and these programs must be approved before the State will receive any funds for highway safety programs. Furthermore, if the State plans are not approved, the law declares that it must sustain a 10-percent cutoff in highway construction funds. Although this has been threatened for some time, and although the officials in the National Highway Traffic Safety Administration complain of the lack of progress on the part of the States in fully implementing programs to upgrade ambulance services, the cutoff has not been invoked.

It is my considered judgment that to improve the quality of ambulance care, greater State action is required, and the Federal Government should use its full power to achieve this cooperation. With each year that goes by thousands of persons die needlessly in the back of a hearse or station wagon. Perhaps they are unattended or perhaps they die at the hands of an attendant who lacks even the most basic first-aid training.

What is the role of the Department of Health, Education, and Welfare in this neglected area of health care?

Unfortunately, the Department has not been aggressively pursuing a goal of trying to improve ambulance services. While one division in the Department—the Division of Emergency Health Services—is recommending that ambulances and ambulance attendants meet certain higher standards, another division—the Social Security Administration—is actually paying for ambulance transportation under medicare which may be inadequate.

If the Department of Health, Education, and Welfare were following a program to upgrade ambulance service, it would not be issuing medicare payments to those operators of ambulances which cannot meet those higher standards recommended by the Division of Emergency Health Services.

Federal administration of ambulance programs is in such disarray and suffers from such lack of coordination that it is crucial that the respective congressional committees examine the problems. Such programs have not yet been scrutinized and the problems of inadequate ambulance care have not yet been considered by the Congress.

They should be. At stake are the lives of 60,000 persons who may die each year because of inadequate emergency medical care.

SEVEN MEMBERS OF THE WISCONSIN DELEGATION INTRODUCE SCHOOLBUS SAFETY LEGISLATION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ASPIN. Mr. Speaker, today six other Wisconsin Members of the House and I have introduced the Schoolbus Safety Act of 1971.

The House sponsors of this legislation are Mr. ROBERT KASTENMEIER, Mr. DAVID OBEY, Mr. ALVIN O'KONSKI, Mr. HENRY REUSS, Mr. WILLIAM STEIGER, and Mr. CLEMENT ZABLOCKI.

Wisconsin Senators GAYLORD NELSON and WILLIAM PROXMIRE will be introducing this legislation in the Senate.

Last year an estimated 240,000 schoolbuses transported some 18 million children 2 billion miles in the United States at a public cost of $825 million. In 1969, 140 persons—75 of them students—died in accidents involving schoolbuses. In the words of the Nation's No. 1 schoolbus safety administrator, David H. Soule, of the National Highway Traffic Administration:

> The potential for tragedy with schoolbuses is extremely great.

Earlier this year, a schoolboy in Kenosha, Wis.—one of the cities in my congressional district—was killed in a schoolbus accident there. Primarily as a result of that accident, public hearings were held in Kenosha. Many of us who were at those hearings were shocked at how little the Federal Government had done to insure that schoolbuses are reasonably safe. For instance, very often schoolbuses are less safe than municipal and intercity buses. In fact, many schoolbuses are the unsafest vehicles on the road.

The Department of Transportation has gone a long way toward setting standards for schoolbus safety. However, these standards are primarily aimed at the operation of the buses. They do not get at the root of what we believe to be a major problem: The design and manufacture of the equipment. Our bill calls for the setting of safety standards for schoolbuses within 18 months after the bill's date of enactment.

In addition to the safety design provision, our bill would require that:

A prototype or experimental bus be built within 3 years after the bill's passage;

Every manufacturer and dealer certify that each schoolbus had been individually inspected and test driven, and that it conforms to the Federal safety standards.

The Department of Transportation investigate each schoolbus accident which results in a death and publicly report its findings and conclusions.

Mr. Speaker, I believe you will find the bill's provisions to be modest but very important proposals, which are long overdue.

In the near future, we will be asking other Members of the House to cosponsor this legislation. It has received bipartisan support within the Wisconsin delegation for the simple reason that schoolbus safety is not a partisan issue. We are hopeful that we will receive similar support from the other Members of the House, so that we can correct this dangerous problem, which crosses both ideological and party lines.

CONGRESSMAN WYDLER'S 1971 QUESTIONNAIRE RESULTS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. WYDLER. Mr. Speaker, it has become a tradition in the "Fabulous Fourth" Congressional District to send reports of my activities to constituents and, once each year, to ask for their views on important current national issues by means of a questionnaire. The questionnaire is now in its eighth consecutive year.

I send the questionnaire to every resident who lives in the Fabulous Fourth Congressional District, regardless of party. In this way, I can truly test the prevailing opinion on great national issues.

Once again, many thousands of people of the Fourth Congressional District have answered the questionnaire. The results have been carefully tabulated and I am still busy answering the many comments that have been made to me on the returns. The enthusiastic response proves that people do care about their Government.

I am now sending a copy of the questionnaire results to each home in the Fourth Congressional District.

In my judgment there is no better measure of the real feeling in my district than these questionnaire results. They are the voice of the people.

The following comments on these results are my personal interpretation.

The questionnaires were sent out in June and most answers were received by the middle of July. In spite of this a high percentage of the people—58 percent—favored admitting Red China to the U.N., in addition to Nationalist China. This was a great change from past years and preceded the President's announcement of a visit to Peking.

Strong support continued for the President's policy of withdrawal from Vietnam, 52 percent.

There was overwhelming support for the President's domestic proposals on revenue sharing, 84 percent approve, welfare reform, 86 percent approve, and executive branch reorganization, 64 percent approve.

On what can be considered the people's political philosophy of government, 66 percent favored the delegation of Federal programs to regional offices, as opposed to centralization in Washington, D.C.

The complete results are as follows:

RESULTS OF THE 8TH ANNUAL "FABULOUS FOURTH" QUESTIONNAIRE OF THE 4TH CONGRESSIONAL DISTRICT, NASSAU COUNTY, N.Y.

[In percent]

ON THE DOMESTIC SCENE

	Approve	Disapprove	Undecided
1. Revenue sharing: Do you favor returning a share of Federal tax revenues to State and local governments to help solve local problems?	84.86	9.26	5.88
2. Poverty: As an alternative to the present welfare system, President Nixon has proposed a work incentive and job training program while calling for a basic level of financial assistance. Do you favor his proposal?	86.72	6.88	6.40
3. Health: Regarding national health insurance, which do you favor?			
(a) A program financed and operated by the Federal Government	33.12		
(b) A federally operated program financed by employer and employee contributions		36.54	
(c) Complete reliance on the private health insurance structure	14.52		
(d) No new legislation in this area		12.46	3.36
4. Federal or local control: Do you favor a larger share of responsibility for administering Government programs being delegated to regional offices rather than being centralized in Washington, D.C.	66.44	18.00	15.56
5. Social security: Do you favor automatic social security increases based on the cost of living index?	86.54	8.78	4.68
6. Government reorganization: Do you favor President Nixon's proposal to reorganize the executive branch by reducing the 12 Cabinet departments to 8?	64.28	14.34	21.38
7. Drugs: What action should the Federal Government take in connection with possession and use of marihuana?			
(a) Legalize it and therefore eliminate present penalties	18.92		
(b) Reduce present penalties		24.06	
(c) Retain present penalties	16.62		
(d) Increase present penalties		36.72	3.68

REGARDING FOREIGN ISSUES

8. Middle East: In the Arab-Israeli controversy, which of the following do you favor?			
(a) Reduction of U.S. assistance to Israel	6.54		
(b) Increase of U.S. military assistance to Israel		21.66	
(c) A neutral position concerning both Israel and the Arab bloc	36.26		
(d) U.S. policy based on the goal of reducing U.S.S.R. intrusion in the Middle East		31.06	4.48
9. Vietnam: What is the best U.S. policy for Vietnam:			
(a) Increased military effort to achieve a military victory	5.36		
(b) The President's policy of withdrawing U.S. combat troops by stages while strengthening the South Vietnamese to assume responsibility for their own security		52.52	
(c) Withdraw all U.S. troops immediately	22.80		
(d) Publicly setting an absolute date for withdrawal, in spite of events		15.70	3.62
10. Red China: Which policy do you favor:			
(a) Not admitting Red China to the U.N.	15.88		
(b) Admitting Red China to the U.N. instead of Nationalist China		6.74	
(c) Admitting Red China to the U.N. in addition to Nationalist China	58.44		
(d) Opening diplomatic and trade relations with Red China without recognizing them formally		14.04	4.90

THE PREVENTION OF WAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SCHMITZ. Mr. Speaker, the prevention of war is the subject covered in the last chapter of an excellent new book entitled "The Strategy of Technology: Winning the Decisive War," written by Dr. Stefan T. Possony and Dr. J. E. Pournelle.

In this chapter the authors deal with the nature of modern strategic war, the effect of high and low nuclear force levels on stability, and the possibility of achieving a realistic degree of security through arms control agreements.

The authors contend that two-sided arms races have a stabilizing effect in the nuclear era. At high levels of mutual armament the possibility of gain through utilization of these weapons decreases. Failure of a status quo power like the United States to engage in the arms competition is highly destabilizing. By failing to compete the possibility of war comes closer as calculations of successful war tempt Soviet planners.

The failure to understand this concept of stability and act accordingly, has been one of the factors which has led us into the increasingly dangerous and unstable situation we face today.

Another interesting concept of stability concerned with a specific weapon, equally overlooked and equally important, was made in a recent Library of Congress publication entitled "Projected Strategic Weapons Systems" by Edmund Gannon. Talking about the concept of MIRV Mr. Gannon points out that:

> In the past, neither the Soviet Union nor the United States has been able to predict in absolute terms the military strength of the other; this fact has generated a degree of uncertainty. It is possible that this uncertainty itself may have contributed to deterrence in the sense that neither side could be certain that a first strike could succeed and, secondarily, that a given course of rash action might not constitute a nuclear *casus belli*. If this should be the case, then the introduction of MIRV could prove to be a stabilizing factor rather than a destabilizing one.

MIRVing as it decreases the probability of Soviet calculation of successful attack through introducing the element of uncertainty is stabilizing when carried out with a numerically inferior force

such as that possessed by the United States.

Although MIRV at this point does have a real and valuable stabilizing effect this stability is limited in time while vigorous across the board arms competition has a stabilizing effect over an indefinite period. This is because quantitative and qualitative increases in the Soviet strategic forces can overcome increasing the number of warheads in a numerically static force. Eventually the deterrent effect produced by MIRVing becomes nil and quantitative increases in the number of nuclear delivery vehicles, as opposed to warheads, becomes necessary—assuming no radical breakthrough in anti-ballistic-missile systems.

Anti-ballistic-missile systems such as Safeguard, of course, add to stability as they help assure the survivability of our smaller strategic offensive force and introduce further uncertainty into Soviet calculations of possible successful attack. This short essay which follows is highly recommended for all those who are interested in understanding some of the factors which combine to prevent war in the modern era.

The article follows:

THE PREVENTION OF WAR

WHY WARS ARE NOT FOUGHT

The primary stated objective of the United States is to preserve the state we call peace. The Strategic Air Command, which controls more power than all other military organizations throughout history, has as its motto, "Peace Is Our Profession." Our diplomatic machinery is geared to negotiations for peace, and our alliances are defensive. If intentions alone would produce peace, we would have it.

Our pursuit of peace is complicated by two important factors. The first of these is confusion about the meaning of peace. In legal terms we are at peace whenever the Congress has not declared war. Yet we can be actively engaged in a shooting war, and as this book has shown, the Technological War goes on, without regard to legal niceties, as a permanent conflict.

Many of our international legal institutions were conceived and solidified at a time when there was a far greater distinction, even a chasm, between peace and war. In those nearly-forgotten times, when nations went to war they acquired "rights of belligerency," which they could invoke against other nations. Perhaps today there should be some recognition of the rights of cold-war belligerency and the Technological War. If laws ignore the real situations in which people live and reflect fictitious assumptions, the legal order is decaying and society becomes vulnerable. The point is not to curtail rights, freedom, and democracy, but to keep them working during critical times and to provide a reasonable legal basis for the requirements of security.

The other impediments to the achievement of peace is the paradox known since Roman times: "If you would have peace, prepare thou then for war." The unprepared rich nation without armed allies has never survived for long. Wealthy nations have ever been forced to depend on their readiness for war to preserve peace and survival. Yet history seems to indicate that the greater the state of armaments acquired, the greater the chance for war; and consequently many well-meaning people in the contemporary United States believe that the surest road to peace in the nuclear era is arms limitations which may hopefully lead to disarmament.

This misconception stems from an insufficient appreciation of the modern era. The nuclear weapon has changed the nature of warfare by providing the defensive power with a capability to deny victory to the aggressor, even if the aggressor has successfully destroyed all but a small fraction of the defender's military forces. Unlike conventional weapons, nuclear weapons do not increase the chances of war as both sides acquire them.

This is so because mutual increases in the nuclear power available to the superpowers do not cause mutual increases in their expectations of victory. In fact, the opposite is true. All but madmen recognize that as mutual capability for destruction increases, the possibility of gain through initiating that destruction becomes smaller. Whatever the effect of arms races in conventional weaponry, two-sided arms races in the nuclear era have a stabilizing effect in so far as the outbreak of total war is concerned.[1]

Wars are fought because decision makers conclude that they will be better off after the war than they would be if they did not engage in them. This has been true whenever rational decision processes have governed the war decision.[2] The calculation of success is not a matter of objective reality only, but is in large measure a process in the mind of a strategist controlling military power. It is not sufficient merely to be sure that no one can win against you; all those who might attack must be convinced of it as well. In addition, the definition of win may be different for a potential aggressor than for a popularly-elected chief of state; and it is necessarily different for one aggressor fighting for nationalism or nationalist imperialism than for another aggressor who fights for international communism or Communist imperialism.

The calculation of chances of success is spoiled by uncertainty; indeed, uncertainty about the outcome of a war is a powerful deterrent in the absence of clear indication of the enemy's power. When both sides are engaged in nuclear arms research and deployment, neither will be very certain that he has won the Technological War and can engage in nuclear strikes or blackmail. It is when one side drops out of the race, giving the other a clear shot at technological supremacy, that a strategist can begin to plan on terminating the contest by a nuclear strike.

Deciding on war is also a matter of will, which is essentially willingness to take risks and troubles. Virtually always, the will factors are vastly different for the two parties engaged in conflict. Circumstances that would cause one to initiate a war might not tempt the other. Dictatorial regimes are notoriously generous with human lives; democratic governments fear casualties and usually fight only, and frequently belatedly, to preserve their own security. The will factors change when political systems are on the rise or decline. A dictatorship, for example, its optimistic early in its youth—it may combine determination with caution, or it may be exuberant. But it reacts differently when it is senescent: It then has the rationality of despair, and it may prefer a last chance through war, and even defeat on the battlefield to ignominious overthrow. World War I would hardly have occurred if Russia, Austria-Hungary; the Ottoman Empire, and China had not been decaying. There will be decaying regimes in the future. In particular, the Communist dictatorships won't last, but the period of their departure will be difficult and dangerous, and the rationality of their last leaders may be influenced less by probabilities of success in a nuclear contest, than by considerations of last chance stratagems, envy, revenge, and pure hatred. There is no such thing as equal rationality for all.

Calculation of military results, then, is only a part of the decision to go to war. Strategy serves as a tool for the political decision maker, and the calculation of military success sets the probable price in blood and treasure that must be paid in war. The political objectives are the factors that determine what price a government is willing to pay; and these objectives are not set in absolute terms. If world domination is the objective, then no price is too high provided that the rulers of the aggressor nation will survive and remain in control and all other countries will be reduced to impotence. Conversely, if the probable result of the war will be the overthrow of the ruling structure, no victory, no matter how cheap in lives and property, is worth the winning.

The calculation of political objectives, and the disparity of objectives between the major powers of the present world, are the primary factors in the decision to begin wars. However, they have received less attention than mathematical calculation of military factors, which has become prevalent. It is supposed by many that even if the political objectives of the U.S.S.R. can never be understood with certainty, at least the military calculations on which they must base their decisions can be replicated with some assurance. This assumption needs to be examined in some detail.

THE NATURE OF STRATEGIC DECISIONS

Military calculations must take into account numerous objective factors such as force levels, weapons performance, defense systems, and the like. A strategist's advice will thus be based in part on his predictions of the material factors of battle. Success in war, however, is dependent on the competence of generals and commanders as well as on their equipment. Bad generals can lose wars even though they have the best armies, as witness the performance of the "finest army in Europe" (that of France in 1940), while good generalship can more than make up for numerical and even technical inferiority. The strategist calculates his chances of success on the basis not of statistics but of an operational plan.

His plan must take into account the quantitative factors, but it will also seek to create and exploit opportunities. War is a matter of will as well as equipment, and paralysis of the enemy's will through surprise is one of the most successful of all techniques. In war, there are real uncertainties as well as statistical probabilities. Many factors can never be quantified. The strategist is dealing with the enemy's creative forces, and will counter them with his own. The calculation of destruction by means of slide rule and computer can only be a part of this process.

If this appears vague and uncertain to those more used to scientific calculation, it is because war is uncertain. War is after all an operation primarily against the will of the opponent. In some few cases, of course, the opponent is so reduced in capability that his will is no longer an important factor, but most wars have ended long before the loser's capability to damage the victor was destroyed. The great losses have occurred after surrender, in pursuit or by deliberate execution of prisoners, rather than before the decisive moment of battle. But once a

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[1] A complete study of the concept of strategic stability, including an analysis of arms races in the nuclear era, will be found in Pournelle, *Stability and National Security*, a policy-planning study prepared for Headquarters, U.S. Air Force, Directorate of Doctrines, Concepts, and Objectives, contract F 44620–67–C. Pepperdine Research Institute document D1–1004, 1968.

[2] This was true of the German's war decision on entry into World War I. The defection of Rumania from the alliance, the growing power of Russia, and the enlargement of the French army, as well as the accelerated decay of Austria-Hungary, Germany's ally, caused Berlin to conclude that Germany must strike before the Entente reached its full military development and attacked at a moment of optimal power.

combatant has lost the will to fight, his means are unimportant; and often this failure of will has been caused by surprise, by the opponent doing the unthinkable, and by so doing producing overwhelming paralysis.

It is generalship, not a calculus of forces, that decides the outcome of wars. A good general identifies opportunities to paralyze the will of his opponent and exploits them. Indeed, a good strategist creates such opportunities. Generalship operates against the enemy's forces as well, of course, but even then the war is primarily against the will. When the enemy ceases to fight, the war is over, no matter that the vanquished may actually be stronger than the victor—as Darius was at Arbela. Success in war is above all dependent on generalship; it is not that objective factors such as force relationships do not count, but that generalship is far more significant. And generalship means optimal utilization of available strengths and out-thinking the enemy. Bad generalship is a repeat performance, whereas good generalship is an act of creation, hence unpredictable by either side.

Historical experience is explicit on the crucial impact on generalship: a bad general can lose despite superiority in material force and a good general can win despite considerable inferiority. Given reasonable means, and sufficient strike and reserve forces, so that the aggressive side would not be crushed even if mistakes were committed, the aggressor will calculate his chances of success not on the basis of statistics, but an operational plan, as we have pointed out. If he is a sound planner, his plan will take into account all the qualitative factors, but go beyond them to employ surprise in all elements such as strategy, technology, tactics, training, direction, concentration, and phasing. If the would-be aggressor estimates that the defender will be unable to anticipate his plan and will not have ready countersurprise operations to upset the implementation of the operational plan, he will conclude that his chances of success are high.

It is very important to understand that in these matters the calculus of generalship is far more important than the calculus of force relations. A homely example would be an investor who plays the stock market through mutual funds and thus essentially benefits by or losses from the overall movements of the market. Such an investor can calculate his probable successes on the basis of curves depicting the performance of the market in the past. However, the most successful investors operate both with and against the market. In like manner, a good strategist can identify special situations or opportunities and work out a scheme to take advantage of the openings. Naturally, in a war where there are many opportunities there are only a few that hold great promise of massive success, even if they are exploited with the greatest skill. Furthermore, good opportunities may be fleeting and there may not be enough time to exploit them properly. On the other hand, the strategist who possesses large resources, like the market operator controlling large funds, can create suitable opportunities.

These observations apply to both the offensive and the defensive strategist. Success always depends on more than the resources in hand. It results from a clear knowledge of the objectives to be gained by the particular strategy and from seizing the initiative in carrying out the strategy.

Whether planning aggression or defense against aggression, the strategist must calculate the results of the clashes of forces. He must always remember that he is dealing with human action, the essence of which is creativity. As a consequence, he knows he is grappling with uncertainties, with the basic uncertainties that result from the creativeness of the adversary.

OFFENSE AND DEFENSE

In this interplay of creativities, the aggressor has certain advantages that come from his position. The decision to attack is his. Thus, he knows when hostilities will begin. The defender cannot have this certainty. Every moment can be the moment of the attack. To heighten the effects of his blow, the attacker strives for surprise in as many elements of his strategy as possible. One of the problems of the defender is to prevent his being the surprised.[3] This increases his needs for information about the intent of the enemy and requires him to expend resources on being constantly ready.

The attacker can build his plan for aggression around the availability of a decisive weapon. This can take the form of a technical surprise for the defender, but it need not. If the aggressor calculates that the defender cannot counter his new advance in time, he can make his decision on the basis of this crucial superiority.

In the present age of total conflict, the aggressor can manipulate the many facets of his strategy to produce a wide variety of threats and opportunities. Political warfare, economic warfare, propaganda, the struggle for technological supremacy, diplomatic maneuverings, subversion, and military operations, taken together or individually, give the aggressor many opportunities. The defender, for his part, must provide a total defense against all these forms of conflict. Most important, he must avoid being second in technical advances that can lead to a decisive military advantage.

The defensive strategist is not without advantages on his side, provided that he does not passively wait for the blow. He can take initiatives to gain and maintain a position of superiority in the various forms of conflict. By having such superiority, he prevents the aggressor from findng the moment for the attack. The defender can plan and execute his own surprises against the would-be aggressor. The combination of initiative and surprise on the part of the defensive strategist produces the creative uncertainty that negates the advantages of the attacker. It is a military truism that strategic offensive and tactical defensive is often a superior position. Sun Tzu says, "Take what the enemy holds dear and await attack."

It is axiomatic that the objectives of the attacker and defender are asymmetric. Thus, the initiatives they take and the advances they make need not and probably should not be of the same kind. They should be chosen for their potential ability to reach the objectives of the strategy.

THE MODERN STRATEGIC WAR

The strategy of the United States, and indeed free world strategy, is defensive. We seek no political, economic, or territorial aggrandizement. We do seek to prevent war. These objectives are clearly in direct opposition to those of the Communist bloc. They seek world domination. They create opportunities to use warfare to attain it.

We should recognize clearly that our defensive strategy must include initiatives and surprises. Ours need not be a reactive strategy. In fact, the struggle for technological supremacy make a reactive strategy a most dangerous one. Waiting for clear indications of Soviet initiatives can prevent us from acting in time. We must be constantly on the initiative to anticipate their moves and to create situations to which they must react.

In the past, we used technology to overcome the advantages of the Soviets both in the resources they control and in the initiatives we conceded them. We succeeded in negating their quantitative superiority by the qualitative advantages we acquired through a superior technology.

The circumstances today are radically different. The Soviets have challenged us in technology. They have enlarged the spectrum of conflict, taking advantage of the inevitable new struggle, the Technological War. No longer are we free to follow an independent course in implementing our strategy. We must meet the technological threat as well as the threats in other forms of conflict.

This form of warfare has become crucial. A technical advance can lead to a decisive military advantage. It is not enough for us to continue past approaches to our total strategy. The strategist must recast his thinking if he is to make his defensive strategy effective. He must find avenues for the initiative in technology. He must prevent the would-be aggressor from attaining a clear advantage in any aspect of technology that could be translated into a decisive military advantage.

Broader horizons are needed in another aspect of the problem of the defensive strategist. Planning methodology and decision processes reflect the past situation. They are no longer adequate. The time has come to break the shackles of science on planning methodology. We need to rehumanize planning and strategy. This process will have a direct impact on decision making. Decision makers can no longer find refuge in the alleged certainties and probabilities that past planning provided them. We are now in an era of creative, dynamic uncertainty. We must have a strong defensive position. But we must also create strategic diversions, feints, deceptions, and surprises.

Only in this way can the defensive strategist ensure that the attacker will choose not to strike. A viable strategy poses insurmountable problems for the aggressor. The nature of some of these problems is illustrated by the following discussion of possible situations.

THE EFFECT OF NUCLEAR WEAPONS

Nuclear weapons have not changed the nature of strategy; however, they have introduced new complications, just as they have introduced new opportunities. The major new opportunity is that the strategist, once he decides to strike, can apply far more power, over larger areas, than could any of his predecessors who fought with low-energy weapon systems. The main new complication is that the defender, even though deprived of a large portion of his initial strength in the course of the first battle, would still retain enormous firepower to hurt the attacker far more dangerously than it was ever before possible for a defensive force to do. This residual force can be used against the attacker's population, industry, urban areas, government control centers, and armed forces, provided that the defender's will to use it has not failed. The scope of war has grown to include entire populations, not merely military forces.

Also, it is easily conceivable that under some circumstances the attacker, although he may defeat the defender, may achieve only Pyrrhic victory. Or, even if he achieves an unqualified victory, he would not enjoy the fruits because he has paid an excessive price. In fact, he may have lost his country to the blows that his defeated adversary was still able to inflict. Nuclear weapons have not worked totally to the advantage of the attacker.

It would be a grave mistake to assume that this particular strategic problem is new. Even if it were new, the significant aspect is whether the danger of devastating retaliation would prevent war. To put it in different terms, the question is whether such a hazard would prevent the aggressive strategist from planning for war in a rational manner. Obviously a great deal of the strategist's mental effort must be devoted to

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[3] See Chapter 5 on Surprise; the surprised need not be the defender.

the security of the aggressor's homeland. If the defender can be induced to leave his weapons unused, the aggressor can still achieve decisive victory.

In order to prevent aggression, the defender must seek safety in strength. He must seek superior technology, modern weapons that can survive attack, and engage actively in the Technological War. He cannot rely on agreements, planned weaknesses, or minimum strength.

In the last analysis, superior strength remains the most reliable insurance for survival of the defender. The strategist of the superior power has some chance of predicting what his enemy might do; the strategist of a greatly inferior power can only hope. A defensive strategy aiming at superiority in power offers the only dependable hedge against errors in planning.

FORCE LEVELS IN THE NUCLEAR ERA

It is clear that as the armaments race takes place on high force levels the aggressor will be hard-put to achieve decisive superiority. The conclusion to draw from this is that relatively low levels of nuclear power are a chief prerequisite for nuclear attack. This is especially true in a period when cities have not been fully dispersed and populations cannot be effectively protected against fall-out. Low levels of forces in being are more of a danger to the United States than high levels—fears of genocide and the arms race notwithstanding. This is an important finding, which casts a very disturbing light on the recent history of U.S. armaments and armament negotiations.

Of the two belligerents, the one who is able to continue the war beyond the initial strike will have an enormous advantage because the side that does not have this capability will cave in morally and will be unable to reconstitute its force. Such a capability can only be provided by vigorous pursuit of technology, including the design and the deployment of weapons.

The survival force is one key to security. As long as we have secure weapon systems that can ride out the initial and follow-on strikes, we will have the decisive advantage. The in-being power that is still effective after the battles are over will determine the final outcome.[4]

Our defensive strategy requires us to have such a survival force. Hardening, dispersal, mobility, and concealment contribute to survival, but they are supporting strategic themes. The single most important element of our defensive strategy is to have in being a clear superiority in effective and reliable numbers. This is the one factor in the strategic equation that is most likely understood and the one the enemy is least likely to misunderstand. Numerical superiority on our side is necessary to convince the aggressor not to strike.

A would-be aggressor, if he were to act rationally, would realize that he cannot cope with high force levels. Therefore, he must make an attempt to bring forces down to a level where he can fight nuclear war—especially if through clandestine armaments of his own he achieves an enormous superiority. It is clear that the aggressors is not particularly perturbed by high force levels of his own, let alone by relative superiority, but is disturbed by a high force level owned by the defender. His problem, therefore, is to achieve a substantial quantitative superiority. To achieve his goal he must persuade the defenders to be content with moderate strength.

Another reason why the aggressor needs the low level of forces is that decisive increments in strength are difficult to conceal if they have to be produced within the framework of high force levels. This means that psycho-political strategy is an integral part of nuclear strategy, first to achieve some sort of reduction of armament levels, then to provide a cover to conceal the aggressor's armaments and third, to facilitate nuclear blackmail and prevent retaliation.

SECURITY THROUGH ARMS CONTROL

The unending process of armaments has often been criticized as the greatest waste of which mankind is guilty. It is true that if both sides stay in the race and run well the world situation will remain stable and no war will occur; the weapons will then be thought wasted. The argument is that if both sides agree not to engage in such races, peace would be preserved effectively and at far less cost.

However, we have already seen that by lowering the levels of destruction war would bring, reductions in arms make war thinkable and more therefore likely. This, it would seem, is one major argument against arms control and disarmament. However, it is hardly the only such argument.

Since technology is dynamic, no one can agree to stand still. Force relationship change in the course of armament cycles despite the best planning possible. Sudden accretions of military power can come to a side not even expecting them. New technologies create new power.

It is true that the tempo of this eternal race can be accelerated or slowed. Aside from the technological factors that often determine this tempo, the speed of the process is largely set by political factors, including strategic intentions. If no disturber power is at work, the tempo will slacken almost automatically. If there is a disturber power, explicit or tacit slow-down agreements are at best highly unreliable and temporary. The side that takes the risk of slowing down unilaterally will soon be punished.

The history of disarmament agreements teaches an explicit lesson: international promissory treaties are almost invariably broken and are therefore an utterly undependable instrument of national security.[5]

The fundamental reason for the defender to stay in this expensive race, and to run hard in it, is to stay alive and not allow the would-be attacker to achieve such an advantage that he might be inclined to break the peace and impose his will on the naive and gullible defender.

So long as the defender must stay in the arms competition, he does not really have the option of running a selective race. He cannot leave open any geographical or technological flanks, or the opponent will take advantage of his opportunities. Thus, the United States does not really have the free choice of saying that it will stop communism in Europe and defend the East Coast, but ignore Communist advances in Asia. Nor can it say that it will maintain offensive nuclear weapons but not acquire defensive ones, or that it will try to be strong in inner space but will assume that outer space is of no military relevance. Least of all can the United States entrust its security to so-called disarmament treaties, not because it must necessarily and always presuppose bad faith on the part of other nations (although sometimes it must make precisely such an assumption of bad faith), but for the far more elementary reasons that (a) reliable inspection of disarmament agreements is unfeasible, (b) that enforcement against treaty violations requires war, and (c) that disarmament agreements apply to weapons already in existence, but will be speedily outdated and be rendered irrelevant by new weapons, the characteristics of which were unknown at the time the treaty was written.

SECURITY IN THE MODERN ERA

As we have seen, security cannot be guaranteed by Soviet intentions; not only do Soviet theorists predict inevitable victory by the U.S.S.R., and Soviet generals hasten to install the latest weapons, but, even were we convinced that the U.S.S.R. is ruled by men who have lost their aggressive drives, there is no guarantee that a new Stalin will not take power.

Security cannot be guaranteed by passive measures. The most modern force purchased at enormous cost will become obsolete in only a few years. Security cannot be guaranteed by agreements to halt the Technological War; the stream of technology moves on without regard for our intentions. The only way to guarantee security is to engage in the Technological War with the intention of winning it. It is as true today as in Roman times that "If you would have peace, prepare thou then for war."

Regardless of the enormous effects of modern weapons, organized brainpower remains the strongest and ultimately decisive factor. The experience of Vietnam, the test ban, and the Sputnik have shown that we do not excel in that department. It is not that we lack intelligent people but that we lack an effective organization through which we can optimize our brainpower and collective memory. On the contrary, the more we have overorganized, the more we reduced brainpower and the more we forgot. Secretary McNamara even organized strategic amnesia.

We must decide to engage in the Technological War, and we must create the planning staff to guide us in this decisive conflict. To do anything short of this is to risk national suicide. At the same time, we must preserve the values that make our society worth defending; we cannot contemplate ending the Technological War by destroying our enemies without warning. Our goal is the indefinite preservation of peace and order, and our hope is that in such an environment the root causes of conflict will slowly wither.

The era of Technological War has not ended conflict, and that millennium may never come. Technological War does, however, have the advantage of being relatively peaceful, so long as the stabilizer powers remain strong. Despite the greatest threat Western civilization has ever known, since 1945 the amount of blood shed to preserve the peace has been quite small—smaller than that shed on the highways. The Technological War can be kept silent and apparently peaceful so long as we continue to engage in it successfully.

Despite fashionable rhetoric, history shows that American supremacy brings relative peace and stability to the world; where the U.S.S.R. has enjoyed local superiority the results have been quite different. American success in the Technological War is the primary prerequisite for the preservation of world peace.

[4] The force must be deployed and tested; survivability by assumption is insufficient.

[5] For details on the efficacy of 1,000-odd treaties, see Lawrence W. Beilenson, *The Treaty Trap* (Washington: Public Affairs Press, 1969).

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

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

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

How long?

PANAMA CANAL BELONGS TO THE UNITED STATES, RARICK TESTIFIES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RARICK. Mr. Speaker, since becoming a Member of the Congress in 1967, I have addressed this body on many vital subjects but none of them short of nuclear attack on our country is of graver consequence than the Panama Canal enterprise of which the Canal Zone is an indispensable part, necessary for its efficient operation and protection.

In connection with the current negotiations that aim to cede U.S. sovereignty over the Canal Zone to Panama, the people of our country, as shown by letters from all over the United States, strongly oppose any surrender at Panama. In this instinctive reaction, they are far ahead of the executive branch of their Government in recognizing the realities of the situation at Panama.

In hearings on September 22 before the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs, I testified in support of House Resolution 540, and strongly opposed the present scheme of the State Department to give away this priceless territorial possession of the United States.

I insert the indicated statement as part of my remarks:

STATEMENT OF JOHN R. RARICK BEFORE THE SUBCOMMITTEE ON INTER-AMERICAN AFFAIRS, COMMITTEE ON FOREIGN AFFAIRS, SEPTEMBER 22, 1971

Mr. Chairman, members of the Committee, I appear this afternoon as a cosponsor of H. Res. 540, H. Res. 185, and other related bills to urge this Committee to maintain U.S. sovereignty over the Panama Canal Zone.

More than half a century ago, the Russian revolutionist, Nikolai Lenin, recognizing the Caribbean Sea as the Mediterranean of the Americas, selected that strategic region to be transformed into a Red lake. Theorizing that if Cuba, Guatemala, and Panama could be taken, he felt that the area would fall, separating the two Americas. In fact, one of the important matters discussed by the Reds in 1917, as noted by John Reed, notorious Harvard Communist and writer who covered the November Revolution, was internationalization of the Panama Canal (John Reed, *Ten Days That Shook the World,* Modern Library, 1935, p. 235).

The major tragedies resulting from World War II were the enslavement by Red power of the peoples of Eastern Europe and Mainland China, which made the continued control of the Suez and Panama Canals by Western powers more necessary than ever.

As has been repeatedly emphasized by my most able and scholarly colleague from Pennsylvania, Mr. Flood, whose contributions on isthmian canal policy questions over many years, what happens at one of these interoceanic canals has its influence in the other (H. Doc. 474, 89th Congress).

In July 1954, Great Britain arrived at an argument with Egypt for a phased-out evacuation of British Forces from the Suez Canal Zone over a period of 20 months. This withdrawal had quick consequences. On July 26, 1956, the Egyptian Government nationalized the Suez Canal, creating a world crisis. Panamanian demagogs thereupon started thinking along similar lines and sent emissaries to Egypt to find out how to do likewise at Panama. Egypt thus sent agents to the Isthmus.

Though the attempted Communist takeover of Guatemala in 1954 failed, the pattern of infiltration and subversion of the international Communist conspiracy by early 1957 had reached alarming proportions. In 1959, Castro revolutionaries, encouraged by the *New York Times* and like opinion distorters, aided by suspect elements in the U.S. Department of State, succeeded in overthrowing the Cuban Government and in establishing a Red dictatorship over that strategically located island, which covers the Atlantic approaches to the Panama Canal and now serves as a base of operations against constitutional governments in other Latin American countries.

Two such State Department personnel, who have been identified as aiding Castro in the Communist seizure of Cuba by dereliction of duty through suppression of facts, are William Arthur Wieland and Roy Richard Rubottom, Jr. Both are now retired on full pension.

Wieland in 1959 was in charge of the Caribbean American desk at the Department of State. He blocked incoming reports revealing Castro's communist involvements.

Rubottom in 1959 served as Assistant Secretary of State for Inter-American Affairs. He had previously been assigned to the U.S. Embassy in Bogota, Colombia when Castro was arrested during Communist riots in that country and denounced as a Communist agent—facts which he failed to report. He is now Vice President of Southern Methodist University.

Having weakened the jurisdiction structure of the Panama Canal by compromises to Panama in the 1936 and 1955 treaties, our government faced a series of incursions into the Canal Zone by Panamanian radicals but did not take prompt measures to apprehend the perpetrator. Encouraged by the ill-advised display of the Panamanian flag in the Canal Zone in 1960, against the overwhelming opposition of the House and the intent of the law, the Isthmian situation culminated on January 9–12, 1964, in highly organized mob assaults on the Canal Zone that had to be repulsed by our Army in the Isthmus. This operation was not a commitment of our Armed Forces against Panamanian invaders, as recently stated in a Department of State memorandum, but an assault of Red-led mobs on our soldiers in the Canal Zone who had no other recourse than to defend themselves.

The January 1964 attack on the Canal Zone was not an ordinary riot but a carefully planned invasion facilitated by the Panamanian Government which ordered its own National Guard to remain in its barracks. The disorders were aimed at forcing the United States to agree to renegotiate the 1903 Treaty that granted full sovereign rights, power, and authority over the Canal Zone to the United States. In this sanguinary operation, Panama was successful for the President of the United States on the advice of appeasement from State Department officials supinely agreed to renegotiate. When the texts of the resulting treaties were published in 1967, after completion of prolonged negotiations, an aroused American people protested so strongly that they were never signed.

Now Panamanian and United States negotiators are trying to arrive at a new set of treaties that, among other benefits, will cede sovereignty over the Canal Zone to Panama and provide for the operation of the Canal by a bi-national authority. The same man—Robert B. Anderson, New York banker and former Secretary of the Treasury—who headed our negotiating team for the discredited 1967 treaties, is again our chief negotiator for the present negotiations. In fact it is the same bankrupt policies of the Johnson Administration now being carried forward by the Nixon Administration.

To say the least, the naivete reflected by such actions by our government is beyond comprehension and raises the question, "Who are the people conducting our Canal Zone policy and whom are they representing?" If we should surrender or relax our exclusive control over the Panama Canal and the Canal Zone, Soviet power will step in the resulting vacuum, giving that tyrannical system control over the world canal routes—Suez and Panama.

At this point, Mr. Chairman, I would emphasize the striking parallels between what occurred at the Suez Canal and what is being attempted at Panama. These common factors include such things as the establishment of governments friendly to the U.S.S.R., the giving of economic or military aid, the use of world-wide hostile propaganda against Western powers, the use of terror, and the creation of crises when these powers are heavily involved in distant areas, such as Vietnam or Korea.

Recent changes in the Panamanian Government have placed radicals in key positions, Soviet technicians have arrived in Panama, and its government maintains itself in power by terror and control of the press. One aim of the Panama Canal Revolutionary Government is to end the existence of the Canal Zone because it has given asylum to political refugees from its terror. In the event of a countercoup in Panama, which could occur at anytime, I would predict that General Torrijos—the Castro of Panama—would be among the first to seek sanctuary in the Zone, not withstanding his present effort to do away with that haven of refuge against assassination.

Under Secretary of State for Inter-American Affairs, Charles Meyer, is credited with saying that the time of United States military intervention into other countries is past, even in the most serious circumstances. Not even a communist takeover of a country would change the U.S. attitude, Meyer is reported to have said in the El Panama America newspaper of July 23, 1971. He added that if the communists should cut off Venezuelan oil shipments, or if the Santo Domingo incidents should be repeated, or if communists took over Panama, the U.S. would not intervene. Eight-column headlines at the top of the front page read, "there will be no United States military intervention in Panama States under Secretary Meyer."

The Panama Canal is one of the key strategic points in the world and a focal point for power politics. Because of its importance to the entire free world, under no circumstances should it fall under Soviet domination. The only way to prevent that is for the United States to continue its undiluted control. Surrendering U.S. sovereignty over the Panama Canal Zone makes about as much sense as surrendering sovereignty over Puerto Rico, the Virgin Islands, Alaska, or Hawaii.

For the above, and many other reasons that need not be repeated, I recommend prompt and favorable action by this subcommittee on the pending sovereignty resolutions.

THE NORTHERN IRELAND SITUATION: A REPORT—NO. 5

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. BIAGGI. Mr. Speaker, the British Parliament began debate over the problems in Northern Ireland. This is good;

however, the first course of action should be withdrawal of all British troops and repeal of the Special Powers Act. Then discussions could take place.

The use by the British soldiers of this infamous law, which permits them to arrest and detain any citizen without a specific charge, has been the leading cause of unrest in the province. Its implementation has been directed solely at the Catholic minority and as such represents one of the worst forms of oppression—abuse of the power of the state.

Today, I am including in the RECORD additional reports of these atrocities. As I mentioned yesterday, these reports were taken out of the province by my daughter on her recent visit there. With the censorship of the mails, this information rarely reaches the world public.

The items follow:

STATEMENT NO. 1

On the evening of the 9th August, 1971 Springfield Park was invaded by a Protestant mob, we were driven from our homes and part of the escape route was across an open field between Springfield Park and Moyard. We got across the field helping women and children when shots came from the direction of the Springmartin Estate. We were pinned down in an alcove at the side of Moyard flats in which we had a clear view of the field and the people trying to cross it. A man was crossing the field when he was hit and fell, the next thing I saw was Father Mullan, whom I knew, and a man behind him, one of whom was carrying a piece of white material. Father Mullan reached the man who had been shot and whilst bending over him he (Father Mullan) shouted "I've been hit", he then slumped sideways, he scrambled to his feet before being hit again and this time he fell motionless to the ground, in my opinion the person who shot him knew him to be a clergyman. After this the field was riddled with gunfire and looking in the direction of Springmartin I could clearly see soldiers and whilst I did not see them firing it would have been impossible for anyone else to shoot as the soldiers were in the direct line of fire. This was also witnessed by my son Patrick.

P. MEEHAN.

STATEMENT NO. 2

Ardoyne Relief committee are very deeply concerned by the statements being made by or on behalf of the Army and Police with respect to obtaining statements from witnesses in the Ardoyne area. A statement was made on 23rd August, which, by implication attempted to reflect upon the Committee and a number of voluntary legal advisors assisting the committee in its work.

On Wednesday 18th August, 1971 the Committee was approached by Mr. Lodge on behalf of the Army. He indicated that he would like to set up some centre in Ardoyne to interview residents, and obtain statements with a view to bringing Court proceedings for intimidation etc. The Relief Committee indicated that they would like to assist, but they would have to consider how best to deal with his request, and it was agreed to leave the matter in abeyance for a short while.

Before the Committee had time to deal with the request they were approached again by Mr. Lodge on Thursday 19th August, and, as a result he accepted that no arrangement had yet been made. On Friday 20th August, Mr. Lodge asked if the Relief Committee had considered his request. They asked him to submit to the Committee a letter with full details of their request, indicating the nature of the charges to be dealt with, and also to indicate which Police officers would be present. Whilst this discussion was taking place news arrived that two Police officers were, in fact, in one of the local halls to commence their work. It would appear that no complainants arrived to give statements, as it was not known by the Committee, or anyone else that they were commencing work that morning. Subsequently on Saturday 21st August a statement appeared in the press to the effect that voluntary solicitors had advised the Committee that no statements should be made. A complaint was made immediately to Mr. Lodge about this untrue press release, and Mr. Lodge apologised to the Committee and indicated that he had not been consulted about the press statement and was not aware of its contents until our Committee referred it to him.

Ardoyne Relief committee operates for the purpose of assisting local residents and other refugees who have been dis-possessed. The Relief Committee cannot interfere with any investigations being carried out by the Police or by the Army. It was the intention of our Committee to circularise the residents in the area with the written request the Committee expected to receive from Mr. Lodge, so that each resident in the area could consider the request, and decide whether or not to make a statement to the authorities.

In view of the obvious attempt by the Army and the Police to besmirch our good name, and the names of the voluntary legal advisors assisting us we demand an immediate apology.

S. COONEY, *Secretary.*

THE CONQUEST OF CANCER

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. KYROS. Mr. Speaker, the Washington Post editorial "The Conquest of Cancer," which appeared in the edition of September 23, makes two vitally important points deserving the close attention of all Members of Congress. First, is that the goal sought by all of us in the Congress is the same—a cure for our Nation's most dreaded disease, realized through increased research into its causes and prevention. Second and even more important at this time, is the danger that this goal be lost sight of in political considerations and infighting.

The House Public Health and Environment Subcommittee, chaired by our distinguished and able colleague from Florida (Mr. ROGERS) is now holding extensive hearings on the various cancer bills pending before Congress. Chairman ROGERS' firm determination that the conquest of cancer not be made into a political plaything is to be commended and respected. He has but one goal, which is shared by all of us: That the bill we report provide scientifically the soundest possible means by which the Federal Government might aid in finding a cure for cancer. In the light of that goal, I commend the following editorial to the consideration of my colleagues:

THE CONQUEST OF CANCER

There is no disease that haunts Americans more these days than cancer. Only diseases of the heart rank above it, in all its forms, as the agent of death in this country and it seems to be far more feared than those because of the devastating and prolonged course it often runs. Thus, it is deeply distressing to note once again the monumental and, in our view, unnecessary struggle that is going on about the way in which the federal government should mount a stronger attack against cancer.

Some two months ago, the Senate passed by a vote of 79 to 1 a bill which would give cancer research a high national priority, substantially increase the funds for that research, and establish an independent Conquest of Cancer Agency. The opposition to that bill has grown in intensity in the weeks since and a House subcommittee headed by Rep. Paul Rogers is now trying to sort things out and calm tempers down.

The issue is not what priority and what funds should be given to cancer research. No one, so far as we know, has opposed the actions of the administration in calling for greater efforts and of the Senate with only one dissenting vote is evidence of the national consensus about the need for more cancer research. There is no doubt that other senators would have opposed this bill except for the fear such opposition would have been interpreted by their constituents as opposition to cancer research.

The item of contention in the bill—the item that has deeply divided the medical community—is how these increased funds are to be administered. On one side are many of the scientists who are engaged directly in cancer research; they want to see an independent cancer agency established which will have almost total control over its funds and its projects. On the other side are almost all of the scientists who are engaged in other aspects of biomedical research or in managing research; they see the establishment of such an agency as a fragmenting of research that the country (and, indeed, the search for a cancer cure itself) can ill afford.

For our part, we find the latter view overwhelmingly persuasive. The National Institutes of Health, which now has cancer research as one of its major subdivisions, was created to avoid the situation which the establishment of a Conquest of Cancer Agency would bring about, a situation in which independent agencies compete for dollars and researchers with no one in a position to view and to coordinate the entire field of medical research. The charge, made by proponents of the new cancer agency, that NIH has done a poor job in the past of handling cancer research is, in our judgment, not proven. There is much to suggest that cancer research has reached the point at which it is today because of, not in spite of, NIH. Congress would be wise if it simplified and increased the funding for cancer research through NIH and forgot this business—despite its appealing name—of creating a special conquest-of-cancer agency.

THE RIGHT OF FREEDOM FOR ALL MEN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RODINO. Mr. Speaker, I join with the Bulgarian National Committee and those everywhere dedicated to the right of freedom for all men, in marking the 24th anniversary of the execution of the Bulgarian national hero, Nikola Petov.

No greater tribute can be paid than to reaffirm our commitment to democratic principles—to permit, indeed to encourage, the free expression of man which has enabled him to question, challenge, grow, and prosper.

ROGERS COMMENDS BOOKLET ON X-RAY USE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ROGERS. Mr. Speaker, 3 years ago the Congress passed the Radiation Control Act in response to evidence that a potential danger exists and that we should be doing more to protect the American public in this area.

Standards were established and a closer look into the practice of using this very important device as a diagnostic tool. One of the most encouraging results of this legislation and the inquiry into the area of radiation was the publishing and dissemination of a booklet which gives guidelines on X-ray examinations.

This booklet, titled, "X-ray Examinations: A Guide to Good Practice," was sent to every physician, a medical student, and X-ray technician in the country last July.

I feel that this booklet will be very helpful in passing on very vital information and I commend the Bureau of Radiological Health for this endeavor. I would also like to commend the American College of Radiology for its role in formulating this information and the American Medical Association, the American Osteopathic Association, the American Podiatry Association, the American Veterinary Medical Association, and the American Registry of Radiological Technologists for their help in distributing the booklet to such a widespread population.

This exchange of information and the cooperation between the private sector and the Government is one which I hope will carry over into many other areas. The American public benefits from such a working partnership.

The thrust of the new booklet is upon the medical judgment of the physician who turns to X-ray procedures to complete his diagnosis. The booklet calls attention to guidelines of good practice, outlining circumstances in which X-ray evidence would be potentially helpful and pointing to other situations where X-ray exposures are apt to be unproductive. We learned in the 1964 national X-ray study that about two-thirds of our medical X-rays are administered under the supervision of radiologists. But since these specialists do not make the basic decision to perform their examinations, it was deemed necessary to reach the physicians who undertake the primary care of all of us.

In addition, there is a reasoned discussion of the current understanding of radiation effects upon persons exposed to radiation and upon their descendants.

It is worth noting that the Pan American Health Organization is already preparing a Spanish-language version of this for distribution in Latin America.

It must be recognized that no booklet can solve our problems of radiation exposure. Medical X-rays are only one source and one which can be controlled by the responsible decisions of our physicians. I think this Congress will need to investigate additional legislation in this area and the medical devices bill which I have introduced should go to this. In the meantime, I commend the action of the further distribution of this booklet.

JERRY FINKELSTEIN CALLS FOR AN ALL-OUT WAR ON DRUGS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mrs. ABZUG. Mr. Speaker, the New York Times of Saturday, September 11, carried on its "Op-Ed" page a call to action for a total war on the drug problem. Written by Jerry Finkelstein, who is chairman of the Democratic Party in New York City and publisher of the New York Law Journal, the article suggests the need for a "Manhattan Project" which would commit massive resources and the best minds of our Nation to solving the drug crisis.

I think that the article is a most thoughtful and provocative one. It would provide instructive reading for all Members, and I include it in the RECORD at the conclusion of my remarks:

UNHOOKING ADDICTS

(By Jerry Finkelstein)

An astronaut, back from the moon, displays symptoms of an unknown disease. The disease spreads, killing many and permanently disabling most of those who contract it. What comes next?

Any science fiction fan knows that the President declares a national emergency and appoints a czar with plenary powers to meet the threat.

Men, money and materials would be co-opted.

Red tape would dissolve.

All who could conceivably contribute to solving the problems would do so, willy-nilly.

The Manhattan Project, the New Deal and the space program would be dwarfed by comparison. And the finest minds, backed by the resources and power of our country, would solve the problems. The threat would be overcome.

That is fantasy. But is reality better? We have our own mutating Andromeda Strain in the opiates, barbiturates, amphetamines and hallucinogens. Cocaine has re-emerged and laboratories are inventing synthetics and derivatives faster than they can be outlawed. Instead of infection we have addiction.

Our present Andromeda Strain did not come from the moon or outer space. It comes from the poppy fields of Turkey via the laboratories of Marseilles, the hemp fields of Mexico, the chemical laboratories of great universities and from dozens of other sources. It is spread by human rats and lice rather than more primitive vectors. It does not kill quickly and cleanly nor disable neatly and tidily. It also degrades.

It is unnecessary to dwell on the scope of the drug crisis. Anyone who needs to be convinced that there is a drug epidemic must be a newly trained translator in Peking.

What do we actually have to meet the drug crisis? Piecemeal programs and minuscule financing. Temporizing statements and dangerous panaceas.

The lack of basic research is frightening. We know more about moon rocks than marijuana. Is it dangerous or not? Should we legalize it or class it with the hard drugs? Ironically, the only answer given as to why marijuana and other hallucinogens should not be legalized comes not from science but from history. Only two societies tolerated the widespread use of hallucinogens: the Arabs, which then managed to turn the most fertile part of its world into a desert; and peyote-chewing tribes, whose noblest hour came as their hearts were ripped out as human sacrifices to foreign gods.

As to hard drugs, a current palliative is methadone, which, like heroin, is a derivative of opium. Even as a palliative, this is inadequate; and we must heed the nagging memory that the original use for heroin, as the authority Hindesmith notes, was "as a non-habit-forming substitute for opium or morphine or as a cure for drug addiction."

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace.

The United States has attacked many difficult problems and found solutions through massive injections of money and talent. Drug abuse should be approached in the same manner.

Why haven't the obvious steps been taken?

Cost should be no consideration. The Manhattan Project produced the atomic bomb—and radioactive isotopes are a mainstay of modern medicine.

The space program put men on the moon—and whole industries produce undreamt of products (including advanced prosthetics) as a result.

Can one conceive of the potential by-products of the war on addiction? Wholly apart from the heartbreak tragedies prevented, the crime and corruption uprooted, and the malaise of fear eliminated, we can predict priceless discoveries in biochemistry, psychology and many other fields.

Who would oppose any remotely reasonable steps taken?

Industrialists with billions lost annually from lowered productivity, absenteeism and theft?

Unions with their members fearful for their children?

Farmers with the infection now spreading to the most remote communities?

Churches?

Blacks?

Judges and lawyers?

Physicians?

Shopkeepers?

Liberals?

Conservatives?

Only organized crime would oppose a war on addiction.

How old are your daughters and granddaughters? I have two granddaughters and hope for more. I would revere any man who could wipe out addiction—and so would you.

Polio crippled, but it did not debase. Cancer kills, but it does not degrade.

We honored Drs. Salk and Sabin for conquering polio. A greater mantle awaits the conqueror of cancer.

Why has no one made a name for himself as Mr. Anti-Addiction? Is it because the job of making any serious impact is too great for anyone but the President of the United States?

The President has a unique opportunity. Already, with the freeze, he has established that he has the capacity for taking drastic action, together with the ability to accept ideas from others regardless of party. I pray that he will use his great powers against the common enemy of mankind and start to vanquish addiction now. We can't wait.

NATIONAL LEGAL SERVICES CORPORATION

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. BELL. Mr. Speaker, we shall soon be considering, as part of the Economic Opportunity Act, legislation to establish a National Legal Services Corporation to furnish legal services to the poor free from political interference.

The compromise bill which was approved by the Education and Labor Committee would create an independent yet publicly accountable program to further open our judicial system to all our citizens.

This piece of legislation embodies the very best of proposals submitted by Members of both parties in Congress, by the organized bar, and by the Nixon administration.

It represents the contributions of both conservatives and liberals to create a means of insuring professionalism and independence as well as public accountability of a program which would offer the opportunity to further make the concept of "equal justice under law" a reality for all our people.

As a member of the Education and Labor Committee, I have watched the legal services program expand and mature to become perhaps the most effective Federal program for fighting the injustices of poverty. The program has waged that struggle through one of our most fundamental institutions—the legal system.

Unfortunately, the program has been inhibited from accomplishing the goal of securing access to the legal system for all our citizens. First, the program has from time to time been forced into the political arena for sometimes unwarranted and unfortunate attacks which impair the ethical and professional responsibility of individual attorneys.

Second, the program has received too paltry a sum of public moneys. Last year, when funding reached its highest level, the total expenditure throughout the entire Nation was just $61 million. That figure is just over what we will be spending this year on each C–5A airplane. It is equal to what we were spending a year ago each day-and-a-half of the Indochina war.

Finally, it is a paltry amount when we know that currently only about 20 percent of the need of the poor for legal services is now being met.

It is my hope that the Congress will recognize a fundamental right for all our citizens to have counsel and access to our legal system in civil as well as criminal proceedings.

Mr. Speaker, a distinguished Californian, Mr. Samuel Palmer III, of Los Angeles, has concisely and eloquently expressed the position of the California Bar in favor of the compromise Legal Services Corporation bill which will soon be before the House. In a July–August California State Bar Journal article comparing the provisions of the major legal services bills before our committee, the article indicates the compelling need for this legislation if we are to improve and perfect our system of public order and public law.

The article follows:

FREE FROM POLITICS: A NATIONAL LEGAL SERVICES CORPORATION: THE LEGAL PROFESSION'S RESPONSIBILITY

(By Samuel C. Palmer III)

(Creation of an independent, non-profit national legal services corporation for the poor, embodied in two bills now before Congress, could open a new era in the equal administration of justice.

(In this comparative analysis of the legislation, including the constitutional and ethical implications, the author points out that both bills seek to "insulate" the proposed corporation from "the debilitating stresses and strains of partisan politics.")

Under consideration in Congress are two similar bills calling for the transfer of the legal services programs for the poor from OEO to a new and presumably autonomous independent non-profit national legal services corporation.[1]

The current approach to legal services programs began in 1964 with the funding by the Ford Foundation of several neighborhood law offices on the Eastern Seaboard. In 1965, President Lyndon B. Johnson initiated a "War Against Poverty." In that year the ABA, through its House of Delegates, unanimously endorsed and gave the President's Poverty Program its full support. The use of Federal funds gave the poor access to our court system and has assisted the indigent in breaking the poverty-cycle.[2]

Serious and multiple conflicts arose soon after the legal services programs began, over legal judgments made by line lawyers, with a breadth ranging from Washington to local advisory councils, including the use of the gubernatorial veto.[3] To put it simply, politics had entered the neighborhood law office.

Recognizing these problems, William T. Gossett, president of the ABA, in 1969 suggested to Cabinet officials of the Administration that an independent agency, foundation, or quasi-public corporation might provide the best solution for administering legal services to the poor.[4] Additionally in 1969, president-elect of the ABA, Bernard G. Segal, also urged the establishment of a separate entity for this purpose in testimony before Congress.[5] Perhaps, the most dramatic call for the formation of a non-profit corporation to administer legal services for the poor has come from Jacob D. Fuchsberg, who has suggested that the proposed and pending legislation will be a "legal service Magna Charta for the indigent."[6]

President Nixon, in a statement on May 5, 1971 to the Congress endorsed a transfer of responsibility to a national legal services corporation and stated its major objectives:

"First, the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital party of the American system of justice."[7]

Hence, the President had fully endorsed the notion of a non-profit corporation, and on May 5 Rep. Quie of Minnesota introduced HR 8163. Earlier, and on March 19, Senator Mondale of Minnesota introduced similar legislation. Both bills fell within the general and sensible criteria laid down by the President.

Structurally the major components of both pieces of legislation are similar.[8] Both call for an amendment to the Economic Opportunity Act of 1964, specifically Sections 901–909, inclusive. Technically, the Mondale Bill, S 1305, would add new sections, 910–913, inclusive; whereas the so-called Quie bill would repeal § 222(a)(3) of the Economic Opportunity Act eliminating responsibility of legal services programs which are funded by OEO through Community Action Programs.

Both bills call for the creation of a non-profit, non-membership corporation, incorporated under the District of Columbia Non-profit Corporation Act,[9] which would be autonomous and independent of political control. Additionally, both bills provide that attorneys working for the Corporation under the Act, shall be independent to carry out their professional responsibility.[10] Both bills seek, generally, to insulate the Board of Directors from the debilitating stresses and strains of partisan politics. It is apparent that the Congressional consensus supporting both bills recognizes that politics should play no part in a law office.

I think the real point of departure between the Quie and the Mondale bills is found, in a very general sense, in the way both legislators and their co-sponsors try to come to grips with the problem of authorizing the birth of an entity which potentially could, through class actions, bite the hand that feeds it. Every sensible or responsible lawyer can empathize with this sort of Congressional dilemma.

The first major variance between Mondale and Quie is in the composition of the Board of Directors. Under the Mondale bill, the Board would be composed of nineteen members, five of which would be appointed by the President from the public-at-large, with the advice and consent of the Senate, and one would be appointed by the Chief Justice of the Supreme Court.[11] Seven Board members would come from legal organizations by virtue of their holding the following offices; the president and president-elect of the American Bar Association; the president of the National Legal Aid and Defenders Association; the American Association of Law Schools; the American Trial Lawyers Association; and the National Bar Association.[12] The balance of the Mondale Board would be selected by the Project Attorneys Advisory Council and the Clients Advisory Council, both to be appointed under enabling legislation in the bill.[13]

TWO DEFICIENCIES

From a lawyers viewpoint, there are two deficiencies with the Mondale Board, once the general criteria of independence and competence is accepted. To require legislatively, the Chief Justice to appoint a Board member would be to require him to perform a non-judicial act or function which may be well outside the scope of his Constitutional power.[14] Secondly, I think that to permit three representatives to sit on the Board who are selected by the Project Attorneys Council is to invite potential conflicts of interest, assuming the Project Attorneys Council appoints project attorneys to the Board, who, in turn, administer programs or work funded by the Corporation. This latter problem could be corrected, if the bill provided that no Project Attorneys Council designee was eligible to become a Board member while employed by a grantee of the Corporation.

On the other hand, under the Quie Bill, all eleven members are to be appointed to the Board by the President. A majority of the appointees would be members of the Bar of the Court of a highest jurisdiction and no more than six would be appointed from one political party.[15] The Quie bill does not set down guidelines for a required profile of prospective Board members. Again, accepting the criteria of independence and competence, I think it may be expecting too much of any President to appoint truly independent individuals as Board members of a national law office. A Chief Executive of lesser stature or without legal training might resort to patronage, instead of merit and thereby frustrate what could promise to be a new era in the administration of justice.

Footnotes at end of article.

With respect to the second variance, criminal representation, the Mondale bill is silent; whereas, the Quie bill specifically provides "no funds made available by the corporation . . . may be used (1) to provide legal services with respect to any criminal proceedings (including any extraordinary writs, such as habeas corpus and coram nobis designed to challenge a criminal proceeding)." [16]

This passage can present an ethical problem. Under EC 2–31, an attorney is obligated to complete legal work undertaken for a client.[17] Yet, criminal cases may arise from the same facts and issues underlying a civil action and the client's best interests could well require representation by one attorney in all proceedings. Professionally, it would be difficult, if not impossible, to explain to a welfare client why the attorney representing him in civil matters must abandon him at the jailhouse door, merely because criminal charges have arisen out of a welfare matter, in the context of a welfare indictment.

This ethical problem could be avoided by specifying that priority be given to civil matters, but that the Board be allowed flexibility in criminal matters, consistent with the Canons of Ethics and Ethical Considerations of the Code of Professional Responsibility of the ABA.

With respect to the third major difference, the Mondale Bill is pretty much silent about restraints upon representing clients before legislative bodies and upon activities and client representation which have political import. The only reference found in S 1305, is in § 907(a) which specifies that the "Corporation may not contribute to or support any political party or candidate for elective office." Surely, this is a broad and understandable limitation.

The Quie bill, on the other hand, carefully proscribes activities of attorneys funded through the Corporation from undertaking legislative advocacy and political activities on their own time.

Section 905(a)(6) of the Quie bill provides that legal services attorneys refrain from all representation in the influencing or defeating the passage of any legislation, unless asked by the respective legislative body.

As both the President and the Quie bill affirm, it is the purpose of legal services programs to provide to the poor that access to the legal institutions of this country which men with means may purchase.[18] The law providing legal services to the poor clearly conceives that poverty lawyers have all the rights and responsibilities, as well as the duties and obligations imposed by the Code of Professional Responsibility on all attorneys.

Those Ethical Considerations set forth in the Code hold that "each member of our society is entitled to seek any lawful objective through legally permissible means . . ." [19] and admonish attorneys to "participate in proposing and supporting legislation and programs to improve the system." [20] Furthermore, EC 8–2 states, ". . . if a lawyer believes that the existence or absence of a rule of law, substantive or procedural, causes or contributes to an unjust result, he should endeavor by lawful means to obtain appropriate changes in the law." [21] Effective access to the *entire* legal system must include the ability to influence legislation through advocacy. In the past, legislative advocacy by legal service attorneys have been responsible for beneficial revisions for the disaffected in the areas of housing, education, employment, welfare, health and consumer law.[22] From my Frankfurtian viewpoint, legislative advocacy and legislative change is clearly preferable to juridical legislation. Our courts are sufficiently jammed.

The contention that the expenditure of public funds for legislative advocacy is improper does not make much sense. It has been an historically accepted activity for governmental entities, and publicly funded legislative advocacy for the poor can be no less proper.[23] What is good for the goose must be good for the gander.

Furthermore, the U.S. Supreme Court has consistently held that educational and lobbying activities, as well as litigation, fall within the ambit of freedom of expression and association, protected by the First and Fourteenth Amendments.[24]

Section 905(a)(7) of the Quie bill provides that full-time attorneys employed by legal services programs refrain from "any partisan political activity associated with a candidate for a public or party office or an issue specifically identified with a national or state political party." [25] These restrictions on both the company time and private time of the attorneys in the program would go much further than the constitutional restrictions of the Hatch act.[26]

Furthermore, the language of the bill forbidding association by an attorney, on legal services time, with a candidate for office or *issue identified with a political party, supra,* is so sweeping as to violate the constitutional proscription against vagueness and overbreadth. (See *Thornhill* v. *State of Alabama* (1940) 310 U.S. 88, 60 S.Ct. 736.) Yet, this type of action, which would be perfectly proper, indeed ethically mandated to a private practitioner, would result in disciplinary action if done by a legal services attorney.[27]

Moreover, one does not have to be creative to conceive of a governor whose ox was gored, deliberately making an issue "political," and thereby quashing redress of claims of the poor. Going one step further, legal services lawyers would be precluded from acquainting and advising persons of their legal rights to commence or further prosecute a suit, if the issue were "identified" with a political party. This, of course, clearly, runs counter to *NAACP* v. *Button,*[28] the entire Code of Professional Responsibility and President Nixon's mandate.[29]

Section 904(b)(3) of the Quie bill, which would empower the corporation to "represent the collective interests of the eligible clients . . . before agencies with a view to identifying and resolving issues which might otherwise result in multiple litigaton arising out of the administration of the agencies' programs," introduces a *serious conflict of interest between the Corporation's presumed mission of promoting legal advocacy on behalf of the poor and a new role as negotiator or intervenor before federal agencies to head off or preclude "multiple litigation."* The vagaries of this passage are immense, and suggest a governmental defense of lack of ripeness or estoppel. Further, the section could create a serious problem, in terms of meeting statute of limitation commitments and the timely exercise of rights of appeal.

Finally, Section 904(b)(3), *supra,* raises the distinct possibility of conflict of interest between Corporation and grantee. A corporation which has an operational mission to stop litigation by "identifying and resolving issues which might otherwise result in multiple litigation arising out of the administration of the agencies' programs. . . ." might have a chilling effect on grantees with respect to bringing required litigation.[30] The Corporation should not be placed in such a posture that it must choose between pursuing the joint and conflicting objectives of promoting complete and effective legal advocacy as well as heading off multiple litigation.

ETHICAL PROBLEMS

Even more serious ethical problems are raised by another provision in the Quie proposal, Section 905(a)(8), which directs the Corporation to establish "a system for review of appeals . . . to prevent the taking of frivolous and duplicative appeals." The insertion of a reviewing authority between the attorney and his client with respect to the vital decision of whether an appeal should be filed constitutes just that sort of "erosion" of the lawyer's independent professional judgment which is condemned in the Code of Professional Responsibility.[31] Disciplinary Rule 5–107(b) insists that a lawyer "shall not permit a person who . . . pays him to render legal services for another to direct or regulate his professional judgment in rendering such services" and the Code of Professional Responsibility 5–24 requires that a "lawyer shall not accept employment from . . . a legal aid organization . . . unless the board sets only broad policies and there is no interference in the relationship of the lawyer and the individual client he serves." [32] The system of review specified in the Quie bill denies a legal services client the right guaranteed to him under the Code "to make decisions" which "are binding on his lawyer." [33] Moreover, submission of this kind of fragile issue to a reviewing body almost necessarily will require the attorney to reveal privileged information to third parties in direct contravention of the Code.[34]

The success, independence and professional accountability of the Corporation and its programs hinge ultimately, in my judgment, on the delicate attorney-client relationship, the hushed disclosures by a client about a possible claim or defense, the unfettered ability of a lawyer to determine whether the client has a triable issue of fact or law, and the power to select the forum. This really is the ultimate test and anything that detracts from it should be culled out of the proposed legislation.

Furthermore, I can see a real risk down the road in the development of a "Poverty Establishment." [35] Funding, hiring and firing, I should think must be based upon professionalism and an analytical and low-key evaluation of the needs and claim patterns in a particular locale, and not upon political pressures to fund programs or hire personnel.

Lastly, and perhaps most important, it seems to me that both the Quie and Mondale bills miss a fundamental opportunity. Neither bill, in a public-policy pronouncement, declares by legislation a *right* for each citizen to have counsel in civil proceedings.[36] Considering, in our times, the nature of adversary proceedings, the considerable forces that can be mustered by the well-bankrolled client, including a governmental entity and the inherent complexity of legal proceedings, a bill creating a national legal services corporation requires this sort of commitment, if our profession and Congress are to face squarely their obligations in the equal administration of justice.

Consider Deuteronomy's charge to judges embodied in the Canons of Judicial Ethics of the American Bar Association.[37]

"And I charge you judges at that time, saying

"Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; . . ."

When this charge is read together with Canon 1 and EC 1–1, Code of Professional Responsibility, which provides, "A basic tenet of the professional responsibility of lawyers is that every person in our society should have ready access to the independent professional services of a lawyer of integrity and competence . . ." surely it follows then that congressional policy should give, legislatively, a funded right to counsel to each citizen consistent with our professional responsibilities.

The notion of a constitutional, as opposed to a legislative, right to counsel in civil cases, has been put forward by some persuasive language in cases and in some recent articles.[38]

Consider *Truax v. Corrigan* (1921) 257 U.S.

Footnotes at end of article.

312, 42 S.Ct. 124, in which the Supreme Court stated (pages 334–335):

"All persons should be equally entitled to pursue their happiness and acquire and enjoy property; *that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts;* that no impediment should be interposed to the pursuits of any one except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others in the same calling and condition . . ." (italics added).

More recently, in *Williams* v. *Shaeffer* (1967) 385 U.S. 1037, 87 S. Ct. 772, Justice William O. Douglas, in a dissenting opinion stated (p. 1039):

"We have recognized that the promise of equal justice for all would be an empty phrase for the poor, *if the ability to obtain judicial relief were made to turn on the length of a person's purse.* It is true that these cases have dealt with criminal proceedings. But the Equal Protection Clause of the Fourteenth Amendment is not limited to criminal prosecutions. Its protections extend as well to civil matters." (Italics added)

Jerome J. Shestak probably puts the constitutional right to counsel theory the best, when he states: [39]

"History tells us that a nation's progress to social justice is often painful; it is painful today. Part of our progress must be the realization that access to legal services must be more than an expectation; it must be a right. Learned Hand once observed that if democracy is to survive, it must observe one principal commandment: *Thou Shalt Not Ration Justice.* That commandment is what the right to legal services is all about." (Italics added)

For those in our profession who think either the legislative right or constitutional right to counsel approach accelerate the evolutionary cycle a bit too much, this statement from the National Commission on the Cause and Prevention of Violence in its progress report in January, 1969, should provide food for thought:

"Making legal services widely available to the poor can in fact be an important part of the strategy of public order, for if the disadvantaged have little or no affirmative access to the courts, they may resort to other, more violent solutions of their problems."

The real key, it seems to me, is not so much the particular philosophical bent of each of us who practices law, but rather for each of us, after recognizing the need for counsel for the indigent, to participate as best we can in the congressional debate and dialogue, to the end that a national legal services corporation and the programs implemented under it, will be independent and free from politics, and that the availability, quality, and competence of counsel will no longer be related to the size of a fee. The practice of law, when all is said and done, is quite a reward in itself.

FOOTNOTES

[1] On March 19, 1971, S 1305 was introduced by Senator Mondale, for himself and for Senators Brooke, Cranston, Jackson, Taft, Anderson, Bayh, Harris, Hart, Hughes, Humphrey, Inouye, Magnuson, McGee, McGovern, Moss, Muskie, Nelson, Pearson, Stevenson and Tunney. On March 18, 1971, Representative Meeds and Steiger, together with 23 other Representatives introduced the same legislation in the House of Representatives. HR 8163 was introduced in the House of Representatives by Rep. Quie together with Reps. Ford, Erlenborn, Dellenback and Moss on behalf of the Administration on May 5, 1971.

[2] *Goldberg* v. *Kelly* (1970) 397 U.S. 254, 90 S.Ct. 1011 (hearing is now required before terminating welfare benefits of poor); *Brown* v. *Southall Realty* (1968) 237 A.2d 834 (if there are violations of housing code, the rental contract is illegal and owner cannot now collect rent); *Edwards* v. *Habib* (D.C. Cir. 1968) 397 F.2d 687, *cert. denied* 393 U.S. 1016, 89 S.Ct. 618, (landlord cannot evict tenants for reporting violations of housing code to housing authorities). From some recent unreported poverty cases in California, *see, for example, Blair* v. *Pitchess* (1971) 2d Civil No. 36364, California Supreme Court, (suit to declare unconstitutional California's claim and delivery statute empowering sheriff to repossess property without hearing); *Amezquita* v. *Cal-Roper* (1970) Superior Court, Los Angeles, No. 971 714 (Class action to enjoin consumer fraud in door-to-door water softener sales); *Davis* v. *Kenneth Chevrolet* (1970) Superior Court, Los Angeles, No. 998 821, (suit to challenge the right of a finance company to repossess an automobile without notice and hearing); *Torres* v. *World Savings and Loan* (1970) Los Angeles Superior Court, No. 974 183, (suit to Challenge "late charge" provisions in notes secured by trust deeds on home mortgages); *Ball* v. *Tobeler* (1970) Los Angeles Superior Court, No. 992 182, (suit by low income tenant for speedy repair of hazardous apartments and to permit withholding of rent until the hazards are corrected); *Luna* v. *Housing Authority* (1970) Los Angeles Superior Court, No. 969 666, (suit to enjoin Housing Authority from charging welfare recipients higher rents than persons not on welfare and account for and refund past overcharges); *Charles* v. *Unemployment Compensation Appeals Board* (1970) Los Angeles Superior Court, No. 975 842, (suit to compel payment of unemployment benefits against the Department of Unemployment Compensation after court and referee orders holding the client eligible).

[3] For a comprehensive analysis see "Corporation for Legal Services—a Proposal," a Report of the Committee on Right to Legal Services, Section of Individual Rights and Responsibilities, ABA, January 8, 1971.

[4] Testimony of Edward Wright, President of the ABA, on May 11, 1971 before the Senate Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare.

[5] Testimony of Edward Wright, President of the ABA, on May 11, 1971, before the Senate Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare.

[6] Testimony of Jacob D. Fuchsberg, former President of the American Trial Lawyers Association before Senate Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Manpower on May 11, 1971.

[7] Message to Congress, President Richard M. Nixon, May 5, 1971.

[8] S 1305 and HR 8163.

[9] "District of Columbia Nonprofit Corporation Act," 29 D.C.A. § 1001, *et seq.* District of Columbia Code.

[10] Section (901(4) in S. 1305 and § 905(a) (1) of HR 8163.

[11] Section 904(a) (1) of S 1305.

[12] Section 904(a) (2) of S 1305.

[13] Section 904(a) (3) and § 905(a) and (b) of S 1305.

[14] *See: United Steel Workers* v. *United States* (1959) 361 U.S. 39, 43, 80 S.Ct. 1, 4; *Ullman* v. *United States* (1956) 350 U.S. 422, 426, 434, 76 S.Ct. 497, 499 and 504, *rehearing denied* 351 U.S. 928, 76 S.Ct. 777; *I.C.C.* v. *Brimson* (1894) 154 U.S. 447, 468–469, 14 S.Ct. 1125, 1130.

[15] Section 902(a) of HR 8163.

[16] Section 905(b) (1) of HR 8163.

[17] Canon 2, Ethical Consideration 2–31 Code of Professional Responsibility.

[18] *See:* Message to Congress, May 5, 1971, President Richard M. Nixon and § 901(a) of HR 8163.

[19] Canon 7, EC 7–1, Code of Professional Responsibility.

[20] Canon 8, EC 8–1, Code of Professional Responsibility.

[21] Canon 8, EC 8–2, Code of Professional Responsibility.

[22] *See:* Salsich, Peter W., *Reform Through Legislative Action: The Poor and The Law,* 13 St. Louis Law Journal 373 (1968–1969). *See also:* Pye and Cochran, *Legal Aid—Proposal,* 47 North Carolina Law Review 523 (1969).

[23] Public Agencies Represented by Legislative Advocates, as reported by Report of the Committee on Legislative Representation, Dated February 5, 1969, Published, Senate Journal, February 6, 1969, page 338. Alameda, County of; California Junior College Association; County Supervisors Association of California; East Bay Municipal Utility District; East Bay Regional Park District; Irrigation Districts Association of California; Los Angeles, City of; Los Angeles County, Board of Supervisors; Metropolitan Water District of Southern California; Orange County, Board of Supervisors; Redevelopment Agency of the City of Sacramento; The City of San Diego; San Francisco City and County; Santa Clara County, Board of Supervisors; San Diego County, Board of Supervisors; Southeast Recreation and Park District; City of South Lake Tahoe; City of Vernon; City of Inglewood; City of Seal Beach; County of Sacramento; and League of California Cities.

[24] *NAACP* v. *Button* (1963) 371 U.S. 415, 83 S.Ct. 328, 9 L.Ed.2d 405; *Brotherhood of Railroad Trainmen* v. *Virginia ex rel Virginia State Bar* (1964) 377 U.S. 1, 84 S.Ct. 1113, 12 L.Ed.2d 89; *United Mine Workers of Am., Dist. 12* v. *Illinois State Bar Assn.* (1967) 389 U.S. 217, 88 S.Ct. 353, 19 L.Ed.2d 426. *See Also: Hackin* v. *Arizona* (1967) 389 U.S. 143, 143–152, 88 S.Ct. 325, 19 L.Ed.2d 347 (Douglas, J., dissenting); *Moore* v. *United States* (3d Cir. 1970) 432 F.2d 730.

[25] Section 905(a) (7) of HR 8163.

[26] The Hatch Act, Title 5 U.S.C.A. § 7324 (Pub.L. 89–554, Sept. 6, 1966, 80 Stat. 525.)

[27] Section 904(c) (2) of HR 8163.

[28] *See:* footnote 24, *supra.*

[29] Message to Congress, May 5, 1971, President Richard M. Nixon.

[30] *See Generally:* Canon 7, Code of Professional Responsibility.

[31] *See:* Canon 5, EC 5–1, Code of Professional Responsibility; Canon 5, EC 5–21, Code of Professional Responsibility; Canon 5, EC 5–23, Code of Professional Responsibility.

[32] Canon 5, EC 5–24, Code of Professional Responsibility [context added].

[33] *See:* Canon 7, EC 7–3, Code of Professional Responsibility and Canon 7, EC 7–4, Code of Professional Responsibility.

[34] *See:* Canon 4, EC 4–1, Code of Professional Responsibility and Canon 4, EC 4–2, Code of Professional Responsibility.

[35] *i.e.:* The National Tenant's Organization, The Citizens Advocate Center and the National Client's Council.

[36] A real problem might arise under the Equal Protection Clause of the Fourteenth Amendment, if a right to counsel in civil proceedings is assured only to the poor, unless broad and flexible criteria for eligibility standards, in which income is only one factor are adopted.

[37] Shestack, Jerome J., "The Right to Legal Services," *The Rights of Americans: What They Are; What They Should Be* (Dorsen ed., Pampheon, 1971); "The Continuing Expansion of the Right to Counsel"; Comment, 41 U.Colo.L.R. 473 (1969);

Cf. Curran, Barbara, *Unavailability of Lawyer's Services for Low Income Persons,* 4 Val.U.L.R. 308 (Sp. '69).

[38] Jerome J. Shestack, a practicing lawyer in Philadelphia, is immediate past Chairman of the American Bar Association Section of Individual Rights and Responsibilities, a member of the National Advisory Committee to the Legal Services Program of the Office of Economic Opportunity, and a member of the Executive Committee of the National Legal Aid and Defender Association.

[39] Shestack, Jerome J., "The Right to Legal Services," *The Rights of Americans: What They Are; What They Should Be* (Dorsen ed., Pampheon, 1971) at page 126.

WHY ARE WE PAYING OUR FRIENDS TO CONTINUE KILLING OUR CHILDREN?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RANGEL. Mr. Speaker, the press has recently reported that President Nixon may exempt South Vietnam, Cambodia, Laos, and Thailand from his announced 10-percent cut in economic aid.

Official figures reveal that between 5.7 and 14 percent of our servicemen returning from duty in Southeast Asia are drug dependent.

The United Nations Commission on Narcotic Drugs has reported that at least 80 percent of the world's opium is produced in Southeast Asia. Two of those four countries—Laos and Thailand—are part of the "fertile triangle" which raises more than half of the poppy plants grown in the world.

The Criminal Investigation Division of the U.S. Army has allegedly compiled reports linking top South Vietnamese leaders to the heroin trade. Lt. Gen. Ngo Dzu, military commander of South Vietnam's central highlands, and other military and naval personnel and Government officials are leading figures in the narcotics traffic that preys upon American servicemen in Southeast Asia.

There have also been reports that the Central Intelligence Agency is supplying arms, transportation, and funds to drug-producing hill tribes in Laos and northeastern Thailand.

The governments of these four countries have failed to take decisive action to stop the production, processing, and transport of illicit drugs for our GI's. While we continue to expend billions of dollars and thousands of American lives to defend and support these friendly governments, they continue to kill our servicemen.

These are the governments that President Nixon may exempt from his cut in economic assistance. These are the accomplices to murder whom the President may reward.

The administration has even requested an increase in economic aid to South Vietnam of between $150 to $160 million. The Thieu government may get even fatter if President Nixon has his way.

My most recent inquiry to the Agency for International Development in the Department of State indicates that the President has not made a final decision on whether or not to exclude these four countries from the cut in foreign aid. There is still time for Members of Congress to contact the President and urge him not to further feed the already fatted cows who have not cracked down on their merchants of death.

It is about time we stop bringing gifts to our allies when they are murdering American servicemen.

Four articles follow:

[From the New York Times, Sept. 12, 1971]

FOUR INDOCHINESE COUNTRIES ARE REPORTED EXEMPT FROM NIXON'S ORDER TO CUT FOREIGN AID BY 10 PERCENT

(By Tad Szulc)

WASHINGTON.—South Vietnam and three other Southeast Asian countries are being quietly exempted from the 10 per cent cut in foreign economic aid ordered by President Nixon last month, authoritative Administration officials said today.

The Administration has made no public announcement that economic assistance planned for Southeast Asia for the fiscal year 1972, which began July 1, is to remain intact despite the cut in the foreign-aid program. Official spokesmen have insisted for the last four weeks that no decision has been made.

Total economic aid, designed to complement United States military assistance, has been set for $765.5-million this year for South Vietnam, Cambodia, Laos and Thailand.

The largest slice is to go to South Vietnam with $565-million, which is an increase of about $160-million over economic aid given Saigon in the previous fiscal year.

Officials noted that in announcing his new economic policy on Aug. 15, Mr. Nixon confined himself to the statement that "I have ordered a 10 per cent cut in foreign economic aid."

The Administration's request to Congress for foreign assistance in fiscal 1972, prepared before the new Nixon economic policy, was $3.3-billion. But the President ordered the cut only in economic aid, which accounts for $2.09-billion of the total. The balance, $1.21-billion, is earmarked for military grants and foreign military credit sales.

Inasmuch as Mr. Nixon did not elaborate on how the economic aid reduction should be administered, the interpretation now being placed on his order is that the cuts should be applied selectively, according to officials.

This means, they said, that the Administration is free to cut aid for some countries but not for others as long as the economic assistance package is reduced 10 per cent.

Officials concerned with United States policy in Southeast Asia indicated in private conversations that economic assistance to the four "critical" Southeast Asia countries could not be reduced while the war goes on.

They said that the White House took the view that cuts could undermine the economies in the four countries and hurt the conduct of the war.

Therefore, officials said, aid programs in the region are proceeding on the assumption that no cuts will be made unless Congress decides otherwise.

Foreign-aid legislation was approved by the House of Representatives last month and is now before Senate committees.

Officials suggested that the Administration preferred not to publicize the reported exemptions to avoid protests from other nations.

Another reason may be concern over opinion here. President Nguyen Van Thieu has come under considerable criticism for his decision to run unopposed in the Oct. 3 Presidential elections and there has been talk in Congress of reviewing the American assistance to South Vietnam.

The Administration believes, however, that increased economic aid to South Vietnam is vital at a time when American forces are withdrawing and last year's economic reforms are beginning to produce results.

Testifying before a Senate subcommittee on Wednesday, Secretary of State William P. Rogers asked for approval for the full $565-million for South Vietnam that is needed to offset the economic impact of the reduction in United States military expenditures as our troops are withdrawn.

Economic assistance to South Vietnam ranges from the financing of essential imports to agricultural land reform to programs for education, and health. But it also includes support for the South Vietnamese police in counterinsurgency and other activities.

[From the Washington Post, Sept. 9, 1971]

HEROIN PROMOTION

(By Jack Anderson)

WASHINGTON.—At the same time that the U.S. command is striving mightily to stop GI drug addiction in Vietnam, a top South Vietnamese general has been using U.S. military equipment to hustle heroin. This is documented in a number of intelligence reports, all highly classified, which have now reached Washington from Saigon. The reports nail Lt. Gen. Ngo Dzu, military commander of South Vietnam's central highlands, as one of the chief heroin traffickers in Southeast Asia.

The incriminating details, including dates and places of heroin transactions, have been reported by the Army's Criminal Investigation Division, U.S. Public Safety Directorate, and Rural Development Support Team in South Vietnam.

Dzu's accomplices are also named, including a former South Vietnamese Senator, a Chinese businessman from Cholon, the South Vietnamese provost marshal in Qui Nhon, and several South Vietnamese navy officers.

Dzu was first named a heroin dealer by Rep. Robert Steele (R-Conn.), in testimony last July before a House Foreign Affairs subcommittee. The Congressman told of his fact-finding mission to Indochina where, he said, widespread corruption among officials had blocked efforts to halt the heroin traffic.

The day after Steele's testimony, South Vietnam's President Thieu went through the motions of ordering a narcotics investigation. It's doubtful, however, that Dzu will ever be tried and convicted.

One of Dzu's most vigorous defenders was his senior American advisor, John Paul Vann, who assured the press: "There's no information available to me that in any shape, manner, or fashion would substantiate the charges Congressman Steele has made."

The incriminating intelligence reports would indicate that Vann either was woefully incompetent or, worse, was helping Dzu to cover up his dope-smuggling operations.

The first intelligence report linking Dzu to the heroin trade was filed on January 6, 1971, by the CID. Citing highly sensitive sources, the CID charged that the narcotics traffic in the Central Highlands had increased tremondously since Dzu had taken command of the region in September, 1970. The CID's sources asserted that Dzu not only protected the key traffickers who kicked back part of their profits to him but also took a direct part in the smuggling through his father Ngo Khoung. At that time Ngo Khoung was described as an "important" heroin dealer.

It was also alleged that Dzu often used his personal plane—furnished, of course, by the U.S.—to smuggle heroin. A CID report dated May 12, 1971, told how Dzu and his father took ingenious advantage of the funeral of a South Vietnamese general in Saigon to fly in heroin from the highlands.

Yet General Dzu, a power in South Vietnam, is expected to be given a whitewash. In fact, while investigation was going on President Thieu promoted him from major general to lieutenant general.

[From Newsday, May 7, 1971]

IS THE CIA MIXED UP IN DOPE TRAFFIC?

(By Flora Lewis)

NEW YORK.—A weird series of incidents is bringing into focus the question of the CIA's relation to the booming Indochina traffic in heroin and the opium from which it is made.

Ramparts magazine has published a study of the drug trade in Indochina, pulling together many details of the widely but only vaguely known story and making a series of

specific charges against top South Vietnamese, Laotian and Thai officials. Further, Ramparts charged that it is CIA operations and subsidies in the area which have made possible the big increase in the supply of heroin from Indochina.

Sen. George McGovern (D-S.D.) wrote a letter to CIA Director Richard Helms on April 13 asking six questions about it. One inquired whether the opium production in Laos was conducted with the knowledge of CIA officials, particularly around the CIA's secret army base at Long Cheng in Laos, and if the effect of CIA operations is to "protect the supplies (of opium) and facilitate their movement."

On April 29, CIA legislative counsel Jack Maury called on McGovern to give oral answers to the questions. He referred to a sheaf of legal-size papers for his information, indicating that the CIA has made a new investigation, but he didn't give McGovern the papers. He denied some of the charges, but said the CIA has been trying to convince the local people not to be in the drug traffic, which obviously implies that the CIA knows about it.

McGovern's query wasn't the first challenge to Helms on the subject. On March 4, Helms went with his wife to an evening event at the Corcoran Gallery in Washington. The star happened to be Allen Ginsberg, the tousle-haired mystic poet. They met at a reception before the poetry reading, and Ginsberg took after Helms for what he says is CIA support of the dope trade.

The poet has been investigating drug traffic for seven years, and he has on the tip of his tongue a lot of precise names and places and figures. For one thing, he said, Long Cheng is a central collecting market for the opium flowing from northern Burma, northeastern Thailand and Laos (the fertile triangle) down into Vietnam and Bangkok and out around the world back to the United States.

Helms said it wasn't true, so Ginsberg said "I'll make you a wager." If he lost, Ginsberg promised to give Helms his "vajra" which he describes as "a Buddhist-Hindu ritual implement of brass symbolizing the lightning-bolt doctrine of sudden illumination." Helms was to meditate one hour a day for the rest of his life if he lost.

Some time later, Ginsberg sent Helms a clipping from the Far East Economic Review saying that a number of correspondents who sneaked into Long Cheng over the years saw raw opium openly piled up for sale in the market there, in full view of CIA armed agents. He also sent a note offering Helms suggestions about how to keep a straight back while meditating, the best sitting position and proper breathing.

He has had no acknowledgement from the CIA chief, but says "I have been tender toward him. It is terribly important to get him into an improved mind-consciousness. Anything that might help save the world situation would be sheer Hari Krishna magic. The hard-headed people have brought us to such an apocalyptic mess."

Helms says that he has received no note from Ginsberg, and only vaguely remembers the bet. He called the charges "vicious," "silly," "ridiculous." He told me: "There is no evidence over the years that any of these people were involved in any significant way. Almost all the opium grown there is in Communist-controlled area, Pathet Lao areas."

I asked about Thailand, and he said "I don't control northern Thailand. I don't control the Royal Laotian government; it's an independent country" (whose national budget and army are subsidized by the United States). "I don't know why you want to lay all this on the poor old CIA.

"We are not involved in the drug traffic in Laos or anywhere else. There is no evidence at all. To have evidence you'd have to get somebody in my office and have him say yes, I ran drugs with your approval."

At another point, he said "Opium's been in that part of the world for centuries," and "most drugs in the United States come from Turkey." He said he didn't know anything about a UN report that 70–80 per cent of the world's supply comes from Southeast Asia. And at another point he said "that part of the country (Laos) is loaded with opium. It's all over the area."

Maury, he said, had told McGovern that "it's all rot. It's not true." Later, Maury told me that he couldn't say anything about his talk with McGovern and that a written report which he has promised to give the Senator "won't be available to you or anybody else for publication."

Meanwhile, the rate of heroin addiction among GIs in Vietnam is soaring dramatically, and drugs continue to pour into the United States. The implications will be discussed in my column that will appear tomorrow.

[From Newsday, May 8, 1971]

PART TWO: THE CIA AND HEROIN TRAFFIC

(By Flora Lewis)

NEW YORK.—Richard Helms, director of the CIA, is evidently much upset at charges that the CIA is involved in the flourishing drug traffic in Indochina, which is making a very substantial contribution to addiction among Americans. Helms says flatly that the CIA is "not involved in the drug trade anywhere in the world." In the literal, organizational sense, he is probably right, although almost any ex-CIA man will testify that the field doesn't always tell the home office everything it knows. There is a tendency to protect headquarters from embarrassing insights and information.

Certainly, Helms is right when he says that drug control is not the CIA's responsibility. But two facts are inescapable.

1. Drugs are flowing into Vietnam and out of Indochina into the world underground network in dramatically increasing quantity. Not only is there a fearful growth in the amount of opium produced and exported from Southeast Asia, alongside the traditional opium trade, heroin is being produced there now. This is new. The proof that it is true is the ready availability of heroin to GIs in Vietnam. Their power doesn't come all the way from Turkey or France.

While the standard American government position is that Turkey is the main source of the heroin reaching the United States, there is every reason to question whether this remains true. The United Nations Commission on Narcotic Drugs has said that 80 per cent of the world's opium, from which heroin is produced, comes from Southeast Asia. Dr. Alexander Messing, a U.N. narcotics expert says that "If (the supply of opium from) Turkey were shut down overnight, there is still so much of the stuff around that it would hardly make a difference."

2. The CIA provides virtually all the transportation, the arms and much of the money on which the people engaged in the Southeast Asia drug trade depend to keep going. The CIA isn't there *because* of the drug traffic. As Helms says, it does not in any way officially condone the traffic. But official CIA operations have made it much easier for the trade to prosper in security.

Partly, this is because the main producers of opium are the hill tribes in Laos and northeastern Thailand. Many are the Meo people, on whom the CIA doesn't support what they do on the side, but it is their one cash crop. The CIA needs the good will of the Meos. It does not go out of its way to offend them.

Partly, this is because the very nature of CIA operations in Southeast Asia requires the co-operation of high local officials, daredevils, adventurers. Often those who are corrupt cooperate all the more willingly, since it facilitates their illicit enterprises. The CIA doesn't support what they do on the side, but it does support them.

While the extent of the trade is new, the trade itself and corruption have been going on in that area for a very long time. The CIA didn't start it. It went in for another reason, to fight the Communists, and its leaders felt of necessity that they had to work with the people and the situation which they found.

That is the "sophisticated," "realistic," "efficient" view which has been the basis of CIA operations in the area from the start. It seems to make sense. You can't be too choosy about your friends in the face of enemies. That is why many American officials who have been aware of the situation have said nothing.

It is probably why Jack Maury, CIA legislative counsel, said that reports the CIA has made on the subject will "not be available for publication," although it does not seem reasonable that the U.S. government must keep secret from its people what it learns about an acknowledged national enemy—heroin.

But it is a view which does not accept but conceals reality, a view which has come to harm the United States more than it serves intended national purposes. It is the view which made My Lai possible, and made the long ignorance of My Lai possible, and which made it possible for many Americans to sympathize with Lt. Calley when he was singled out for punishment.

It is a view which says that bad things are bound to happen in wartime, and since we are at war we must sacrifice many things including our scruples and our revulsion to drugs. Men have always felt obliged to choose among lesser evils. It is the human condition.

The central question, then, must be which is the lesser evil. What is it that we are doing in Indochina which justifies what we are doing to ourselves, specifically in this instance, what we are doing to promote heroin addiction? What is the value of the CIA operations in Laos and Thailand which so outweighs the evil of the drug traffic which has proliferated as an unintended result?

What is the value of a war, a crusade to give South Vietnamese "a chance" as President Nixon says, against so much death and misery and degradation, in the United States as well as in Indochina? It is time to take another reading of the scales, sacrifice cannot be a principle, it must be for a principle. The problem isn't whether to blame the CIA for the drug traffic. The problem is whether to continue endorsing what the CIA operations and the war have produced. The answer is no.

LOGIC GOES TO POT

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MEEDS. Mr. Speaker, rationalizing the difficult or the inappropriate is a trait that respects no age group. Adults offer explanations for their decision to invade a neighboring country while youngsters justify kooky music and defend radical but violent protest.

Both sides of the generation gap have concocted strained logic to buttress their views on marihuana. Do not or you will become a criminal fiend mainlining on heroin, says uptight dad. Do and you will enter the bright world of meaning and valuable spiritual experience, says hip son.

What a pleasure, then, to read a balanced and coherent treatise on marihuana. I refer to Colman McCarthy's article in the September 14 issue of the

Washington Post. Like Mr. McCarthy, I have long shared the view that smoking pot is a chemical cop-out for young people. It does not enrich; it merely distracts from the relevant. I include in the RECORD at this point Mr. McCarthy's poignant column:

A LETTER TO MARY: THE "WHEN" OF SMOKING MARIJUANA

(By Colman McCarthy)

DEAR MARY: Your talk with me the other evening about marijuana, and how you have been on it for a year, left me unsettled. Not because I am saddened or surprised that you take pot, or that I am worried about the legal risks. The troubling part of our talk came at the end when you said, "Well, that's it—I've taken marijuana for a year, since last summer, and now it's a part of my life. The issue is settled."

That is the dead last thing I expected of you: to close the book on a question and then nestle between the covers, ducking away, as if security can be found that way. You said you had the courage of your convictions, which is true enough; but there is a tougher kind of courage than that: to attack your convictions and strengthen them all the more because they held firm and had no give.

Now that you are back at school—presumably a place where they let you do some thinking—let me offer a few thoughts that you might use as axes to hack away at your convictions. If you have the courage to.

I have no trouble understanding the reasons you take pot. It relaxes you, loosens the tightnesses of your mind and makes reality seemingly more manageable. In short, as you said, "smoking pot makes me feel good." Who couldn't be for that? The billions-of-dollar liquor industry peddles the same line and 80 million Americans drink solely to feel good; or if that hope is too bogus, at least to feel better. The vague sense of doom I have about you smoking marijuana is not why you take it, or where, with whom, but when.

The when questions of life are always the most crucial. When the countryman plants his seed says much about how it will grow. When you marry can mean more to the life of a marriage than anything else. When a baby takes the first step means more to the parents than where the baby stepped to. When the manager pulls a pitcher from the game can win or lose the game. And, looking around now, see how the politicians sweat and labor over the decision of when to announce for the presidency. From the evidence, timing is almost everything in life. To take pot as a student, whether in the first year of high school or in the last of college, strikes me as dangerously too soon. Not because you might end up in jail (possession of marijuana is a felony in 28 states) or that you'll embarrass your parents (maybe that's what they need, a little loss of face), but because you are messing with the fragile timing mechanism that your emotions run on. At this point in your life, your emotions are still limbering up, flexing themselves for an adulthood of heavy use—fearing the dark, loving the good, hating the false. Exposing the emotions now to pot is to throw off the timing. This powerful drug of pleasure has nothing to balance itself against in your soul, because at your age what pain have you felt? The person who takes marijuana at 30 or 40 has already been emotionally kicked around or kicked down by life. This need to smoke a joint is valid, as a glue to pull together his shattered feelings. Or if he doesn't need the marijuana drug, he has a good excuse to take the alcohol drug. The crucial fact is not why or how pot is taken, but when—before there is need or after.

You are still, most emphatically, in the *before* state. To take marijuana in high school or college is to put into the circuit of your feelings an overload of energy. There is nothing there—no crushing pain, no deep misery—to absorb it. What happens then is simple, and to me, dangerous: pot is an escape (and I am all for escapes) at an age when you have really nothing to escape from. All your life, you have been pushed by gentle winds, no worries about food, shelter or clothing, no holes in the road ahead and no bumps in the road behind. It won't be this way long. By 30 or 40, and perhaps brutally so by 50, heavy chains of reality and responsibility inevitably wrap around us. What will you use as a momentary escape then, or relief? A few joints? Hardly. The emotions can't be faked out. You took marijuana when you really had no need for it, and now that you do require a rest from the grind, its force is empty.

What happens at this point is hard telling. Perhaps you turn to hard drugs, the way social drinkers can become addicted to hard use of the alcohol drug. Perhaps you sink into deep depressions, great holes of sickness from which no horizons of calm can be viewed. Or you may emerge from the pot experience just fine, which is the way you are calling it. (Fortune tellers are always rosy about their own futures.) Whatever may happen later, there is no guessing what your use of marijuana means now: a tampering with the value of timing, involving the emotions in deep pleasures long before you are even into the full of the surface pleasures of youth. You could be booked for a double theft—stealing from your future while starving out your present, and both are crimes for which the psyche, unlike a good-guy judge, seldom grants a pardon.

Living in a culture where today's fashions easily decide today's values, it is no surprise that timeliness has replaced timing. So marijuana is timely, and who cares about timing it right so that it enters one's life when the emotions are ready. "It's an inward experience," you say about an evening on pot. Good. But what outward experiences have you had to qualify you to probe your interior? Are you self-supporting? Are you able to love someone? What have you made with your own hands? These are a few of the outward experiences that the majority of people struggle over; not until we are a little worn out or worn down by them can we go to and absorb the luxury of the inward experience. Young people who announce they take marijuana to help themselves find out who they are strike me as fakes; too often, they know very well who they are, they just can't stand it.

People become who they are by what they do. The men and women with the richest interior lives are paradoxically those who labor to improve the outward lives of others—serving the old people in the institutions, teaching sports to retarded kids, visiting the sick in our public hospitals, working with crippled war veterans. If you want an inward experience that is genuine, do something like that. The talk about "getting something valuable" from a night of pot smoking is rubbish. You sound like a boring old banker, always sniffing out the best investment rate on deals even he knows are shams. A joint of marijuana is merely a chance for pleasure, but it has no more potential for "something valuable" than your father's nightly glass of vodka or your mother's scotch. Don't create big hopes from small ideas.

Marijuana is a pleasure. Wanting it is fine. You're normal. All I'm saying is think hard not about why or how you take it, but when. Timing is crucial to every other decision in life, so why not for this one. You are young only once but you are alive all the time.

A TRIBUTE TO CAPT. HOLBERT D. BURNS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ANDERSON of California. Mr. Speaker, we live in an age in which the police officer is often in danger, but seldom honored. On September 30, a group of citizens in the Wilmington-San Pedro area of Los Angeles, which I represent, will do their best to correct that situation by paying tribute to the men of the Harbor Division of the Los Angeles Police Department.

Rev. Ishmael L. Corona is the driving force behind this appreciation dinner, but already some 200 members of the community have indicated their desire to join in the tribute to Capt. Holbert D. Burns, harbor division commander, and the men under his leadership.

Perhaps the best way in which to gain insight into the men of harbor division is to learn a bit about the man who leads them. Captain Burns was born in Bakersfield on September 24, 1922, but had moved to Los Angeles while a youngster and attended Dorsey High School before earning his bachelor's degree at the University of Southern California.

Captain Burns began his police career on August 19, 1946, as a patrolman, advancing up to sergeant just 5 years later on November 1, 1951. He rose to lieutenant's rank on June 9, 1963, and was promoted to captain on January 10, 1971, the date he was given command of harbor division.

During that 25-year span of experience, he has served a broad spectrum of the city and in a wide variety of assignments, including sixth division, 77th division, university division, the business office, parking and intersection control, traffic enforcement, and finally command of the harbor division.

Of all these assignments, however, he still has a special fondness for his days as a motor officer in traffic division. He still serves as the vice president of the Municipal Motorcycle Officers of California, and one of his goals since taking command of the harbor division has been the reassignment of motor officers to the division.

Captain Burns is a member of the San Pedro Chamber of Commerce, working on the chamber's armed forces committee. He also serves on the mayor's advisory committee.

A veteran of the U.S. Coast Guard, Captain Burns was a coxswain for 3½ years. He and his wife, Grace, live in Monterey Park, and they are the proud parents of four children: Ronald, 23, Donna, 22, Donald, 18, and Karen, 12.

So, Mr. Speaker, on the occasion of this tribute to the men who dedicate their lives to protect ours, I am pleased to add my voice of commendation to the men of the Harbor Division of the Los Angeles Police Department, and their captain, Holbert Burns.

CONGRESSMAN DUNCAN'S 1971 LEGISLATIVE QUESTIONNAIRE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DUNCAN. Mr. Speaker, I would like to share with my colleagues the results of my 1971 legislative questionnaire.

The questionnaire was mailed in the spring to some 130,000 families in my Second Congressional District in Tennessee—one copy for each mailbox or receptacle. This was my seventh annual questionnaire, and it brought a total of some 15,000 responses from nonstudents and students.

Interestingly enough the majority of adults and students said they supported wage and price controls. My question read:

Do you favor the imposition of wage, price and credit controls?

And 60.8 percent of the adults and 63.7 percent of the students said "yes."

An even higher percentage of nonstudents, 84.5 percent, and students, 74.1 percent, said they supported the President's plan for our withdrawal from Vietnam. The majority also favored unrestricted use of air power to support the withdrawal.

Following are charts that show the results in percentages for the entire district and by country. They also reflect the adult and student responses which vary somewhat:

1971 QUESTIONNAIRE RESULTS

ENTIRE 2D DISTRICT

	Nonstudent	Student	
1. Do you support the President's plan for our withdrawal from Vietnam?	84.5	74.1	Yes.
	15.5	25.9	No.
2. Do you favor unrestricted use of our air power to support our withdrawal?	86.3	71.8	Yes.
	13.7	28.2	No.
3. Do you favor the imposition of wage, price and credit controls?	60.8	63.7	Yes.
	39.2	36.3	No.
4. Should the entire welfare program be taken over by the Federal Government?	31.7	38.2	Yes.
	68.3	61.8	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	44.4	52	Yes.
	55.6	48	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	13	25.5	Yes.
	87	74.5	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	73	73.2	Yes.
	27	26.8	No.
8. Do you think government workers and other public employees should have the right to strike?	31.9	47.9	Yes.
	68.1	52.1	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	21.2	29.4	Yes.
	78.8	70.6	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	7.7	21.2	Yes.
	92.3	78.8	No.
11. Do you think the Federal Government should be involved in birth control education and research?	72.1	76.6	Yes.
	27.9	23.4	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	80.3	70.8	Yes.
	19.7	29.2	No.

BLOUNT COUNTY

1. Do you support the President's plan for our withdrawal from Vietnam?	86.2	76.8	Yes.
	13.8	23.2	No.
2. Do you favor unrestricted use of our air power to support our withdrawal?	87.1	76.8	Yes.
	12.9	23.2	No.
3. Do you favor the imposition of wage, price and credit controls?	59.2	58.4	Yes.
	40.8	41.6	No.
4. Should the entire welfare program be taken over by the Federal Government?	26.6	33.8	Yes.
	73.4	66.2	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	40.1	42.3	Yes.
	59.9	57.7	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	13.1	23.7	Yes.
	86.9	76.3	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	73.1	70.8	Yes.
	26.9	29.2	No.
8. Do you think government workers and other public employees should have the right to strike?	29.6	44.7	Yes.
	70.4	55.3	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	23.6	26.7	Yes.
	76.4	73.3	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	5.5	19.9	Yes.
	94.5	80.1	No.
11. Do you think the Federal Government should be involved in birth control education and research?	73.3	82.1	Yes.
	26.7	17.9	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	79.1	66.8	Yes.
	20.9	33.2	No.

CLAIBORNE COUNTY

1. Do you support the President's plan for our withdrawal from Vietnam?	92.2	92.5	Yes.
	7.8	7.5	No.
2. Do you favor unrestricted use of our air power to support our withdrawal?	92.7	86.6	Yes.
	7.3	13.2	No.
3. Do you favor the imposition of wage, price and credit controls?	64.3	48.1	Yes.
	35.7	51.9	No.
4. Should the entire welfare program be taken over by the Federal Government?	41.2	39.2	Yes.
	58.8	60.8	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	50.0	56.6	Yes.
	50.0	34.4	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	8.0	19.6	Yes.
	92.0	80.4	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	72.7	88.5	Yes.
	27.3	11.5	No.
8. Do you think government workers and other public employees should have the right to strike?	25.1	33.3	Yes.
	74.9	66.7	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	17.9	20.4	Yes
	82.1	79.6	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	3.0	7.7	Yes
	97.0	92.3	No.
11. Do you think the Federal Government should be involved in birth control education and research?	47.3	53.8	Yes.
	52.7	46.2	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	90.1	76.5	Yes
	9.9	23.5	No.

GRAINGER COUNTY

1. Do you support the President's plan for our withdrawal from Vietnam?	92.7	100.0	Yes.
	7.3	0.0	No.
2. Do you favor unrestricted use of our airpower to support our withdrawal?	89.8	75.0	Yes.
	10.2	25.0	No.
3. Do you favor the imposition of wage, price, and credit controls?	63.8	66.7	Yes.
	36.2	33.3	No.
4. Should the entire welfare program be taken over by the Federal Government?	44.5	29.6	Yes.
	55.5	70.4	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes.	44.6	47.9	Yes.
	55.4	52.1	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	8.8	18.5	Yes.
	91.2	18.5	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	73.9	79.3	Yes.
	26.1	20.7	No.
8. Do you think government workers and other public employees should have the right to strike?	25.4	25.9	Yes.
	74.6	74.1	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	19.5	13.8	Yes.
	80.5	86.2	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	4.6	10.7	Yes.
	95.4	89.3	No.
11. Do you think the Federal Government should be involved in birth control education and research?	50.3	40.7	Yes.
	49.7	59.3	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	92.2	73.1	Yes.
	7.8	26.9	No.

HAMBLEN COUNTY

1. Do you support the President's plan for our withdrawal from Vietnam?	89.4	84.4	Yes.
	10.6	15.6	No.
2. Do you favor unrestricted use of our airpower to support our withdrawal?	91.5	88.5	Yes.
	8.5	11.5	No.
3. Do you favor the imposition of wage, price, and credit controls?	58.6	68.7	Yes.
	41.4	31.3	No.
4. Should the entire welfare program be taken over by the Federal Government?	33.7	34.5	Yes.
	66.3	65.5	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	41.5	56.3	Yes.
	58.5	43.7	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	11.6	23.1	Yes.
	88.4	76.9	No.
7. Do you favor President's Nixon's proposal for sharing Federal funds with State and local governments?	73.2	66.7	Yes.
	26.8	33.3	No.
8. Do you think government workers and other public employees should have the right to strike?	27.8	35.9	Yes.
	72.2	64.1	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	17.9	19.8	Yes.
	82.1	80.2	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	4.9	15.2	Yes.
	95.1	84.8	No.
11. Do you think the Federal Government should be involved in birth control education and research?	70.2	66.7	Yes.
	29.8	33.3	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	86.0	83.5	Yes.
	14.0	16.5	No.

1971 QUESTIONNAIRE RESULTS—Continued

ENTIRE 2D DISTRICT—Continued

	Nonstudent	Student	
KNOX COUNTY			
1. Do you support the President's plan for our withdrawal from Vietnam?	83.0	71.8	Yes.
	17.0	28.2	No.
2. Do you favor unrestricted use of our air power to support our withdrawal?	85.1	64.2	Yes.
	14.9	25.8	No.
3. Do you favor the imposition of wage, price and credit controls?	60.9	64.3	Yes.
	39.1	35.7	No.
4. Should the entire welfare program be taken over by the Federal Government?	31.8	35.5	Yes.
	68.2	64.5	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	45.4	52.2	Yes.
	54.6	47.8	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	12.9	26.8	Yes.
	87.1	73.2	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	73.0	73.8	Yes.
	27.0	26.2	No.
8. Do you think government workers and other public employees should have the right to strike?	30.7	50.1	Yes.
	69.3	49.9	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	21.5	31.4	Yes.
	68.5	68.6	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	8.8	24.9	Yes.
	91.2	75.1	No.
11. Do you think the Federal Government should be involved in birth control education and research?	74.1	78.6	Yes.
	25.9	21.4	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	80.0	66.3	Yes.
	20.0	33.7	No.
LOUDON COUNTY			
1. Do you support the President's plan for our withdrawal from Vietnam?	88.8	84.9	Yes.
	11.2	15.1	No.
2. Do you favor unrestricted use of our air power to support our withdrawal?	90.8	82.7	Yes.
	9.2	17.3	No.
3. Do you favor the imposition of wage, price, and credit controls?	64.1	67.6	Yes.
	35.9	32.4	No.
4. Should the entire welfare program be taken over by the Federal Government?	26.0	35.8	Yes.
	74.0	64.2	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	42.6	57.3	Yes.
	57.4	32.7	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	10.3	19.0	Yes.
	89.7	81.0	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	73.8	74.8	Yes.
	16.2	25.2	No.
8. Do you think government workers and other public employees should have the right to strike?	33.1	46.7	Yes.
	66.9	53.3	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	20.6	23.4	Yes.
	79.4	76.6	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	2.9	9.4	Yes.
	97.1	90.6	No.
11. Do you think the Federal Government should be involved in birth control education and research?	63.0	71.7	Yes.
	37.0	28.3	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	87.7	81.3	Yes.
	12.3	18.7	No.
UNION COUNTY			
1. Do you support the President's plan for our withdrawal from Vietnam?	88.4	81.3	Yes.
	11.6	18.7	No.
2. Do you favor unrestricted use of our air power to support our withdrawal?	86.3	70.6	Yes.
	13.7	29.4	No.
3. Do you favor the imposition of wage, price and credit controls?	64.3	50.0	Yes.
	35.7	50.0	No.
4. Should the entire welfare program be taken over by the Federal Government?	26.8	52.9	Yes.
	73.2	47.1	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	43.5	64.7	Yes.
	56.5	35.3	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	10.5	18.8	Yes.
	89.5	81.2	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	78.9	70.6	Yes.
	21.1	29.4	No.
8. Do you think government workers and other public employees should have the right to strike?	28.4	47.1	Yes.
	71.6	52.9	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	20.0	31.3	Yes.
	80.0	68.7	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	3.0	0.0	Yes.
	97.0	100.0	No.
11. Do you think the Federal Government should be involved in birth control education and research?	54.7	58.8	Yes.
	45.3	41.2	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	90.5	76.5	Yes.
	9.5	23.5	No.

CONGRESS HAS SET PACE FOR INFLATIONARY SPIRAL

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DUNCAN. Mr. Speaker, today I would like to call attention to the following editorial on congressional contributions to inflation. It appeared in the August 23 issue of the Knoxville, Tenn., Journal. The article follows:

CONGRESS HAS SET PACE FOR INFLATIONARY SPIRAL

"Right now, the federal payroll is a prime factor in the inflationary spiral. Many firms and states are having to raise salaries just to compete with the federal government."

This statement by Joseph W. Kimmel, an official of a firm which specializes in salary research, was published recently in the Wall Street Journal. The data which backs up this assertion provide some interesting insight into one of the moves made by the Nixon administration to combat inflation.

Mushrooming federal government spending has been correctly determined to be one of the main sources of inflationary pressure in the United States. And as part of his anti-inflation package the President plans to cut federal spending $4.7 billion in the current fiscal year by, among other things, reducing federal employment 5 per cent.

Of course, it is largely up to Congress as to whether the President will be able to carry through with his planned spending cut. Too often in recent years Congress has thrown already imbalanced budgets into greater deficits. If this continues even the best laid plans of Richard Nixon would be ineffective in the long run.

But Congress ought to take a long, hard look at how much it and the White House have contributed to the nation's inflationary spiral by expanding federal payrolls in numbers of employes and in levels of compensation.

Just how great an impact this process has had becomes clear when certain aspects are examined.

Last fiscal year government operating expenses (excluding those covered by special trust funds) amounted to $164.7 billion. Federal payroll costs were nearly one-third of that figure—$51.4 billion. This means Washington must spend $3 merely to put $2 to work on a particular program or service.

Swelling of the federal payroll got going in grand style back in 1962 when Congress fashioned a complex system designed to make government salaries comparable with those in private business and industry.

Since that time, according to the Wall Street Journal's analysis, federal salaries have increased an average of 75 per cent while private compensation has grown by only 61 per cent, including increases in fringe benefits.

As an example of the specific effects, high-ranking bureaucrats who received annual salaries of $20,000 nine years ago now get $36,000, an increase of 80 per cent. At the lower end of the totem pole beginning secretaries now average $6,619 a year, which represents a 24 per cent increase during the nine-year period with which is 5.6 per cent above the current average in private industry.

Since there are roughly 2.9 million employes on the federal payroll, the federal government is the nation's biggest employer. And, thanks to the generous system established by Congress, the biggest employer has led the way on pay increases in recent years. (Wage trends in the private sector have not been examples of responsibilities; but the public sector is the greater offender.)

Regardless of how federal employes ranked paywise nine years ago, they are at the top of the heap now. Congress clearly has set the pace of inflation by pushing federal salaries way ahead of those enjoyed by private employes. (Congress did not throw any water on the fires of inflation two years ago, either, when it voted its own members a 42 per cent increase in salary.)

All of this contributed significantly to the runaway inflation that has sapped the purchasing power of all Americans. No nation can long endure such excesses.

Having contributed so much to the erosion of the dollar's value, Congress now should apply its full powers to making the federal system a model of restraint for the rest of nation. It is high time that the vanguard of the economy was setting a slower pace.

CURB ON GLOBAL LENDERS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. Crane. Mr. Speaker, the United States has contributed $9 billion to the International Monetary Fund and its sister organization the International Bank for Reconstruction and Development—the World Bank.

How effective has this huge investment been? It is right and proper that Congress assess the program entered into by these organizations before granting requests for additional funds. At the present time the Inter-American Development Bank is asking for $1.8 million and the International Development Association, which operates the Bank's soft loan window, is requesting $900 million.

What are needed are independent, comprehensive audits and evaluations of the worldwide financial activities of these organizations. The executive branch says that it receives full information, but none of this information is available to the Congress.

In an important article in Barron's, that publication's Washington correspondent, Shirley Scheibla, notes that—

> It is impossible to tell if a project conforms with objectives of the banks, since these are far from clear. Consequently, any benefit to the United States is equally elusive.

The World Bank started out to further the reconstruction of Europe after World War II. With the completion of that task, it turned to development. Mrs. Scheibla, whose accomplishments in the field of journalism are well known and widely respected, points out that—

> Since the global need for capital is virtually unlimited, logic dictates the need for some firm policy regarding dispensing of funds for development. But the World Bank has enunciated none.

The World Bank cannot properly be viewed as a means by which we hope to strengthen the free world. In fact, Under Secretary of the Treasury Charles Walker explains that it was never supposed to serve as an instrument of the cold war. If a Communist nation abides by the rules of the Bank, says Walker, it cannot be denied membership loans solely because of its politics. Mrs. Scheibla reports that "As a matter of fact, leftist countries already are making fresh inroads at the World Bank. The People's Democratic Republic of Yemen joined last year, while a relatively new member, the People's Republic of the Congo, already has obtained over $35.6 million."

Dr. Walker has said that the object of such loans is to create stability. Yet Pakistan, the second largest recipient of World Bank funds—over $1 billion—now is in the throes of civil war. India, which has just signed a pact with the Soviet Union, is the recordholder, with $2.558 billion.

Mrs. Scheibla reports the shocking fact that during the last fiscal year, for the first time, gross expenses exceeded interest from loans—$365,803,000 expenses, against $358,958,000 interest. This, some have said, is due largely to additional ventures in social fields like birth control and education, where projects are difficult to get started.

It is clear that a congressional investigation of this question is needed. I wish to share Mrs. Scheibla's article with my colleagues, and insert it into the RECORD at this time:

CURB ON GLOBAL LENDERS—CONGRESS IS PRESSING FOR TIGHTER AUDIT AND CONTROL

(By Shirley Scheibla)

WASHINGTON.—President Nixon's new economic policy, whatever else it may achieve, will surely lead to a reappraisal, sweeping if not agonizing, of the role of the International Monetary Fund. Even before the latest monetary upheaval, Congressional sentiment was growing for an equally hard look at IMF's sister organization, the International Bank for Reconstruction and Development (World Bank), which was set up at the same time under the Bretton Woods Agreement and now has been joined by the International Development Association (which operates the Bank's soft loan window) and the Inter-American Development Bank (IDB). (An Asian Development Bank is just getting started, while U.S. participation in a new African Development Bank is apt to be proposed next spring.)

Behind the scenes, a fight is shaping up between the Executive and Legislative branches over the right of Congress to examine the effectiveness of U.S. participation in these institutions. Congress wants to know what has been accomplished with the $9 billion the U.S. has invested in them before granting requests for billions more ($1.8 million for IDB and $960 million for IDA). In particular, it is pressing for independent comprehensive audits and evaluations of their worldwide financial activities. At this point, however, the lawmakers find it difficult even to tell what the banks are trying to do, much less how they parcel out their billions.

NOT CONGRESS' BUSINESS?

The Administration says it receives full information, but claims it is not the business of Congress, because the banks are international institutions. Inquiries made by Barron's of officials who have this "full information," however, indicate it is far from complete.

Congress believes that more accurate yardsticks of effectiveness are especially important now for several reasons. The U.S. has been channeling more and more money to them, and the Administration continues to allow them to float bond issues in the capital-short U.S. (The IDB sold $100 million last October, but last week, a $175 million World Bank roll-over issue was under-subscribed by $4.1 million because the United Nations decided not to participate.) Now President Nixon has announced that still more foreign aid will be channeled through international institutions.

Today's world, however, is vastly different from that of 1944, when the U.S. first embarked on this route. For one thing, this country no longer controls the institutions the way it did in the early days of the World Bank, when the dollar was dominant and other nations were crippled by World War II. Moreover, the institutions increasingly are moving into social areas like education and population control which, primarily because of the difficulty of administration, once were shunned. And there is a trend toward extension of grants, as well as loans and "credits" by IDA (50-year, interest-free loans, with 10-year grace periods). Finally, loans to Communist countries are growing; their nationals occupy important staff positions, while World Bank officials currently are flirting with the idea of admitting to membership Romania, Czechoslovakia and Poland.

WHITHER M'NAMARA?

Despite its claims that it is satisfied with the data it receives, the Nixon Administration has made several attempts to obtain more complete information from the banks, without notable success. A further effort at increasing its influence is expected later this month, when the World Bank holds its annual meeting here. According to reports circulating in Washington, Secretary of the Treasury John Connally will try to persuade the executive directors to elect a new president to replace Robert S. McNamara. This prospect pleases at least one Congressman, who says, "Mr. McNamara produced the Edsel at Ford and the TFX at the Pentagon; I've been wondering what he's doing at the World Bank."

Responsibility for managing U.S. participation in financial institutions rests with the National Advisory Council on International Monetary and Financial Policies (NAC). With the Secretary of the Treasury as chairman, it has representatives from the Federal Reserve, Export-Import Bank, State Department and Commerce Department. Thus, the NAC acts as the investigatory arm of the Secretary of the Treasury, who directs the American directors of the development banks.

After receiving the latest annual report of the NAC, Rep. Henry B. Gonzalez, chairman of the International Finance Subcommittee of the House Banking and Currency Committee, and six other subcommittee members sent Secretary of the Treasury Connally a scathing letter. It said: "In the interests of informed Committee and Congressional action, we expect the National Advisory Council's annual and special reports to contain a frank and concise analysis of many serious questions that have been asked about United States participation in these institutions. Instead, what we have received in your most recent and previous NAC annual reports is not much more than a compendium of the separate annual reports of these multi-lateral lending institutions, along with some summary statements on the activities of similar U.S. institutions. . . . To the extent policy issues are broached, the discussion rarely departs from bland, uninformative generalities. . . ."

The letter urged NAC to analyze and make recommendations on the use of U.S. capital markets by such organizations; possible adverse balance-of-payments effects of increased U.S. capital participation in international development banks; impact of channeling more U.S. aid through multi-lateral bodies; review of management of U.S. interests in international lending institutions and auditing procedures within the institutions; number of Americans employed; evaluation of new loans; and specific steps being taken to deal with the diversion of scarce resources to unnecessary expenditures.

Secretary Connally replied, "The timeliness and substance of our next report will meet both your desire for information and our intention to be fully cooperative."

FEARS FOR JOB

Each week NAC considers 15 to 20 project proposals, most of which are lengthy. Two NAC members and a former Secretary of the Treasury all say there is not enough time for adequate study. Moreover, NAC sees only the reports by the bank presidents recommending approval. In some cases, however, the proposals have run counter to the advice of staff feasibility studies which do not reach the directors. Asked why the staff doesn't speak out when unsound projects are recommended, one man declared, "There is big money involved; I would fear for my job."

One member of NAC says that by the time a proposal reaches him, it is almost impossible to stop; indeed, he knows of no instance in which directors of the World

Bank or IDB have turned one down. The NAC official feels it is up to American directors to find out about projects while they are in the works, rather than simply rubber-stamping them. But this is a time-consuming procedure and cannot be done by NAC. At the World Bank, by the way, the U.S. has not even had the services of an alternative director since last March. When Robert E. Wieczorowski, the American director, cannot attend board meetings, John M. Hennessy, deputy assistant secretary of the Treasury, sits in for him. Presumably he will do so when Mr. Wieczorowski goes to Poland later this month.

NAC also fails to look into the implementation of the projects approved. Nor does it know how contracts are awarded—what firms are involved in specific bank projects, how they were chosen or their bids—whether cost-plus or otherwise. Neither does Congress.

NO CLEAR POLICY

It is impossible to tell if a project conforms with objectives of the banks, since these are far from clear. Consequently, any benefit to the U.S. is equally elusive. As the World Bank's formal name indicates, it started out to further the reconstruction of Europe after World War II. With the completion of that task, it turned to development. Since the global need for capital is virtually unlimited, logic dictates the need for some firm policy regarding dispensing of funds for development. But the World Bank has enunciated none.

Why is it assumed to be to the advantage of the U.S. to finance development activities? Are they aimed at aiding the Free World? On the contrary, Under Secretary of the Treasury Charles Walker explains that they were never supposed to serve as instruments of the cold war. Moreover, he says that if a Communist nation abides by the rules of the bank, he doesn't see how it can be denied membership or loans solely because of its politics. As a matter of fact, leftist countries already are making fresh inroads at the World Bank. The People's Democratic Republic of Yemen joined last year, while a relatively new member, the People's Republic of the Congo, already has obtained over $35.6 million.

Dr. Walker says the object of development financing is to create stability. Yet Pakistan, the second largest recipient of World Bank funds (over $1 billion), now is in the throes of civil war. India, which has just signed an alliance with the Soviet Union, is the record-holder, with $2.558 billion.

Congress has other reasons for a close look at that institution. One of Mr. McNamara's first actions after he took office in April 1968, was to announce his intention of doubling the lending rate of the Bank, and IDA, during the next five years. Available information suggests that the Bank's lending operations are not as sound as they used to be. During the last fiscal year, for the first time, gross expenses exceeded interest from loans ($365,803,000 expenses, against $358,958,000 interest). According to one bank official, the substantial lag between IDA commitments ($3.363 billion) and its disbursements ($2.011 billion) is due largely to more ventures in social fields like birth control and education where projects are more difficult to get started. Some Congressional critics fear it may mean commitments are being made too soon, before adequate preparation.

ANYBODY'S GUESS

What the repayment picture will be for IDA is anyone's guess. To date, because of its 10-year grace period, it has received exactly $347,000. IDA was created in 1960 and did not start making its interest-free loans in volume until around 1962. (There is a service charge of ¾ of 1%.)

A McNamara innovation, the birth control programs have stumped the Congressional watchdog, the General Accounting Office. It doesn't know how to suggest evaluation of them, since this entails obtaining information on whether devices dispensed are used. Straight statistics on births could be influenced by a number of other elements such as economic conditions and famines.

Mr. McNamara also has stepped up the Bank's technical assistance activities. In this field, it often serves as the executing agency for projects financed by the United Nations Development Program in which the Secretary of State is responsible for managing U.S. participation. After studying the UNDP, the GAO concludes: "The Department of State has not obtained sufficient information to make adequate analyses of proposed UNDP projects, nor has it developed procedures for monitoring project implementation. Consequently, U.S. officials do not have a firm basis for making informed judgments as to whether projects requested for recipient countries should be supported by the U.S."

Mr. McNamara's expansiveness, however, does not apply to public disclosure practices, which have tightened considerably since he took office. His press releases are notable for their brevity. Although the Bank financed tourism directly for the first time when it made a $30-million loan to Yugoslavia last June, only a single paragraph in a press release was devoted to it.

Mr. McNamara has never held a press conference since he became president in 1968. He rarely gives interviews (our request for one was treated with hostility). Harold Graves, an American and the competent, well-liked director of information for the Bank when Mr. McNamara took office, has been kicked upstairs to another post and replaced by Britisher William Clark, founder of the Overseas Development Institute of England, which is financed by the Ford Foundation. Teresa Hayter, former staff member of ODI and self-styled Marxist, has characterized the ODI staff as "mainly liberals concerned to promote increased welfare in the Third World, and thoroughly misled and mystified as to the means of achieving it."

TREASURER RESIGNS

Mr. McNamara's tactics reportedly were too much for the highly-respected treasurer of the Bank, Robert Cavanaugh, who resigned shortly after he took over. Now the resignation of another high official is in the wind.

Whether the executive directors vote to replace Mr. McNamara when they meet here later this month may depend upon the persuasiveness of Secretary Connally. Mr. McNamara signed a five-year contract in 1968. But section 5(a) of Article V of the agreement which established the Bank states, "The president shall cease to hold office when the Executive Directors so decide."

The IDB already has a new president, Antonio Ortiz-Mena of Mexico. He succeeds Felipe Herrera, who headed the institution from its beginning in 1959 until this year, when he returned to his native Chile to "participate in the revolution." This has made Congress more anxious than ever to scrutinize what Sr. Herrera accomplished while at the helm of the Bank. The frustrations it has run into are largely responsible for threats to withhold funds for the IDB unless more complete information is forthcoming.

Back in 1967, Congress passed the Selden Amendment, which directed the Secretary of the Treasury to work toward "independent" and "comprehensive" audits of the IDB. It also instructed the Comptroller General to review them and report to the Secretary of the Treasury and Congress.

NO EVALUATION

GAO believes that reports have been lacking on both counts. Since the audit group was chosen by the reports to IDB, it hardly is independent. On July 20, 1971, GAO put out the first review of the IDB's first two reports under the Selden Amendment of 1967. Of one report, on the Study of Sources and Uses of Funds, GAO said, "It is basically an accumulation of statistics and data from the Bank's annual financial report. There appears to have been little or no independent evaluation of the data presented in the report . . . It would have been more relevant to reveal the number and amount of loans defaulted and written off, as well as those not yet written off, rather than to disclose only the number of borrowers currently in a default status."

Concerning the second report, which examined loans to Venezuela, GAO commented: "The report . . . loses most of its potential usefulness because of its lack of organization and sheer size—190 pages of text and 91 pages of statistical appendices. . . . No central theme or conclusion is presented. Issues, problems and accomplishments are not highlighted or even identified except as can be gleaned from the text of the report. . . . Support for statements made. . . is not always evident. Thus it is difficult for a reader to judge the veracity and reliability of statements made."

LOAN FOR MEXICO

The shortcomings of IDB under Sr. Herrera, including funneling a disproportionate share of loans of Chile, have been dealt with in detail in previous issues of Barron's. One of the innovations of the new Mexican president has been to emulate Mr. McNamara and make a loan for tourism. Sr. Ortiz-Mena's tourism loan is $21.5 million for Mexico.

Announced in August, during the Congressional recess, the loan is bound to raise new questions on Capitol Hill, particularly as to the advantage to the U.S. of providing 75% of the financing for an institution which is starting to make loans for tourism, when the U.S., in the middle of a balance-of-payments crisis, is trying to lure foreign visitors to its own shores.

Rep. Henry S. Reuss, chairman of the International Exchange and Payments Subcommittee of the Joint Economic Committee, thinks the answer might be "to have another Bretton Woods." Rep. Gonzalez, who succeeded him as chairman of the International Finance Subcommittee of the House Banking and Currency Committee, wants to hold hearings in the fall on U.S. participation in financial institutions.

Rep. Thomas E. Morgan, chairman of the House Foreign Affairs Committee, says, "What I would like to see is an external-type audit and management review staff group, somewhat analogous to the General Accounting Office, which would serve all of the contributing governments in their overall need to know that the organization's affairs are being run in a competent and efficient manner. Such a staff would be independent, and the scope of its operations and functions would be determined at the country representative level and not by the President or other top management official."

A Treasury official told Barron's, "What it really boils down to is whether you trust the Secretary of the Treasury." After the stunning financial events of mid-August, the answer should be self-evident.

REAL REFORM OF THE WELFARE SYSTEM

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ARCHER. Mr. Speaker, in recent months we have been repeatedly warned that the rising costs of welfare could not be altered by the States, and the problem was so acute that federalization was the only answer.

The prophets of doom are wrong. There is no valid reason to believe that State officials cannot initiate their own reforms, especially when confronted with discontent of the voters. Our stated goal is to reduce, not expand, welfare. By keeping welfare programs at the State level, the taxpayers have the best opportunity for their desires to be translated into atcion.

The following article from the August 21 edition of the Houston Post demonstrates that the States can adequately tackle necessary welfare reform:

STATES TACKLING WELFARE REFORM

(By Richard Wilson)

For years Gov. Ronald Reagan of California has been trying to pare the relief rolls of his own state of undeserving or fraudulent recipients. Now he has some unexpected support from Gov. Nelson A. Rockefeller of New York who has informed a Senate committee that under new regulations on work requirements 18 per cent of New York state's recipients failed to show up at state employment offices to claim their checks.

Had they shown up and been employable they might have been required to accept a job. "Maybe we are on to something nationally," observed Gov. Rockefeller.

Maybe he is, because if the 18 per cent figure is a valid measure and were applied nationally it could mean that hundreds of thousands of Americans are getting a free ride on welfare without deserving it or needing it.

Just why the 18 per cent did not, as now required, go in person to pick up their relief checks in New York state and expose themselves to the threat of work is not clear. Under a new law in New York, which became effective July 1, welfare recipients designated as employable are required to accept "any kind of job in which they are able to engage."

Some may have been sick. Others may not have understood that they were required to go in person to the state employment offices. Others may have challenged their classification as employable.

But, whatever the reason, they were "no shows," and in New York state their number is said to be increasing. The kind of jobs they would have had to accept, if anything, were not very tempting and it may have been that many of the welfare clients would choose not to accept "work relief" even at the sacrifice of their checks. This would indicate they might have other means of getting along which if disclosed might disqualify them for welfare.

The direction in which all this points is that the states themselves, now aroused by complaining taxpayers, may be able to find a way out of the relief muddle without the income floor and welfare reform proposed by the Nixon administration or in the alternatives for the federalization of all welfare.

It amounts to a crackdown on the New York and California patterns, perhaps quite severe, and aimed at reducing the relief rolls rather than substituting a new system which would increase the number of persons receiving welfare.

That is the weakness of the Nixon plan as adopted in the House of Representatives. It greatly increases the numbr eligible for welfare by double or three times in some instances. Perhaps the work and work-training requirements would counteract this but there still would remain a legal persumption of a $2,400 annual income support for one and all.

In California, despite legal obstructions and political resistance, Gov. Reagan's more restrictive policies have been followed by a drop of 100,000 from the March total of 2,298,000. A great many people have been leaving California after the many decades of its amazing growth so that now it is calculated the emigration from the Gold State may exceed immigration. This demographic change may have reduced the number eligible for relief.

In other states government officials have found the political courage to make or propose cutbacks, some of them arbitrary but all arising from the doubling of the relief rolls in the last decade of great prosperity and the prospect of further increases in the future. Welfare threatens to bankrupt some states.

In something akin to panic, state officials turned to the federal government and out of it arose the proposals for an income floor and the federalization of relief. Now there is at least some hope that the states themselves will be able to put through reforms which will clear the rolls of the undeserving and the fraudulent. That is a trend which should be encouraged.

The alternative of federalization does not inspire too much confidence on the basis of Washington's record in the national administration of social programs.

If the individual states are able to begin making progress toward cleaning up the relief mess, as New York and California show some promise of doing, the need for the federal solution will recede and that will be to the good.

THE PRIVATE ENTERPRISE SYSTEM

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. BYRON. Mr. Speaker, oftentimes, we Americans, in our hastiness to comment on the state of domestic affairs in our Nation, tend to utter unfair criticism at the one aspect of our democracy which has made us the great country we are today. I speak, of course, of the private enterprise system.

The Hancock News, a respected newspaper in western Maryland, eloquently addressed just this issue in one of its recent editorials. I would like now to take a few minutes to share their views with you:

DESERVED RECOGNITION

President Nixon, in an address to the Chamber of Commerce of the United States, commented on the attitude of youth toward business. He observed, "Everyone . . . has heard some young person—perhaps even his own son—say something like this: 'I don't want to go into business. That nine-to-five rat race is not for me. I want to do something to help people.'" The President then added, "The simple truth is this: No government agency, no philanthropy, no voluntary organization or foundation has done as much to help people as the private enterprise system."

Seldom has a government leader given the private enterprise system its just due. Not only does it keep all who want it at work and receiving regular paychecks, health insurance, pension and other benefits, it continuously donates large sums to charities and provides leadership and funds for civic enterprises. It gives incentives to men and women to work, to improve themselves, their homes, their families and their environment. It pays the large part of the taxes which maintain this great nation and its people.

THE CALIFORNIA SCHOOL FINANCING DECISION

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. VEYSEY. Mr. Speaker, the California Supreme Court recently delivered a landmark decision on school financing. The court found that substantial dependence on local property taxes results in wide disparities in school revenue which invidiously discriminate against the poor by making the quality of a child's educational opportunity a function of the wealth of his parents and neighbors.

Although the ruling only directed the lower courts to hold hearings on alternatives to the present school financing system in California, the fundamental nature of the decision, and its implications makes it worth careful study.

In light of the demand for copies of the decision, and the inability of the court to supply any more, I think it is appropriate to share the complete text of the court's opinion with my colleagues and other readers of the CONGRESSIONAL RECORD.

The material follows:

[In the Supreme Court of the State of California]

JOHN SERRANO, JR., ET AL., PLAINTIFFS AND APPELLANTS, VERSUS IVY BAKER PRIEST, AS TREASURER, ETC., ET AL., DEFENDANTS AND RESPONDENTS

We are called upon to determine whether the California public school financing system, with its substantial dependence on local property taxes and resultant wide disparities in school revenue, violates the equal protection clause of the Fourteenth Amendment. We have determined that this funding scheme invidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors. Recognizing as we must that the right to an education in our public schools is a fundamental interest which cannot be conditioned on wealth, we can discern no compelling state purpose necessitating the present method of financing. We have concluded, therefore, that such a system cannot withstand constitutional challenge and must fall before the equal protection clause.

Plaintiffs, who are Los Angeles County public school children and their parents, brought this class action for declaratory and injunctive relief against certain state and county officials charged with administering the financing of the California public school system. Plaintiff children claim to represent a class consisting of all public school pupils in California, "except children in that school

district, the identity of which is presently unknown, which school district affords the greatest educational opportunity of all school districts within California." Plaintiff parents purport to represent a class of all parents who have children in the school system and who pay real property taxes in the county of their residence.

Defendants are the Treasurer, the Superintendent of Public Instruction, and the Controller of the State of California, as well as the Tax Collector and Treasurer, and the Superintendent of Schools of the County of Los Angeles. The county officials are sued both in their local capacities and as representatives of a class composed of the school superintendent, concluded, therefore, that such a system cannot withstand constitutional challenge and must fall before the equal protection clause.

Plaintiffs, who are Los Angeles County public school children and their parents, brought this class action for declaratory and injunctive relief aganst certain state and county officials charged with administering the financing of the California public school system. Plaintiff children claim to represent a class consisting of all public school pupils in California, "except children in that school district, the identity of which is presently unknown, which school district affords the greatest educational opportunity of all school districts within California." Plaintiff parents purport to represent a class of all parents who have children in the school system and who pay real property taxes in the county of their residence.

Defendants are the Treasurer, the Superintendent of Public Instruction, and the Controller of the State of California, as well as the Tax Collector and Treasurer, and the Superintendent of Schools of the County of Los Angeles. The county officials are sued both in their local capacities and as representatives of a class composed of the school superintendent, attending public schools in many other districts of the State . . ." The financing scheme thus fails to meet the requirements of the equal protection clause of the Fourteenth Amendment of the United States Constitution and the California Constitution in several specified respects.[1]

In the second cause of action, plaintiff parents, after incorporating by reference all the allegations of the first cause, allege that as a direct result of the financing scheme they are required to pay a higher tax rate than taxpayers in many other school districts in order to obtain for their children the same or lesser educational opportunities afforded children in those other districts.

In the third cause of action, after incorporating by reference all the allegations of the first two causes, all plaintiffs allege that an actual controversy has arisen and now exists between the parties as to the validity and constitutionality of the financing scheme under the Fourteenth Amendment of the United States Constitution and under the California Constitution.

Plaintiffs pray for: (1) a declaration that the present financing system is unconstitutional; (2) an order to remedy this invalidity; and (3) an adjudication that the trial court retain jurisdiction of the action so that it may restructure the system if defendants and the state Legislature fail to act within a reasonable time.

All defendants filed general demurrers to the foregoing complaint asserting that none of the three claims stated facts sufficient to constitute a cause of action. The trial court sustained the demurrers with leave to amend. Upon plaintiff's failure to amend, defendants' motion for dismissal was granted. (Code Civ. Proc., § 581, subd. 3.) An order of dismissal was entered (Code Civ. Proc., § 581d), and this appeal followed.

Footnotes at end of article.

Preliminarily we observe that in our examination of the instant complaint, we are guided by the long-settled rules for determining its sufficiency against a demurrer. We treat the demurrer as admitting all material facts properly pleaded, but not contentions, deductions or conclusions of fact or law. (Daar v. Yellow Cab Co. (1967) 67 Cal. 2d 695, 713.) We also consider matters which may be judicially noticed. (*Id.* at p. 716.) Accordingly, from time to time herein we shall refer to relevant information which has been drawn to our attention either by the parties or by our independent research; in each instance we judicially notice this material since it is contained in publications of state officers or agencies. (Board of Education v. Watson (1966) 63 Cal. 2d 829, 836, fn. 3; see Evid. Code, § 452, subd. (c).)

I

We begin our task by examining the California public school financing system which is the focal point of the complaint's allegations. At the threshold we find a fundamenal statistic—over 90 percent of our public school funds derive from two basic sources: (a) local district taxes on real property and (b) aid from the State School Fund.[2]

By far the major source of school revenue is the local real property tax. Pursuant to article IX, section 6 of the California Constitution, the Legislature has authorized the governing body of each county, and city and county, to levy taxes on the real property within a school district at a rate necessary to meet the district's annual education budget. (Ed. Code, § 20701, et seq.)[3] The amount of revenue which a district can raise in this manner thus depends largely on its tax base—i.e., the assessed valuation of real property within its borders. Tax bases vary widely throughout the state; in 1969–1970, for example, the assessed valuation per unit of average daily attendance of elementary school children[4] ranged from a low of $103 to a peak of $952,156—a ratio of nearly 1 to 10,000. (Legislative Analyst, Public School Finance, Part V, Current Issues in Educational Finance (1971) p. 7.)[5]

The other factor determining local school revenue is the rate of taxation within the district. Although the Legislature has placed ceilings on permissible district tax rates (§ 20751, et seq.), these statutory maxima may be surpassed in a "tax override" election if a majority of the district's voters approve a higher rate. (§ 20803 et seq.) Nearly all districts have voted to override the statutory limits. Thus the locally raised funds which constitute the largest portion of school revenue are primarily a function of the value of the realty within a particular school district, coupled with the willingness of the district's residents to tax themselves for education.

Most of the remaining school revenue comes from the State School Fund pursuant to the "foundation program," through which the state undertakes to supplement local taxes in order to provide a "minimum amount of guaranteed support to all districts. . . ." (§ 17300.) With certain minor exceptions,[6] the foundation program ensures that each school district will receive annually from state or local funds, $355 for each elementary school pupil (§§ 17656, 17660) and $488 for each high school student. (§ 17665.)

The state contribution is supplied in two principal forms. "Basic state aid" consists of a flat grant to each district of $125 per pupil per year, regardless of the relative wealth of the district. (Cal Const., art. IX, § 6, par. 4; Ed. Code, §§ 17751, 17801.) "Equalization aid" is distributed in inverse proportion to the wealth of the district.

To compute the amount of equalization aid to which a district is entitled, the State Superintendent of Public Instruction first determines how much local property tax revenue would be generated if the district were to levy a hypothetical tax at a rate of $1 on each $100 of assessed valuation in elementary school districts and $.80 per $100 in high school districts.[7] (§ 17702). To that figure, he adds the $125 per pupil basic aid grant. If the sum of those two amounts is less than the foundation program minimum for that district, the state contributes the difference. (§§ 17901, 17902.) Thus, equalization funds guarantee to the poorer districts a basic minimum revenue, while wealthier districts are ineligible for such assistance.

An additional state program of "supplemental aid" is available to subsidize particularly poor school districts which are willing to make an extra local tax effort. An elementary district with an assessed valuation of $12,500 or less per pupil may obtain up to $125 more for each child if it sets its local tax rate above a certain statutory level. A high school district whose assessed valuation does not exceed $24,500 per pupil is eligible for a supplement of up to $72 per child if its local tax is sufficiently high. (§§ 17920–17926.)[8]

Although equalization aid and supplemental aid temper the disparities which result from the vast variations in real property assessed valuation, wide differentials remain in the revenue available to individual districts and consequently, in the level of educational expenditures.[9] For example, in Los Angeles County, where plaintiff children attend school, the Baldwin Park Unified School District expended only $577.49 to educate each of its pupils in 1968–1969; during the same year the Pasadena Unified School District spent $840.19 on every student; and the Beverly Hills Unified School District paid out $1,231.72 per child. (Cal. Dept. of Ed., Cal. Public Schools, Selected Statistics 1968–1969 (1970) Table IV–11, pp. 90–91.) The source of these disparities is unmistakable; in Baldwin Park the assessed valuation per child totaled only $3,706; in Pasadena, assessed valuation was $13,706; while in Beverly Hills, the corresponding figure was $50,885—a ratio of 1 to 4 to 13. (*Id.*) Thus, the state grants are inadequate to offset the inequalities inherent in a financing system based on widely varying local tax bases.

Furthermore, basic aid, which constitutes about half of the state educational funds (Legislative Analyst, Public School Finance, Part II, The State School Fund: Its Derivation, Distribution and Apportionment (1970) p. 9), actually widens the gap between rich and poor districts. (See Cal. Senate Fact Finding Committee on Revenue and Taxation, State and Local Fiscal Relationships in Public Education in California (1965) p. 19.) Such aid is distributed on a uniform per pupil basis to all districts, irrespective of a district's wealth. Beverly Hills, as well as Baldwin Park, receives $125 from the state for each of its students.

For Baldwin Park the basic grant is essentially meaningless. Under the foundation program the state must make up the difference between $355 per elementary child and $47.91, the amount of revenue per child which Baldwin Park could raise by levying a tax of $1 per $100 of assessed valuation. Although under present law, that difference is composed partly of basic aid and partly of equalization aid, if the basic aid grant did not exist, the district would still receive the same amount of state aid—all in equalizing funds.

For Beverly Hills, however, the $125 flat grant has real financial significance. Since a tax rate of $1 per $100 there would produce $870 per elementary student, Beverly Hills is far too rich to qualify for equalizing aid. Nevertheless, it still receives $125 per child from the state, thus enlarging the economic chasm between it and Baldwin Park. (See Coons, Clune & Sugarman, *Educational Opportunity: A Workable Constitutional Test*

for State Financial Structures (1969), 57 Cal.L.Rev. 305, 315.)

II

Having outlined the basic framework of California school financing, we take up plaintiffs' legal claims. Preliminarily, we reject their contention that the school financing system violates article IX, section 5 of the California Constitution, which states, in pertinent part: "The Legislature shall provide for *a system of common schools* by which a free school shall be kept up and supported in each district at least six months in every year. . . ." (Italics added.)[10] Plaintiffs' argument is that the present financing method produces separate and distinct systems, each offering an educational program which varies with the relative wealth of the district's residents.

We have held that the word "system," as used in article IX, section 5, implies a "unity of purpose as well as an entirety of operation, and the direction to the legislature to provide 'a' system of common schools means *one* system which shall be applicable to all the common schools within the state." (Kennedy v. Miller (1893) 97 Cal. 429, 432.) However, we have never interpreted the constitutional provision to require equal school spending; we have ruled only that the educational system must be uniform in terms of the prescribed course of study and educational progression from grade to grade. (Piper v. Big Pine School Dist. (1924) 193 Cal. 664, 669, 673.)

We think it would be erroneous to hold otherwise. While article IX, section 5 makes no reference to school financing, section 6 of that same article specifically authorizes the very element of the fiscal system of which plaintiffs complain. Section 6 states, in part: "The Legislature shall provide for the levying annually by the governing board of each county, and city and county, of such school district taxes, at rates . . . as will produce in each fiscal year such revenue for each school district as the governing board thereof shall determine is required . . ."

Elementary principles of construction dictate that where constitutional provisions can reasonably be construed to avoid a conflict, such an interpretation should be adopted. (People v. Western Airlines, Inc. (1954) 42 Cal. 2d 621, 637, app. dism. (1954) 348 U.S. 859). This maxim suggests that section 5 should not be construed to apply to school financing; otherwise it would clash with section 6. If the two provisions were found irreconcilable, section 6 would prevail because it is more specific and was adopted more recently. (*Id.*; County of Placer v. Aetna Gas, etc. Co. (1958) 50 Cal. 2d 182, 189.) Consequently, we must reject plaintiff's argument that the provision in section 5 for a "system of common schools" requires uniform educational expenditures.

III

Having disposed of these preliminary matters, we take up the chief contention underlying plaintiffs' complaint, namely that the California public school financing scheme violates the equal protection clause of the Fourteenth Amendment to the United States Constitution.[11]

As recent decisions of this court have pointed out, the United States Supreme Court has employed a two-level test for measuring legislative classifications against the equal protection clause. "In the area of economic regulation, the high court has exercised restraint, investing legislation with a presumption of constitutionality and requiring merely that distinctions drawn by a challenged statute bear some rational relationship to a conceivable legitimate state purpose. [Citations.]

"On the other hand, in cases involving 'suspect classifications' or touching on 'fundamental interests,' [fns. omitted] the court has adopted an attitude of active and critical analysis, subjecting the classification to strict scrutiny. [Citations.] Under the strict standard applied in such cases, the state bears the burden of establishing not only that it has a *compelling* interest which justifies the law but that the distinctions drawn by the law are *necessary* to further its purpose." (Westbrook v. Mihaly (1970) 2 Cal. 3d 765, 784–785, vacated on other grounds (1971) ——U.S.——; In re Antazo (1970) 3 Cal. 3d 100, 110–111; see Purdy & Fitzpatrick v. State of California (1969) 71 Cal. 2d 566, 578–579.)

A. Wealth as a suspect classification

In recent years, the United States Supreme Court has demonstrated a marked antipathy toward legislative classifications which discriminate on the basis of certain "suspect" personal characteristics. One factor which has repeatedly come under the close scrutiny of the high court is wealth. "Lines drawn on the basis of wealth or property, like those of race [citation], are traditionally disfavored." (Harper v. Virginia Bd. of Elections (1966) 383 U.S. 663, 668.) Invalidating the Virginia poll tax in *Harper*, the court stated: "To introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor." (*Id.*) "[A] careful examination on our part is especially warranted where lines are drawn on the basis of wealth . . . [a] factor which would independently render a classification highly suspect and thereby demand a more exacting judicial scrutiny. [Citations.]" (McDonald v. Board of Elections (1969) 394 U.S. 802, 807.) (See also Tate v. Short (1971) 39 U.S. L.Week 4301; Williams v. Illinois (1970) 399 U.S. 235; Roberts v. La Vallee (1967) 389 U.S. 40; Anders v. California (1967) 386 U.S. 738; Douglas v. California (1963) 372 U.S. 353; Smith v. Bennett (1961) 365 U.S. 708; Burns v. Ohio (1959) 360 U.S. 252; Griffin v. Illinois (1956) 351 U.S. 12; In re Antazo, *supra*, 3 Cal. 3d 100; see generally Michelman, *The Supreme Court, 1968 Term, Foreword: On Protecting the Poor Through the Fourteenth Amendment* (1969) 83 Harv.L.Rev. 7, 19–33.)

Plaintiffs contend that the school financing system classifies on the basis of wealth. We find this proposition irrefutable. As we have already discussed, over half of all educational revenue is raised locally by levying taxes on real property in the individual school districts. Above the foundation program minimum ($355 per elementary student and $488 per high school student), the wealth of a school district, as measured by its assessed valuation, is the major determinant of educational expenditures.

Although the amount of money raised locally is also a function of the rate at which the residents of a district are willing to tax themselves, as a practical matter districts with small tax bases simply cannot levy taxes at a rate sufficient to produce the revenue that more affluent districts reap with minimal tax efforts. (See fn. 15, *infra*, and accompanying text.) For example, Baldwin Park citizens, who paid a school tax of $5.48 per $100 of assessed valuation in 1968–1969, were able to spend less than half as much on education as Beverly Hills residents, who were taxed only $2.38 per $100. (Cal. Dept. of Ed., *op. cit. supra*, Table III–16, p. 43.)

Defendants vigorously dispute the proposition that the financing scheme discriminates on the basis of wealth. Their first argument is essentially this: through *basic* aid, the state distributes school funds equally to all pupils; through *equalization* aid, it distributes funds in a manner beneficial to the poor districts. However, state funds constitute only one part of the entire school fiscal system.[12] The foundation program partially alleviates the great disparities in local sources of revenue, but the system as a whole generates school revenue in proportion to the wealth of the individual district.[13]

Defendants also argue that neither assessed valuation per pupil nor expenditure per pupil is a reliable index of the wealth of a district or of its residents. The former figure is untrustworthy, they assert, because a district with a low total assessed valuation but a miniscule number of students will have a high per pupil tax base and thus appear "wealthy." Defendants imply that the proper index of a district's wealth is the total assessed valuation of its property. We think defendants' contention misses the point. The only meaningful measure of a district's wealth in the present context is not the absolute value of its property, but the ratio of its resources to pupils, because it is the latter figure which determines how much the district can devote to educating each of its students.[14]

But, say defendants, the expenditure per child does not accurately reflect a district's wealth because that expenditure is partly determined by the district's tax rate. Thus, a district with a high total assessed valuation might levy a low school tax, and end up spending the same amount per pupil as a poorer district whose residents opt to pay higher taxes. This argument is also meritless. Obviously, the richer district is favored when it can provide the same educational quality for its children with less tax effort. Furthermore, as a statistical matter, the poorer districts are financially unable to raise their taxes high enough to match the educational offerings of wealthier districts. (Legislative Analyst, Part V, *supra*, pp. 8–9.) Thus, affluent districts can have their cake and eat it too: they can provide a high quality education for their children while paying lower taxes.[15] Poor districts, by contrast, have no cake at all.

Finally, defendants suggest that the wealth of a school district does not necessarily reflect the wealth of the families who live there. The simple answer to this argument is that plaintiffs have alleged that there is a correlation between a district's per pupil assessed valuation and the wealth of its residents and we treat these material facts as admitted by the demurrers.

More basically, however, we reject defendants' underlying thesis that classification by wealth is constitutional so long as the wealth is that of the district, not the individual. We think that discrimination on the basis of district wealth is equally invalid. The commercial and industrial property which augments a district's tax base is distributed unevenly throughout the state. To allot more educational dollars to the children of one district than to those of another merely because of the fortuitous presence of such property is to make the quality of a child's education dependent upon the location of private commercial and industrial establishments.[16] Surely, this is to rely on the most irrelevant of factors as the basis for educational financing.

Defendants, assuming for the sake of argument that the financing system does classify by wealth, nevertheless claim that no constitutional infirmity is involved because the complaint contains no allegation of purposeful or intentional discrimination. (Cf. Gomillion v. Lightfoot (1960) 364 U.S. 339.) Thus, defendants contend, any unequal treatment is only de facto, not de jure. Since the United States Supreme Court has not held de facto school segregation on the basis of race to be unconstitutional, so the argument goes, de facto classifications on the basis of wealth are presumptively valid.

We think that the whole structure of this argument must fall for want of a solid foundation in law and logic. First, none of the wealth classifications previously invalidated by the United States Supreme Court or this court has been the product of purposeful discrimination. Instead, these prior decisions have involved "unintentional" classi-

Footnotes at end of article.

fications whose impact simply fell more heavily on the poor.

For example, several cases have held that where important rights are at stake, the state has an affirmative obligation to relieve an indigent of the burden of his own poverty by supplying without charge certain goods or services for which others must pay. In Griffin v. Illinois, *supra*, 351 U.S. 12, the high court ruled that Illinois was required to provide a poor defendant with a free transcript on appeal.[17] Douglas v. California, *supra*, 372 U.S. 353 held that an indigent person has a right to court-appointed counsel on appeal.

Other cases dealing with the factor of wealth have held that a state may not impose on an indigent certain payment which, although neutral on their face, may have a discriminatory *effect*. In Harper v. Virginia Bd. of Elections, *supra*, 383 U.S. 663, the high court struck down a $1.50 poll tax, not because its *purpose* was to deter indigents from voting, but because its *results* might be such. (*Id.* at p. 666, fn. 3.) We held in In re Antazo, *supra*, 3 Cal. 3d 100 that a poor defendant was denied equal protection of the laws if he was imprisoned simply because he could not afford to pay a fine. (Accord, Tate v. Short, *supra*, 39 U.S. L. Week 4301; Williams v. Illinois, *supra*, 399 U.S. 235; [18] see Boddie v. Connecticut (1971) 39 U.S. L. Week 4294, discussed fn. 21, *infra*.) In summary, prior decisions have invalidated classifications based on wealth even in the absence of a discriminatory motivation.

We turn now to defendants' related contention that the instant case involves at most de facto discrimination. We disagree. Indeed, we find the case unusual in the extent to which governmental action *is* the cause of the wealth classifications. The school funding scheme is mandated in every detail by the California Constitution and statutes. Although private residential and commercial patterns may be partly responsible for the distribution of assessed valuation throughout the state, such patterns are shaped and hardened by zoning ordinances and other governmental land-use controls which promote economic exclusivity. (Cf. San Francisco Unified School Dist. v. Johnson (1971) 3 Cal. 3d 937, 956.) Governmental action drew the school district boundary lines, thus determining how much local wealth each district would contain. (Cal. Const., art. IX, § 14; Ed. Code, § 1601 et seq; Worthington S. Dist. v. Eureka S. Dist. (1916) 173 Cal. 154, 156; Hughes v. Ewing (1892) 93 Cal. 414, 417; Mountain View Sch. Dist. v. City Council (1959) 168 Cal. App. 2d 89, 97.) Compared with *Griffin* and *Douglas*, for example, official activity has played a significant role in establishing the economic classifications challenged in this action.[19]

Finally, even assuming arguendo that defendants are correct in their contention that the instant discrimination based on wealth is merely de facto, and not de jure,[20] such discrimination cannot be justified by analogy to de facto racial segregation. Although the United States Supreme Court has not yet ruled on the constitutionality of de facto racial segregation, this court eight years ago held such segregation invalid, and declared that school boards should take affirmative steps to alleviate racial imbalance, however created. (Jackson v. Pasadena City School Dis. (1968) 59 Cal. 2d 876, 881, San Francisco Unified School Dist. v. Johnson, supra, 3 Cal. 3d 937.) Consequently, any discrimination based on wealth can hardly be vindicated by reference to de facto racial segregation, which we have already condemned. In sum, we are of the view that the school financing system discriminates on the basis of the wealth of a district and its residents.

Footnotes at end of article.

B. Education as a fundamental interest

But plaintiffs' equal protection attack on the fiscal system has an additional dimension. They assert that the system not only draws lines on the basis of wealth but that it "touches upon," indeed has a direct and significant impact upon, a "fundamental interest," namely education. It is urged that these two grounds, particularly in combination, establish a demonstrable denial of equal protection of the laws. To this phrase of the argument we now turn our attention.

Until the present time wealth classifications have been invalidated only in conjunction with a limited number of fundamental interests—rights of defendants in criminal cases (*Griffin; Douglas; Williams; Tate; Antazo*) and voting rights (*Harper;* Cipriano v. City Houma (1969) 395 U.S. 701; Kramer v. Union School District (1969) 395 U.S. 621; cf. McDonald v. Board of Elections).[21] Plaintiff's contention—that education is a fundamental interest which may not be conditioned on wealth—is not supported by any direct authority.[22]

We, therefore, begin by examining the indispensable role which education plays in the modern industrial state. This role, we believe, has two significant aspects: first, education is a major determinant of an individual's chances for economic and social success in our competitive society; second, education is a unique influence on a child's development as a citizen and his participation in political and community life. "[T]he pivotal position of education to success in American society and its essential role in opening up to the individual the central experiences of our culture lend it an importance that is undeniable." (Note, *Development in the Law—Equal Protection* (1969), 82 Harv. L. Rev. 1065, 1129.) Thus, education is the lifeline of both the individual and society.

The fundamental importance of education has been recognized in other contexts by the United States Supreme Court and by this court. These decisions—while not *legally* controlling on the exact issue before us—are persuasive in their accurate factual description of the significance of learning.[23]

The classic expression of this position came in Brown v. Board of Education (1954), 347 U.S. 483, which invalidated de jure segregation by race in public schools. The high court declared: "Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms." (*Id.* at p. 493.)

The twin themes of the importance of education to the individual and to society have recurred in numerous decisions of this court. Most recently in San Francisco Unified School Dist. v. Johnson, *supra*, 3 Cal. 3d 937, where we considered the validity of an anti-busing statute, we observed, "Unequal education, then, leads to unequal job opportunities, disparate income, and handicapped ability to participate in the social, cultural, and political activity of our society." (*Id.* at p. 950.) Similarly, in Jackson v. Pasadena City School Dist., *supra*, 59 Cal. 2d 876, which raised a claim that school districts had been gerrymandered to avoid integration, this court said: "In view of the importance of education to society and to the individual child, the opportunity to receive the schooling furnished by the state must be made available to all on an equal basis." (*Id.* at p. 880.)

When children living in remote areas brought an action to compel local school authorities to furnish them bus transportation to class, we stated: "We indulge in no hyperbole to assert that society has a compelling interest in affording children an opportunity to attend school. This was evidenced more than three centuries ago, when Massachusetts provided the first public school system in 1647. [Citation.] And today an education has become the *sine qua non* of useful existence. . . . In light of the public interest in conserving the resource of young minds, we must unsympathetically examine any action of a public body which has the effect of depriving children of the opportunity to obtain an education." (Fn. omitted.) (Manjares v. Newton (1969) 64 Cal. 2d 365, 375–376.)

And long before these last mentioned cases, in Piper v. Big Pine School Dist., *supra*, 193 Cal. 664, where an Indian girl sought to attend state public schools, we declared: "[T]he common schools are doorways opening into chambers of science, art, and the learned professions, as well as into fields of industrial and commercial activities. Opportunities for securing employment are often more or less dependent upon the rating which a youth, as a pupil of our public institutions, has received in his school work. These are rights and privileges that cannot be denied." (*Id.* at p. 673; see also Ward v. Floyd (1874) 48 Cal. 36.) Although *Manjares* and *Piper* involved actual exclusion from the public schools, surely the right to an education today means more than access to a classroom.[24] (See Horowitz & Neitring, *supra*, 15 U.C.L.A. L. Rev. 787, 811.)

It is illuminating to compare in importance the right to an education with the rights of defendants in criminal cases and the right to vote—two "fundamental interests" which the Supreme Court has already protected against discrimination based on wealth. Although an individual's interest in his freedom is unique, we think that from a larger perspective, education may have far greater social significance than a free transcript or a court-appointed lawyer. "[E]ducation not only affects directly a vastly greater number of persons than the criminal law, but it affects them in ways which—to the state—have an enormous and much more varied significance. Aside from reducing the crime rate (the inverse relation is strong), education also supports each and every other value of a democratic society—participation, communication, and social mobility, to name but a few." (Fn. omitted.) (Coons, Clune & Sugarman, *supra*, 57 Cal.L.Rev. 305, 362–363.)

The analogy between education and voting is much more direct: both are crucial to participation in, and the functioning of, a democracy. Voting has been regarded as a fundamental right because it is "preservative of other basic civil and political rights. . . ." (Reynolds v. Sims, *supra*, 377 U.S. 533, 562; see Yick Wo v. Hopkins (1886) 118 U.S. 356, 370.) The drafters of the California Constitution used this same rationale—indeed, almost identical language—in expressing the importance of education. Article IX, section 1 provides: "A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement." (See also Piper v. Big Pine School Dist., *supra*, 193 Cal. 664, 668.) At a minimum, education makes more meaningful the casting of a ballot. More significantly, it is

likely to provide the understanding of, and the interest in, public issues which are the spur to involvement in other civic and political activities.

The need for an educated populace assumes greater importance as the problems of our diverse society become increasingly complex. The United States Supreme Court has repeatedly recognized the role of public education as a unifying social force and the basic tool for shaping democratic values. The public school has been termed "the most powerful agency for promoting cohesion among a heterogenous democratic people . . . at once the symbol of our democracy and the most persuasive means for promoting our common destiny." (McCollum v. Board of Education (1948) 333 U.S. 203, 216, 231 (Frankfurter, J., concurring).) In Abington School Dist. v. Schempp (1963) 374 U.S. 203, it was said that "Americans regard the public schools as a most vital civic institution for the preservation of a democratic system of government." (*Id.* at p. 230; Brennan, J., concurring.) [25]

We are convinced that the distinctive and priceless function of education in our society warrants, indeed compels, our treating it as a "fundamental interest." [26]

First, education is essential in maintaining what several commentators have termed "free enterprise democracy"—that is, preserving an individual's opportunity to compete successfully in the economic marketplace, despite a disadvantaged background. Accordingly, the public schools of this state are the bright hope for entry of the poor and oppressed into the mainstream of American society.[27]

Second, education is universally relevant. "Not every person finds it necessary to call upon the fire department or even the police in an entire lifetime. Relatively few are on welfare. Every person, however, benefits from education . . ." (Fn. Omitted.) (Coons, Clune & Sugarman, *supra*, 57 Cal.L.Rev. at p. 388.)

Third, public education continues over a lengthy period of life—between 10 and 13 years. Few other government services have such sustained, intensive contact with the recipient.

Fourth, education is unmatched in the extent to which it molds the personality of the youth of society. While police and fire protection, garbage collection and street lights are essentially neutral in their effect on the individual psyche, public education actively attempts to shape a child's personal development in a manner chosen not by the child or his parents but by the state. (Coons, Clune & Sugarman, *supra*, 57 Cal. L.Rev. at p. 389). "[T]he influence of the school is not confined to how well it can teach the disadvantaged child; it also has a significant role to play in shaping the student's emotional and psychological makeup." (Hobson v. Hansen, *supra*, 269 F. Supp. 401, 483.)

Finally, education is so important that the state has made it compulsory—not only in the requirement of attendance but also by assignment to a particular district and school. Although a child of wealthy parents has the opportunity to attend a private school, this freedom is seldom available to the indigent. In this context, it has been suggested that "a child of the poor assigned willy-nilly to an inferior state school takes on the complexion of a prisoner, complete with a minimum sentence of 12 years." (Coons, Clune & Sugarman, *supra*, 57 Cal.L.Rev. at p. 388.)

C. The financing system is not necessary to accomplish a compelling state interest

We now reach the final step in the application of the "strict scrutiny" equal protection standard—the determination of whether the California school financing system, as presently structured, is necessary to achieve a compelling state interest.

Footnotes at end of article.

The state interest which defendants advance in support of the current fiscal scheme is California's policy "to strengthen and encourage local responsibility for control of public education." (Ed. Code, § 17300.) We treat separately the two possible aspects of this goal: first, the granting to local districts of effective decision-making power over the administration of their schools; and second, the promotion of local fiscal control over the amount of money to be spent on education.

The individual district may well be in the best position to decide whom to hire, how to schedule its educational offerings, and a host of other matters which are either of significant local impact or of such a detailed nature as to require decentralized determination. But even assuming arguendo that local administrative control may be a compelling state interest, the present financial system cannot be considered necessary to further this interest. No matter how the state decides to finance its system of public education, it can still leave this decision-making power in the hands of local districts.

The other asserted policy interest is that of allowing a local district to choose how much it wishes to spend on the education of its children. Defendants argue: "[I]f one district raises a lesser amount per pupil than another district, this is a matter of choice and preference of the individual district, and reflects the individual desire for lower taxes rather than an expanded educational program, or may reflect a greater interest within that district in such other services that are supported by local property taxes as, for example, police and fire protection or hospital services."

We need not decide whether such decentralized financial decision-making is a compelling state interest, since under the present financing system, such fiscal free will is a cruel illusion for the poor school districts. We cannot agree that Baldwin Park residents care less about education than those in Beverly Hills solely because Baldwin Park spends less than $600 per child while Beverly Hills spends over $1,200. As defendants themselves recognize, perhaps the most accurate reflection of a community's commitment to education is the rate at which its citizens are willing to tax themselves to support their schools. Yet by that standard, Baldwin Park should be deemed far more devoted to learning than Beverly Hills, for Baldwin Park citizens levied a school tax of well over $5 per $100 of assessed valuation, while residents of Beverly Hills paid only slightly more than $2.

In summary, so long as the assessed valuation within a district's boundaries is a major determinant of how much it can spend for its schools, only a district with a large tax base will be truly able to decide how much it really cares about education. The poor district cannot freely choose to tax itself into an excellence which its tax rolls cannot provide. Far from being necessary to promote local fiscal choice, the present financing system actually deprives the less wealthy districts of that option.

It is convenient at this point to dispose of two final arguments advanced by defendants. They assert, first, that territorial uniformity in respect to the present financing system is not constitutionally required; and secondly, that if under an equal protection mandate relative wealth may not determine the quality of public education, the same rule must be applied to all tax-supported public services.

In support of their first argument, defendants cite Salsburg v. Maryland (1954) 346 U.S. 545 and Board of Education v. Watson, *supra*, 63 Cal. 2d 829. We do not find these decisions apposite in the present context, for neither of them involved the basic constitutional interests here at issue.[28] We think that two lines of recent decisions have indicated that where fundamental rights or suspect classifications are at stake, a state's general freedom to discriminate on a geographical basis will be significantly curtailed by the equal protection clause. (See Horowitz & Neitring, *supra*, 15 U.C.L.A. L. Rev. 787).

The first group of precedents consists of the school closing cases, in which the Supreme Court has invalidated efforts to shut schools in one part of a state while schools in other areas continued to operate. In Griffin v. School Board (1964) 377 U.S. 218 the court stated: "A state, of course, has a wide discretion in deciding whether laws shall operate statewide or shall operate only in certain counties, the legislature 'having in mind the needs and desires of each.' Salsburg v. Maryland, *supra*, 346 U.S., at 552. . . . But the record in the present case could not be clearer that Prince Edward's public schools were closed . . . for one reason, and one reason only: to ensure . . . that white and colored children in Prince Edward County would not, under any circumstances, go to the same school. Whatever nonracial grounds might support a State's allowing a county to abandon public schools, the object must be a constitutional one. . . ." (*Id.* at p. 231.)

Similarly, Hall v. St. Helena Parish School Board (E.D. La. 1961) 197 F. Supp. 649, affd. mem. (1962) 368 U.S. 515 held that a statute permitting a local district faced with integration to close its schools was constitutionally defective, not merely because of its racial consequences: "More generally, the Act is assailable because its application in one parish, while the state provides public schools elsewhere, would unfairly discriminate against the residents of that parish, irrespective of race. . . . [A]bsent a reasonable basis for so classifying, a state cannot close the public schools in one area while, at the same time, it maintains schools elsewhere with public funds." (Fn. omitted.) (*Id.* at pp. 651, 656.)

The *Hall* court specifically distinguished *Salsburg* stating: "The holding of Salsburg v. State of Maryland permitting the state to treat differently, for different localities, the rule against admissibility of illegally obtained evidence no longer obtained in view of Mapp. v. Ohio, 367 U.S. 643. . . . Accordingly, reliance on that decision for the proposition that there is no constitutional inhibition to geographic discrimination in the area of civil rights is misplaced. . . . [T]he Court [in *Salsburg*] emphasized that the matter was purely 'procedural' and 'local.' Here, the substitutive classification is discriminatory. . . ." (*Id.* at pp. 658–659, fn. 29.)

In the second group of cases, dealing with apportionment, the high court has held that accidents of geography and arbitrary boundary lines of local government can afford no ground for discrimination among a state's citizens. (Kurland, *Equal Educational Opportunity: The Limits of Constitutional Jurisprudence Undefined* (1968) 35 U. Chi. L. Rev. 583, 585; see also Wise, Rich Schools, Poor Schools: The Promise of Equal Educational Opportunity (1969) pp. 66–92.) Specifically rejecting attempts to justify unequal districting on the basis of various geographic factors, the court declared: "Diluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment just as much as invidious discriminations based upon factors such as race [citation] or economic status, Griffin v. Illinois, 351 U.S. 12, Douglas v. California, 372 U.S. 353. . . . The fact that an individual lives here or there is not a legitimate reason for overweighting or diluting the efficacy of his vote." (Reynolds v. Sims, *supra*, 377 U.S. 533, 566, 567.) If a voter's address may not determine the weight to which his ballot is entitled, surely it should not determine the quality of his child's education.[29]

Defendants' second argument boils down to this: if the equal protection clause com-

mands that the relative wealth of school districts may not determine the quality of public education, it must be deemed to direct the same command to all governmental entities in respect to all tax-supported public services; [30] and such a principle would spell the destruction of local government. We unhesitatingly reject this argument. We cannot share defendants' unreasoned apprehensions of such dire consequences from our holding today. Although we intimate no views on other governmental services,[31] we are satisfied that, as we have explained, its uniqueness among public activities clearly demonstrates that *education* must respond to the command of the equal protection clause.

We, therefore, arrive at these conclusions. The California public school financing system, as presented to us by plaintiff's complaint supplemented by matters judicially noticed, since it deals intimately with education, obviously touches upon a fundamental interest. For the reasons we have explained in detail, this system conditions the full entitlement to such interest on wealth, classifies its recipients on the basis of their collective affluence and makes the quality of a child's education depend upon the resources of his school district and ultimately upon the pocketbook of his parents. We find that such financing system as presently constituted is not necessary to the attainment of any compelling state interest. Since it does not withstand the requisite "strict scrutiny," it denies to the plaintiffs and others similarly situated the equal protection of the laws.[32] If the allegations of the complaint are sustained, the financial system must fall and the statutes comprising it must be found unconstitutional.

IV

Defendants' final contention is that the applicability of the equal protection clause to school financing has already been resolved adversely to plaintiffs' claims by the Supreme Court's summary affirmance in McInnis v. Shapiro, *supra*, 293 F.Supp. 327, affd. mem. sub nom. McInnis v. Ogilvie (1969) 394 U.S. 322, and Burruss v. Wilkerson (W.D. Va. 1969) 310 F. Supp. 572, acd. mem. (1970) 397 U.S. 44. The trial court in the instant action cited *McInnis* in sustaining defendants' demurrers.

The plaintiffs in *McInnis* challenged the Illinois school financing system, which is similar to California's, as a violation of the equal protection and due process clauses of the Fourteenth Amendment because of the wide variations among districts in school expenditures per pupil. They contended that "*only* a financing system which apportions public funds according to the educational needs of the students satisfies the Fourteenth Amendment." (Fn. omitted.) (293 F.Supp. at p. 331.)

A three-judge federal district court concluded that the complaint stated no cause of action "for two principal reasons: (1) the Fourteenth Amendment does not require that public school expenditures be made only on the basis of pupils' *educational needs*, and (2) the lack of judicially manageable standards makes this controversy nonjusticiable." (Fn. omitted.) (293 F. Supp. at p. 329). (Italics added.) The court additionally rejected the applicability of the strict scrutiny equal protection standard and ruled that the Illinois financing scheme was rational because it was "designed to allow individual localities to determine their own tax burden according to the importance which they place upon public schools." (*Id.* at p. 333.) The United States Supreme Court affirmed per curiam with the following order: "The motion to affirm is granted and the judgment is affirmed." (394 U.S. 322.) No cases were cited in the high court's order; there was no oral argument.[33]

Defendants argue that the high court's summary affirmance forecloses our independent examination of the issues involved. We disagree.

Since *McInnis* reached the Supreme Court by way of appeal from a three-judge federal court, the high court's jurisdiction was not discretionary. (28 U.S.C. § 1253 (1964).) In these circumstances, defendants are correct in stating that a summary affirmance is formally a decision on the merits. However, the significance of such summary dispositions is often unclear, especially where, as in *McInnis*, the court cites no cases as authority and guidance. One commentator has stated, "It has often been observed that the dismissal of an appeal, technically an adjudication on the merits, is in practice often the substantial equivalent of a denial of certiorari." [34] (D. Currie, *The Three-Judge District Court in Constitutional Litigation* (1964) 32 U.Chi.L.Rev. 1, 74, fn. 365.) Frankfurter and Landis had suggested earlier that the pressure of the court's docket and differences of opinion among the judges operate "to subject the obligatory jurisdiction of the court to discretionary considerations not unlike those governing *certiorari*." (Frankfurter & Landis, *The Business of the Supreme Court at October Term, 1929* (1930) 44 Harv. L. Rev. 1, 14.) Between 60 and 84 percent of appeals in recent years have been summarily handled by the Supreme Court without opinion. (Stern & Gressman, *op. cit. supra*, at p. 194.) [35]

At any rate, the contentions of the plaintiffs here are significantly different from those in *McInnis*. The instant complaint employs a familiar standard which has guided decisions of both the United States and California Supreme Courts: discrimination on the basis of wealth is an inherently suspect classification which may be justified only on the basis of a compelling state interest. (See cases cited, part III, *supra*.) By contrast, the *McInnis* plaintiffs repeatedly emphasized "educational needs" as the proper standard for measuring school financing against the equal protection clause. The district court found this a "nebulous concept" (293 F.Supp. 327, 329, fn. 4)—so nebulous as to render the issue nonjusticiable for lack of " 'discoverable and manageable standards.' " [36] (*Id.* at p. 335.) In fact, the nonjusticiability of the "educational needs" standard was the basis for the *McInnis* holding; the district court's additional treatment of the substantive issues was purely dictum. In this context, a Supreme Court affirmance can hardly be considered dispositive of the significant and complex constitutional questions presented here.[37]

Assuming, as we must in light of the demurrers, the truth of the material allegations of the first stated cause of action, and considering in conjunction therewith the various matters which we have judicially noticed, we are satisfied that plaintiff children have alleged facts showing that the public school financing system denies them equal protection of the laws because it produces substantial disparities among school districts in the amount of revenue available for education.

The second stated cause of action by plaintiff parents by incorporating the first cause has, of course, sufficiently set forth the constitutionally defective financing scheme. Additionally, the parents allege that they are citizens and residents of Los Angeles County; that they are owners of real property assessed by the county; that some of defendants are county officials; and that as a direct result of the financing system they are required to pay taxes at a higher rate than taxpayers in many other districts in order to secure for their children the same or lesser educational opportunities. Plaintiff parents join with plaintiff children in the prayer of the complaint that the system be declared unconstitutional and that defendants be required to restructure the present financial system so as to eliminate its unconstitutional aspects. Such prayer for relief is strictly injunctive and seeks to prevent public officers of a county from acting under an allegedly void law. Plaintiff parents then clearly have stated a cause of action since "[i]f the . . . law is unconstitutional, then county officials may be enjoined from spending their time carrying out its provisions. . . ." (Blair v. Pitchess (1971) 5 Cal.3d ——; Code Civ. Proc., § 526a.) [38]

Because the third cause of action incorporates by reference the allegations of the first and second causes and simply seeks declaratory relief, it obviously sets forth facts sufficient to constitute a cause of action.

By our holding today we further the cherished idea of American education that in a democratic society free public schools shall make available to all children equaly the abundant gifts of learning. This was the credo of Horace Mann, which has been the heritage and the inspiration of this country. "I believe," he wrote, "in the existence of natural law, or natural ethics—a principle antecedent to all human institutions, and incapable of being abrogated by any ordinance of man . . . which proves the *absolute right* to an education of every human being that comes into the world, and which, of course, proves the correlative duty of every government to see that the means of that education are provided for all. . . ." (Original italics.) (Old South Leaflets V, No. 109 (1846) pp. 177–180 (Tenth Annual Report to Mass. State. Bd. of Ed.), quoted in Readings in American Education (1963 Lucio ed.) p. 336.)

The judgment is reversed and the cause remanded to the trial court with directions to overrule the demurrers and to allow defendants a reasonable time within which to answer.

SULLIVAN, J.

We concur: Wright C. J.; Peters, J.; Tobriner, J.; Mosk, J.; Burke, J.

DISSENTING OPINION BY MCCOMB, J.

I dissent. I would affirm the judgment for the reasons expressed by Mr. Justice Dunn in the opinion prepared by him for the Court of Appeal in *Serrano* v. *Priest* (Cal. App. 89 Cal. Rptr. 345.

MCCOMB, J.

FOOTNOTES

[1] The complaint alleges that the financing scheme:

"A. Makes the quality of education for school age children in California, including Plaintiff Children, a function of the wealth of the children's parents and neighbors, as measured by the tax base of the school district in which said children reside, and

"B. Makes the quality of education for school age children in California, including Plaintiff Children, a function of the geographical accident of the school district in which said children reside, and

"C. Fails to take account of any of the variety of educational needs of the several school districts (and of the children therein) of the State of California, and

"D. Provides students living in some school districts of the State with material advantages over students in other school districts in selecting and pursuing their educational goals, and

"E. Fails to provide children of substantially equal age, aptitude, motivation, and ability with substantially equal educational resources, and

"F. Perpetuates marked differences in the quality of educational services, equipment and other facilities which exist among the public school districts of the State as a result of the inequitable apportionment of State resources in past years.

"G. The use of the 'school district' as a unit for the differential allocation of educational funds bears no reasonable relation to the California legislative purpose of providing equal educational opportunity for all school children within the State.

"H. The part of the State financing scheme which permits each school district to retain and expend within that district all of the property tax collected within that district bears no reasonable relation to any educational objective or need.

"I. A disproportionate number of school children who are black children, children with Spanish surnames, children belonging to other minority groups reside in school districts in which a relatively inferior educational opportunity is provided."

[2] California educational revenues for the fiscal year 1968–1969 came from the following sources: local property taxes, 55.7 percent; state aid, 35.5 percent; federal funds, 6.1 percent; miscellaneous sources, 2.7 percent. (Legislative Analyst, Public School Finance, Part I, Expenditures for Education (1970) p. 5. Hereafter referred to as Legislative Analyst.)

[3] Hereafter, unless otherwise indicated, all section references are to the Education Code.

[4] Most school aid determinations are based not on total enrollment, but on "average daily attendance" (ADA), a figure computed by adding together the number of students actually present on each school day and dividing that total by the number of days school was taught. (§§ 11252, 11301, 11401.) In practice, ADA approximates 98 percent of total enrollment. (Legislative Analyst, Public School Finance, Part IV, Glossary of Terms Most Often Used in School Finance (1971) p. 2.) When we refer herein to figures on a "per pupil" or "per child" basis, we mean per unit of ADA.

[5] Over the period November 1970 to January 1971 the legislative analyst provided to the Legislature a series of five reports which "deal with the current system of public school finance from kindergarten through the community college and are designed to provide a working knowledge of the system of school finance." (Legislative Analyst, Part I, *supra*, p. 1.) The series is as follows: Part I, Expenditures for Education; Part II, The State School Fund: Its Derivation and Distribution; Part III, The Foundation Program; Part IV, Glossary of Terms Most Often Used in School Finance; Part V, Current Issues in Educational Finance.

[6] Districts which maintain "unnecessary small schools" receive $10 per pupil less in foundation funds. (§ 17655.5 et seq.)

Certain types of school districts are eligible for "bonus" foundation funds. Elementary districts receive an additional $30 for each student in grades 1 through 3; this sum is intended to reduce class size in those grades. (§ 17674.) Unified school districts get an extra $20 per child in foundation support. (§§ 17671–17673.)

[7] This is simply a "computational" tax rate used to measure the relative wealth of the district for equalization purposes. It bears no relation to the tax rate actually set by the district in levying local real property taxes.

[8] Some further equalizing effect occurs through a special areawide foundation program in districts included in reorganization plans which were disapproved at an election. (§ 17680 et seq.) Under this program, the assessed valuation of all the individual districts in an area is pooled, and an actual tax is levied at a rate of $1 per $100 for elementary districts and $.80 for high school districts. The resulting revenue is distributed among the individual districts according to the ratio of each district's foundation level to the areawide total. Thus, poor districts effectively share in the higher tax bases of their wealthier neighbors. However, any district is still free to tax itself at a rate higher than $1 or $.80; such additional revenue is retained entirely by the taxing district.

[9] Statistics compiled by the legislative analyst show the following range of assessed valuations per pupil for the 1969–1970 school year:

Elementary:	
Low	$103
Median	19,600
High	952,156
High school:	
Low	11,959
Median	41,300
High	349,093

(Legislative Analyst, Part V, *supra*, p. 7.)

Per pupil expenditures during that year also varied widely:

Elementary:	
Low	$407
Median	672
High	2,586
High school:	
Low	722
Median	898
High	1,767
Unified:	
Low	612
Median	766
High	2,414

(*Id.* at p. 8.)

Similar spending disparities have been noted throughout the country, particularly when suburban communities and urban ghettos are compared. (See, e.g., Report of the National Advisory Commission on Civil Disorders (Bantam ed. 1968) pp. 434–436; U.S. Commission on Civil Rights, Racial Isolation in the Public Schools (1967) pp. 25–31; Conant, Slums and Suburbs (1961) pp. 2–3; Levi, *The University, The Professions, and the Law* (1968) 56 Cal. L. Rev. 251, 258–259.)

[10] Plaintiffs complaint does not specifically refer to article IX, section 5. Rather it alleges that the financing system "fails to meet minimum requirements of the . . . fundamental law and Constitution of the State of California," citing several other provisions of the state Constitution. Plaintiffs' first specific reference to article IX, section 5 is made in their brief on appeal. We treat plaintiffs' claim under this section as though it had been explicitly raised in their complaint.

[11] The complaint also alleges that the financing system violates article I, sections 11 and 21, of the California Constitution. Section 11 provides: "All laws of a general nature shall have a uniform operation." Section 21 states: "No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature; nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens." We have construed these provisions as "substantially the equivalent" of the equal protection clause of the Fourteenth Amendment to the federal Constitution. (Dept. of Mental Hygiene v. Kirchner (1965) 62 Cal.2d 586, 588.) Consequently, our analysis of plaintiffs' federal equal protection contention is also applicable to their claim under these state constitutional provisions.

[12] The other major portion is, of course, locally raised revenue; it is clear that such revenue is a part of the overall educational financing system. As we pointed out, *supra*, article IX, section 6 of the state Constitution specifically authorizes local districts to levy school taxes. Section 20701 et seq. of the Education Code details the mechanics of this process.

[13] Defendants ask us to follow Briggs v. Kerrigan (D. Mass. 1969) 307 F.Supp. 295, affd. (1st Cir. 1970) 431 F.2d 967, which held that the City of Boston did not violate the equal protection clause in failing to provide federally subsidized lunches at all of its schools. The court found that such lunches were offered only at schools which had kitchen and cooking facilities. As a result, in some cases the inexpensive meals were available to well-to-do children, but not to needy ones.

We do not find this decision relevant to the present action. Here, plaintiffs specifically allege that the allocation of school funds systematically provides greater educational opportunities to affluent children than are afforded to the poor. By contrast, in *Briggs* the court found no wealth-oriented discrimination: "There is no pattern such that schools with lunch programs predominate in areas of relative wealth and schools without the program in areas of economic deprivation." (*Id.* at p. 302.)

Furthermore, the nature of the right involved in the two cases is very different. The instant action concerns the right to an education, which we have determined to be fundamental. (See *infra*.) Availability of an inexpensive school lunch can hardly be considered of such constitutional significance.

[14] Gorman Elementary District in Los Angeles County, for example, has a total assessed valuation of $6,063,965, but only 41 students, yielding a per pupil tax base of $147,902. We find it significant that Gorman spent $1,378 per student on education in 1968–1969, even more than Beverly Hills. (Cal. Dept. of Ed., *op. cit. supra*, table IV–11, p. 90.)

We realize, of course, that a portion of the high per-pupil expenditure in a district like Gorman may be attributable to certain costs, like a principal's salary, which do not vary with the size of the school. On such expenses, small schools cannot achieve the economies of scale available to a larger district. To this extent, the high per-pupil spending in a small district may be a paper statistic, which is unrepresentative of significant differences in educational opportunities. On the other hand, certain economic "inefficiencies," such as a low pupil-teacher ratio, may have a positive educational impact. The extent to which high spending in such districts represents actual educational advantages is, of course, a matter of proof. (See fn. 16, *infra*.) (See generally Hobson v. Hansen (D.D.C. 1967) 269 F. Supp. 401, 437, affd. sub. nom. Smuck v. Hobson (D.C. Cir. 1969) 408 F. 2d 175.)

[15] "In some cases districts with low expenditure levels have correspondingly low tax rates. In many more cases, however, quite the opposite is true; districts with unusually low expenditures have unusually high tax rates owing to their limited tax base." (Legislative Analyst, Part V, *supra*, p. 8.) The following table demonstrates this relationship:

COMPARISON OF SELECTED TAX RATES AND EXPENDITURE LEVELS IN SELECTED COUNTIES, 1968–69

County	ADA	Assessed value per ADA	Tax rate	Expenditure per ADA
Alameda:				
Emery Unified	586	$100,187	$2.57	$2,223
Newark Unified	8,638	6,048	5.65	616
Fresno:				
Colinga Unified	2,640	33,244	2.17	963
Clovis Unified	8,144	6,480	4.28	565
Kern:				
Rio Bravo Elementary	121	136,271	1.05	1,545
Lamont Elementary	1,847	5,971	3.06	533
Los Angeles:				
Beverly Hills Unified	5,542	50,885	2.38	1,232
Baldwin Park Unified	13,108	3,706	5.48	577

Note: Id. at p. 9.

This fact has received comment in reports by several California governmental units. "[S]ome school districts are able to provide a high-expenditure school program at rates of tax which are relatively low, while other districts must tax themselves heavily to finance a low-expenditure program. . . . [Par.] One significant criterion of a public activity is that it seeks to provide equal treatment of equals. The present system of public education . . . in California fails to meet this criterion, both with respect to provision of services and with respect to the geographic distribution of the tax burden."

(Cal. Senate Fact Finding Committee on Revenue and Taxation, *op. cit. supra*, p. 20.)

"California's present system of school support is based largely on a sharing between the state and school districts of the expenses of education. In this system of sharing, the school district has but one source of revenue—the property tax. Therefore, its ability to share depends upon its assessed valuation per pupil and its tax effort. The variations existing in local ability (assessed valuation per pupil) and tax effort (tax rate) present problems which deny equal educational opportunity and local tax equity." (Cal. State Dept. of Ed., Recommendations on Public School Support (1967) p. 69.) (Quoted in Horowitz & Neitring, *Equal Protection Aspects of Inequalities in Public Education and Public Assistance Programs from Place to Place Within a State* (1968) 15 U.C.L.A. L.Rev. 787, 806.)

[16] Defendants contend that different levels of educational expenditure do not affect the quality of education. However, plaintiffs' complaint specifically alleges the contrary, and for purposes of testing the sufficiency of a complaint against a general demurrer, we must take its allegations to be true.

Although we recognize that there is considerable controversy among educators over the relative impact of educational spending and environmental influences on school achievement (compare Coleman, et al., Equality of Educational Opportunity (U.S. Office of Ed. 1966) with Guthrie, Kleindorfer, Levin & Stout, Schools and Inequality (1971); see generally Coons, Clune & Sugarman, *supra*, 57 Cal. L.Rev. 305, 310–311, fn. 16), we note that the several courts which have considered contentions similar to defendants' have uniformly rejected them.

In McInnis v. Shapiro (N.D. Ill. 1968) 293 F. Supp. 327, affd. mem. sub nom. McInnis v. Ogilvie (1969) 394 U.S. 332, heavily relied on by defendants, a three-judge federal court stated: "Presumably, students receiving a $1,000 education are better educated that [*sic*] those acquiring a $600 schooling." (Fn. omitted.) (*Id.* at p. 331). in Hargrave v. Kirk (M.D. Fla. 1970) 313 F. Supp. 944, vacated on other grounds sub nom. Askew v. Hargrave (1971) 401 U.S. 476, the court declared: "Turning now to the defenses asserted, it may be that in the abstract 'the difference in dollars available does not necessarily produce a difference in the quality of education.' But this abstract statement must give way to proof to the contrary in this case." (*Id.* at p. 947.)

Spending differentials of up to $130 within a district were characterized as "spectacular" in Hobson v. Hansen, *supra*, 269 F. Supp. 401. Responding to defendants' claim that the varying expenditures did not reflect actual educational benefits, the court replied: "To a great extent . . . defendants' own evidence verifies that the comparative per pupil expenditures do refer to actual educational advantages in the high-cost schools, especially with respect to the caliber of the teaching staff." (*Id.* at p. 438.)

[17] Justice Harlan, dissenting in *Griffin*, declared: "Nor is this a case where the State's own action has prevented a defendant from appealing. [Citations.] All that Illinois has done is to fail to alleviate the consequences of differences in economic circumstances that exist wholly apart from any state action. [Par.] The Court thus holds that, at least in this area of criminal appeals, the Equal Protection Clause imposes on the States an affirmative duty to lift the handicaps flowing from differences in economic circumstances." (351 U.S. at p. 34.)

[18] Numerous cases involving racial classifications have rejected the contention that purposeful discrimination is a prerequisite to establishing a violation of the equal protection clause. In Hobson v. Hansen, *supra*, 269 F. Supp. 401, Judge Skelly Wright stated: "Orthodox equal protection doctrine can be encapsulated in a single rule: government action which without justification imposes unequal burdens or awards unequal benefits is unconstitutional. The complaint that analytically no violation of equal protection vests unless the inequalities stem from a deliberately discriminatory plan is simply false. Whatever the law was once, it is a testament to our maturing concept of equality that, with the help of Supreme Court decisions in the last decade, we now firmly recognize that the arbitrary quality of thoughtlessness can be as disastrous and unfair to private rights and the public interest as the perversity of a willful scheme. [Par.] Theoretically, therefore, purely irrational inequalities even between two schools in a culturally homogeneous, uniformly white suburb would raise a real constitutional question." (Fns. omitted.) (*Id.* at p. 497.) (See also Hawkins v. Town of Shaw, Mississippi (5th Cir. 1971), 437 F. 2d 1286; Norwalk CORE v. Norwalk Redevelopment Agency (2d Cir. 1968), 395 F. 2d 920, 931.) No reason appears to impose a more stringent requirement where wealth discrimination is charged.

[19] One commentator has described state involvement in school financing inequalities as follows: "[The states] have determined that there will be public education, collectively financed out of general taxes; they have determined that the collective financing will not rest mainly on a statewide tax base, but will be largely decentralized to districts; they have composed the district boundaries, thereby determining wealth distribution among districts; in so doing, they have not only sorted educational-consuming households into groups of widely varying average wealth, but they have sorted non-school-using taxpayers—households and others—quite unequally among districts; and they have made education compulsory." His conclusion is that "[s]tate involvement and responsibility are indisputable." (Michelman, *supra*, 83 Harv. L. Rev. 7, 50, 48.)

[20] We recently pointed out the difficulty of categorizing *racial* segregation as either de facto or de jure. (San Francisco Unified School Dist. v. Johnson, *supra*, 3 Cal. 3d 937, 956–957.) We think the same reasoning applies to classifications based on wealth. Consequently, we decline to attach an oversimplified label to the complex configuration of public and private decisions which has resulted in the present allocation of educational funds.

[21] But in Boddie v. Connecticut, *supra*, 39 U.S. L. Week 4294, the Supreme Court held that poverty cannot constitutionally bar an individual seeking a divorce from access to the *civil* courts. Using a due process, rather than an equal protection, rationale, the court ruled that an indigent could not be required to pay court fees and costs for service of process as a precondition to commencing a divorce action.

[22] In Shapiro v. Thompson (1969) 394 U.S. 618, in which the Supreme Court invalidated state minimum residence requirements for welfare benefits, the high court indicated, in dictum, that certain wealth discrimination in the area of education would be unconstitutional: "We recognize that a state has a valid interest in preserving the fiscal integrity of its programs. It may legitimately attempt to limit its expenditures, whether for public assistance, public education, or any other program. But a State may not accomplish such a purpose by invidious distinctions between classes of its citizens. It could not, for example, reduce expenditures for education by barring indigent children from its schools." (*Id.* at p. 633.) Although the high court referred to actual exclusion from school, rather than discrimination in expenditures for education, we think the constitutional principle is the same. (See fn. 24, and accompanying text.)

A federal Court of Appeals has also held that education is arguably a fundamental interest. In Hargrave v. McKinney (5th Cir. 1969) 413 F. 2d 320, the Fifth Circuit ruled that a three-judge district court must be convened to consider the constitutionality of a Florida statute which limited the local property tax rate which a county could levy in raising school revenue. Plaintiffs contended that the statute violated the equal protection clause because it allowed counties with a high per-pupil assessed valuation to raise much more local revenue than counties with smaller tax bases. The court stated: "The equal protection argument advanced by plaintiffs is the crux of the case. Noting that lines drawn on wealth are suspect [fn. omitted] and that we are here dealing with interests which may well be deemed fundamental, [fn. omitted] we cannot say that there is no reasonably arguable theory of equal protection which would support a decision in favor of the plaintiffs. [Citations.]" (*Id.* at p. 324.)

On remand, a three-judge court held the statute unconstitutional because there was no rational basis for the discriminatory effect which it had in poor counties. Having invalidated the statute under the traditional equal protection test, the court declined to consider plaintiffs' contention that education was a fundamental interest, requiring application of the "strict scrutiny" equal protection standard. (Hargrave v. Kirk, *supra*, 313 F. Supp. 994.) On appeal, the Supreme Court vacated the district court's decision on other grounds, but indicated that on remand the lower court should thoroughly explore the equal protection issue. (Askew v. Hargrave (1971) 401 U.S. 476.)

[23] Defendants contend that these cases are not of precedential value because they do not consider education in the context of wealth discrimination, but merely in the context of racial segregation or total exclusion from school. We recognize this distinction, but cannot agree with defendants' conclusion. Our quotation of these cases is not intended to suggest that they *control* the legal result which we reach here, but simply that they eloquently express the crucial importance of education.

[24] Cf. Reynolds v. Sims (1964) 377 U.S. 533, 562–563, where the Supreme Court asserted that the right to vote is impaired not only when a qualified individual is barred from voting, but also when the impact of his ballot is diminished by unequal electoral apportionment: "It could hardly be gainsaid that a constitutional claim had been asserted by an allegation that certain otherwise qualified voters had been entirely prohibited from voting for members of their state legislature. And, if a State should provide that the votes of citizens in one part of the State should be given two times, or five times, or ten times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted. . . . Of course, the effect of state legislative districting schemes which give the same number of representatives to unequal numbers of constituents is identical. . . . One must be ever aware that the Constitution forbids 'sophisticated as well as simple-minded modes of discrimination.' [Citation.]" (Fn. omitted.)

[25] The sensitive interplay between education and the cherished First Amendment right of free speech has also received recognition by the United States Supreme Court. In Shelton v. Tucker (1960) 364 U.S. 479, the court declared: "The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools." (*Id.* at p. 487.) Similarly, the court observed in Keyishian v. Board of Regents (1967) 385 U.S. 589, "The classroom is peculiarly the 'market place of ideas.' The Nation's future depends upon leaders

trained through wide exposure to [a] robust exchange of ideas . . ." (*Id.* at p. 603.) (See also Tinker v. Des Moines School Dist. (1969) 393 U.S. 503, 512; Epperson v. Arkansas (1968) 393 U.S. 97.)

[26] The uniquences of education was recently stressed by the United States Supreme Court in Palmer v. Thompson (1971) 39 U.S. L. Week 4759, where the court upheld the right of Jackson, Mississippi to close its municipal swimming pools rather than operate them on an integrated basis. Distinguishing an earlier Supreme Court decision which refused to permit the closing of schools to avoid desegregation, the court stated: "Of course that case did not involve swimming pools but rather public schools, an enterprise we have described as 'perhaps the most important function of state and local governments.' Brown v. Board of Education, *supra*, at 493." (*Id.* at p. 4760, fn. 6.) This theme was echoed in the concurring opinion of Justice Blackmum, who wrote: "The pools are not part of the city's educational system. They are a general municipal service of the nice-to-have but not essential variety, and they are a service, perhaps a luxury, not enjoyed by many communities." (*Id.* at p. 4762.)

[27] In this context, we find persuasive the following passage from Hobson v. Hansen, *supra*, 269 F. Supp. 401, which held, inter alia, that higher per-pupil expenditures in predominantly white schools than in black schools in the District of Columbia deprived "the District's Negro and poor public school children of their right to equal educational opportunity with the District's white and more affluent public school children." (*Id.* at p. 406.)

"If the situation were one involving racial imbalance but in some facility other than the public schools, or unequal educational opportunity but without any Negro or poverty aspects (e.g., unequal schools all within an economically homogeneous white suburb), it might be pardonable to uphold the practice on a minimal showing of rational basis. But the fusion of these two elements in *de facto* segregation in public schools irresistably calls for additional justification. What supports this call is . . . the degree to which the poor and the Negro must rely on the public schools in rescuing themselves from their depressed cultural and economic conditions. . . ." (*Id.* at pp. 508.) Although we realize that the instant case does not present the racial aspects present in *Hobson*, we find compelling that decision's assessment of the important social role of the public schools.

[28] *Salsburg* upheld a Maryland statute which allowed illegally seized evidence to be admitted in gambling prosecutions in one county, while barring use of such evidence elsewhere in the state. But when *Salsburg* was decided, the Fourth and Fourteenth Amendments had not yet been interpreted to prohibit the admission of unlawfully procured evidence in state trials. (Mapp v. Ohio (1961) 367 U.S. 643.) Consequently, the Supreme Court in *Salsburg* treated the Maryland statute as simply establishing a rule of evidence, which was purely procedural in nature. (346 U.S. at p. 550; see pp. 554–555 (Douglas, J., dissenting).)

In *Watson* we rejected a constitutional attack on a statute which required special duties of the tax assessor in counties with a population in excess of four million, even though we recognized that only Los Angeles County would be affected by the legislation. In both cases, the courts simply applied the traditional equal protection test and sustained the provision after finding some rational basis for the geographic classification.

[29] Defendants also claim that permitting school districts to retain their locally raised property tax revenue does not violate equal protection because "[t]he power of a legislature in respect to the allocation and distribution of public funds is not limited by any requirement of uniformity or of equal protection of the laws." As an abstract proposition of law, this statement is clearly overbroad. For example, a state Legislature cannot make tuition grants from state funds to segregated private schools in order to avoid integration. (Brown v. South Carolina State Board of Education (D.S.C. 1968) 296 F.Supp. 199, affd. mem. (1968) 393 U.S. 222; Poindexter v. Louisiana Financial Assistance Commission (E.D. La. 1967) 275 F.Supp. 833, affd. mem. (1968) 389 U.S. 571.) The cases cited by defendants are inapplicable in the present context. Neither Hess v. Mullaney (9th Cir. 1954) 213 F.2d 635, cert. den. sub nom. Hess v. Dewey (1954) 348 U.S. 836, nor Gen. Amer. Tank Car Corp. v. Day (1926) 270 U.S. 367 involved a claim to a fundamental constitutional interest, such as education. (See Coons, Clune & Sugarman, supra, 57 Cal.L. Rev. at p. 371, fn. 184.)

[30] In support of this contention, defendants cite the following quotation from MacMillan Co. v. Clarke (1920) 184 Cal. 491, 500, in which we upheld the constitutionality of a statute providing free textbooks to high school pupils: "[T]he free school system . . . is not primarily a service to the individual pupils, but to the community, just as fire and police protection, public libraries, hospitals, playgrounds, and the numerous other public service utilities which are provided by taxation, and minister to individual needs, are for the benefit of the general public." Whatever the case as to the other services, we think that in this era of high geographic mobility, the "general public" benefited by education is not merely the particular community where the schools are located, but the entire state.

[31] We note, however, that the Court of Appeals for the Fifth Circuit has recently held that the equal protection clause forbids a town to discriminate racially in the provision of municipal services. In Hawkins v. Town of Shaw, Mississippi, *supra*, 437 F.2d 1286, the court held that the town of Shaw, Mississippi had an affirmative duty to equalize such services as street paving and lighting, sanitary sewers, surface water drainage, water mains and fire hydrants. The decision applied the "strict scrutiny" equal protection standard and reversed the decision of the district court which, relying on the traditional test, had found no constitutional infirmity.

Although racial discrimination was the basis of the decision, the court intimated that wealth discrimination in the provision of city services might also be invalid: "Appellants also alleged the discriminatory provision of municipal services based on wealth. This claim was dropped on appeal. It is interesting to note, however, that the Supreme Court has stated that wealth as well as race renders a classification highly suspect and thus demanding of a more exacting judicial scrutiny. [Citation.]" (*Id.* at p. 1287, fn. 1.)

[32] The United States Commission on Civil Rights has stated that "[i]t may well be that the substantial fiscal and tangible inequalities which at present exist between city and suburban school districts . . . contravene the 14th amendment's equal protection guarantee." Relying on the quotation from Brown v. Board of Education, *supra*,— " 'where a State provides education, it must be provided to all on equal terms' "—the commission concluded that this passage "would appear to render at least those substantial disparities which are readily identifiable—such as disparities in fiscal support, average per pupil expenditure, and average pupil-teacher ratios—unconstitutional." The commission also cited the reapportionment decisions and Griffin v. Illinois, *supra*, concluding, "Here, as in *Griffin*, the State may be under no obligation to provide the service, but having undertaken to provide it, the State must insure that the benefit is received by the poor as well as the rich in substantially equal measure." (U.S. Commission on Civil Rights, *op. cit. supra*, p. 261 fn. 282.)

[33] The plaintiffs in *Burruss* attacked the constitutionality of the Virginia school financing scheme. The decision of the district court, which dismissed their complaint for failure to state a claim, was cursory, containing little legal reasoning and relying on McInnis v. Shapiro for precedent. Consequently, the parties to the instant action have centered their discussion on *McInnis*, and we follow suit.

[34] Although the Supreme Court affirmed the *McInnis* decision, rather than dismissing the appeal, Currie's statement is probably entirely applicable anyway. In upholding decisions of lower courts on appeal, the Supreme Court "will affirm an appeal from a federal court, but will dismiss an appeal from a state court 'for want of a substantial federal question.' Only history would seem to justify this distinction. . . ." (Stern & Gressman, Supreme Court Practice (4th ed. 1969) at p. 233.)

[35] Summary disposition of a case by the Supreme Court need not prevent the court from later holding a full hearing on the same issue. The constitutionality of compulsory school flag salutes is a case in point. For three successive years—in Leoles v. Landers (1937) 302 U.S. 656; Hering v. State Board of Education (1938) 303 U.S. 624; and Johnson v. Deerfield (1939) 306 U.S. 621—the Supreme Court summarily upheld lower court decisions which ruled such requirements constitutional. The very next year the high court granted certiorari in Minersville District v. Gobitis (1940) 310 U.S. 586, thereby providing for oral argument and a full briefing of the issue. Although in *Gobitis* it adhered to its earlier per curiam decisions, three years later the court reversed its position and ruled such requirements invalid. (Board of Education v. Barnette (1943) 319 U.S. 624.)

[36] The plaintiffs in *Burruss* also relied on an "educational needs" standard in their attack on the Virginia school financing scheme, causing the district court to remark: "However, the courts have neither the knowledge, nor the means, nor the power to tailor the public moneys to fit the varying needs of these students throughout the State." (310 F. Supp. at p. 574.)

[37] In a comprehensive article on equal protection and school financing, three commentators have stated: "The meaning of McInnis v. Shapiro is ambiguous; but the case hardly seems another Plessy v. Ferguson. Probably but a temporary setback, it was the predictable consequence of an effort to force the court to precipitous and decisive action upon a novel and complex issue for which neither it nor the parties were ready. . . . [T]he plaintiffs' virtual absence of intelligible theory left the district court bewildered. Given the pace and character of the litigation, confusion of court and parties may have been inevitable, foreordaining the summary disposition of the appeal. The Supreme Court could not have been eager to consider an issue of this magnitude on such a record. Concededly its per curiam affirmance is formally a decision on the merits, but it need not imply the Court's permanent withdrawal from the field. It is probably most significant as an admonition to the protagonists to clarify the options before again invoking the Court's aid." (Coons, Clune & Sugarman, *supra*, 57 Cal. L. Rev. at pp. 308–309.)

The Supreme Court's willingness to order a full hearing by a federal district court on the issues raised in Hargrave v. Kirk (see Askew v. Hargrave, *supra*, 401 U.S. 476), indicates to us that it does not consider the

applicability of the equal protection clause to educational financing foreclosed by its decisions in *McInnis* and *Burruss*.

[35] Although plaintiff parents bring this action against state, as well as county, officials, it has been held that state officers too may be sued under section 526a. (Blair v. Pitchess, *supra*, 5 Cal. 3d —; California State Employees' Assn. v. Williams (1970) 7 Cal. App. 3d 390, 395; Ahlgren v. Carr (1962) 209 Cal. App. 2d 248, 252–254.)

LARRY ROBINSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. STOKES. Mr. Speaker, it is always a pleasure to recognize someone for outstanding efforts in civic affairs. Larry Robinson, president of the Cleveland-based J. B. Robinson Jewelers, devotes countless hours to worthwhile public projects. Most recently, he used some of his radio advertising time to publicize the fundraising drive of the free clinic, a program making a real impact on the drug problem in our community. The following article, which appeared recently in a Cleveland newspaper, justly praises Larry for his civic achievements:

HAPPILY, HE WILL STAY: A LOOK AT LARRY ROBINSON

It is dawn and the dark-haired businessman is on the road early. There is a 40-minute ride to Cleveland Hopkins International Airport and then an hour-long flight to Washington D.C. At 8:30 a.m., Larry Robinson is ready for the first of many appointments in the nation's capital.

First there is a visit to the National Foundation for Performing Arts on behalf of the Cleveland Institute of Music. This is followed by a meeting with Under-Secretary of Commerce James T. Lynn to discuss Cleveland problems and to win from him acceptance for a City Club speaking date.

Next, Robinson visits two new Washington jewelry stores to get ideas for his rapidly expanding chain. The day's activities are concluded with a discussion of Cleveland's confused mayoral race with one of the area's congressmen and a conversation with a member of U.S. Sen. Ted Kennedy's staff.

His schedule completed, Robinson heads for Cleveland, arriving at his Shaker Heights home in time to chat with his wife, Barbara, and three children, before bedtime.

Larry Robinson isn't on the road every day, but the pace of his visit to Washington is somewhat typical of that he maintains in Cleveland or out of the city. And the range of his activities typifies what Robinson is—successful businessman, civic leader, patron of the arts and confidant of governmental officeholders.

Robinson, 42, is best known as the president and radio voice of J. B. Robinson Company Jewelers, which has five stores in Ohio, and soon will have two more, including a new unit in Southgate Shopping near Warrensville Rd. and Union Commerce Bank, and his second Columbus store. The Southgate store will open by early August.

A day never goes by without his being heard on one of 14 radio stations in Cleveland, Akron and Columbus, talking about fine diamonds, watches and jewelry.

It has been Robinson's soft-sell approach and his penchant for delivering exactly what he promises that has helped make J. B. Robinson Company Jewelers one of the fastest growing chains in the country.

Robinson first began to make an impact on the Cleveland scene little more than 10 years ago. He had completed four years on the Harvard Business School faculty, where he had obtained a doctorate in business administration, and was working for the wealthy Crown Family in Chicago, when his father died, leaving him a jewelry wholesaling business in downtown Cleveland.

The business hardly seemed appropriate for a young executive in a large corporation. "No one," recalls Robinson, "advised me to abandon the executive suite except for an 80-year-old diamond dealer and one uncle. Both thought it was more rewarding to be in business for yourself. I agreed."

Robinson decided that wholesaling had a limited future in Cleveland. He decided to emphasize the retail business.

"We did it with only one rule," he says, "to try to understand what customers want and to satisfy those desires."

The extent to which he has succeeded is measured in the growth of his company. J. B. Robinson Company has increased its volume more than tenfold in the 12 years since Larry Robinson assumed its leadership.

With his company well along the road to success in the mid-1960's, Robinson also turned his considerable talents toward civic involvement.

"The businessman is always solving problems," Robinson explained. "I felt that people skilled at solving problems professionally might become more involved in solving problems of the city and state."

He plunged headlong into activities at the Cleveland Welfare Federation. As a result of efforts there, Robinson joined in campaigns to get better people in political office and to get better acquainted with those in office "so there was someone you could see when attention has to be drawn to a problem of Greater Cleveland."

Robinson's enthusiastic approach toward civic affairs caught the eye of other organizations and his involvement began to mushroom. Today, he is a trustee and committee chairman of the Greater Cleveland Growth Association, vice president of the Cleveland Institute of Music, City Club board member, a member of the Health Planning and Development Commission of the Cleveland Welfare Federation and also of the Criminal Justice Coordinating Council. He also serves as a director of the Cleveland Convention and Visistors Bureau.

During these activities and many others, he has found time to host a conversation series on WVIZ–TV, to lecture on urban affairs at several college campuses or to walk a university campus and "rap" with students during a period of tension.

A story that illustrates the depth of Robinson's involvement in the problem of the city and its people occurred during the Glenville incident in the summer of 1968.

Robinson was at City Hall, manning a telephone in the mayor's office, marshalling efforts in the business community, when a resident of the Glenville area called. She was frantic. The power was out. There were no lights. Her mother was ill and needed medication. Her father was deaf. The police were busily engaged with the disturbance and the local utility couldn't find anyone willing to risk the trip.

Larry Robinson is no electrician. But he made the trip and replaced a faulty fuse for the family.

Despite his sometimes frantic pace, Robinson makes time so that he can enjoy his growing family. His wife, Barbara, is a classical pianist who has soloed with The Boston Pops Orchestra. Daughter Lisa, 14, is a Junior Olympic horseback rider and racing skiier. Two boys, John, 10, and James, 8, round out the family.

As one Cleveland newspaper pointed out in an editorial a few years ago: "Cleveland is on the go, but it will remain so only if Robinson's type stay on the job."

Just a few weeks ago, Larry Robinson was offered an attractive position as president of a large retailing chain. It would have meant his leaving Cleveland.

Happily, he decided to stay.

THE MILITARY ORDER OF THE WORLD WARS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. HOSMER. Mr. Speaker, the Military Order of the World Wars is one of the Nation's oldest and most seasoned organizations of veterans. There follows extracts from resolutions enacted by the order at its recent national convention:

RESOLUTIONS

The National Convention of the Military Order of the World Wars actively support legislation which will continue the Selective Service System for at least two years to provide for National Commitments; and,

The Military Order of the World Wars, in national convention assembled, do hereby call upon President Richard M. Nixon to recognize and relieve the great and growing concern, not only of The Military Order of the World Wars, but of all citizens who love the United States and hope to see it survive as a free nation, by clearly re-stating the national goals of the United States in the inspiring terms of the great principles and moral values upon which the nation was founded. We call upon him further to forcefully assert and demonstrate his constitutional powers and his authority and responsibility as our national leader, by commencing and carrying out a vigorous and fully adequate program of strong military preparedness and national defense, starting with the rebuilding of national morale, pride and patriotism, and continuing with the immediate building of whatever modern military equipment and trained forces are required to positively assure this nation of a secure future in the world.

The Military Order of the World Wars, in national convention assembled, do hereby voice our condemnation of any and all wars or military operations by the armed forces of our nation which are not planned and designed to produce a military victory for the United States. We hereby state to our present national leadership and to our future leadership that as to any future military crisis for our nation, if we are not committed to win, we should not be committed at all.

The Military Order of the World Wars, in national convention assembled, do strongly urge the Congress of the United States to provide Federal funds for the support of junior ROTC programs in high schools, sufficient to cover the cost of such programs, with the proviso that schools receiving such financial assistance must grant academic credit for ROTC participation.

The Military Order of the World Wars meeting in national convention August 23–27, 1971 in Seattle, Washington, praises and commends Mr. Hoover for the faithful leadership and guidance he has given to the F.B.I. It expresses its appreciation for the outstanding accomplishments and services which members of the F.B.I. have rendered to our Nation. Further, the Order condemns those who seek Mr. Hoover's removal and the dissolution of the Bureau.

FINANCING URBAN TRANSPORTATION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

FINANCING URBAN TRANSPORTATION

(By Alvin C. Rice)

I think it says something about urban transportation in our lives to note the brood of latter day folk sayings we've already hatched on this subject. For example, there's: "Scratch an urban planner and you'll find a blueprint for a subway." Or, how about—"A man will divorce his wife, but never his automobile."

The urban transportation problem is with us. It's embedded in our conscious—and our sub-conscious. We obviously can't ignore it as we have. More to the point—good urban transportation requires huge financial outlays—and it is extremely difficult to locate the necessary resources.

Though—due to limits of time and knowledgeability—I'm going to talk only about financing urban transportation in the United States, I hope that my comments will have relevance for interested persons from outside this country. Since we're anticipating a time when four-fifths of the people in industrial nations will live in cities, we're all going to have to share any information available which can limit pollution and congestion in our cities, as well as move people more efficiently through this urban tangle.

Though estimates of the cost of urban transportation in the 1970's vary greatly, a study prepared by the Urban Mass Transportation Administration places ten-year requirements for the United States at between 28 billion and 34 billion dollars, an estimate higher than the average, but pretty realistic. (In this regard, remember the good old days when the 60 billion dollar Interstate Highway Program was supposed to cost 34 billion?) . . . In other words beware the hazards of inflation.

So where will we get the billions of dollars for adding new transportation facilities or renovating old systems? The money needed not just to get commuters to and from the city, but to transport them in a way that doesn't harm the environment. After all, since transit companies in the United States may lose more than a third of a billion dollars—360 million—in 1971, it is clear that urban transit cannot finance its own urgently-needed modernization.

Thus far, the most common method of financing has been the general obligation bond. For instance, this type of bond financing was the only feasible method for the San Francisco Bay Area Rapid Transit District. Traffic on the established transit utilities was declining, and responsible investors would not consider transit revenue bonds for the project as a whole.

The voters of the Bay area approved 792 million dollars in general obligation bonds in 1962. However, in the intervening 10 years before completion in 1972, the system had to use an additional 180 million dollars from surplus bridge tolls for the trans-bay tube, seventy-eight million from revenue bonds for the purchase of rolling stock, 114 million dollars from federal demonstration and capital construction grants, and 150 million dollars from a half-cent increase in sales taxes in the three-county area served by BART.

The total cost of about 1.4 billion dollars, one-third higher than the package originally approved by the voters, had to be financed with a combination of methods. It was true in San Francisco, and it will be true in other places (as voter bond rejections in Seattle and Los Angeles show) that though general obligation bonds are the cheapest method of financing, this method will not always be possible. And even where bonds are passed—support from motorist charges, sales taxes or other special tax media will be needed to prevent excessive burdens on realty taxpayers.

Also, as tax-conscious communities become more hesitant about bond issues, and investors, wary of inflation, hesitate to put money into bonds—Federal and State governments are being called on more frequently to foot a bigger part of the bill for necessary urban transportation.

Until recently, the provision of transit was thought to be a local matter. Local government would take over if private enterprise failed (which it did). If public subsidy was needed it was to come from local taxes.

In 1964, the Federal Government first inaugurated a modest program of grants for urban mass transportation. From 1964 to 1970, capital transit grants from the Federal Government totaled only $681 million; but from 1970 to 1982, ten *billion* dollars has been alloted, with additional legislative proposals being constantly introduced.

It is likely that the Federal Government will have to come up with some 50 per cent of the money necessary for urban transportation. So the questions now are "How can we provide this Federal money in an efficient and fair way, and how can state and local governments produce their shares of the funds?"

I venture three suggestions:

One—We must educate the public.

Two—We must encourage flexibility in reactions by financial institutions and governments who are trying to solve the problems.

And Three—We must strive for a more equilateral division of the Federal Highway Trust Fund.

First—financial education. *The difficulty experienced by local officials in recent years in obtaining voter approval has often been due to communications failure.* It will do no good to come up with technological wonders if people will not use the net results—or vote to finance those results. And part of any successful marketing campaign has to emphasize the expense of automobile travel—how much it costs in personal income and working time lost, in insurance costs, in deaths.

It is necessary to improve awareness of public officials, civic leaders and the public generally as to the need for priority action in public transportation. Each of us should know that it costs 5 million dollars to build one lane of urban expressway one mile—a lane which would not have to be built if there were fewer commuter cars. The cost of not building rapid transit systems has to be drilled home.

The commuter railroad reaching from Camden, New Jersey, to Philadelphia has actually succeeded in taking 1,900 vehicles off the roads during rush hour. People have left their cars at home—or in the Lindenwold Line's parking lots. The public relations benefits from such a success story cannot be underestimated—especially since the line is somewhat of a financial success.

Speaking of financial success brings me to my second point. *Government and banks must be flexible in financing urban transportation.* For instance, in Los Angeles, where voters turned down a bond issue for rapid transit—perhaps a combination of equipment leasing, gradual building beginning with busways, development of a strong regional transportation authority, and the inflow of federal grants can eventually provide badly-needed public transportation. In a city where a shrewd entrepreneur can start a car pool for maids charging them eight dollars a day each for travel to their jobs—something has to be done.

Financing possibilities are endless and must all be considered. Potential methods of subsidy are grants-in-aid, loans, contractual use of facilities, guarantees of indebtedness, tax exemptions, tax relief, leasing of equipment or public ownership. Tax incentives, a consortium approach, or public-private corporations are other variations in development of urban transportation. And factors such as an occasionally upset bond market must be considered.

Flexibility in financing plans to meet the varying needs of an operation system is necessary, always keeping in mind investor requirements. Ease of debt occurrence and limitations thereon should be tailored to meet local practices, but should not be so complicated that acceptance is damaged.

Alternative methods of financial support, in addition to the fare box, should be explored to lessen the financial impact, spread the burden to parties affected in every way (such as real estate booms), and produce the most economic result.

Joint exercise of powers must be developed so that highways, freeways, bridges and tunnels owned and operated by other agencies can be used wholly or in part to reduce costs and borrowing needs.

And now—my third and final point. With urban planners everywhere trying to break the vicious cycle of more cars and declining public transport by subsidizing urban transit at motorists' expense (as is the case when bridge tolls subsidize the Lindenwold)—it is totally illogical for the U.S. Highway Trust Fund—and for state gasoline taxes—not to help finance urban transportation.

For instance, President Nixon has proposed a special revenue sharing program for transportation creating a separate 525 million dollar annual fund for use by state and local governments for mass transit. This proposal also includes a two billion dollar annual "revenue sharing" account for use on transportation projects of any kind, which could include mass transit, at the discretion of state and local government officials. These funds would come from the Highway Trust Fund and the general treasury.

It is irrational—with a total of $1.7 billion dollars in the Trust Fund allocated for 1972—that only 475 million dollars was assigned for urban expenditure. Though urban roads account for only 10 per cent of the highways in the country, half of the cars in the United States on the road at any one time are in urban areas. Urbanization—and congestion—are increasing all the time.

Logic demands that taxes on the world's automobile users should go to aid the most heavily traveled areas. Vehicle-related tax monies should help finance congestion-reducing mass transit. In a time when we've realized the necessity of paying to clean up the world—people who add to pollution should assist in eliminating these problems.

SENSELESS LOSS OF A GOOD MAN

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. YATRON. Mr. Speaker, a tragic loss has been felt not only in Washington but in Reading, Pa., because Mr. Robert Aleshire is no longer with us. His life was taken on the streets of Washington, a victim of a senseless violent act.

Words will never adequately express his loss, or the contributions he might have continued to make had he not succumbed at a tragically early age.

At this point in the RECORD, I insert a column, which appeared in the Reading

Times on August 23, 1971, written by Mr. Dale Cloutier, in memory of Mr. Aleshire:

SENSELESS LOSS OF A GOOD MAN

(By Dale Cloutier)

Robert A. Aleshire was a dynamic, charismatic, and sometimes seemingly indestructible man who inspired people. He was loved and respected by many. Now he's dead, the victim of a senseless violent act in the jungle our nation's capital has become. The tragedy has left his countless friends drenched with sadness.

To them, the loss is not only immeasurable, but unbelievable.

Bob was a man of many abilities. Although he was cut down on the threshold of what probably would have been his best years, the 29-year-old former director of the local Economic Opportunity Council and the Reading Model Cities Agency, who left Berks County in 1969 for bigger things in Washington, D.C., had already gone further up the ladder of success than most people do in a lifetime. At the time of his death he was a top executive with a national research and consulting firm.

He had his critics—people who said he manipulated others like pawns in a chess game and never stayed in any job long enough to accomplish great things. But his supporters, intensely loyal, numbered far more.

"I think he was a genius," one of Aleshire's former aides said. "He was a cut above everyone else.

"He inspired people because he worked hard and because of his great knowledge."

Aleshire did have a brilliant mind and a tremendous working knowledge of all levels of government, plus a great amount of energy and the ability to keep on top of six things at once. He had a forceful personality and he knew how to convince people.

"Had he lived he might have wound up in a President's cabinet one day," one friend said.

Others knew that Bob loved Reading and they felt he might have returned one day to the local public arena to face new challenges.

But no matter where he might eventually have gone, one thing is certain: he would have continued to put his talents to use helping his country in some way.

For, as he told the freshman class at Albright College three years ago: "You cannot expect to live in an academic cocoon and pursue only personal concerns. We must all pursue national and community concerns if our democracy is to survive and prosper."

Bob believed that, and he did his share. He will be missed.

UNIVERSAL VOTER REGISTRATION ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MIKVA. Mr. Speaker, I am pleased to reintroduce, along with 14 of my colleagues from both sides of the aisle, the Universal Voter Registration Act.

This proposal for the automatic registration of all citizens to vote in Federal elections was first introduced in August as H.R. 10442. Similar bills have been introduced in the Senate by Senators HUMPHREY and KENNEDY. All of these bills operate from the same premise—that citizens should not be discouraged from participating in the electoral process, and that present voter registration systems which stand as a hindrance to full voter participation must be replaced.

The Universal Voter Registration Act which I have reintroduced today ties voter registration to registration for social security. Anyone who is registered with social security, or who registers in the future, will automatically be issued a Federal voter registration card entitling him or her to vote in all Federal elections. Persons who do not register with social security could register to vote simply by mailing to the Social Security Administration a post card containing a sworn statement as to the registrant's age and address. The massive computer facility maintained by the Social Security Administration would be employed to check for fraud and to produce up-to-date registration lists for the States and localities.

Senator KENNEDY's bill would create a new department within the Census Bureau to administer his automatic voter registration scheme. Senator HUMPHREY would employ the Internal Revenue Service. The means varies, but the end is the same—universal voter registration, and universal voter participation.

The Senate Committee on Post Office and Civil Service has announced that hearings will be held on these various voter registration proposals commencing October 5. This will provide us with an opportunity to determine which administrative technique offers the most promise of achieving our common goal. It is my hope that swift action in the Senate and the House will follow.

THE 24TH ANNIVERSARY OF THE EXECUTION OF BULGARIAN NATIONAL HERO NIKOLA PETKOV

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ALBERT. Mr. Speaker, today is the 24th anniversary of the execution of one of Eastern Europe's great martyrs to freedom, the Bulgarian national hero, Nikola Petkov. I take this time to salute his gallantry and to bring hope to the millions who work behind the Iron Curtain for that longed-for day when the Bulgarian people will once again be free.

Nikola Petkov was the last in a long family line of leaders of Bulgarian democratic movements. He first distinguished himself as a member of the Bulgarian underground resistance against the Fascists during World War II. When the war ended, as head of the Bulgarian Agrarian Party, he first collaborated with the Communists, believing that the terms of the Yalta agreement would guarantee the survival of opposition parties in Eastern European countries which came under Soviet hegemony. But he soon learned that the Russian goal in Bulgaria, as in all of that part of Europe, was to subordinate local self-determination to the complete will and tyranny of the Kremlin.

With this realization Petkov became the spokesman of the opposition party and fearlessly campaigned against the Communists and their puppet Bulgarian candidates in the 1946 elections for the Constituent Assembly. Ignoring direct threats against his life, he continued his demands for independence in debates in the assembly, carrying his advocacy of Bulgarian self-determination to the point where he was arrested in 1947 and his party dissolved.

Petkov fought valiantly at his trial, in which he was falsely accused of conspiracy against the state, which of course meant opposition to Soviet domination of Bulgaria. He was sentenced to die and was hanged on September 23, 1947, refusing to recant or retract his views. He thus became a martyr to the cause of independence and a symbol of the hopes of the freedom-loving Bulgarian people. It is fitting that his fame survives in his long-suffering country today, and that we should keep that memory alive as we, too, look forward to the unshackling of the captive nations of Eastern Europe. Our continuing moral support for this goal, and our diplomatic efforts, must continue to be bent toward this end. The enslavement of great peoples must be ended, so that freedom will be a reality throughout the world. Nikola Petkov's reputation for courage and patriotism is a monument to this cause.

BEHIND THE DEATH OF A PAPER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ASHBROOK. Mr. Speaker, on a number of occasions in the past I have inserted material in the CONGRESSIONAL RECORD from the Government Employees Exchange, whose editor-publisher, Mr. Sidney Goldberg published his last issue in November 1969. During the course of existence since 1947 the Exchange had received many commendations from Government officials for its service on behalf of its Federal employee readers. In the late 1960's the Exchange began featuring specific information on cases of Federal employees whose experiences with agencies of the Federal Government demonstrated unfair practices perpetrated by Federal officials upon employees whose individuality and forthrightness rendered them persona non grata to the ruling cliques. Other exposés dealing with abuses in Federal circles appeared in the Exchange, information not available in other segments of the communications media.

I have seen no explanation for the demise of this crusading newspaper in the press until the August 20, 1971, issue of Tactics appeared. Tactics, for those not familiar with the publication, is published by Mr. Edward Hunter, an expert in psychological warfare, a witness before a number of congressional commit-

tees and, incidentally, the author of the term "brainwashing."

I insert at this point excerpts from the above-mentioned issue of Tactics entitled "Behind the Death of a Paper":

EXPOSED NET OF SPIES, VICE, INSECURITYS BEHIND THE DEATH OF A PAPER

(By the Insider)

A tabloid weekly named The Government Employees' Exchange started publishing in Washington, D.C., in August, 1947. Its exclusive concern was with the interests of prospective and actual federal employees. All information pertaining to employment in the government service was considered its specialized area by the publisher, Sidney Goldberg. He himself had been in government service during the previous five years, after some years as a journalist and as a "newspaper doctor" in various parts of the United States.

All went well with the paper during the first 15 years, while the paper concentrated on the structure of government and its staffing. The focus was on service to readers by providing employment data, and explaining regulations, job policies and procedures.

Articles, in cooperation with the federal officials involved, contributed to the passage of the federal employes' salary reform act of 1962, signed by President Kennedy. The same year he signed an executive order recognizing various categories of government employe unions.

All these years were smooth sailing. After these bills were passed, the paper shifted its focus somewhat from broad, overall employment and working conditions to in-depth analysis within the government agencies and bureaus, including the role and status of specific employes. The paper no longer opposed sin as just a generalized evil, but pinpointed specific sins.

"INVASION OF PRIVACY" ISSUE

He continued close collaboration with government personalities, and together they came forth with the issue of "invasion of privacy." This referred, for instance, to excessively intimate questioning of job applicants, as of some 19-year old typist questioned by a psychiatrist regarding her Freudian sex habits. Except for minor remonstrances by some government officials, all continued to go well.

Unexpectedly, though, this opened up a pandora's box of issues and grievances which gradually involved the whole area of national security. Goldberg had begun with the normal liberal approach, not suspecting that his specialized area of federal employment might broaden from the working conditions of the ordinary individual to operating conditions, controls and policies on security matters that determine the survival of a nation. Yet this is what happened.

Hitherto, about the most dramatic of the issues be came up against was to discover the unbridled use of classified base directors put out by each government office, including the most sensitive, for normal convenience. He originally saw this as only a domestic matter of the misuse of such material for private advantage. Its international ramifications were slow in dawning upon him, until he recognized that these directories, contained information invaluable to any unfriendly power.

A State Department functionary one day informed Goldberg of several grievance cases in the foreign service. These presented themselves to him merely as employee-management differences. But before he knew it, they had developed into most crucial issues of national security involving international intrigue and our defense against such complots and infiltration. The Government Employees Exchange, withal its noncommittal name and the liberal outlook of its publisher-editor, found itself confronting the most sensitive part of the cold-hot (psychological) war in which the United States was engaged, despite itself.

Its ramifications seemed open-ended, spreading from the State Department to the Pentagon and the Department of Commerce and practically all government agencies. Naively, although patriotically, he found himself running a crusading newspaper, while trying to retain the publication's original character.

What had appeared to be only trade union grievance cases proved, when investigated in depth, to be national security affairs. The central figures who were being relentlessly squeezed out of jobs (the State Department euphemism was "selected out"), and were being persecuted in Iron Curtain manner were guilty of no more than reasonable adherence to regulations defining job descriptions, or had been tactless enough in reports to correctly project and analyze communist expansion, infiltration and conspiratorial plans against the United States. The roof fell in on them for this, as it was ultimately to fall in upon the Government Employees Exchange.

Practically the first such case was that of Stephen A. Koczak, to which columns of space was given.

"The Federal Spotlight," a column on government employes by Joseph Young in the Washington Star of Dec. 9, 1966 declared: "But it wasn't until recently, when a series of articles in the Government Employees Exchange, a biweekly newspaper edited by Sidney Goldberg, disclosed the facts in the case, that Koczak made any headway."

Koczak had alerted security officials regarding suspicious activities at our Warsaw embassy. A tip of this sort, through channels, if followed through, could have put an end to the horrible "sex and spy" scandal that flourished there during the ambassadorship of Jacob D. Beam, who now heads our diplomatic mission in Moscow. Koczak also had alerted Washington to the communist project to build a Berlin Wall in time for simple diplomatic action to have nipped it in the bud.

In reward, Koczak was eased out of his job.

The paper soon found itself immersed in the case of Otto F. Otepka, the conscientious security chief whom the State Department tried to fire because he refused to violate the law by letting notorious security risks be put quietly onto the department's payroll.

Goldberg's focus was on the civil rights aspects of these cases. The Koczaks and the Otepkas were being deprived of fair hearing supposedly guaranteed under agency procedures and the law. Fair hearings would have brought out the calculated wreckage of our security services in government, with the anti-communist dealt with as if he were the security risk, not the red. What was popularly called "McCarthyism" was being practiced in reverse.

ECONOMICS ALSO MANIPULATED

The ramifications of these cases, as they unfolded, were seen to extend into our economic life. International cartels, infiltrated for objectives hostile to our way of life, were deeply involved. They studiously exploited conflicts in which the United States was a part. They cynically crossed all border, race and religious lines in their composition and operations.

Among the cases taken up in depth by the paper included that of Richard Meechan, Panama Canal Zone police officer summarily fired for expressing his opposition in writing to the employment of Panamanians in what originated as an all-U.S. operation. He won his case in about eight years, being awarded back pay except for the period of a 90-day suspension.

Another case dealt with crusadingly was that of Charles F. Olson, with 20 years experience in the general field of electronics and electro-mechanics. He had an Army assignment to bird-dog its contracts, from each phase of production to shipment overseas.

He reported the sloppy condition of material sent to Viet Nam, and instead of being thanked for saving lives, he was fired. Publicity given the scandal provided him a hearing that resulted in his reinstatement. Typically, he was not returned to the work in which he was so highly qualified, but given clerical tasks that a schoolboy could perform, while retaining his title.

Then there was the case of Kenneth S. Cook, who while working as an analyst-engineer at Holloman Air Force base in New Mexico concluded that the anti-ballistic missile as projected would not fulfill the dependence put upon it. He was ordered to pass favorably on such projects, whether he believed they would deliver as needed in an emergency or not.

He refused, and was accused of "bizarre conduct" and given a medical retirement. Obviously, his attitude in such an environment was "bizarre." He is appealing to the courts. All these are symbolic cases, at a time when the powers-that-be regarded as the new crackpots and the new security risks those, who as Olson and Cook, refuse to wink at defective or inadequate weaponry, or as Otepka, will not look the other way when those with critical character deficiencies or the disloyal are hired.

But such cases are fundamental to the nation's credibility and viability. Their continuance in public and in Congressional attention was due, to an important degree, to the doggedness of this tabloid, which was little known outside of its specialized field and among some Washington correspondents.

Leslie B. Whitten, when a Hearst Headline Service correspondent, recognized the paper's role in a syndicated article, run in the Baltimore News American of Dec. 4, 1966, that referred to "the dogged campaigning of a specialized newspaper, The Government Employees Exchange, of Washington."

Throughout this phase of the education of Sidney Goldberg as editor, he was to a limited degree harassed by some of those, in and out of government, involved in such cases. This was mostly, but not entirely verbal, and ranged from threats of libel suits to threats of physical attack. Included was car-swiping and a bullet through his auto windshield, followed by warning phone calls.

His paper, though, was not endangered; indeed, its readership increased while its advertising held steady. Apparently, while his disclosures were regarded as a nuisance, they were not considered really dangerous, requiring drastic action. This came when least expected.

One of the ramifications of the Koczak case led to the disclosure of what was called the "new team," that spread throughout the executive branch, especially the State and Defense Departments and CIA. The "new team" consisted of the Kennedy mafia inside the government, in turn infiltrated by the extreme left network and the crime syndicates. This achieved the fragmentation of government to such a degree that minority political or espionage elements could manipulate control in vital sectors of our economy and security.

HARASSMENT SUDDENLY INCREASES

His "new team" disclosures led to an increase in the harassment. The editorial offices were visited by a Kennedy henchman, Walter Sheridan, who threatened Goldberg with a libel suit "that will knock you out of business."

What had begun as isolated grievance cases in the employment field showed themselves—probably unrealized by many participants and certainly by the editor of the biweekly—to be interconnected. Each was interlocked in one direction or another to a sprawling pattern of psychological warfare against the United States. The nation was being disarmed morally, mentally and physically.

This operation is coordinated, on a wide scale by a propaganda climate, created by a knowledgeable few. Visible evidence of this can be found in any issue of the underground press, in which allout sex and allout incitation to revolution share the space with guerrilla warfare instructions. Our Presidents have not understood how either communism or crime really operate.

The Otepka case, for instance, led to the discovery of an electronics laboratory in the new building of the State Department. Its supervision was under George Ball, then undersecretary of state for economic affairs.

The electronics room was capable of tuning in on the telephone calls of any employe or newspaperman, and identifying him without him mentioning his name, through what is called a "voice profile." This is a valuable development for use against an enemy, and to protect ourselves against espionage, but used for political purposes, or to build up a fake case against conscientious public servants, it operates as a boomerang.

Ball at once, on May 3, 1968, denied any such room existed. He said this at a confirmation hearing by the Senate Foreign Relations Committee on his appointment as ambassador to the United Nations. The paper thereupon detailed the location and contents of the room, and supplied the committee with its floor plan. Ball, in spite of a delay of 10 days, finally squeezed through by a 3 to 2 voice vote, those favoring him not wanting to have their identity known.

This was not the end of the Ball affair. An unsigned letter dated Aug. 22, 1968, mailed in New York, came to Goldberg's desk, giving explicit details regarding his moonlighting in high finance, while conducting international negotiations for the U.S. at the UN. Anonymous mail usually is disregarded, but this was just too full of specifics. Goldberg consulted some of the top correspondents in the capital, such as Willard Edwards of the Chicago Tribune. The consequences were such that Ball resigned at the request of President Johnson.

TENACLES IN BOTH MAJOR PARTIES

The separate cases, as disclosure followed disclosure, were now seen as unmistakable parts dovetailing in a roughly etched pattern. Republican and Democratic party lines crossed and were entangled with lines that came from outside. The actual source sometimes was recognizable; other times not.

That there was a purpose and a power to it was once more demonstrated in the case of John D. Hemenway. Its arrogance now was also demonstrated, for he was being punished, too, for having supported Richard Nixon vocally for President. He had sinned, too, from State Department viewpoint, by providing correct reports and analyses regarding communist manipulations while he was stationed in the Soviet Union and in West Germany.

The Government Employees Exchange took the case in stride, helping provide the impetus that gave him a Defense Department post. Even so, without a series of editorial page columns in the Chicago Tribune, his support of Nixon during the campaign would have been too glaring an affront to our peculiar State Department to be forgiven. White House intervention obviously was needed to keep him from being boycotted in government.

Soon after the Nixon inauguration, details leaked out of an agreement having been made by William P. Rogers as incoming secretary of state with Dean Rusk, the out-going incumbent, that Otepka not only would not be permitted to stay in the State Department, but would be put out of government completely.

This was only a small facet of a particularly callous deceit perpetrated after Nixon's victory, apart from his campaign pledge to reform the State Department. While Nixon supporters were encouraged to suggest names of those who possessed the background and the character needed, the infiltrated, old crowd routinely went about deciding how the State Department would be organized under Nixon. Indeed, the State Department auditorium was used for meetings with this as their objective.

The Nixon headquarters then in New York had to be in the know regarding this trickery. (See Tactics of Nov. 20, 1968: "Jobs! Who'll Control Whom? Nixon's Fate Hinges on Appointments," that told the details of exactly such a planning session in State Department, at which the program was arranged to play a game of musical chairs, with personnel just shifting about or being replaced by Republicans of the same outlook and connections. The meeting was chaired by none other than Joseph Esrey Johnson, president of the Carnegie Endowment for International Peace, and the tab was paid by the William H. Donner Foundation. Also see Tactics of Oct. 20: "How Echelons Intend to Keep Power," and other issues beginning Jan. 20, 1969.)

One can understand Rusk's role by considering him as an agent for George Ball and the New York international interests he represents. Similarly, the Otepkas, Koczaks and Hemenways all would have fit comfortably in the reformed State Department that Nixon eloquently promised during his Presidential campaign, but would be obstacles and a source of discord in the old State Department as preserved under Rogers. The traditionally contrary roads of Marxism and international finance converged at this point.

The Government Employees Exchange vigorously exposed the Rusk-Rogers maneuver to destroy Otepka. Its courageous, in-depth coverage contributed to the defeat of the crass maneuver when Sen. Everett Dirksen, as one of the last acts of his long career, took up the cudgels. He saw a way to strengthen the Subversive Activities Control Board and undercut the anti-Otepka intrigue by endorsing him for a post on the SACB. Rogers would succeed in getting him out of the State Department, which could make the deal appear as a compromise. As a consequence, Nixon appointed Otepka to a vacancy on the SACB that had remained unfilled for some time.

The lineup in all these cases was significantly similar The State Department, the Eastern Establishment and the "prestige" press conspired together, as proven by the way they managed the news, utilizing omission, selectivity and outright fabrication to put their points across. The strands became visible when the newspapers and radio-television could not evade these cases entirely. The Government Employees Exchange more and more kept tugging at these strands, so captivated by what they were tied to that all caution was thrown to the winds.

Fortunately for the public and Congress, but not for the newspaper and its editor-publisher. Nor for some who were suspected of passing along information, and were harassed by phone and otherwise, in their home and at their work. This is always the price of such enterprise. Only by paying it can a far greater loss to the nation and its people be avoided.

A newspaper clipping that appeared in only one edition of the Washington Star became the catalyst for what developed into a sensational and rather swift climax. The article told about a projected social organization for government secretaries, being organized by a former WTTG television talk show personality named Arthur Lamb. He recently had operated an advertising and public relations company in Washington that went out of business when Westinghouse resumed direct control of a subsidiary, Melpar, Inc., headed by Edward M. Bostick, a close personal and business associate.

A scandal over a vending machine contract at Melpar started the Robert G. (Bobby) Baker inquiry. Figures in the Bobby Baker scandal were frequently seen at the ad agency.

Goldberg became intrigued by this new evidence that wherever one probed in the national capital into any one of these usually sordid affairs, he was sure to come on a number of others. The main cases themselves were found to be similarly related. They were tenacles.

However one looked at it, American security always was a casualty. Sometimes this came about through the firing and persecution of a conscientious public servant. Other times by the assignments given call girls, often by confidences slipped through them to certain news channels. Such operations as that of Bobby Baker had naturally attracted the attention of Soviet intelligence. The affair of the free-wheeling German party girl, Ellen Rometsch, who admitted membership in communist organizations in East Germany, was one such instance. The State Department rushed her out of the country to prevent her from being brought in by Senate investigators as a witness in the Baker case.

A social organization open to Pentagon and State Department girls, no matter how innocently initiated, certainly demanded looking into.

VICE AS FRONT FOR REDS AND SPIES

The Government Employees Exchange kept printing probing articles for about three months without using specific identifications. This was a smoking-out operation. By then sufficient material and verification had been obtained to allow the paper to become specific in its in-depth reportage.

Goldberg wrote about the Jack Anderson-Drew Pearson operation in compiling dossiers for use as desired in the campaigns conducted through their column.

He also told of the role that call girls played in all phases of these transactions, including the groundwork laid for negotiation of government contracts. Official secrets were on the loose in all of this.

One article referred to the visit by a prominent senator to the apartment of a call girl operating in these circles. The articles gave some names and dates, but not yet of members of the Congress who were known by the editor to be involved. They reached high, indeed.

His personal investigatory efforts had alerted members of Congress to the possibility, if not probability, that it was only a matter of time before legislators who were involved would be pinpointed.

This research also led into the Pentagon and the State Department, and showed that official circles were being exploited to smooth the way for participants.

Goldberg was warned by friends strategically situated in and out of government and in the press that he now was penetrating too close to where espionage, vice, crime, and irresponsible or corrupt politics met.

Threats by telephone, ranging from warnings of libel suits to bodily harm, reinforced this advice.

Driving to his office one day, while still in Maryland, Goldberg tells about a bullet going through his windshield and out of the left window. He kept driving.

Actually, Goldberg had taken on more than any small publication should be expected to tackle, especially if lacking powerful allies. He had good friends in strategic areas. These disclosures of his, however, now touched on what obviously was a central nerve in the whole operation, with its international ramifications. This state of affairs was responsible for squeezing the American society into its present weakened state in the cold-hot (psychological) war, and the general lowering of standards all across the board in the United States.

Powerful personalities, or those connected

with the major corporative or other financial structures, usually shied away from tackling anything of such widespread proportions. Only a Don Quixote would do so, which is why we so often depend on Don Quixotes to lead the way.

THE WINDMILLS BEGIN TO WHIRL

A precipitous decline in advertising revenue followed his naming of specific personalities, and the promise of further such incriminating disclosures to come. This appeared to be more than a coincidence, but Goldberg was too obsessed in his research and writing to do any investigating so close to home. He assumed at first it was just a coincidence, one of those ebbs in advertising that come to any publication periodically. He was sure he could deal with it later.

On July 9, 1969, Goldberg appeared at his office at his usual time, about 9:30 a.m. Barely an hour later, two men briskly appeared, and introduced themselves as from the Bureau of Deceptive Practices, Federal Trade Commission. They said they had received some complaints, and wanted to go over all his financial records, including circulation and advertising.

"What complaints?" Goldberg asked, and was told there were 11 of them. Further questioning revealed that they were spread over a period of seven years.

"Eleven complaints in seven years! Isn't that quite a fine record?" Goldberg exclaimed. "But why are you dropping in on me just now?" he asked, and when they did not reply, he inquired, "What sort of complaints are they?"

"Oh," he was told, "you've run some ads without authorization, or beyond contract dates, and you've billed some subscribers after their subscriptions had lapsed."

Goldberg didn't recall any of this, but knew well enough that it is impossible to operate a publication without some such errors. Obviously, there had to be some other reason for their being assigned to this task just at this time.

The two men—the shorter of the pair a bit hesitatingly—began pouring through his circulation and advertising files, picking out letters and reading them. They obviously were in search of supporting evidence for whatever case they had been instructed to build up.

This went on for four hours. Goldberg sought to show his cooperativeness and the openness of his business transactions by letting them dip into his files and inspect his mail as they wished.

WORD PASSED; LAWYER APPEARS

His wife, whose name appeared on the masthead of the paper as Barbara Harlos, advertising director, was in the office. Her husband had instructed her that as they had nothing to hide, she should take no action. But as she took all the incoming phone calls during the affair, she did mention it to friends who happened to call. Some apparently did not take it so casually.

About 2.15 p.m., a broad-shouldered, well-dressed man appeared and introduced himself as Bernard Fensterwald, Jr., lawyer. He had been called by a friend and told that a raid of some sort was going on at the office of the Government Employees Exchange. They had agreed that in view of the paper's crusading reportage, this unusual action was highly suspect. So here he was.

Fensterwald, who had been a legislative aide to the former Sen. Edward V. Long, explained his interest, and offered his help, which was accepted on the spot. This was the first time the two had met.

Fensterwald, dignified and in a calm voice, turned to the two agents and asked them what they were doing. On being told, he laughed at them, and said, "If that is the only reason, you have no right here, and you know it. If you want to do any further searching, you'll have to obtain a subpena."

He then added, "No judge, of course, would grant a search warrant on such flimsy charges, so get out of here immediately!" They could tell by his voice that he was not kidding, and they left at once, never to return.

Goldberg tells, however, of seeing one of the two under peculiar circumstances some time later. Goldberg declares this man, Robert A. Smith, visited him in his home in Glenelg, Md., and told him he was quitting the Federal Trade Commission because he had been pressured into taking the case, which he found out later was politically motivated. He said he was going back to Indianapolis, Ind., where he was taking a post as lawyer on the staff of the state's attorney general. He could not leave Washington with clear conscience without unburdening himself this way, he is quoted as saying.

Advertising collections continued slowing down as never before, and the Goldbergs decided that some special checking up was called for. They found out that various agents, including the raiding party of two, had been systematically visiting advertisers and interrogating them in a manner sure to arouse their suspicions concerning the paper. Some advertisers said they were told that payment of bills could be held up pending the completion of some mysterious investigation. Naturally, collections dropped precipitously.

Fensterwald advised Goldberg that this was a case of sheer pressure to force censorship upon the paper, failing which, to destroy it. Goldberg wrote a detailed article in the paper about the raid-like search by the two strange investigators.

DECISIVE PRESSURE IS BY THE BANK

Goldberg felt he held an ace card in his hand. During the past 20 years, whenever the need arose, he had obtained bank loans, as customary with any such enterprise. These always had been moderate sums, and as they always had been properly repaid, he had never had any difficulty meeting his needs. He decided he would take another such loan, and felt sure that with a little personal attention, the crisis over non-payments would be overcome.

Accordingly, he walked over to his bank, for what he was confident would be another such routine although infrequent transaction. This time he came up against a vastly different reception. Instead of being given a loan, he was told the bank was going to call in its outstanding loans, which amounted at most to only $6,000. He had borrowed and paid back more on previous occasions in a completely routine manner.

"Why are you acting any differently now?" he asked, and was told, "You are mixing up too much in the life of the city."

"What do you mean?" Goldberg inquired. He had not anticipated the reply:

"Oh, the girl business." This could refer only to his recent disclosures.

Unable to meet his payroll, or to cover his printing bills, his issue of Nov. 23, 1969 became his last—this was the date he was rebuffed by the bank; it was the first time.

The squeeze play had succeeded. A crusading paper had been liquidated.

Significantly, the definitive pressure had come when he touched what appears to be the central nerve of the octopus that also is trying to put the United States into its embrace.

A number of other strange episodes were to come, but they changed nothing. A paper had been liquidated for coming upon a very big story, and telling about it.

RUSSIAN ROULETTE IS NOT PING-PONG

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. PUCINSKI. Mr. Speaker, at a time when our attention is focused toward the East and our ping-pong diplomacy with Red China, we must not lose track of the Russian-roulette game continuing in the Middle East.

Syndicated Columnist Edith Kermit Roosevelt points out a Pentagon study which indicates that it is not in our interest to reopen the Suez Canal, a move which is beneficial primarily to the Russians.

Miss Roosevelt notes the continuing build-up of Russian bases in the Middle East, Africa, and Asia in their quest to control the strategic Middle East crossroads and asks why we should help the Russians in their endeavors. Indeed, why should we?

Mr. Speaker, I place in the RECORD today Miss Roosevelt's excellent and informative article.

The article follows:

RUSSIAN ROULETTE IS NOT PING-PONG

(By Edith Kermit Roosevelt)

WASHINGTON.—The Soviet Union stands to benefit greatly if State Department diplomacy succeeds in prodding Egypt and Israel to enter into an interim agreement to reopen the Suez Canal.

Some months ago, the Office of the Chief of Naval Operations prepared a paper which explains why it is not in the interest of the free world to reopen the Suez Canal.

The CNO document, then used to brief Congressmen on the strategic significance of the Suez Canal, stated flatly:

"Its (Suez) continued closure for the immediate future best serves the strategic interests of the United States. Closure renders Egypt dependent upon the conservative Arab states for replacement revenues which tends to inhibit somewhat Middle East adventurism. Moreover, closure of the Canal is more disadvantageous to the Soviet Union than to the United States."

Pentagon analysts noted that naval units of the Black Sea Fleet operating in the Indian Ocean-Arabian Sea travel some 9,000 miles farther as a result of the closure of the Suez Canal. On the other hand, U.S. Naval units departing from the East Coast of the United States must travel some 2,600 miles further.

In general, the CNO study declared, the cost of each delivery to North Vietnam from the Soviet Union averages about $.9 million dollars more with the Suez Canal closed based on U.S. average worldwide commercial planning factors. From the Black Sea to Dar es Salaam in Tanzania, the headquarters in Africa of assorted Soviet and Red Chinese terrorist organizations attempting to overthrow the governments of Rhodesia and Mozambique, the average additional cost per shipment would be about $.7 million.

The additional funds which the USSR must spend on shipping costs as long as the Suez Canal remains closed means that it has that much less money to spend for military ventures or to finance the subversion of Free World governments.

Furthermore, as the naval study points out, opening the Suez Canal would provide the Soviets with a short direct route and

rapid access to the much needed Middle East oil and easy access to the Indian ocean from the Mediterranean area. The CNO paper declared:

"Closure of the Canal relocates the strategic key to control of the Western Indian Ocean from the Red Sea to the Cape of Good Hope in South Africa, an area not yet vulnerable to Soviet exploitation."

If the Suez Canal is reopened, Moscow hopes to reestablish and take over Britain's old route from the Mediterranean through the Suez Canal, across the Arabian Sea to the Indian subcontinent.

In anticipation of such a step, the Soviets are developing a network of harbor facilities at Mauritius, Aden, Hodeida in Yemen and Berbera in the Republic of Somalia. In Mauritius, the Soviet Union already operates a permanent space tracking station for its space program. There is also Soviet naval presence on the island of Socotra in the Indian Ocean, south of Arabia.

Two years ago the Soviets achieved a foothold on the Republic of Somalia on the East African Coast by giving military and economic aid to the military council that seized power that year.

Sudan, which dominates the Red Sea approaches to the Indian Ocean, is another target of the Soviet drive. Soviet arms and advisers are being sent to the leftist military regime that seized control two years ago.

Earlier this year, when leftist Ceylonese Prime Minister Mrs. Sirimavo Bandaranaike asked for help to counter an insurrection by Maoist students, Moscow sent six MIG fighter planes, two helicopters and 20 armored cars. This enabled the Soviets to establish their first military installations in non-Communist Asia.

Moscow is reportedly seeking naval facilities on India's Andaman and Nicober islands and at the submarine base which the Soviets are helping the Indians to build at Vishakhapatnam on the Bay of Bengal. In addition to large-scale economic aid, the USSR is increasing its leverage in India with a billion dollars in military assistance.

Moscow's buildup is not only aimed at countering Peking's influence in Africa and South Asia but also has the objective of countering the nuclear threat created by U.S. submarines in the Arabian Sea, equipped with Polaris and Poseidon missiles. In a House speech on June 30 of this year, Rep. Roman C. Pucinski (D-Ill.), who has made several fact finding trips to the Middle East, summed it up in these words:

"If the Russians gain control of the Suez Canal in an area that is a cross roads, they would be able to outflank Europe as well as Asia, and follow through with major moves in the Far East."

Why should we help them do it?

TAX DEDUCTIONS TO HOMEOWNERS FOR PROPERTY REPAIRS AND IMPROVEMENTS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. LUJAN. Mr. Speaker, today I am introducing legislation giving tax deductions to homeowners who undertake property repairs and improvements.

My bill would allow up to $1,000 per taxable year in deductions for expenses incurred in the normal repair and improvement of a homeowner's principal place of residence. Another provision of the bill would reduce the amortization period for rental properties and encourage landlords to maintain such premises in better condition.

I am sure that although the initial result of this bill, if enacted, would be to reduce revenues, that the longrun effects would be to provide a stimulus to our economy, help to clean up our neighborhoods, and bring more business to those enterprises that are in the field of home repairs and improvements. This should, in my opinion, offset any initial revenue losses.

President Nixon has now set about providing stimuli to our economy through his job development tax credit and removal of the excise tax on autos. My bill, I believe, will also help to carry out the aims of this program.

Our homeowners need a break; the costs of home repair have spiraled recently, and this together with the slowdown in the economy has caused people to put off the many necessary repairs and improvements that help a neighborhood maintain its property values and prevents deterioration. Assisting these individuals provides benefits for all. I urge that hearings begin on this as soon as possible and that it be enacted by the 92d Congress.

Thank you.

A FLEXIBLE, ECONOMICAL, ACCESSIBLE, AND RIGOROUS UNIVERSITY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SCHWENGEL. Mr. Speaker, recently, Dr. Willard L. Boyd, president of the University of Iowa, addressed his faculty.

His remarks are worthy of consideration by the entire higher education community.

He forthrightly speaks about the challenges and problems faced by higher education today.

What is of great satisfaction to me is his emphasis on the point that the primary obligation of the university is to the student.

The address follows:

A FLEXIBLE, ECONOMICAL, ACCESSIBLE AND RIGOROUS UNIVERSITY

We now commence a second biennium of austerity. We must do so with resolution not resignation, with commitment not complaint. During this biennium we must strive to understand ourselves better and to help others understand us better.

We will differ among ourselves as to how we can use our scarce resources best. Many will argue that we cannot afford to move ahead and that preservation of the status quo is synonymous with quality. Such a posture is in fact the very antithesis of the intellectual process. No intellectual status quo can be maintained. To ignore the future is to incite to revolution. No individual, no institution, no society can be satisfied with itself if it is to survive. We must be as willing to accept change for ourselves as we are willing to advocate it for others.

I do not minimize the difficulties which limited budgets place on our ability to cope with the future. Changes and improvements must be made out of existing as well as new funds.

The University, the Board of Regents, and the General Assembly agree that periodic internal review is essential to the vitality of the institution. We must accept this challenge to review ourselves. As questioning scholars we acknowledge that no college, no department, no program and no degree is eternally valid. Forthright reviews will recommend elimination, modification, or reorganization in some cases.

In determining courses of action we must be cognizant of past and present verities and we must not overly respond to the immediate future to the detriment of future decades. Fundamentally, teaching and research are the mission of The University of Iowa. We not only must disseminate knowledge; we also must create it. The University of Iowa is committed to undergraduate, professional, graduate and continuing education. *Our primary obligation is to students.*

With this mission in mind, new courses of action must be selected after thorough review. To aid in such review, we are in the process of improving and consolidating our internal information system to secure objective data about all aspects of the University. Nevertheless, data do not make decisions. People make judgments based on data. We must not sterilize the University by subservience to rigidly applied formulae based on computer printouts.

To use all of our financial resources most effectively, it is essential to accelerate the integration of capital and operating budget planning of funds from all sources. For example, all decisions on remodeling priorities are as important as new building priority decisions especially in a biennium when state academic capital funds are limited to remodeling and federal construction funds are shrinking.

Even though capital funds are restricted, long range campus physical planning remains of vital concern. Small decisions will continue to be made which will have an impact on the nature of the campus. Moreover, we have an obligation to future generations to develop the opportunities afforded to us for them by urban renewal.

In approaching campus planning I continue to assert that we must be a true University and not simply a collection of departments and colleges held together by a single state appropriation. Iowa is distinctive in a time of multiuniversities. Not only are all of its colleges physically present on one campus, but they are also intellectually present. The core of the University is arts and sciences surrounded by well integrated professional colleges. As the campus moves westward, the river becomes the physical center of our planning. The Grand Avenue Residence Halls students, along with students, faculty and staff in the fields of health, law and the fine arts must be an integral part of the University. The environment demands the elimination of substantial automobile traffic and storage from the center of the campus. With the river as its mall, we can keep the University together physically and intellectually. In the siting and planning of new buildings and remodeling projects, we should be particularly concerned with overall concepts of undergraduate and University-wide education and not limit our horizons solely to the needs of individual departments and colleges.

Academic planning must precede campus physical planning. Through internal review we will come to know ourselves better. We will learn more about our frustrations, but we shall certainly learn more about our aspirations also. We must find ways to implement some of these aspirations. In a time of slowed economic growth and major social changes, education must be flexible, econom-

ical, accessible, and rigorous. These general criteria can be reduced to specifics.

1. *Flexible Education.* Iowa students are no longer the homogeneous group of thirty years ago. Moreover, in their lifetimes they will face more diverse problems than prior generations. Taken together these facts mean that the educational needs of our students are expanding rapidly. More needs require more flexibility.

Our faculty and students have new ideas about how to meet these needs. Their suggestions frequently affront tradition and violate existing patterns of organization. Let us not, however, view their suggestions so much as threats to collegiate and departmental autonomy as opportunities for us to work together as a university to meet the changing and multiple needs of our students. It is essential that we think through existing inter-relationships in a time of scarce resources to satisfy these needs. In doing so we must re-identify cores of academic interest and promote exchange among them.

In the company of academic concerns which merit our attention during the coming year are:

a. *Recommendations of the University Committee on Undergraduate and Professional Education.* This committee was established in March, 1970, to examine ways in which the University can work more effectively to advance interdisciplinary studies. Originally concerned with undergraduate intercollegiate cooperation, it has been expanded to include representatives from all the professional colleges. The Committee shares my deep appreciation for the imaginative and dedicated efforts of the colleges to provide their students with more and better academic options. Furthermore, we are agreed that the primary responsibility for curricular matters is collegiate.

Nevertheless, the Committee and I are anxious to assure students access to the resources of the entire University. One possible method of accomplishing this is a University College which could admit students who seek functional, *ad hoc,* or pilot majors. Students would be able to take courses offered throughout the University. Another variation of a University College might be a credit awarding unit which engages a limited number of faculty members each year for a portion of their time to offer interdisciplinary problem-centered courses and seminars. Credits earned in the University College would then be acceptable at the discretion of individual departments and colleges.

Attention is also being given to expanding the educational role of the residence halls. The Committee expects to make a report this fall, and I am confident that its proposals will merit our consideration.

b. *Recommendations of the Environmental Curriculum and Research Development Committees.* In January, 1970, the Office of the Vice President for Educational Development and Research was requested to develop an environmental clearing house for teaching and research ideas related to the environment. Two faculty-student committees were formed to consider environmental curriculum in one case and environmental research in the other. These committees reported on August 1, 1971, and their full report will be distributed for University-wide discussion.

Quite properly these Committees cite the necessity of active University concern with the environment. Among the significant recommendations of the Committees is the proposal that The University of Iowa establish a Center for Environmental Studies. The purpose of the Center would be to serve as an integrating force for the multi-disciplinary approach which environmental studies require. A full-time director is contemplated, and initially four of our present faculty would be given part-time assignments in the Center. To carry out its work in conjunction with existing faculty and departments, the Center would be organized with Divisions of Ecology, Engineering and Health Sciences, and Planning and Public Policy Studies.

In addition to the Center, it is recommended that the University establish a five-year interdisciplinary program in environmental studies culminating in a Master's degree.

Another proposal of the Environment Committees is the creation of a campus group to monitor the effect of Univeristy activities on the immediate community. For example, such a group would evaluate the impact on the environment of emissions from the power generation system, solid waste disposal, campus traffic plans, and river bank development.

The thoroughness of the report made by the Environmental Committees and the urgency of the problems involved demand that we evaluate their proposals with dispatch.

c. *Recommendations From Within the Colleges and Departments.* In this University, educational decisions are collegiate, departmental, and individual. The quality of programs depends on the individual teacher. The colleges, departments, and individual faculty members already have demonstrated vision by the significant alterations being made in their areas. The interdisciplinary and enterprising spirit of earlier times at Iowa which gave rise to work in speech pathology, the performing arts, and religion manifests itself today in such areas as communications, urban studies, mixed media, Afro-American studies and our concern with courses relating to women and to human rights.

The faculty is open minded. As teachers, all of us recognize that sound education involves the untried as well as the tried. The study of new or different subject matter or the use of new or different methods of instruction is neither an excuse, nor a request, for lower standards. Quite the contrary, they can frequently be more demanding of us than the old and familiar.

Greater flexibility and change cost money. Since we are hard pressed for money, logic calls for maintaining the status quo and an indefinite postponement of new ways. But many of you are not blindly logical and in the presence of scarcity have argued that to treat the 1971–73 budget as a status quo budget would sap the University of its vitality. As a consequence, we have sought to build a forward looking biennial budget which meets changing priorities by coupling the increment in legislative appropriations with a reallocation of 5% of the existing University budget. By doing so we view the University budget as an opportunity to meet the future and not merely preserve the past.

Our fiscal plight remains difficult, however. New ways can be financed in part through further reallocation of funds, voluntary reassignment of faculty to new ventures, further economies in operations, additional private and federal support, continuation of University support of instruction and research grant programs, and the newly established University Development Fund.

The concept of a University Development Fund emerged from faculty discussions last spring about budgetary priorities. In general the Fund should be used to launch group proposals of the nature I have been describing. Because of the inadequacy of the Development Fund, other sources will also have to be relied upon to implement portions of these proposals. Grants will be awarded after review of documented proposals. The Faculty Senate Budget Committee will be consulted about the manner in which the Development Funds will be disbursed and the need to expand its funding in subsequent years.

2. *Economical Education.* Historically, the University of Iowa has not been so well supported that it could afford inefficiency. During the past biennium efforts have been intensified to make our operations more economical. Attention has been given to small as well as large matters in order to free funds for more pressing needs. In the coming biennium we will continue to strive for greater efficiencies. In doing so we proceed on the assumption that the state's fiscal condition limits its direct and indirect support of all public and private post high school education, and that, therefore, if programs appropriate to our mission are eliminated or curtailed at The University of Iowa they will not then be reintroduced or expanded in other institutions at state expense. Because we have operated programs economically, the issue is not whether The University of Iowa should continue them but whether the programs can be afforded by the State of Iowa.

In reviewing our efforts we need to consider a variety of factors. Some of them are:

a. *Enrollment.* In recent years The University of Iowa has sought to control its enrollment. It has done so in recognition of the joint responsibility it has with the other Regent institutions, the private colleges, and the community colleges to provide a greater variety of educational opportunities to a larger and more diversified group of students. We are predicting a much slower rate of enrollment growth in the 70's than occurred in the 60's. The bulk of this growth will be in professionally oriented curricula of both the pre- and post-baccalaureate colleges of the University. Unfortunately, these are all expensive programs.

Long before cries of surplus arose, we reduced the rate of increase in the Graduate College. As a consequence the percentage of our enrollment at the graduate level remains approximately the same today as it was twenty years ago.

The issue of surplus and shortage of graduates in all fields and at all levels of of preparation is more easily discussed in the abstract than in reality. The University has the obligation to face the issue in depth and not add and drop programs on the basis of the latest employment figures. Indeed, these figures vary and are interpreted differently by different people. For example, our experience in placing Ph.D's in 1971 has been good.

Educational decisions about contraction and expansion of programs are complicated by the rapidity of social and economic change. Yesterday's shortage may be today's surplus and again tomorrow's shortage. The unpredictability of the future argues for a more general educational process and one which continues through life. Thus, a surplus in a subspeciality does not necessarily mean a surplus within the more general speciality. At Iowa we are attempting to meet the shortages which now exist in the health and biological sciences through increased enrollments and new curricula. Concurrently, we are mindful that there are indications of an abundance of physical scientists and engineers. Even a cursory examination of the nation's agenda for progress, however, indicates that today's over supply may rapidly become tomorrow's need. One of the major items on this agenda is environment which includes such problems as pollution, transportation, and housing. We will need theoretical and applied physical scientists to help solve these problems. Other emerging needs call for engineers and physical scientists. The question then is not whether we should prepare them but rather how we should do so and how we should

organize to do so. Like the biological scientists at Iowa, the engineers and physical scientists will have to develop new curricula and new academic frameworks to meet their and our future.

As evidenced by these illustrations, the University must view programs and enrollments from a long range perspective and not merely react to immediate circumstances.

b. *Less Time.* In recent years, the University has been making progress in shortening the time required for degrees. That trend should be accelerated because of its economic and educational soundness. Furthermore, young people who now reach their electoral majority at eighteen are even more anxious to shorten their period of continuous education and have more varied experiences while young.

In economic terms, more students can be served by reduction in the time required for a degree. A better education can also be provided if we do not pursue the impossible task of stuffing all available information about the field into the student. The movement in the 1950's and 1960's toward longer curricula was due to the knowledge explosion and the perceived need to cover the whole subject. Continuing expansion of knowledge makes this an impossibility. We now recognize that we will never be able to teach a student everything about a subject. The purpose of the classroom should be to enhance the ability of the student to analyze. To develop that analytical ability, the student must have some familiarity with a core of knowledge, but he need not know all about the subject. By stressing the analytical process the student is more able to generalize, transfer, and apply the problem solving process to changes in the field and new information can be secured through continuing education programs.

To be more specific, can we not reduce the credit hours required for the B.A. to three years? The level of high school work has advanced so that there is greater likelihood of repetition between late high school and early college studies. High school college preparatory work should be expanded so that such requirements as language can be satisfied before college. At the other end of the bachelor's continuum, might it not also be possible to combine the bachelor's degree with the master of business administration or the master of arts in teaching for a four-year program?

National discussions suggest that the total time devoted to medical education can be reduced to nine years with three years devoted to pre-medicine, three to medicine, and three to residency. The adoption of this time frame at Iowa along with the current Dental College experiment of three years of pre-dentistry might also make sensible the establishment of a human biology core to be taken by all students preparing for the health professions. A reduction in the time required for Law is now being advocated nationally, and the Iowa Law faculty and profession ought not to shy away from being the first to implement such a reduction.

Similarly, the time required for all degrees should be carefully explored by each of the colleges of the University.

c. *Faculty Instructional Loads.* Students, the public, and indeed some faculty cite an increase in faculty instructional loads as one of the most obvious means of doing more within a limited budget. Loads are the proper subject of internal review, but a subject which cannot legitimately be reduced simply to the issue of classroom contact hours.

If society is to advance and instruction improve, research must remain one of the central purposes of the University. Society needs new ideas and we need to convey them to a great variety of students through classrooms and publications, before and after graduation, on or off the campus, with or without credit, formally and informally. The issue is a university is not teaching versus research; it is the proper balance between the two.

Granting the importance of research, some ask if it is necessary for all University faculty members to engage actively in scholarship. Experience indicates that the energetic and able faculty member can be both a good teacher and a good scholar. The roles are not incompatible. Since methods of inquiry are emphasized in advanced study, research becomes an invaluable means of instruction. To assure quality instruction, it is critical that the faculty be constantly updated, and this is accomplished largely through continuing research or creative work. Because we expect all faculty to be able to teach advanced and professional students as well as beginning students, it becomes imperative that all maintain and improve scholarly competence.

Many accept this reasoning but go on to ask if we are preserving the proper balance between teaching and research. They ask if we are in fact favoring research over instruction. Clearly our intention and policy is not to do so. If we are doing so, we should rectify this. At the same time we must clarify that a teaching load cannot be measured solely in terms of contact hours throughout the University. The faculty member who teaches several hundreds of students each week in a large class will devote many hours outside of the classroom to the preparation of new and review of older materials, counseling, construction and grading of examinations, and post class questioning. As the level of instruction increases, the need for more individualized instruction increases; yet while the number of contact hours increases, the number of students being served decreases. Given the diversity of the subject matter taught within the University, we must remember that quality methods of instruction must vary from area to area and within areas according to level of study.

Both faculty and administration share the common objective of stressing and improving instruction and to that end are anxious to review continually our instructional effort to be sure that we *place students first.* Each department and college bears this obligation. By such reviews we can improve our instructional efforts and more efficiently utilize our limited financial resources.

d. *Course Reduction.* The same reasons which justify a reduction in the time required to complete degrees also justify a reduction in the number of courses taught. Elaborate course sequences and coverage of all the presently available information in a field will not prepare students adequately for a world in which information quickly becomes obsolete. The reduction of time required for degrees will reduce the number of courses taught. We can further reduce the number of courses if we pursue a more generalized core approach to a particular area and postpone specialization to advanced or continuing study or even to job experience.

To a limited degree we can also reduce the courses needed by giving credit for experience gained outside the classroom if the experience can be evaluated effectively. One excellent way of achieving this is credit by examination.

Class size is also an appropriate matter to be considered in determining whether to offer a course. This measure must not be overestimated because students at all levels need individualized attention if they are to master complex material, if they are to be motivated, and if they are to regard themselves as persons and not social security numbers.

e. *Instructional Tools.* Much is said today about the need to make more extensive use of educational tools such as the library, the computer, television, radio, and audio-visual materials. My experience, however, is that these tools increase rather than decrease the cost of instruction. This is so because they are not designed to eliminate the teacher but to augment and individualize instruction. Even if they could eliminate the teacher, they are expensive methods of instruction. Notwithstanding the expense we must reassess our priorities to be sure that we are improving instruction by utilizing these resources. Our problems in financing them are acute.

This year we open an addition to the main library which will double the capacity of that library. Unfortunately, we have not been able to find funds to add to the library staff or acquisition budget. We must absorb this physical expansion, along with the new Music and Health Science Libraries, within a static library budget.

Another pressing problem is the use of the computer for instruction. Budgetary stringencies and inflation are restricting the Computer Center's activities at the very time when the Center should be able to provide even greater service by a move to the new Lindquist Building. It is essential that we find a way to fund greater instructional use of the computer.

The Audio-Visual Center is also in fiscal trouble and cannot provide needed instructional service.

I cite these tools because of their critical importance to improved instruction. While all of these units strive heroically to be more efficient, I am convinced that we must find additional funds for them. In short, further reallocations within the existing budget will be required to provide us ample access to these tools.

3. *Accessible Education.* We must seek to make the University's programs more accessible. The 1971–72 budget is designed to do so.

Through reallocation a tuition increase has been avoidd. Moreover, additional funds have been budgeted for student financial aid.

The new budget also provides more support for the Educational Opportunity Program. The objective of this program is to make the University more accessible to low income and minority students. We also continue to take affirmative action at the University and Regional level to increase the number of minority faculty and staff members and to assure that we transact our business with firms which also engage in affirmative action programs to diversify their employees.

We must make similar efforts to make the University more accessible to women and part-time students of all ages.

The University of Iowa has long been committed to the principle of equality of opportunity for women. This was among the first public universities in the United States to admit women as students. Failure to include women fully in society results in a waste of human resources and conflicts with fundamental concepts of human rights. Societal barriers have tended to discourage or preclude women from participating fully in the opportunities presented by American life. It is not enough simply to reiterate a well established goal that equal opportunity for women should pervade all aspects of University programs and practices. We must also take affirmative action to achieve this goal.

Affirmative action means we must make efforts to provide and to communicate to women opportunities in all parts of the University community. To this end we must assure that our recruitment processes follow channels likely to discover qualified women. Unnecessary or artificial barriers to the matriculation or employment of women should be eliminated.

Essential to the expansion of educational opportunities for women is the encouragement of part-time study for students of all ages and income levels. This continuing education can take many forms and is an indispensable element of equal opportunity and contemporary education.

One such form is the new Saturday Class Program which receives partial support in this year's budget. This is a new program of flexible scheduling of courses to meet the needs and interests of part-time students. Students who have been admitted to a degree program may take these courses for regular residence credit. Others may prefer not to seek admission to a degree program. Some courses may be offered which carry no credit. Flexibility is the goal in scheduling and in enrollment procedures. Special evaluation and counseling services will be provided.

Another method of making the University more accessible is the so-called "University Without Walls" or external degree concept. Elements of this approach are well known to higher education. Indeed, in the case of correspondence study The University of Iowa has long been a leader, and more recently the College of Engineering has made its offerings available to the individual off-campus student through a comprehensive "Guided Self Study Program". In this same vein the Extension Divisions of the Regents Universities have been exploring the feasibility of a jointly offered Bachelor of Liberal Studies similar to that offered by the University of Oklahoma. This program would enable a student to secure a degree primarily through independent study with only a minimal requirement of on-campus work.

In order to meet an accelerating need for continuing part-time education, I have requested the Provost to examine with the colleges, the Extension Division, and our fellow Regent institutions the best and most economic way of doing so.

To make the University more accessible will require more money. Even with reallocation of existing funds and greater efficiencies, post high school education cannot meet the increasing demands on it without substantial infusion of new funds. In a time of national fiscal uncertainty, the ability and methods to finance post high school education are also uncertain.

Much is being said about a right to post high school education. Some say this is a right to fourteen years of free education with the cost of additional studies borne in large measure by the student. Others says this right extends to the student's entire course of study. Some who advocate this argue that it should be financed through higher tuitions which the student in turn can finance primarily through loans repayable from earnings over a long span of time. Many of the proponents of this approach, however, concede that there also must be additional public and private support to maintain the institutions.

I do not believe that we must now reject the American tradition of accessibility to all post high school study through low tuitions. Students already carry a major share of their total educational costs. Over half of them at Iowa work during the school year to earn sufficient funds to stay in school. A shift in financing to a massive loan program could serve to deny education to lower and middle income students and to women. It is ironic that while higher tuitions are urged in the United States, lower tuitions are being implemented through public support in the previously elitist higher educational systems of western Europe.

Adequate financing for accessibility is the major issue facing American colleges and universities.

4. *Rigorous Education.* Whatever the curriculum, rigor must be stressed. To do less is to deprive students of the full measure of their education. Education must be worthwhile as well as plentiful.

Intellectual rigor can only be achieved if a student is motivated. Motivation is a problem which each teacher, department, and college faces with each student. If we smother the desire to learn by indifference and insensitivity, we fail and our instruction is merely rhetorical monologue. As teachers we must recognize that the quality of our instruction depends in large part on our ability to motivate. Sensitivity to individual student aspirations is essential to a rigorous education.

The elements of a flexible, economical, accessible, and rigorous education are not limited to classroom, library or laboratory. Other significant educational experiences and services exist. These also are being improved through consolidation and reallocation. For example, new facilities for the fine and performing arts will make their programs more accessible to all students. After extensive consultation with students, faculty, and staff a Student Development Center has been established in the Union. Eventually the center will be a place where representatives of most student services will be located. The Center offers counseling support to students at all stages from orientation to placement.

In addition, the Student Senate has embarked on an effort to provide more services for students. These services include the establishment of a campus book exchange and rental of available University and community houses for student organizations devoted to day care. To augment the Student Senate's limited budget without raising student fees, the University has assumed that portion of the cost of the performing arts programs previously financed by student fees and the Senate is engaged in various fund-raising ventures such as the publication of the University telephone directory.

Many problems beset this University. This is a sobering condition but it should not frighten us into despair. To meet its problems the University needs the active support and understanding of its alumni and the public. This we can secure primarily by the excellence of our work on the campus. We want to encourage more people to visit the campus. With the restoration of the Old Capitol, many will come to share the past with us, and this will enable us to discuss the present and future with them.

At the same time, we need to be about the State more. We should afford greater educational and cultural opportunities to people throughout the State, aid the public and private welfare through the availability of our faculty and staff for professional counsel, and discuss the University with the people and the people's representatives. Our fellow citizens do not wish us ill. They too wish to see the University progress. Through continuing contacts both they and we will understand the University better. All are concerned about the future of this University.

Whatever the specific circumstances of our daily contacts with each other as students, faculty, staff, alumni and public, we must always consider the future as well as the moment. I repeat: We are in a time of social dissension and economic uncertainty. We must not destroy the vital assets of our society. Among these assets is The University of Iowa. We betray our future if we regard this University as a wasting asset—to be drawn upon and never replenished.

Because of the imagination and resolve of prior generations, this University has flourished. In turn it has benefited the students and teachers who have labored here and through them has advanced society.

Contemporary society must not only draw on the University but must also replenish it. To do so we must strive for a flexible institution which can meet emerging needs and maintain existing programs of merit. We must emphasize the individual even as we acknowledge our interdependence. We must have a University which is readily accessible to students regardless of race, sex, religion, age, and financial ability. To avoid these obligations in a time of social dissension and economic uncertainty is to waste the University and along with it the future.

AIRPORT AND AIRWAY TRUST FUND: AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACTS OF 1970

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. MURPHY of New York. Mr. Chairman, I ask that every Member of the House contemplate the consequences of the legislation passed by this body on Wednesday, September 22. Many of us are familiar with the "death and destruction" statistics compiled by the Airline Pilots Association for the last decade. This timespan saw 19 fatal accidents with a cost of 587 humans, hundreds more maimed, crippled, and burned and $111 million worth of airplanes lost because of the intransigence on the part of the Federal Government to install the precision landing equipment necessary to prevent such tragedies. These figures border on the absurd when we consider the fact that these destroyed lives and equipment could have been saved with remedies and instruments that have been available for over 10 years. In fact, 90 percent of our 1,722 runways at the 530 airports serving our Nation's air carriers do not have ILS systems and the other safety features necessary to guarantee that when a pilot breaks out of the fog or a cloud band at 170 miles per hour, 100 feet above the ground, the runway will be there. This contrasted to six plane crashes and 76 fatalities at airports with ILS systems.

These statistics do not convey the bone-chilling statements of the pilots themselves, however. They have compiled a list of the 12 airports that pilots consider the most dangerous—and why. They are as follows:

Kansas City: This airport has a good safety record because, in the words of one pilot:

It is so dangerous it keeps us on our toes. Most of us fly our own approaches.

Kona, Hawaii:

The restrictions and limitations on DC–9's operating into Kona, if known to the passengers, would make them leery of such a critical operation.

Miami International: A pilot said of the 64-foot high Miami airport inn that sits uncomfortably close to the Miami International Airport runway 27L:

I feel that a structure of such proportions is likely to interfere with the signals of the instrument landing system under certain weather conditions. The slightest miscalculation on the part of the pilot making an instrument approach to this runway is likely to result in a major accident causing heavy casualties among passengers in the air and people on the ground. It must be remembered that the Boeing 747 carrying at least 390 passengers is using this runway.

Lexington, Ky.: Lexington's blue grass airport where 727's and DC–9's land has no effective fire equipment. It has a volunteer fire company and one crash truck available. There is a totally inade-

quite supply of fire extinguishing agent (foam).

Molokai, Hawaii: Pilots of Hawaii and Aloha airlines believe that safety of operations into Molokai airport are marginal with DC–9 and Boeing 727 aircraft under existing conditions.

Kennedy International: There is a terrible layover problem, congestion, ILS only at certain runways and once you do land there are huge potholes that have been patched and repatched.

The airports at Bradford, Pa., Tweed-New Haven, Conn., and New London, Conn., were singled out by pilots for short runways and a lack of ILS systems.

Two airports in West Virginia are on the pilots "no-no" list. They include the fields at Martinsburg and Charleston's Kanawha airport where there is no ILS under certain weather conditions, and where, if a pilot overshoots the 5,000-foot runway, he goes over the edge of a sheared-off mountain.

Finally, the Greater Cincinnati Airport at Covington, Ky. poses optical illusion problems for the pilots. Because of a dropoff of the land area surrounding the north end of the field, the lighting system causes optical distortions during night landings.

And then there are the 6,000 annual near misses between behemoth commercial aircraft many of which are caused by a system that will allow jets to fly on a collision course on different flight plans, miles above the earth. This is one of the factors that contributed to a DC–9 crash last June that cost the lives of 49 persons.

How many times have many of us been on an airplane and imagined what could happen in the event of an accident. Well, I believe more people would be even more afraid if they knew of the lack of safety equipment and facilities at most airports. Pilots work under terrific handicaps trying to land airplanes without the proper instrument guidance systems, without long enough runways, knowing of the tenseness in the control tower due to the strain of working with outdated equipment.

We have the available technology to correct these shortcomings. Especially in the area of airplane and airport engineering there are thousands and thousands of qualified persons now going begging for jobs, who could solve many of the technological problems that remain. Science is more than prepared to handle these tasks.

Certainly our flying public—and those who live in airport vicinities—welcome advances in the area of airport and airway safety development. Most of the Nation's airports are surrounded by cities and highly populated residential areas. Consider San Diego's municipal airport which is snuggled in the center of that metropolis. Then imagine the devastation that could be caused by the crash of one of our new flying football stadiums into hotels, office buildings and packed schools.

The above are some of the reasons I introduced legislation similar to the bill passed yesterday that will insure that money allocated by the Congress last year for airport safety would be used for that purpose.

The Congress intended, through the enactment of the Federal Airport and Airway Development Act of 1970, to provide not less than $250 million annually for airport construction, development and safety improvements. Because of a narrow interpretation of some language in the law, the administration has attempted to use the funds appropriated for airport safety, and airway operation and maintenance.

The tragic aspect of this neglect is that it would only cost $250 million—a modest sum by today's standards—to place ILS systems on the remaining unprotected 90 percent of our runways not now programed for such installation by 1981.

When we passed the Airport and Airway Development and Revenue Acts of 1970 we established a trust fund which was in part to remedy the lack of ILS systems. Yet the money has not been designated for ILS installations. There are only 310 installed—1,810 more are needed. I would remind Members of the statement of the airport manager of New Haven, Conn., Tweed-New Haven Airport, James Malarkey. He insisted the Allegheny flight that killed 31 persons on June 7, 1971, when it crashed short of the runway could have been prevented. He said:

> The crash would not have happened if the field had an instrument landing system.

The airport has equipment to measure an approaching craft's lateral direction, but not its height.

Mr. Chairman, the bill passed yesterday will not eliminate air crashes altogether, but it will significantly reduce such tragedies by tightening up the language of the airport and airway trust fund which was created to protect user taxes from being diverted to other purposes, and release available moneys for safer skies and runways and taxiways.

I know the people of America want the assurance of safe airports and airways. That is why we in Congress had to act decisively to guarantee that their money is used for that purpose.

JOE McCARTHY RIDES AGAIN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. BOB WILSON. Mr. Speaker, I have taken the floor in the past to warn of the dangers inherent in the activities and unfounded accusations of overzealous consumer advocates. I reiterate that I am 100 percent in favor of the consumer movement and continue to support realistic, progressive, and sensible consumer programs on all levels of government. What I have been unable to accommodate in good conscience are irresponsible attacks on business as though all were responsible for the sins of the few who purposely deceive the public. I have expressed these views before, but I recently came upon a column by a Jerry Della Femina in the August issue of Marketing/Communications magazine which, I believe, puts the issue in focus. I have never met Mr. Della Femina, but I commend him for having the courage to write the following column. It expresses some thoughts which all Americans should consider. I insert it in the RECORD.

The column follows:

JOE MCCARTHY RIDES AGAIN

(By Della Femina)

This is going to be a very unpopular column because to attack the consumerism movement these days is as unpopular a concept as attacking the McCarthy witch-hunters of the early 1950s. And yet, in their own way, the Ralph Naders, the Bess Myersons and the Gaylord Nelsons of 1971 are every bit as potentially destructive to our nation as the McCarthys, the Roy Cohns and the David Schines of 1952. Both groups have many interesting parallels. Both focused on one group. In McCarthy's case, American Communism. In Nader's and his friends' case, the American businessman.

Both groups perfected the blanket accusation technique. In the old days, there was a press conference where a man got up, waved his arms wildly, and shouted, "I have conclusive proof that there are 5,000 card-carrying Communists working in our State Department."

Today, it is the television interview where a man calmly and coldly says, "I am convinced that 75 major food companies are out to destroy our children's health."

Both groups have used the story-hungry press beautifully by getting out news releases with a precision that would have made Joseph Goebbels proud.

Both groups never gave their victims a chance and persecuted them publicly in the Roman colosseum atmosphere of the 6 PM news while millions of gullible, innocent spectators sat and watched the victims systematically destroyed.

Both groups have convinced the innocent that they were honest, sincere and had to do what they did in order to save the country, maybe even the world.

And both groups live in the world of half truths. Yes, in 1952 there were some people who were guilty of treason. And yes, there are some businessmen today who are charlatans and frauds. And yes, they must be stopped. But must they destroy the whole system in order to stop a few?

And isn't it about time we all take an honest, objective look at the consumerist?

Early in the game, no one questioned Joe McCarthy. Now, early into the game no one is ready to question Ralph Nader and his friends. But there are some questions which must be answered. Are all consumerists honest? Are they all telling the truth? The complete truth? Are they looking for legitimate reform? Or pure power for themselves and for their henchmen?

If the consumerists are going to be effective and really help this nation, they must do it quietly. They must inform, not destroy. They must talk to businessmen, not accuse. They must look to destroy the crooked and immoral in business but they must leave the honest businessman alone.

Because if they continue on the reckless path they have taken . . . if they continue to seek unlimited political power over business . . . if they continue to try to regulate business with insane plans that are conceived by bumbling bureaucrats and dedicated to the proposition that the American businessman is nothing more than a common criminal, then the consumerists are going to destroy American business.

And then they will discover a basic fact that even the lowest one-cell parasite knows. That the day a parasite destroys its host . . . is the day a parasite destroys itself.

MR. ALGEE ADVOCATES THE ADOPTION OF THE DECIMAL SYSTEM

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. TALCOTT. Mr. Speaker, one of my constituents, Mr. Roger Algee, of Paso Robles, Calif., has submitted a paper to me which raises objections to the adoption of the metric system by the United States.

The basic point raised by Mr. Algee is that the metric system is wasteful and inefficient and that it will eventually have to be replaced by the decimal system which he believes is a more perfect system.

Mr. Algee is a long-time advocate of the decimal system—he has given it careful study and evaluation.

Mr. Speaker, in view of the long range impact changes in our national standard of weights and measures will have on future generations, I believe it is important that every aspect of this important question be considered. I am, therefore, placing Mr. Algee's views in the RECORD for consideration by our colleagues:

MR. ALGEE: DECIMAL SYSTEM

Legislators should propose resolutions favoring the new Decimal system where needed because Metric is so wasteful and full of mistakes. This voluntary plan is much safer than trying to force the unwanted change from British to Metric. Decimal is far more efficient because Decimal is true-metric. This exposé should end the great metric debates because the situation can be understood by anyone:

HERE IS THE SITUATION

National Bureau of Standards publicity agents want to change our existing measuring system from British to Metric. But system analysts are turning against present Metric due to improper revision. They have found that mathematical conflicts within present Metric tend to retard our standard-of-living by disrupting engineering progress. The cure is to adopt Decimal instead of Metric because Decimal is true-metric.

BACKGROUND INFORMATION

Metric has been based upon the meter (earth quadrant), gram (water density), second-of-time, degree-of-angle, centigrade, calorie, ampere, volt, ohm & watt. Decimal is based upon ten-part-days, earth gravity, chemical mass, and electron charge. Each of the following paragraphs begins with Metric claims which are then exposed by Decimal facts backed with examples that are obviously typical:

METRIC QUOTATIONS REFUTED

1. "Metric is a perfect system." That depends upon what kind of metric they are talking about. Yes, the new Decimal system (being true-metrics) is very nearly perfect. But present Metric systems (being false-metric) are all grossly incorrect. For example, all Metric systems claim to count by tens. Yet their calendar dates do not relate to their second-of-time by tens. The meter divided the world by four and does not relate to time, angle, or gravity by tens. And grams of mass came from mere water density while all elements have a known common denominator. The new Decimal system has what Metric only claims to have . . . the genuine property of count-by-tens starting from those things of genuine importance!

2. "Nearly all other countries are adopting metric." Officially yes. But in practice we are all moving away from Metric. Its actual adoption is a physical impossibility due to the way present Metric violates the laws of nature. For example utility meters, gasoline meters, mile & kilo indicators, airplane altimeters, budget illustrations . . . all use ten-part-circles in the Decimal style (rather than Metric degrees, grads, or radians). Likewise g-factors, electrons, days, and other Decimal units are replacing Metric units in practice. This is due to the ever-present need for natural values because they are the basis for engineering equations.

3. "World trade has gone 90% metric." Actually world trade goes about 20% each to the Native, British, Metric, Decimal, and Exotic classes of systems. But all classes of systems are formed out of the Decimal system. For example the second-of-time (Metric) came from the 60th part of the 60th part of the 24th part of the day-of-time (Decimal).

4. "All of our major technical societies have resolved in favor of metric." Yes, but without comparing against Decimal. So such resolutions are worthless.

5. Metric will help free world defense." Because the Communist Bloc is already on Metric, our adoption of it would weaken United States security.

6. "Decimal is new and therefore it is experimental." Yes, the system as a whole is recent (1962) but the basics for it are mostly ageless. Decimal measures are based upon those natural phenomena which are most widely used. For this reason, the Decimal system is far simpler, easier, and safer than Metric. Many of the Decimal basics are older than Metric basics and are always much better. For example, the day is older as a measure of time and date than either the second or the year. For navigation decimal days fit decimal circles and they are one of numbers across the clock and the calendar. (No other system can make this vital claim.) Also the Greenwich features of Decimal are proven safety measures but Metric's Zone & Daylight-Saving aspects cause millions of people to be mangled in billions of dollars worth of wrecks.

7. "Metric has ten-factor multiples with decimal divisions." Only partly. Angle, time, date, and energy are basic exceptions. For example, Metric has 2 π radian circles, 24 hour days, 7 day weeks, and .239 calories per watt-second. The exceptions spread. For example kilometers/hour differ from meters/second for Metric speed.

8. "Metric units came from a natural basis." Yes they did. But the correct ones have been abandoned and the wrong ones kept. For example, the original metric clock & calendar of ten-part-days & ten-day-weeks (being correct) were abandoned. The meter was wrong because it came from 40 million parts to the world circumference (quadri-decimal) instead of 1 million parts (decimal). It was also wrong as a distance standard instead of an angle standard. But the meter (being doubly wrong) has been kept. All present Metric units are unrelated to key natural phenomena. This failure of Metric is mainly what makes it so slow, because key natural phenomena are used repeatedly thruout technology. Metric figures make engineering devious.

9. "Metric has been modernized." Not really. In fact, the water density basis for the gram has been obsolete for over a hundred years. All planetary matter is made of 88 natural elements having the common basis of a universal "chemical mass" also known as deuterium.

Only this part of Metric is obsolete. The rest of Metric was either wrong to begin with or made wrong by subsequent changes. There is no amount of refinement which can improve something that is fundamentally wrong.

10. "The exceptions & mistakes of Metric are only minor defects." Completely false. Basic units are extremely important! Thus if only one basic unit were wrong, much of the whole system would be confused. But as to Metric however, not just one of its basic units is wrong. Instead, all basic Metric units are wrong. Hence, present Metric constitutes a case of extreme chaos. Again . . . all basic Metric units are wrong. See 1, 2, and 7, 8, 9.

11. "Metric has been improved." Not at all. In fact, it has only been made worse. The most essential Metric standards have been fixed slightly off-center, derived in terms of devious historical routes, suffered injection of irrational numbers, or redefined in terms of long, odd-ball numbers. These incredible blunders were made by wasteful bureaucrats trying to increase their salaries by generating scientific red-tape.

12. "The NBS is impartial in its publicity campaign in favor of metric." Our own National Bureau of Standards (NBS) deliberately withholds the most serious disadvantages of Metric while claiming advantages for Metric that are not exclusive. Fraud consists of many varieties of concealment, including the suppression of material facts, where those deceived had a right to rely on full disclosure.

13. "Decimal would be impossible to adopt because it is not widely known." Just one good article can turn the tide. Perhaps the Watkin article at Annapolis is the one which will do it. He shows by example how days and circles match each other and can be divided by tens to simplify enormously. Contrast this with R–1000 written in Moscow Russia and sponsored by the NBS compelling 6.283185 radians to mismatch 43200 seconds as dictated by Official Metric.

14. "Calendar reform is getting nowhere." Nearly all proposals are highly defective. Yet many calendars have been reformed several times. This includes the Egyptians, Chinese, Jewish, Roman and Christian calendars. Reforms usually begin in some specialty where the need is great. Astronomers have been using a day-calendar for several hundred years in order to simplify celestial motion calculations. Now navigation, electronic archaeology, and other specialties are also using day calendars. For example 3 Jan. 1972 will equal 720,260 days AD due to how many days there are in a year. Just multiply 365.242 times 1972 and then add 3 for 3 Jan.

15. "Metric is the one and only system for all people for all time." No one thing has ever satisfied all people, much less for all time. Progress requires improvement. Systems are difficult to modify because to change one basic unit can affect many other derived units. Therefore when an old established system becomes obsolete or is discovered to be wrong, do not attempt a series of extremely expensive modifications. Instead, replace the entire old system with a complete new system where needed in order to hold down the cost of improvement.

16. "If we adopt metric now, we could evaluate decimal later." Why consider changing systems twice? Any change of measuring systems will uproot our way of life, renovate the language, alter our thinking, and impact our paychecks. It has hundred-billion-dollar change costs with trillion-dollar production effects! We must thoroughly compare for merit by analysis and demonstration every conceivable system. Adopt where needed whichever system proves most efficient by comparison. Do not pretend, as the NBS has done, that much better ideas do not exist (to save their own proposition from being defeated by the competition).

17. "Any system will do if everybody uses it." Largely false. Only the Decimal system has natural phenomena which fit the equations used by engineers. This very seriously affects our productive efficiency and ability to educate.

18. "Natural phenomena are not accurate enough." Natural phenomena are the source of both actual events and equations describing events. Therefore, results can only be as

accurate as the natural phenomena from which they came. Using the best average values for each natural phenomenon tends to reduce data discrepancies resulting from normal measuring inaccuracies. NBS accuracy and service work are satisfactory.

19. "Natural phenomena save very little wasted time." That depends upon which natural phenomena they are talking about. A few minor natural phenomena (as in Metric) are only a minor saving. But the major natural phenomena (as in Decimal) are a great saving because they affect so many calculations so often. The savings to be realized in education, computers, and work routines amounts to billions of dollars daily! Improved productivity from better engineering design by a superior measuring system implies even greater differences! Also it should reduce the cost of engineering and make the benefits of engineered design more commonly available.

20. "Metric is essential to leadership in foreign trade." We should lead other countries into greater prosperity with better ideas and more efficient methods. We should not follow other countries into poverty by adopting wasteful, backward, incorrect methods.

AIR FORCE LOGISTICS COMMAND CELEBRATES 50TH ANNIVERSARY

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. STEED. Mr. Speaker, this year marks the golden anniversary of service to the Nation by the Air Force Logistics Command. Headquartered at Wright-Patterson Air Force Base in Ohio, the AFLC has worked diligently for its half-century life to maintain its goal of keeping the combat units of the Air Force flying. Tinker Air Force Base, located in Midwest City, Okla., has for the past 29 years provided a strengthening link in the AFLC chain. In this short time span, Tinker has been transformed from wheat fields and prairie grazing lands to Oklahoma's largest single industry. The following articles were prepared by the public relations office of the AFLC to commemorate its 50th anniversary by describing its history and achievements. I believe that the accomplishments of the AFLC deserve our praise and thanks:

AIR FORCE LOGISTICS COMMAND CELEBRATES 50TH ANNIVERSARY

During its half century of service to military aviation, the Air Force Logistics Command has undergone many revolutionary changes to meet the constantly shifting demands of war and peace, force buildup and contraction, and advancing technology. Known at various times by different names, its mission has always remained the same—to keep the combat forces of the Air Force flying. Although Wright-Patterson Air Force Base, Ohio, has always been the center of logistical operations, the office of the commander has from time to time been shifted to Washington, D.C. and then back to Wright-Patterson where it remains today. The era of Mobilization just prior to and during World War II saw rapid change in the command as did the period of demobilization after victory.

The present structure was created in 1961 when the old Air Materiel Command was split into AFLC and the Air Force Systems Command. The Systems Command assumed responsibility for development of new weapon systems and AFLC continues to be responsible for keeping those systems operational throughout their life cycles.

The grades and functional titles of the 25 officers who have led the command over the span of 50 years have also changed from time to time. The first commander was Captain Elmer E. Adler, who had the title of Chief of Field Services and who took charge on 14 July 1921. The present commander, four-star General Jack G. Merrell assumed command of the Air Force's worldwide logistics system on 29 March 1968.

Historical highlights of the command from origin to date have been unearthed from the historical archives:

July 14, 1921—The Office of Property, Maintenance and Cost Compilation was established by the Army Air Service at Fairfield Intermediate Air Depot, Ohio, as a headquarters-type agency to manage the Air Service's supply and maintenance depots. As such, it was the direct progenitor to AFLC. Captain Elmer E. Adler was its first chief. The "air intermediate depots" he managed were located at Fairfield, Ohio; Middletown, Pa.; San Antonio, Tex.; and Rockwell Field, Calif.

January 26, 1924—The Office of Property, Maintenance and Cost Compilation was renamed Field Services Section.

August 21, 1925—The name Wright Field was accorded to the Army Air Service facilities located east of Dayton, Ohio. These properties consisted of land presented to the U.S. Government by the citizens of Dayton for Air Service's use, plus the air field next to Fairfield Depot, then known as Wilbur Wright Field.

October 15, 1926—The Field Services Section was absorbed by the Materiel Division which was established at McCook Field, Dayton, Ohio, to consolidate five logistics functions: engineering, procurement and production, supply, maintenance and industrial war plans.

June 1927—Materiel Division and Wright Field personnel totaled 1,003—921 civilians, 72 commissioned officers, 2 warrant officers and 8 enlisted men.

July 6, 1931—Part of Wright Field, east of Huffman Dam, was named Patterson Field in honor of Lt. Frank S. Patterson who was killed on June 19, 1918 while testing a device for synchronizing machine gun fire with propellers.

March 1, 1941—A Provisional Air Corps Maintenance Command was set up at Wright Field under the jurisdiction of the Materiel Division.

October 17, 1941—The Air Corps Maintenance Command was replaced by the Air Service Command, which became fully responsible for the supply and maintenance functions formerly assigned to the Materiel Division.

March 16, 1942—The Materiel Division was renamed Materiel Center, and a Materiel Command was established in Washington, D.C.

April 1, 1943—The Materiel Command was moved to Wright Field and the Washington, D.C. office became the Assistant Chief of Air Staff, Materiel, Maintenance and Distribution.

August 31, 1944—Materiel Command and Air Service Command were combined to form the Air Technical Service Command.

March 9, 1946—Air Technical Service Command was redesignated Air Materiel Command, the new name winning out over "Air Logistics Command".

April 2, 1951—Research and development functions were split off from the Air Materiel Command and a new Air Research and Development Command was established.

April 1, 1961—Air Materiel Command was renamed Air Force Logistics Command concurrently with the transfer of systems acquisition functions to Air Research and Development Command, which was redesignated Air Force Systems Command.

TINKER AFB: HOME OF OKLAHOMA CITY AIR MATERIEL AREA—CROSSROADS OF THE AIR FORCE

Located in the heart of the nation, midway between the east and west coasts, is Tinker Air Force Base, home of the Oklahoma City Air Materiel Area.

In the short span of 29 years, Tinker has been transformed from wheat fields and prairie grazing lands to Oklahoma's largest single industry. Its central location, level terrain and excellent flying weather have added to its growth in becoming the "crossroads" of the airways and one of the busiest bases in the Air Force.

The history of Tinker AFB began shortly before Japan's attack on Pearl Harbor plunged the United States into World War II. Early in 1941, a group of progressive-minded civic leaders and businessmen was informed that the War Department was developing plans to establish an aircraft maintenance and supply depot somewhere in the central part of the United States.

Working through a booster organization named the "Industries Foundation," the group suggested two sites—one south of the nearby university city of Norman and the other an area east of Oklahoma City.

In the meantime, other cities, including Wichita, Kansas, and Muskogee, Oklahoma, were seeking to become the sites of the proposed installation. Finally, on April 8, 1941, the War Department officially chose Oklahoma City and issued an order to begin the project.

In response, the Industries Foundation purchased 960 acres and signed an option for 480 more.

Today, Tinker covers 4,100 acres, 54 percent of it donated by the community. The community also has acquired large areas of land on three sides of Tinker to make sure that there will be no development that could interfere with the operation of the base.

In selecting a name for the new facility, officials had to disregard "Oklahoma City Air Field" because of an existing airport by that name. On May 21, 1941, after due deliberation, the Army Chief of Engineers adopted the name "Midwest Air Depot."

On July 30, 1941, the construction of the new base began. Under a sun that baked the red plains to a hard sheet, a small group of businessmen and civic leaders staged a simple ground-breaking ceremony. Using a diesel tractor as a speaker's stand, the Oklahoma City Chamber of Commerce President declared: "This is too big a project for hand spades, and this is a mechanized age. I think this tractor is the least we should use for the ground-breaking ceremony and it symbolizes a project of such magnitude."

In August 1942 the Oklahoma City Chamber of Commerce suggested that the War Department name the depot "Tinker Field" after Maj. Gen. Clarence L. Tinker, a native Oklahoman. The one-eighth Osage Indian lost his life on June 7, 1942, while leading his bomber command on a strike against the Japanese at Wake Island. The War Department considered the suggestion and on October 14, 1942 redesignated the base as Tinker Field.

The first assigned project was the installation of tow target releases on 40 BT-13 aircraft. When other Army bases learned that the new depot was ready for operation, they began shipping everything imaginable. One base sent several carloads of obsolete materiel.

When apprised of this fact, Col. Turnbull, depot Commander, ordered, "Send them back and tell 'em we're going to overhaul the big bombers, the B-17s and B-24s."

On July 15, 1943, the depot began modifying the armament on sixty-five B-24 Liberators. Also in 1943, maintenance men completed an engine change project on several hundred B-17 Flying Fortresses.

By the end of the war, Oklahoma City had reconditioned 12,178 R-1820 engines, work

horses for the B–17 and other World War II aircraft. The depot also overhauled more than 2,000 aircraft, 90 per cent of which were bombers.

The Boeing Airplane Company delivered the first production B–29 to the Army in July 1943. This aircraft soon became the big workload at Oklahoma City. In November 1943, the depot assumed responsibility for providing intensive depot-level maintenance training for personnel of tactical organizations.

On December 13, 1943, the Air Service Command assigned the first major B–29 modification project to Tinker. The depot was to install extra fuel tanks on 104 aircraft. This would enable the first Pacific-assigned B–29s to stage raids on Japan from bases in India.

In June 1945, the B–29, "Enola Gay" arrived at Tinker for modification to the electrical equipment of the aircraft which would enable it to drop the first atomic bomb at Hiroshima.

The war years had seen the depot grow from prairie to an important logistics center. In the years which lay ahead this phenomenal growth, which slowed for awhile immediately following the end of hostilities, would continue until the depot became one of the most important facilities in the logistical operations of the Air Force.

On July 2, 1946, the Oklahoma City Air Technical Services Command became the Oklahoma City Air Materiel Area, following ASC's redesignation to the Air Materiel Command.

On January 13, 1948, Tinker Field became Tinker Air Force Base. This was the result of the Air Force becoming a separate entity in July 1947.

Early in 1949, the famous B–50, "Lucky Lady II," received modifications which later enabled it to make the first non-stop around-the-world flight.

The outbreak of hostilities in Korea in 1950 placed new demands on Tinker. The maintenance and repair of aircraft increased over 57 per cent, largely in support of the Korean action. In addition, the engine lines went on a three-shift operation to meet increased demands.

Today, OCAMA is big business, with geographical responsibility in 15 central states and the eastern half of Canada for providing technical advice and maintenance assistance and worldwide responsibility for logistics support of assigned weapons systems.

OCAMA's support responsibility to the Air Force is defined in the four principal areas administered by the Directorate of Materiel Management, Directorate of Maintenance, Directorate of Distribution and the Directorate of Procurement and Production.

The Directorate of Materiel Management, with approximately 3,500 people, is the primary management agency for the logistics support of the systems and items assigned to OCAMA.

The systems include the B–52 bomber fleet and its companion aircraft the KC–135 refueler plus the many modified versions of the –135 aircraft such as the EC–135N, eight of which are assigned to the Air Force Eastern Test Range in support of space flights.

In addition, OCAMA is system project officer for the Worldwide Airborne Command Post aircraft. These are specially designed EC–135 aircraft assigned to SAC, Headquarters Command, PACAF and USAFE.

Another OCAMA assignment is program management of the Special Air Mission aircraft or "SAM" fleet. These aircraft which include VC–137s, are used by top level government officials, including the President of the United States. Still another is logistics manager of the latest fighter aircraft to enter the Air Force inventory—the A–7D.

Other management responsibilities include three air launched missiles, the ADM–20 "Quail," the AGM–28 "Hound Dog," and the AGM–69 "SCRAM."

In the ground communications and electronics systems, OCAMA manages a number of units ranging from light weight transportable air traffic control facilities to complex communications systems, such as the Cheyenne Mountain Complex near Colorado Springs.

Jet and fan jet engines—in fact, all the jet engines with the exception of one—that are used on first line combat aircraft, are managed at OCAMA. These include the J–79, which powers the F–4 and F–104; the TF–41 used on the A–7D fighter; the TF–33 used on newer versions of the B–52, C/KC–135 and the C–141; the J–75 used by the F–105 and F–106, and the J–57 which powers the F–100, F–101, F–102, and earlier models of the –135 and B–52.

OCAMA also manages more than 300,000 items of accessories which are grouped in federal supply classes. OCAMA also oversees navigational and flight instruments, automatic pilots, airborne gyroscopes and engine instrument management.

The largest mission directorate at OCAMA is Maintenance. At a currently authorized strength of some 13,000 people, the organization performs a vast program of repair, overhaul, modification and modernization of assigned systems and support items.

One of the main OCAMA aircraft overhaul and modification workloads is on the B–52G. Another includes the overhaul assignment on F–4 fighter aircraft. The F–4 is managed by the AMA at Ogden, Utah. However, OCAMA was named a second overhaul source when an increased workload on the F–4 taxed the resources of the Ogden AMA.

OCAMA operates one of the largest jet engine overhaul facilities in the world. Approximately 3,400 jet engines were overhauled in FY–1970 alone. Much of the equipment overhauled is very complex. For example, a TF–30 main fuel control has approximately 1,500 parts. It requires 17 different operations to overhaul, taking a total of 99 hours. Testing of the control is even more time-consuming, involving 145 hours per control A complete test requires the use of ten different test stands.

The Directorate of Distribution is another OCAMA organization doing a job of worldwide logistics. It has an authorized strength of about 3,900 people. Inside and outside storage facilities of the directorate total more than four and one-half million square feet.

Currently, much of the material is being moved by air. Tinker is a major LOGAIR system terminal and is in its third year as an inland aerial port of embarkation. Cargo loaded at Tinker now travels a direct route in Southeast Asia.

In Procurement, OCAMA expended nearly $700 million, $64 million of which was in the State of Oklahoma.

The Oklahoma AMA also accomplishes two unique procurement functions. First, it buys contract field maintenance team services for all the AMAs and second, it buys contract services to maintain the VIP, or Special Air Missions (SAM) fleet. This consists of approximately 31 aircraft at present, including Air Force One.

There are approximately 27,000 people now at Tinker. The annual payroll is approximately $265 million. Of this work force, 1 in 4 is female, 1 in 5 is handicapped, and approximately 13 per cent are in minority groups.

PRISONS: COLLEGES FOR CRIME

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mrs. MINK. Mr. Speaker, we are indebted to Mr. Louis E. Wolfson for his efforts to draw public attention to the need for prison reform in the United States.

Despite years of concern among many citizens, our Nation has yet to correct its attitude of neglect of those who are imprisoned. As Mr. Wolfson says:

> The penal system in our great nation is a convincing case of dismal failure.

Mr. Wolfson's article, "Prisons: Colleges for Crime," appeared in the summer 1971 edition of Dimensions magazine. I feel it is very timely in view of the recent prison tragedy at Attica, N.Y., which reflects a related situation.

Will our Nation learn anything from the lesson of Attica? In view of our past refusal to accord prisoners their basic human rights, there is little cause for optimism. The tragedy occurred because society, through its agent the prison system, declined to treat the prisoners at Attica as human beings. We tried to rob them of their dignity as individuals by not permitting them to take showers, or place telephone calls, or have a second helping at meals. Such demands by the prisoners should never have been necessary, for the privileges they sought should have been made available to them long ago by prison authorities.

Mr. Wolfson is well qualified to point out the deficiencies of our prison system, and his comments deserve our serious attention and study.

The article follows:

PRISONS: COLLEGES FOR CRIME

(By Louis E. Wolfson)

I have been speaking out as vigorously as is humanly possible against any and all types of injustices and discrimination for the past thirty years, throughout the forties, the fifties, the sixties, and now the seventies. I will continue to do so—regardless of threats—until I die.

Former Chief Justice of the U.S. Supreme Court, Earl Warren, recently stated that crime is the most serious problem in American life today. He also said that organized crime cannot exist unless corruption is prevalent within certain law enforcement agencies. Corruption and graft can be found in public office in every branch of government—executive, judicial, and legislative—and at federal, state, and local levels.

In every major city in America, two of every three arrests are among only 2 per cent of the population, practically all in the slum districts where life expectancy is ten years shorter than in other areas of the community. It is disgraceful and sickening to see in many cities that some civic leaders own these slum properties and do nothing toward stamping out this cancer in our society. Yet many of these slumlords are found on the front rows and the trustee boards of our churches and synagogues.

The penal system in our great nation is a convincing case of dismal failure, and this is confirmed by knowledgeable people in this field. This disheartening fact was recently accepted as a fact by the Nixon administration. The prisons are a proving ground for the breeding of an unlimited supply of criminals for the benefit of some corrupt people who will resist and oppose changes designed to reduce crime in America. In practically every prison, for a price, one can obtain anything he wants—narcotics, liquor, you name it. On an average day, there are 400,000 people in prisons in America. Over 50 per cent are under 25 years of age. Fifty-two per cent are not yet even convicted in the city and county jails. Four out of five are eligible for bail but do not have the money to be released while awaiting trial. Many are kept in

jail 9 to 18 months. Many who are acquitted are innocent; but their lives have been destroyed and stripped of human dignity. Many violent, chronic, dangerous criminals are released on bail, even with full knowledge that they will be found guilty. They are free then to commit more crimes to obtain money to pay their attorneys and bondsmen, who know quite well that this is the only way they will be able to pay their fees.

People committed to prison represent only one out of every ten crimes committed and reported, and only one out of every two are reported. They enter these deplorable places as frightened, insecure, hypersensitive people. Those who are first offenders and nonviolent are mixed with hardened, tough, violent criminals. They meet mean, sadistic people not only among the inmates but among the prison personnel as well; and destruction of these human beings commences very soon after entering these institutions.

Homosexual affairs within prisons are consummated without consent of both parties, rapes run rampant, and deals are made for special favors. As mentioned above, anything can be bought for a price—with narcotics high on the list. This could not possibly happen without the involvement of prison personnel; too much money is involved to stop it, and too many are participating in this corruption.

A subcommittee of a national psychiatric organization stated in its report that when you place a rat in a maze with no outlet, insanity results, and this leads to violence. If you confine a dog to your home for one year, then release it on the streets, it will go berserk. Yet we keep human beings locked up for years, then release them with only the clothes they are wearing, only $10 or $20 in cash—rarely more—and a bus ticket to their community. Jobs for these ex-convicts are rare, and when their money is gone they must resort to crime. The facts in the record clearly show this. People in authority are aware of these awful truths, but nothing is being done to change the situation. This is the principal reason why about 70 per cent of all inmates are recidivists (more commonly called repeaters.) Eighty per cent of all serious crimes are committed by persons previously in prison and 25 per cent are mentally retarded. If a doctor lost 70 per cent of his patients through death or if an automobile manufacturer produced this percentage of defective cars, both the doctor and the manufacturer would soon be out of business; they would no longer be in practice. Not so with the prison system—it is growing larger and expanding and the profits increase for those corrupt people involved in operating these institutions. Many Americans do understand but are too apathetic regarding these disgraceful conditions. They do not realize that 5 per cent of the inmates are innocent.

The population of our penal institutions comes from all walks of life, and are of every color, creed, and national origin. Most are non-violent, such as tax evaders, moonshiners, those incarcerated by selective prosecutions, selective service violators, counterfeiters, embezzlers, bad check artists, those convicted for theft of motor vehicles, and many other such types of crimes. Very few members of organized crime, or people considered to be a menace to our nation will be found in prison. They apparently can reach, with money, those in authority at all levels, including the judiciary. In New York City, 90 per cent of all organized crime cases are tried among the same few judges and the decisions by the judges in many of these cases are unbelievable, amazing, shocking, and even contrasting and conflicting. The Bar Association, for reasons only known to its members, lacks the courage to speak out and demand the removal of unqualified or corrupt judges. Information has been published that judgeships are sold in New York at an average price of $80,000, which must be paid in currency.

Inmates soon discover the lack of uniform sentencing—sometimes by the same judges—for similar crimes. An inmate may be in prison for stealing a car, his first offense, and another under the same conditions may be in for five years. One person on a marijuana charge may be imprisoned for one year while another is serving 30 years for the same violation.

The parole board will turn down some prisoners eligible for parole, yet grant parole to violent criminals with second, third, and fourth offenses on their records. Parole boards refuse to inform the prisoners of the reasons for denying parole so that applying inmates may correct their deficiencies before they again become eligible for consideration by the board. These two situations—the failure of the parole board to state the reasons for denial and the lack of uniform sentencing—make it very possible for corrupt authorities to receive payment for special treatment. These two factors bring about more anti-American feeling, bitterness, and hatred among inmates than anything else and cause them to seek revenge when they are released. More violent crimes then result!

Criminality originates in the mind and is a product of faulty learning or failure to learn. With criminality regarded as a learned behavior, our schools, our churches, parents, courts, and prisons are obviously failing; and our culture is seriously threatened unless the trend is reversed. Our future points to chaos when the record shows that 40 per cent of all male children will be arrested for nontraffic charges and it is only a matter of time until our free society is completely destroyed.

Remember that 19 out of every 20 persons who enter our prisons eventually *return to society* and a large number of persons who were once human beings have been turned into mad dogs who run loose in our society. Many of the youngsters of today are consciously or subconsciously signaling for help through their behavior, caused by pressures engendered by our complex society; and we close the door on them in many instances. The rising tide of crime is a social problem much like a cancerous sore, and we must understand that, like the cancerous sore, the problem has a tendency to spread and, if not treated in time, will destroy the total body of our society. So, we must treat the whole patient by getting to the root of the causes of these problems.

We design programs expending hundreds of billions of dollars for wars and, after we defeat our enemies in war, rehabilitation takes place. Yet we make little or no effort to provide a small fraction of this amount to rehabilitate our own people in solving some of our social and domestic problems. America has many serious problems, including pollution, but none can approach in its potential tragedy the pollution of the mind. What our country needs is not retribution but therapy, based on this particularly violent state of our national madness which has developed into a society of punishers.

Some prison administrators institute a token rehabilitation program, although they regard protection as the principal function of a prison. All other functions or missions are relegated to a secondary role. Such concern leads to an almost unbelievable fanaticism with regard to security inside the prison. Obsession with security might be amusing were it not so annoying to the men inside who have to put up with frequent head counts, searches, many harassments, and continual surveillance. The extremely low escape rate (over a 30-year period only about 8 prisoners out of 700,000 escaped from the federal prison system) plus the existence of such a large number of unapprehended criminals not in prison, as well as the growing successful use of minimum security prison camps without walls proves how ridiculous this obsession is. Many prisoners are released despite the positive knowledge that they soon will be back in prison, as they are unprepared mentally, educationally, vocationally, or financially for life in our society. They are souls who have no hope or purpose in life and for whom no one cares.

On a long-term basis, then, prisons provide no real protection; escapes are presumably feared because of the bureaucratic problems they create, and because of possible negative reactions among the public. On a short-term basis, prisons may protect those outside the walls, but under present conditions they are unable to protect inmates from the crimes that flourish within the walls. The rapes, beatings, and sometimes murders very rarely become known to the public. These crimes committed against the inmate population by other inmates or guards are almost always neglected when considering the protective aspects of imprisonment.

Prisons are certainly no deterrent to crime. In fact, they are considered as a higher education in breeding and educating criminals—sort of "colleges for crime." Propaganda and political hogwash for votes mislead the American people into believing that stronger, harsher punishments dealt out in longer sentences will reduce crime; but the facts and records do not support this. Psychologists generally believe that rewarding desired behavior is more effective than punishing undesired behavior. Capital punishment has not deterred crimes of murder as opposed to long-term imprisonment. It seems likely that most crimes are not deterrable by imprisonment or any other form of punishment because the decision to commit them is not a rational one in which consequences are weighed in advance. In those cases where the decision to commit a crime is made rationally, certainty of punishment is likely to be a more important factor than the severity of punishment. Since most crimes are not cleared through arrest, most of those arrested are not convicted and most of those convicted initially are not imprisoned, certainty of punishment does not exist in our judicial system, nor is it possible to conceive of a judicial system consistent with civil liberties that could insure such certainty. There is a certain percentage of hardened, chronic, habitual criminals who will return to crime, regardless of the financial opportunities offered them—crime is a way of life for them. These people *must* be treated differently from the majority of prisoners. They are the teachers of serious, major crimes in our "colleges of crime." Many prisoners enter prison the first time for theft, then later for murder or more violent crimes as the prisons educate their inmates.

Sexual tensions and undercurrents of violence are found in most prisons. Most of the violence and murders in prison result from sexual activities and gambling. Conjugal visits, when earned by good behavior and work records, would reduce much violence. Also such visits may give these lost souls some purpose and hope before they are completely destroyed.

The punishment dealt by authorities in some prisons is as barbaric and inhuman as any ever devised by man. These "sadistic animals" should be removed as prison personnel and, if proven guilty, should be criminally prosecuted. By doing this, some changes would take place promptly. A prison Ombudsman to function in these matters would certainly expose such atrocities. When there are riots and violence by inmates, in most cases it is likely to have been triggered by prison personnel since most prisoners want to do their time in the easiest and best way without any trouble. They are usually frightened and helpless against any type of violence for they would be blamed and would receive punishment. The administrator will always accept the word of the guard—never the word of a prisoner. Many guards will be more prone to lie than prisoners. Most guards and cer-

tain other prison personnel are uneducated, underpaid, and could not get a job anywhere else; and they are not sufficiently trained in this very important field where human lives—not merchandise—are dealt with. If the humane society had jurisdiction over human lives in these prisons, they would certainly see that animals in their compounds could not withstand the mental and physical brutality so rampant in these institutions. One observes that human beings too often maim or kill their own fellow human beings, but animals *protect* their own—even though they may kill others. It is sometimes confusing as to which really are *humans* and which species are really *animals*.

Law enforcement officers in practically all our cities are so underpaid that they are forced to "moonlight" in order to live; or they are forced to accept payoffs and bribes. We place all the responsibility on them but much of the blame is ours. The responsibility should be ours to see that they are well trained, educated, and paid a living wage for their important, hazardous work.

Too many laws are unenforceable since they have loopholes placed there by corrupt politicians for the benefit of organized crime. People must accept their responsibilities to become involved in these problems, if crime is to be reduced in the future; if not, crime will continue to increase at such a rate that every family in America will be directly affected by a serious crime within the next ten years.

Regardless of the confusing, manipulated, slanted crime figures, crime is increasing and certain elements will lead to further increases. History will show that after every war crime increases among the boys returning home. We expect the approximately three million young men who have been trained to kill in Vietnam to return home to normal life when they are released. But this is not possible—you cannot train human beings to kill and then bring them back and tell them that they are no longer killers. Human minds and human beings cannot be turned on and off like a light switch.

Increased costs of living force some people to crime to meet their obligations. Many recipients of welfare cannot meet living requirements and the constant increase in welfare rolls has reached the danger level. Boston has one out of five people on welfare; New York and other cities, one out of seven. New York alone has 1,160,000 people on the roll receiving some type of welfare. The lack of legal and police protection against the strong-arm tactics of the bill collectors make many people resort to crime to avoid being roughed up and beaten by these characters. The expansion of gambling in many cities and states (in New York off-track betting on horses and a proposed gambling casino bill) will have a tendency to cause more crime. Drugs will continue to create serious crime problems since nothing apparently is being done toward the removal of the immunity of diplomats from our country and those from foreign nations in the trafficking of drugs. Also, the immunity from certain due process of law still exists in our Armed Forces, which is responsible for the smuggling of unbelievable quantities of narcotics.

Some drastic, well-conceived program to take the profits out of drugs must be put into effect immediately. Additionally, with more than 100 million firearms in the hands of the American people, we need a strong gun control law. No other industrial, scientific nation in the world has as much violence and crime as our great nation.

A full disclosure law should be enacted that would require top echelon personnel of the Justice Department, members of the Parole and Probation Boards, and Bureau of Prisons personnel to file disclosure of their financial net worth, and their annual income and expenses, and make such disclosure available to the press and to the public. The full disclosure provision should be rigidly enforced and, if violated—and such violation proven—it should carry a provision for criminal prosecution, the automatic return of any monies, fees, or illegal compensation received; and, wherever applicable, the cancellation of pensions and other employee benefits.

There is nothing that would go farther in restoring the confidence and trust of the American people in our government and its officials.

I think the statements of two very knowledgeable persons can best explain the roots of some of these problems. U.S. Supreme Court Justice Robert Jackson in an address to a conference of U.S. Attorneys in 1940 stated: "A prosecutor has more control over life, liberty, and reputation than any other person in America. . . . He can choose his defendant. . . . A prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone." Famed criminal lawyer, F. Lee Bailey, August 23, 1968, stated.

The judicial system is not concerned with "truth." As I get older and as I get grayer, I'm less convinced that people are really interested in truth.

We're not separating the innocent from the guilty. We separate those against whom the evidence appears to weigh heavily from those against whom the evidence appears thin.

There are very, very few cases that lawyers could not settle as to the truth if they chose to do so. The cases that go to trial are the close, contentious cases, when the opportunities for error are myriad. Jury trials are too often a matter of Russian roulette.

I would like to believe that there still are many people willing to search their minds, hearts, and souls in caring for others and bring the American people back to their senses if we are to preserve the greatest form of government ever known to and devised by man, and if we are in fact to preserve the human race. We *must*, if we are to remain a free society with law and order, and with equal justice for all! We *must* eliminate double standards of justice! You will recall the lack of interest in new drug laws shown by many prominent people in our society, including governors, congressmen, business leaders, and others, until members of their own families were in danger of going to prison. Now they want to revise and change the laws. The youngsters of these prominent people were not imprisoned. Some were placed on probation. Three cases taken at random (there are thousands of others) in which they showed no concern for those involved were: (1) The case of John Sinclair, the poet and political activist who received a ten-year sentence for possession of *two* marijuana cigarettes; (2) Lee Otis Johnson, a S.N.C.C. leader who received a thirty-year sentence for giving (*not selling*) one marijuana cigarette to an undercover agent; (3) William Baugher, who was picked up in Gainesville, Florida and put in jail for smoking a marijuana cigarette (he did not have any others in his possession). Shortly after being jailed, he was found dead in his cell, a victim of rape and beatings. The authorities reported his death a suicide, but a few people demanded a grand jury investigation. An indictment of an 18-year-old youth for the murder of Baugher followed.

The wisdom of George Bernard Shaw sums up the chaotic, deplorable prison system in a short statement: "We have been judging and punishing ever since Jesus told us not to and I defy anyone to make a convincing case for believing that the world has been any better than it would have been if there had never been a judge, a prison, or a gallows in all that time."

WILDLIFE—WHO NEEDS IT?

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RONCALIO. Mr. Speaker, in observance of National Wildlife Week, the Wyoming Wildlife magazine, an attractive publication of the Wyoming Game and Fish Commission accepted essays tailored to the national theme; "Wildlife—Who Needs It?". The two winning essays appear in the September issue of Wyoming Wildlife.

The student division winner is Mr. David L. Zwonitzer of Laramie County. David is a 1971 graduate of East High School in Cheyenne. He is an active member and past president of Cheyenne's 4–H Club. He was also a member of the National Honor Society and was named to Merrit's National High School Who's Who. David plans to study pre-veterinary medicine at the University of Wyoming this fall.

The adult division winner, Mrs. Mae Urbanek, is a dear friend and one of Wyoming's most beloved citizens. It is my pleasure to submit her excellent essay also for the thoughtful consideration of my colleagues.

A writer of note, Mrs. Urbanek's work ranges from poetry and history to novels with a Wyoming flair. Mrs. Urbanek has been a 4–H leader in forestry, home beautification, photography, and geology for 30 years. She belongs to the Wilderness Society and has served as president of the Wyoming Federation of Garden Clubs and Wyoming Press Women. Mae was born in Denver, Colo., raised in North Dakota, and chose to live in Wyoming. She and her husband, Jerry, have resided on a ranch north of Lusk since 1931.

The articles follow:

WILDLIFE—WHO NEEDS IT?

(By David L. Zwonitzer)

For centuries the population of wildlife was regulated by the checks and balances of nature. Even after the appearance of man this held true, because man was not equipped to defend himself against larger predators. As time passed and man found ability in using weapons and hunting, he became a formidable predator and may have been responsible for the early extinction of some animals, such as the mastodon, as early as ten thousand to twenty thousand years ago.

With the introduction of agriculture and domestic animals, and later the construction of railroads and highways, the cutting of forests, and the plowing of grasslands for growing crops, animals' natural habitat was greatly modified. This destroyed our natural cycle, thus depleting some species of life and overstocking the earth with others. Sometimes a valuable or interesting species was totally destroyed, as was the case with the passenger pigeons that once darkened America's skies in their immense numbers. We cannot afford to kill species that may be necessary to the survival of many or to the balance of nature. Today, we have a tremendous challenge.

Where are we to hunt and fish? The signs say *No Trespassing*. Where are we to camp and hike and picnic and just be alone to study nature's creativity?

Wild birds, animals, fish, trees and flowers are not only important for mental and physical reasons but they also play a great role in nature. Mother Nature has set a natural recycling method where animals eat plants and animals eat other animals. Like humans, many kinds of animals need elbow room. As the human population grew, laws had to be provided to protect our wildlife and to give them adequate space to live. They also needed vegetation for protection, reproduction, survival and a multitude of other reasons.

Because of the pioneering tradition, Americans find a particular need to enjoy the great outdoors from time to time. Twice as many Americans buy hunting or fishing licenses as buy tickets for baseball games. Every year, millions of them visit the state and national parks merely to look at the scenery.

It might well be imagined that the vast, untouched wilderness areas of the United States would provide adequate protection for wildlife. But these wildernesses are rapidly being exploited by lumber companies, mining groups, and dam building interests, or are being populated. These operations are turning our wildernesses into commercialized areas.

The continuing growth of tourism and recreational hunting and fishing have created a major economic value for wildlife. Now that no frontiers remain and our country is settled from coast to coast, more people than ever before turn to wildlife, some for pleasure and relaxation, others to satisfy their curiosity. More than 5,000,000 people go fishing, and some twelve million others buy hunting licenses. Hunters do not need the meat for the table, but like to get away from the nerve racking confusion of the city, to think long thoughts, and to get closer to the things of the earth. Millions of other people watch birds, collect butterflies, or indulge in a score of other nature hobbies. Each year more than half a million people in a hundred and forty cities attend "Screen Tours" to enjoy Kodachrome movies of wildlife.

The wildlife in Wyoming is magnificent. We share our land with fascinating wildlife neighbors, yet the five big mediums of public enlightenment: motion pictures, radio, television, magazines and newspapers, do not give our wildlife the coverage they should have. The man who is curious about wild animals or growing plants is never alone in his travels. To him no ocean, desert, or mountaintop is desolate. There is always life; there are new discoveries to be made. Then, if a person is thoughtful, he may become interested in the way things live, their habits, their ecology, populations, migrations, and natural cycles.

One cannot reflect on the forces which make the outdoor world tick without becoming somewhat of a conservationist. All of wildlife refers to some sort of conservation. If one merely looks out the window to watch a bird fly above, then he is enjoying wildlife as do millions of people daily.

Who needs wildlife? Face it, every living form on earth needs wildlife. The smallest insect or the largest whale are both dependent on wildlife in some form or another. All human beings from conservationists, biology classes, forest rangers, business men to every day workmen, are dependent on wildlife. These people study behavior of wildlife, record its heredity, and go into the wilderness to enjoy solitude. The first man could have only survived because he used wildlife to clothe and feed himself. As time passed and settlers and fortune seekers came to America, they used wildlife in war, fur-trading businesses, and for food and clothing. They killed the bison by the million and due to a lack of "intelligence" on the part of the American people they made extinct the once popular and very interesting Labrador duck. When the wars that involved America started, the oil of wildlife animals was used in making ammunition. Not until late in the nineteenth century did man become less dependent on wildlife. This was mainly because of domesticated animals and the modern techniques of agriculture replacing the need for wildlife.

The sledgehammer impact of civilization on wildlife has been softened and geared down in many cases by State Fish and Wildlife programs. They deal primarily in fitting the wildlife to the ever changing environment we impose on them. Crowded by suburbs, jostled by highways, displaced by airports and industries, much of our state's once teeming wildlife is literally pushed back to the wall.

Designed by nature to be residents of the wilderness, needing clean water and clean air, these creatures today find less and less of the environment they require to survive. Some have already toppled over the edge of extinction and the worst part is, more are being forced right to the edge.

Everyone needs wildlife, and everyone is concerned, but few do little in helping preserve it so our future generations can enjoy the same pleasures as we are presently enjoying.

I have noted that in the United States of America, wildlife of all kinds belong to the public. But it has been found that on private land our use of the resource is abridged and our ownership largely theoretical. Somewhere, surely, this national and state asset should be wholly ours. This wildlife is our public livestock, and it needs space and a food supply. It includes not only deer and antelope, but Montana grizzlies, Minnesota wolves, California condors and Arizona cougars. It also includes such lesser creatures as prairie dogs, marmots, chipmunks, magpies, roadrunners, mountain birds and hundreds of others.

It is the people who need wildlife, from the smallest youth to the oldest human being. Let every individual know the importance of wildlife, because it is essential to the survival of every living form on earth.

WILDLIFE—WHO NEEDS IT?

(By Mae Urbanek)

Life is a pyramid. Its foundation is made up of trillions of green leaves, capturing energy from sunshine; mixing it with minerals and moisture from the earth and producing chlorophyll or protein—the food that nourishes all life. In this process plants also purify the air, giving off oxygen for animals to breathe.

Animal life rests upon and depends on plant life. Some animals eat only plants. Some animals eat other animals as well as plants. The humble leaves feed the mighty elephant. Tiny bacteria also live and break down and recondition waste so it can be used again in life's processes. All life is in delicate balance. One species is controlled by or depends on another for its existence.

On the very top of the pyramid sits man, arrogant and possessive. He has no rival except other men. He believes that everything in the pyramid beneath him is his to exploit. Sunlight, caught in the leaves of some Carboniferous tree two hundred million years ago and stored deep in the earth, is his to use now. If some of it spills in the ocean, killing fish and birds, that's too bad. Lost oil; lost money!

Soil that has slowly built up from eroded rocks over billions of years is his to use now. More cows; more wheat; more money. Forests are his to harvest now. He must make more money so his children will not have to work with their hands as their grandfathers and grandmothers did.

And these children who do not need to work with their hands except to press an electric button, are they happy and content? For what functions do they need their bodies? Eyes to see color TV; legs to walk to the refrigerator or press a gas pedal; sex. Life becomes boring to them. Nothing to strive for; nothing to conquer. With the aid of drugs they go on a "trip." They play with bombs and blow up buildings. They are trying to find out what life is; if it is worth living.

Man has sat too long on top of life's pyramid surrounded with artificial luxuries, believing himself to be the master of life. If only each person, especially the young ones, could for a week each year be a guest of the birds and animals in a forest! If only this person could learn to know these simple, happy creatures in their undisturbed homes, far from the grating gyrations of the internal combustion engine!

Under the tall spires of spruce trees this person would find other values in life besides wealth and importance. He would find the peace and quiet to calm his nerves and cure his ulcers. Then relaxed and meditating, he might discover that the green leaf was more important to life than he, the mighty man.

He would find, when he first entered this wilderness world, that all living things feared him, fled and were quiet. The woods, at first, would be silent, empty tombs. But if he rested quietly by some rotting log in the sunlight dappled by busy leaves, the doe and her fawn soon came to drink of the clear water. The beaver ventured out to cut a young aspen; rolled and lugged it back to the water; floated it down to repair a break in his dam. Flies buzzed and laid their eggs in a dead fish, washed high on the bank of the beaver dam. Soon maggots, hatching from the eggs, would clean up the fish. Birds would eat most of the maggots.

As the man watched quietly in the rank grass nourished by the rotting log, the trees came alive with birds singing at their work. Soon there was life everywhere. The simple, busy happiness recreating itself; wasting nothing; leaving no rubbish; making the earth richer for the next generation because it had lived.

Then perhaps, this man slowly realized that he was only a small part of life, which he did not understand any more than the bullfrog hopping in the grass beside him. Hearing no sounds of approaching enemy, the frog croaked its deep "Be drowned"/"Be drowned" song in sheer happiness. The frog believed in itself; in its ability to catch flies enough to eat, knowing it would have to make a living or starve. There is no welfare department for frogs. But the frog was also wise enough not to try to catch and hoard flies so its polliwogs would not need to catch flies as soon as they lost their tails.

The hard-working beaver was busy cutting another aspen, thinning out numerous suckers. The few trees left would have room to grow strong and healthy. With the aspen bark the beaver fed himself, and then used the peeled log to make a larger, better world for himself. Incidentally, he made a better world for many plants, fish, and animals. His dam slowed the fall of water. Evaporation from the dam filled the air with moisture. Even lichens on the rocks benefited.

The dam, the man reasoned, rising to his feet, is the foundation of the beaver's life. He keeps it strong and well protected against floods.

"What are the foundations of my life?" he asked himself as he walked down the spongy woodland path.

"Green things." His hand caught the leaf of an aspen, held and caressed it. "Unmuddied water. Fresh air. Freedom to work and relax. Happiness."

The man turned for a last look at the beaver pond. "That beaver has them all; all the things I need. He is preserving them so his baby beavers will have them too. I wish I was as wise and happy as that toad and that beaver."

The man raised his hand in final salute. "Thanks," he said, "for the lesson you taught me."

WHY THE HOUSE OF REPRESENTATIVES SHOULD EXPRESS ONCE AGAIN ITS FIRM OPPOSITION TO ANY GIVEAWAY OF THE CANAL ZONE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mrs. SULLIVAN. Mr. Speaker, as chairman of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries from early 1957 to January 3, 1971, I think I have made known to all of the Members who served during any part of that period my strong views on the importance of retaining the canal and the Canal Zone as vital components of the defense and the commerce of the United States. The House of Representatives, from time to time over those years, expressed its concurrence in those views through the adoption of appropriate resolutions.

It is now urgent that the House of Representatives in the 92d Congress reiterate the historic position of this body that the canal and the Canal Zone should not be made the pawn in new diplomatic "games" with the Republic of Panama. The urgency arises from the fact that the administration has recently undertaken a new series of negotiations with the Republic of Panama over the future of the canal and of the Canal Zone, and the outcome of such negotiations, in my opinion, can only be mischief—unless the House makes it clear we do not intend to accept a giveaway of our rights in the isthmus.

Because the powers of the House do not extend to the ratification of treaties, the best way we can influence the outcome of these negotiations is to enlist the American people to join us in persuading the President that our national interests would not be served by any new treaty such as is being sought by the Republic of Panama. In an extreme situation, we could make clear that enabling legislation to carry out such a treaty would not be favorably acted on in the House. This would be a most unusual step for the House to take, and one which we would hate to have to take.

But the issues are so serious to our national interests that we should move promptly to express, in a formal resolution adopted by the House, our deep-seated opposition to the kind of treaty again being discussed in negotiating sessions between the two countries.

It was a privilege for me yesterday to have the opportunity to testify before the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs, under the chairmanship of Representative DANTE B. FASCELL of Florida, on House Resolution 234, which I introduced on February 17, 1971, and on other resolutions pending before the Foreign Affairs Committee on the subject of our rights in, and jurisdiction over, the Panama Canal and the Canal Zone.

Under unanimous consent, Mr. Speaker, I submit for inclusion as part of my remarks the text of the statement I presented to the Fascell subcommittee yesterday, as follows:

STATEMENT OF THE HONORABLE LEONOR K. SULLIVAN

I would like to take this opportunity, Mr. Chairman, to thank you for allowing me to present this statement to your Committee concerning the current negotiations between our Government and the Government of the Republic of Panama, which are intended to lead to new treaties governing the Canal Zone and defense facilities in Panama and the Canal itself. As far as I am concerned, there is not a more crucial matter facing the Administration and the Congress in the coming months than the present treaty negotiations concerning Panama. I served as Chairman of the Panama Canal Subcommittee for 14 years, until this year because the new rules of the 92nd Congress prohibited the chairing of 2 subcommittees, and my interest in Panama goes even much further beyond that time. In light of my deep involvement with the affairs of Panama over this extended period and my intense interest in the Canal and the surrounding region, I cannot help but be anxious and apprehensive over the new round of treaty negotiations which have begun between the negotiators of our country and the Republic of Panama. It is for these reasons, Mr. Chairman, that I have requested this opportunity to present my views to your Committee concerning these critical matters.

Before I get into the substance of my remarks, I would like to ask the Committee's permission to submit the following documents as part of the hearing record. These documents are identified as follows:

(a) A report issued in December, 1970, on the "Problems Concerning the Panama Canal." This comprehensive report was from the Subcommittee on Panama Canal to the full House Merchant Marine and Fisheries Committee. This report has enjoyed wide circulation and favorable comment.

(b) A speech which I made on the Floor of the House on April 1, 1971, when word first reached the House concerning the opening of negotiations for a new set of treaties. (Congressional Record, p. 9431)

(c) A letter of May 20, 1971, from me to the President of the United States, respectfully urging that the Administration not begin these new treaty negotiations. Also attached to this letter are copies of two replies which I have received. (A part of the Congressional Record, p. 25494.)

(d) A speech to the House dated July 15, 1971, Congressional Record pages 25493–25496, in which I inserted certain news stories related to the speeches and promises of General Omar Torrijos and other officials of the Panamanian Government to the people of Panama.

It is pertinent to note that the pattern of Panamanian behavior which led to the 1964–67 negotiations and treaties is being repeated by the Panamanians. This activist behavior is undoubtedly being undertaken as a lever to force new negotiations and treaties which give every indication of being even more retrograde to the interests of the United States than were the last round of abortive negotiations and treaties.

My basic objection, of course, to the present round of treaty negotiations is that they appear to have as their basic purpose the abrogation of United States jurisdiction and sovereignty in the Canal Zone. This is basically objectionable because it is contrary to the best interests of the United States. However, the recent activity of the present Panamanian nonconstitutional provisional military government makes such treaty negotiations all the more inappropriate at this time. It truly seems unwise to negotiate with this nonconstitutional provisional military government at a time when it has terminated our Rio Hato Military Base lease, continually alleged in the news media of Panama improper U.S. conduct, acted illegally and discriminatorily against Canal Zone residents and kept up a constant drumfire of anti-American propaganda publicly.

In order to view the present treaty negotiations in proper perspective, I believe it is necessary to examine some of the premises which led to the prior 1964–67 treaty negotiations and some of the disabilities which were inherent in those treaties. At the time the 1967 treaties were drafted and negotiated it was thought that the Canal was inadequate to meet the requirements of commerce and should be replaced. Subsequent investigation has indicated that there is little in the record to support this conclusion and General Leber, the former Governor of the Canal Zone Government, testified in 1970 that the existing Canal with certain improvements should be able to handle all foreseeable traffic to the end of the century.

At the time the 1967 treaties were drafted and negotiated it was thought that a sea-level Canal was economically feasible and could be inexpensively constructed by nuclear excavation. The Atlantic-Pacific Inter-Oceanic Canal Study Commission Report of December, 1970, eliminates the possibility of nuclear construction for the foreseeable future. As to the cost of constructing a new sea-level Canal by conventional means, it would appear to be in the range of $2 to $3 billion, although the total cost cannot be known because financial arrangements for such construction are inseparably bound to negotiations between the United States and Panama.

It may be concluded, therefore, that treaty negotiations such as those now under way cannot be premised on the assumption that Congress will authorize the construction of a new sea-level Canal or enact legislation to transfer the existing Canal to any other country.

Aside from the fact that the 1967 draft treaties were based on erroneous premises, they were also unsatisfactory from the standpoint of the United States for a number of reasons. For example, they would have resulted in the United States relinquishing its sovereignty over the Canal and would have operated in such a way that the United States would have been unable to provide for its defense. In addition, those treaties contemplated unrealistic and unreasonable increases in toll rates and revenues, and failed to take into account the constitutional authority of Congress over the disposal of United States property. Those treaties would have transferred control of the Canal from the Congress to a nine-man governing authority with the five American members being appointed by the President and subject to confirmation by the Senate and responsible to the Executive, not the Congress. Any arrangements such as this would, in itself, be sufficient to make the treaties unacceptable to the Congress.

It is clear that these 1967 treaties were totally unacceptable to us for the reasons I have just mentioned. On the other hand, the nonconstitutional provisional military government of Panama rejected these treaties outright because they did not go far enough. Thus, it seems elementary that any developments in the new treaty negotiations which would satisfy Panama's predatory and totalitarian demands would be objectionable and unacceptable to the United States.

In addition to the basic objection to any treaty surrendering our sovereignty and jurisdiction over the Canal Zone since it is contrary to the best interests of the United States, I also regard these present negotiations as creating a most unfortunate and dangerous climate in Panama. I say this because General Torrijos and Foreign Minister Tack have made any number of promises to the people of Panama in recent weeks concerning what they intend to get from the United States in these present negotiations. I do not believe the officials of Panama will be able to deliver on these promises to the people of Panama and when these people

are frustrated and disappointed in the results, I fear the outlet for their frustrations and anger will be manifested in riot and anarchy, which will be directed unfortunately against the United States presence in Panama

Although I believe I have made my position abundantly clear with respect to the inadvisability of our relinquishing our sovereignty and jurisdiction in the Canal Zone, I do not want you to think that I view this situation in a completely negative fashion. There is a middle ground for consideration and there are concessions which may be made. For example, after a trip to Panama in early 1969, and at the urging of certain commercial Panamanian interests, I suggested in a letter to the President that a portion of the Old France Field which is on the Atlantic side of the Canal Zone might be given over to the Panamanians for use in its free zone. The use of this parcel of land in the free zone by the Panamanians would increase Panamanian commerce and employment considerably. We might also allow Panama to bring its own supermarkets within the Canal Zone to compete with our commissaries. Also, I have continually suggested over the years that the President appoint one or two Panamanians to the Board of Directors of Panama Canal Company so that they may see how the funds received from tolls are poured back into the improvements and upkeep of the Panama Canal itself.

These few suggestions are just a number of more moderate steps which may be taken and perhaps should have been taken in the past. However, I most strongly urge my colleagues, in both the House and the Senate, to resist any effort to force us to relinquish our sovereignty and jurisdiction over the Canal Zone which is so vital and necessary to our commercial and national security interests.

In a recent conversation with Ambassador Mundt, he informed me that they are contemplating an arrangement whereby we would surrender our sovereign control over the 10-mile strip of the Canal Zone but retain our authority over the waterway itself. In other words, our control would end at the water's edge of the Canal. I hope none of us will fall prey to this type of fuzzy thinking. Obviously, the Canal cannot be operated from the water itself without the necessary land appurtenances and facilities.

I would like to thank the Chairman and the Members of this Committee for allowing me to present my views to them on this highly important matter and I am confident that my colleagues in the Congress will not allow the Administration to give away an area which is so vital to our interests.

(Copies of the report mentioned under (a) may be obtained from the House Committee on Merchant Marine and Fisheries, or can be read, along with the materials mentioned under (b), (c), and (d), in any Federal Depository Library.)

AMORY HOUGHTON—A VERY SPECIAL MAN

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. HASTINGS. Mr. Speaker, recently the Corning, N.Y., Glass Works in my district paid special honor to a very special man, Mr. Amory Houghton, whose career spans more than 50 years of dedicated service to his community, his country, and his company.

Under his farsighted and indefatigable leadership, Corning Glass achieved international renown in the glass industry, and its kitchenware products have become a prized household possession throughout the world; not to mention the contributions made to the Nation's space program.

For example, 2 years ago when man first stepped on the moon, nearly a quarter of the earth's population was able to view what was then the unbelievable because of special glass developed by Corning Glass which made pictures beamed from the Apollo TV camera brighter and clearer.

But his achievements were not limited to the corporate world alone. Distinguished service to his country brought him much deserved acclaim.

During World War II, he served as a member of the War Production Board and later as Deputy Chief of the U.S. Mission for Economic Affairs in London.

From 1957–61, he was U.S. Ambassador to France during the hectic and critical postwar years and was awarded the Grand Cross of the Legion of Honore from a grateful French Government.

So that my colleagues may share in the special tribute to this special man, I include the following article from the Corning Leader in the RECORD:

DECKER PAYS SPECIAL TRIBUTE: GREAT LEADER A. HOUGHTON HELD CGW'S GROWTH ARCHITECT

Corning Glass Works Wednesday evening paid tribute to the man who has been the chief architect of its growth for the past 50 years.

The special tribute went to Ambassador Amory Houghton, who received his 50-year pin during the company's 120th anniversary dinner at the Corning Glass Center.

In a special tribute, William C. Decker, honorary chairman of the board, said the former ambassador to France was the man responsible for Corning's growth to worldwide leadership in the glass industry in the last half-century and also cited his contributions to his country and to nonprofit organizations and business institutions.

"During the first 70 years of its existence, Corning was a soundly managed small company," Decker said. "Then, in 1921, an event occurred which was to make a dramatic change in the company. On February 28 of that year, Amory Houghton began work in the blowing room of "B" Factory, and was paid $25 a week.

"Now that he was on Corning's payroll, he decided that he could afford to get married. On October 19 of that year, his wedding to Laura Richardson took place.

"That event, too, was eventually to have a most beneficial effect on Corning Glass. Two of their five children have continued the Houghton tradition of being unusually able businessmen and today Amory Jr. is chairman and James is vice chairman of Corning's board."

"While his various titles over the years have ben executive vice president, president, chairman of the executive committee, chairman, honorary chairman and chairman emeritus," Decker said, "he was always, even when on leave of absence, been in effect the chief executive of Corning, and the great leader with the vision to set very high goals and the human touch to motivate the organization to achieve them."

"Supplementing these rare attributes," he continued, "Ambassador Houghton possesses other qualities of mind and spirit which have made him a great leader."

Decker cited his integrity, interest in people, belief in excellence, his faith in glass as a material, his interest in research and his belief in partnerships.

"He is a man of high principle," Decker said. "There has never been a credibility gap as far as he is concerned."

"His principal achievement," he said, "has been in making Corning Glass the great company it is today. It has a history of excellent relations with employes unexcelled elsewhere in the United States. For a company of its size, it has an unusually fine image and is favorably known to the public."

In service to the country, Decker pointed out, during World War II, Houghton served with the War Production Board and later as deputy chief of the Mission for Economic Affairs in London.

"Then from 1957 to 1961, he was ambassador to France during four critical years in the history of France, when a revolution was averted only by the accession of General de Gaulle to the presidency.

"For his cooperation with France during these difficult years, he was awarded the Grand Cross of the Legion of Honor."

"Finally," Decker said, "his services to various nonprofit and business institutions in this country are too numerous to mention. I know, however, that he got great satisfaction out of being national president of the Boy Scouts of America because holding this office enabled him to be of service to the boys of this country."

"For 50 years," he said in conclusion, "Amory Houghton has been our wise leader and good friend.

"As a token of our esteem and admiration for Ambassador Houghton, let us resolve tonight to continue to keep Corning Glass, in every respect, up to the high standards he has set for us and, as he begins his 51st year with Corning, to wish him good health and happiness in the years to come."

TAIWAN'S STATUS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DERWINSKI. Mr. Speaker, one of the major items on the agenda of the United Nations and the General Assembly session of the world organization that has just convened is the question of membership for Red China as well as the Republic of China on Taiwan.

The Chicago Tribune, in its Perspective section of September 13, carried a very timely column by their Washington bureau chief, Frank Starr, on diplomatic developments and the overall status of the Chinese Nationalist Government. Mr. Starr is well equipped to discuss this subject since he was the Tribune's Moscow correspondent before assuming the post as bureau chief here in Washington.

The article follows:

WHAT HAPPENS NOW TO TAIWAN'S STATUS?

WASHINGTON.—The handwriting is clearly on the wall. The time has come, for both Taiwanese and Americans, to take stock of Taiwan's long-range future.

Overnight, with Henry Kissinger's trip to Peking, the world has given to understand that when speaking of China the United States henceforth would deal with those in charge there. The weakening credibility of Taiwan's claim to represent China and all its people suffered a possibly fatal blow.

Since that claim has been the basis of Chiang Kai-shek's government, of the United State's relations with Taiwan's international relations, including its membership in the United Nations, the obvious question is, what

happens to Taiwan when that foundation erodes?

A FACT OF LIFE

Taiwanese and Americans are going to have to rearrange their thinking around the more realistic concept of Taiwan as a strategically important, economically viable, but geographically small, fact of life.

Altho the United States has pledged to honor its defense commitment to Taiwan and President Nixon has vowed not to develop relations with Peking at the expense of old friends, it doesn't take a soothsayer to see that our governments are on a collision course.

Now, either Taiwan will or will not eventually break relations with the United States, either it will walk out of the U.N. or accept a lesser status there—possibly recognizing it as a province of the mainland or as an independent country. It is consideration of these options that raises the longer-range question of Taiwan's future.

Peking has pledged to "liberate" it, and some experts have suggested that after the death of Chiang Kai-shek his successors may seek an accommodation with Peking that would provide a guarantee of autonomy as a province of the People's Republic of China. The obvious danger is that in the long run this would amount to nothing more than Taiwan's absorption.

Taiwanese independence is something neither Peking nor the minority government in Taipei will hold still for, tho given Peking's inability to take it militarily and the erosion of Taipei's claim to govern China, it may be a realistic alternative.

However power vacuums have a way of being filled. Without the U.S., Taiwan, 130 miles off the southern mainland halfway between South Korea and the Indochina peninsula, would be a plum to be picked or protected by a larger power.

TURN TOWARD TOKYO

For military and economic contacts it could look to Tokyo whose burgeoning technological, economic and military strength is putting it at the threshold of a superpower status that in coming years may replace the United States as the dominant power in Asia.

While the Japanese have a strong sense of affinity for Taiwan, there are some in Japan who are just as interested in the reality of China as Nixon is. Given the Chinese leaders' preoccupation with Japanese economic and military expansion, the development of Japanese contacts with Taiwan might well bring a violent reaction.

The dark horse among Taiwan's options is the Soviet Union, an Asian power for whom the prospects of friendly relations and influence with Taiwan must be extremely attractive.

When the Soviet navy is developing its presence from the Mediterranean to the Indian Ocean, a friendly port in the China Sea could be useful, as would be the opportunity to establish commerce with an economy of the vitality of Taiwan's. A small island off the underbelly of the same China that has a 4,000-mile border with Russia would be a handy place to have a growing and developing influence on a friendly basis.

For Taiwan there is an interesting analogy in the commercial, cultural and diplomatic contacts Moscow has established with the strongly anti-Communist regime in Singapore since it became independent from Britain in 1965.

The Soviets have been putting out feelers to Nationalist Chinese for some time, and the day may come, after Chiang is gone, when younger Taiwanese would want to give it a try if they thought they could protect themselves at the same time.

THE OLD: DOES ANYBODY CARE?

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SPRINGER. Mr. Speaker, the following is the sixth of a series of eight articles on the problems of elderly people by Carol Ann Smith in the Champaign, Ill., News-Gazette. This article was published on September 3, 1971:

VERY LITTLE INCOME: OR LOTS OF CUSTODY

(By Carol Ann Smith)

Marilyn Flynn is a social worker. She is a doctoral candidate in the Jane Addams School of Social Work at the University of Illinois and she teaches there.

It was Marilyn Flynn who, with chin resting in hand, quietly observed that "nobody, nobody gives a damn about old people."

Mrs. Flynn has studied the aged in a way she feels is most revealing; she, and others at Jane Addams, have looked at Champaign County to determine what social services are available to them.

A portion of one of the studies is contained in a series of tables, each headed with a quotation which summarizes what is available in Champaign County.

"Society provides a little income or a lot of custody for older people—nothing in between.

"Most of the services older people get are nothing more than routine income payment administration.

"Let's look at the situation this way," Mrs. Flynn said. "The problem is that this is one of the nation's more affluent communities. It is stable, homogenous."

"Then you take that stable setting and ask what are older people getting. You find out they are getting nothing.

"Look at Champaign-Urbana. There are about 15,000 old people here, and there is a good argument that at least 50 per cent of them would need social services of some type.

"The social agencies here which can deal with the problems of older people are not only vestigal, but they are never funded," she said.

The studies of this county indicate that 65 per cent of all contacts are not personal service contacts, but are income program interpretation which means a visit to the Social Security Administration office or the Illinois Department of Public Aid office.

"And those contacts are, almost of necessity, depersonalized contacts," she observed.

The first surveys indicate that about 5 per cent of personal service contacts were employment counseling, 10 per cent were mental health counseling and 20 per cent were outpatient medical contacts.

Hidden in the medical contacts were the numbers, apparently quite significant numbers, of older persons who were given tuberculin tests.

In the month of that survey, October of 1969, 1,020 persons were seen in all categories.

In that month, about 95 per cent of all employment counseling was going to people under 60, about 90 per cent of all outpatient mental health service was going to people under 60, and 80 per cent of all out patient medical contacts was going to people under 60 years.

The whole system in Champaign County, in the personal services provided by the community, is skewed toward those under 60 years. Both the percentage and the number of persons served is greater.

The survey was recently up-dated and the figures reveal that the greatest increase in dollars spent was in direct service, personal contact service. There was nearly a 50 per cent increase.

"That's easy to explain. We were spending $45,000 and we went to $64,000. Anything we would have done would have registered a huge percentage increase," Mrs. Flynn said. Direct cash payments in one month from Social Security alone amounted to more than $1 million.

"We're spending 90 per cent of our money on 'warehousing' of one sort or another, either nursing homes or shelter care homes or mental institutions."

The latest survey also indicates that in terms of health care and employment counseling, the situation in Champaign County is deteriorating. There was a 5 per cent loss in that bracket.

"Another way to define the quality of service is in terms of individual counseling, making people feel better, helping them to adjust," Mrs. Flynn continued.

"We show a 165 per cent increase there and would you like to know why? Because we went from nothing to next to nothing, that's why," she said. "That 165 per cent increase represents 117 people and that registers the influence of services provided by Telecare.

"The most we can say we are doing is that we've done a little more about making old people feel better in their miserable predicament," Mrs. Flynn observed.

"We can't say we're considering role structures or medical services. We can't say we are talking more to old people.

"The trouble is that we find a short-term pallative and that's where we stop. Sure Telecare provides transportation to some aged persons, but is that any kind of substitute for a public transportation system which could serve the entire aged population of the community?

"Very little of what we do has any personal quality. How do the aged feel about what is happening to them and what is happening around them? We don't stop to ask those questions," Mrs. Flynn continued.

"We say we have a national policy about the aged and that is to offer more options for individual living with integrity," she said.

"My data reflects the fact that what we do and what we say are two different things," she went on. "All right, if what we want to do is warehouse old people, then formalize it, say it outright.

She indicated that one had to look no further than Champaign County to see adequate proof in the difference between "what we say and what we do.

"There was no argument about putting old people in a nursing home, the County Board authorized the vote on that County Nursing Home bond issue without too much trouble," she said.

"But Telecare has made repeated applications to the County Board for its $20,000 a year budget and has gotten absolutely nowhere."

That says less about the Champaign County Board of Supervisors, Mrs. Flynn indicated, than it does about the general attitude of the community.

There are three theories about why the aged become "disengaged" from society, she noted. One is that disengagement does not occur, the second is that disengagement is a natural process which affects social policy.

The third theory, is the disengagement of the aged does occur and it comes because of social policies."

Mrs. Flynn subscribes to the third theory her data indicates that that community spends most of its money and time to isolate the aged in what she calls "warehouses," and then declines to spend money in the personal service which aid the aged in maintaining independence and real involvement.

SUBWAY SYSTEMS IN EUROPE AND ASIA—THE PARIS SUBWAY SYTEM

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

SUBWAY SYSTEMS IN EUROPE AND ASIA—THE PARIS SUBWAY SYSTEM

(By Pierre Weil)

It is a great privilege for me to speak today to your distinguished audience as it is the second time that you have asked me to come and express my ideas on rapid transit.

I have often said that the world today is living the Second Age of Rapid Transit.

After the opening of systems in a score of big cities, around the turn of this century, and 4 or 5 constructions between the two world wars, in Moscow or Tokyo for instance, it is now a real boom on Metro Construction in the world, owing to the extension of urban areas and to the increasing number of private automobiles.

In all the continents, under all political regimes, subways are extended, being constructed or opened to traffic. Since 1950, fifteen networks have been opened and nearly as many are under construction or in the planning stage.

So far as Paris is concerned, the Regie Autonome des Transports Parisiens, Paris Transit Authority, operates the complete urban and suburban transit systems, subway and buses, in a 520 square mile area with a population of 8 million inhabitants which is supposed to reach 14 millions at the end of the century.

With a staff of 38,000 employees, RATP not only operates subway and bus systems but also makes its own studies and builds new lines.

With a fleet of 3,700 subway cars, the Paris Metro in 1970 carried over one billion two hundred million passengers, that is to say, 4 millions per week-day. This puts it in the lead of world's subway systems, just behind New York and Moscow.

RATP 3,800 buses, as a matter of fact, carried about 530 million passengers in 1970 (an average of 2 million per week-day). One-third of the traffic was within Paris itself and two-thirds coming from the suburbs to the subway entrances.

RATP is an agency which should be able to work as an industrial or commercial firm but it is mostly under control of the French Central Government. So the Government is directly involved in financing RATP investments to which it contributes to a great extent, and in balancing the operating budget.

The annual operating budget, between 1964 and 1970, has been increased from 255 million dollars to nearly 400 millions.

The annual capital investment, during the same period, has similarly and progressively been increased. The payments have soared from 40 million dollars in 1964 to more than 500 millions in 1970 and 1971, and businessmen in this audience know that this increase means many studies and efforts and much research work.

As the tariffs have a social character, there are special weekly cards for workers sold at a discount. And quite recently, the Parliament has voted the creation of a special tax or firms numbering more than 50 employees. The revenue will be added to the traffic receipts which are not sufficient to balance the accounts. At the present time, two-thirds of the deficit are paid for by the State and one-third by the Regional authorities.

RATP has been working closely with regional planning services since 1961 for the purpose of setting up guidelines to develop and equip the Paris Area.

The influence on town-planning of RATP networks is acknowledged by everybody. Accordingly the financing of the regional system, as far as civil engineering and equipment are concerned, is completely subsidized, 50 per cent by the French Government and 50% by a regional agency. RATP purchases rolling stock only by means of loans. It is likely that a financing of this type is soon to be applied to all line extensions.

To give a complete picture of this aspect, I must add that we provide 10% of the operating budget for a special account in charge of renewal of the assets. And let us not forget the recent tax on firms.

RATP subway systems are composed of:

One medium-gauged city subway with a short distance between each of its 337 stations (an average of 500 m); it is made up of 15 lines covering a total of 107 miles in both directions

And a convenient regional rapid transit system which will run through Paris and spread some 15 or 20 miles out from the heart of the urban area.

Two new sections of the regional network have been added, one running southeast of Paris for about 13 miles and the other one—known as the Defense-Etoile shuttle section—is being extended and will also run for some 13 miles west of Paris. There are 368 cars on these regional lines.

RATP PLANS FOR THE FUTURE—COORDINATION WITH URBAN PLANNING PROJECTS FINANCING

In an area which is expected to have a population of 14 million inhabitants by the end of the century, a transit authority has many tasks: modernise the old systems and increase transport capacity especially by building new lines, and also improve the quality of the service provided to the customers that our passengers are.

Accordingly, RATP has for the future a great many plans established in cooperation with regional organizations in charge of general planning and development:

(a) to complete the city network by adding a number of new junctions all over Paris and 8 or 10 extensions to the suburbs: one such extension would link the City to Orly Airport and to the new central food market in Rungis (South of Paris);

(b) to link up the two sections of the East-West line by running through the heart of Paris and to extend the southern line (Sceaux line) to meet at the same central point in Chatelet, which is expected for 1978; to create new branch lines in the regional network to cover sectors now undergoing urban development;

(c) to increase subway lines capacity and comfort so as to reduce train and station overloading to a good extent;

(d) to modernize the present subway system and particularly to replace the old rolling stock.

Indeed, the activity of those in charge of regional urban planning is in close coordination with RATP plans for the future. At a number of locations, administrative and commercial centers, as well as new towns with hospitals and schools, to be created in the midst of open fields, and which are expected to have a population of several hundred thousand inhabitants, are being planned around stations serving extensions of the subway systems.

RATP RECENT ACHIEVEMENT ON THE SUBWAY SYSTEM

Four years ago, I had explained our plane and our proposed constructions. Today, I can tell you what we have achieved and what is brewing.

Some of these developments can easily be appreciated by the public directly:

(a) 4 lines—including the three busiest lines—one-third of the system—have been entirely equipped with modern rolling stock (three of these lines now use rubber-tired rolling stock); this changeover continues at the rate of 1 line every 18 or 24 months, depending on financial possibilities;

(b) 8 stations have been rebuilt or completely redecorated within the past four years and 70 other stations have been improved;

(c) 2 long transfer points at Chatelet and Montparnasse have been equipped with moving sidewalks;

(d) 120 escalators on the old system and 90 on the express regional line are already in service. About 100 more are to be built in a near future;

(e) public address is now in use in 180 stations, that is to say in practically all the main stations;

(f) As you probably know, the Express Regional line (RER) has been opened with a fully automated ticket vending and cancelling system. As it works well, it will gradually be adopted on the city subway where it should be in full use by 1975, the bids having been passed. This will enable us to save about 2,500 employees.

(g) Ventilation and refrigeration are also improved and extended.

Other work, which is more technical but less evident to the public, have widespread influence on subway operation and the economics it involves:

(a) Total conversion of traction and lighting power transformation and supply has been finished in 1969, with teleoperated substations.

(b) Since 1966, central operating control room, with direct telephone line communications with running trains, on five lines and is now being installed on 5 others; this equipment will be finished in 1973.

(c) Total remote control switching operations at terminals on two lines: this is to spread to all lines.

(d) Automatic train operation (ATO) in regular service on two lines, with two more to follow in the next months. Lines equipped in this way require only one operator on board trains, which means that once all the rolling stock has been modernized it will be possible to save 1,500 operators.

(e) Adoption of a new line operation method which limits stopping time and automatically informs each train operator of the exact departure time in each station. Using this method, we have been able to reduce train headway on one of our lines from 115 seconds to 95 seconds. Thus we could put more trains on the line and increase the transit capacity by 20%. This method which is particularly cheap, will be extended to the whole system and we are now working on an even more integrated system using a computer at the central control room which can determine all train movements on each line, regardless of whether they are or not in accordance with the time-tables.

RATP engineers cooperating with manufacturers have also carried out studies and tests in all directions such as noise reduction, automatic train operation (ATO), tracks laid on concrete, ticket, vending and cancelling machines, choppers, all kinds of automation and, for buses, fuel cell, electrical transmission in order to avoid air pollution.

Of course, we keep an interested eye on new techniques and systems being in close contact with their sponsors or manufacturers in order to be ready to use them on our lines when the appropriate time comes. For example, we are in close contact with firms and engineers dealing with the Air-Cushion train, new types of bogies, especially monomotors, and the induction linear motor. As a matter of fact, an air-cushion line is to be built with a transfer at La Defense.

At the same time, administrative methods are modernised and management by computers has been adopted.

To be able to do all these tasks and face

all the problems, new departments have been created or developed, especially for civil engineering and new automated techniques. Accordingly more than 400 young engineers have been recruited.

The opening of the new regional line sections, especially the Etoilé-La Defense shuttle service, is the most evident proof of what RATP means by a modern subway line fitting in new urban structures and present-day standard of living in so far as modern techniques. eye-appeal, comfort and amenities for the public are concerned.

A subway line should not only be a purely utilitarian means of transport; it is a place where employees are compelled to spend a large part of their daily lives.

Especially in the evening, at the end of a day's work, the homeward-bound employee should be able to relax for a while. At a time when working conditions are being improved, while new housing development is going up in the midst of gardens, it would be a shame if moving from one area to another one meant a trip under depressing conditions, with people degradingly packed together. This is the reason why we have created a Commercial center at La Defense station, and why we open modern looking shops in many other places, providing all kinds of services.

This is also the reason why in the new stations you can hear music, just to put our passengers in the right mood.

Do not think that what I have tried to sum up for you are just whimsical ideas from technocrats. All this is aimed at serving the human beings that we have to carry. At the same time the firm can balance its budget and we save some 5 to 6 thousand employees.

This effort is just the beginning of plans which enabled us to determine the orientation and solutions to be adopted in rapid transit and which will be realised during the years to come.

There is a financial and technical effort to sustain for at least 15 or 20 years.

The slides I am about to show will give you an idea of the many aspects of this work involving new and reliable solutions which we have been able to select on the basis of our knowledge and experience in Paris indeed, but also in places like Montreal, Mexico City or Santiago de Chile where we have been asked to help build Metros "à la mode de Paris."

ANDREW J. VOLSTEAD, THE ORIGINATOR OF FARM BARGAINING LEGISLATION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ZWACH. Mr. Speaker, our House Committee on Agriculture is presently holding hearings on the National Marketing and Bargaining Act.

I would like to point out, at this time, that a Minnesotan, Andrew J. Volstead, was the originator of farm bargaining legislation.

A Member of Congress for 20 years from the area I now represent, Andrew Volstead was the author of the Capper-Volstead Act, the Magna Carta of farm cooperatives, which for the first time, legalized an association of producers to market their products, whether or not the organization was incorporated and whether or not it was organized on a capital stock basis.

Although he was known worldwide as the father of prohibition, Andrew Volstead believed his work in writing and spearheading the passage of the Capper-Volstead Act was probably his most important accomplishment in Congress.

He once wrote:

The cooperative marketing law will do more good than any other law that you can name, because it will make it possible for the farmers through farm organizations, to sell their products upon an equal footing with the businessman.

If the farmers are to be successful, it is my judgment that they must become successful in that way. It has been the method relied on by the European farmers. It has been attempted in practically every European country and it is the one thing, above all others, upon which they rely for success.

Cooperatives, as they are now known, were in their infancy at the turn of the century, but as more and more associations began to form, there were several court rulings against them under State statutes and the then recently passed Sherman Antitrust Act.

Legislation was passed in Congress designed to exempt cooperatives, but it was full of loopholes.

In 1919, after months of study and work, Volstead, then chairman of the House Judiciary Committee, drafted a bill and submitted it to farm organizations and other congressional leaders for their recommendations. After further work, he submitted the bill to the House.

The act required that an association be operated for mutual benefit of its members as producers; that no member be allowed more than one vote and that dividends on capital stock or membership capital do not exceed 8 percent a year; and that the association does not handle products of nonmembers to a greater degree than it handles its own members' products.

In 1919, these proposals were considered revolutionary. The bill did not pass until 3 years after Volstead had first submitted it.

Mr. Speaker, I want to pay tribute today to Andrew Volstead, the father of the farm cooperative movement in America. Without the legislation which he originated, our producers would be in much more dire straits than they are today.

It is my fervent hope that our Committee on Agriculture can carry on the work so valiantly started by Andrew Volstead and that as a result of the hearings now in progress we may move forward in this area of farm bargaining and marketing.

THE NO-PHOSPHATE, NON-CAUSTIC MIRACLE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RYAN. Mr. Speaker, for years, a number of us in the Congress along with concerned environmentalists have attempted to increase the public's awareness of the injurious effects of detergents upon our waters. Much of that effort has now been thwarted by the unnecessary and sudden announcement by the Environmental Protection Agency urging a return to phosphate detergents on the ground that alternative cleansers were more dangerous.

Indeed, the dangers of detergents do pose a dilemma. Phosphates nourish destructive algae that can choke the life out of a lake. Some alternative cleansers contain NTA, a chemical compound that might cause cancer. Others contain caustic soda posing a threat of damage to the eyes, nose, and throat.

An article by Steve Lawrence which appeared in the New York Post of Tuesday, September 21, offers a solution, a noncaustic, no-phosphate miracle. It is called soap.

I commend this article to the attention of my colleagues:

[From the New York Post, September 21, 1971]

A NONCAUSTIC, NO-PHOSPHATE MIRACLE: SOAP

(By Steve Lawrence)

You say you're guilt-ridden about adding to New York City's water pollution problems by using phosphate detergents, but at the same time scared by the U.S. Surgeon General's warnings about alternatives that contain harsh caustics?

So try washing your clothes with plain old soap. "There's no reason at all for consumers not to switch to soap in New York City, we have very soft water here," says a spokesman for the Environmental Protection Administration.

"There's no problem at all with soap in soft water areas," says Dr. Herman Forest, biology professor at the State University and a fierce campaigner against phosphates.

"That's what people out here are using now," says Jack Flynn, director of the Dept. of Environmental Control in Suffolk County where most detergents have been banned.

Oh yeah, says the detergent industry, you need detergents and phosphates for those "whiter than white washes." Do you want to be the first one on your block to suffer the curse of washday grey?

It's not quite that simple of course. But even the federal Environmental Protection Agency, which last week urged consumers to go back to using phosphate detergents, admits that this chemical does pollute fresh water lakes and streams.

One kicker in New York City is that we don't empty our wastes into fresh water. They go into the Hudson, the East River and parts of Jamaica Bay, all of which are salty to varying degrees. And even the anti-phosphate forces concede that excessive algae growth, which robs fresh water of valuable oxygen, is not a significant problem from phosphates dumped into salty water.

But the detergent industry finds it cheaper to make one detergent formula for the whole country. So if enough states and localities ban phosphates, the argument goes, we can clear up this pollution where it is a problem. New York State apparently sees it that way and has passed a two-step phosphate ban, limiting the chemical in detergents by next year, and banning it entirely by 1973.

So what would happen if everyone switched to soap? First of all, a spokesman for Procter and Gamble said, the nation would quickly run out of the fats and oils needed to make soap.

"Nonsense," says Dr. Forest, "the industry would simply have to salvage more fats and oils and encourage the production of more agricultural oils."

But then there's the loss of those whiter than white washes, says the industry. The explanation goes something like this: Plain soap suspends the dirt in clothes and then settles it out. That's why you have bathtub rings and other scum left in a tub after washing with soap.

The new detergents, on the other hand, suspend the dirt, and the phosphates keep it suspended so it doesn't settle back into clothes.

"Those new washing machines with the spin-dry cycles will simply force the soap scum back into clothes," says the P&G spokesman.

Environmentalists say the same thing happens to a slightly lesser degree even with phosphates. And they say you can even the odds against soap scum in your wash by adding washing soda. That's washing soda chemically called sodium carbonate—not baking soda, which is sodium bicarbonate, the common cure for a queezy stomach.

"That'll help some," agreed the Procter and Gamble spokesman. "But without phosphates automatic dishwashers would become obsolete."

And, apparently, this is a real problem. Most localities have viewed it as such a minor pollution problem, however, that they have been willing to exempt automatic dishwashing compounds from their phosphate bans. Suffolk County, Connecticut and Canada all have such dispensations. New York, however, does not.

You don't even have to throw out your washing machine and go back to bar soap and a washing board, say the environmentalists. After all, there's still Duz Soap, Fels Naptha, Ivory Flakes, Ivory Snow and a bunch of others.

But, you mumble, these are so-called "light-duty" products and won't produce those blinding-white washes we're all accustomed to.

One answer came from the city's Environmental Protection Administrator last week. Jerome Kretchmer, doffing his EPA hat and donning his home-economist hat, urged the use of soap and washing soda. "Your clothes may not glow in the dark," he said, "but they will be clean and fresh at lower cost and without adding phosphates to our waters."

THE TARIFFS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SCHMITZ. Mr. Speaker, this short essay on tariffs was written over 125 years ago by Frederic Bastiat. It makes its own point so well that commentary would be superflous.

This piece was extracted from a new book entitled "Frederic Bastiat: A Man Alone," written by George Charles Roche III and published by Arlington House.

The essay follows:

THE TARIFFS

To the Honorable Members of the Chamber of Deputies.

Gentlemen: We are suffering from the ruinous competition of a foreign rival who apparently works under conditions so far superior to our own for the production of light that he is *flooding* the *domestic market* with it at an incredibly low price; for the moment he appears, our sales cease, all the consumers turn to him, and a branch of French industry whose ramifications are innumerable is all at once reduced to complete stagnation. This rival, which is none other than the sun, is waging war on us so mercilessly that we suspect he is being stirred up against us by perfidious Albion [England] (excellent diplomacy nowadays!), particularly because he has for that haughty island a respect that he does not show for us.

We ask you to be so good as to pass a law requiring the closing of all windows, dormers, skylights, inside and outside shutters, curtains, casements, bull's-eyes, deadlights, and blinds—in short, all openings, holes, chinks, and fissures through which the light of the sun is wont to enter houses, to the detriment of the fair industries with which, we are proud to say, we have endowed the country, a country that cannot, without betraying ingratitude, abandon us today to so unequal a combat.

Be good enough, honorable deputies, to take our request seriously, and do not reject it without at least hearing the reasons that we have to advance in its support.

First, if you shut off as much as possible all access to natural light, and thereby create a need for artificial light, what industry in France will not ultimately be encouraged?

If France consumes more tallow, there will have to be more cattle and sheep, and, consequently, we shall see an increase in cleared fields, meat, wool, leather, and especially manure, the basis of all agricultural wealth.

If France consumes more oil, we shall see an expansion in the cultivation of the poppy, the olive and rapeseed. These rich yet soil-exhausting plants will come at just the right time to enable us to put to profitable use the increased fertility that the breeding of cattle will impart to the land.

Our moors will be covered with resinous trees. Numerous swarms of bees will gather from our mountains the perfumed treasures that today waste their fragrance, like the flowers from which they emanate. Thus, there is not one branch of agriculture that would not undergo a great expansion.

The same holds true of shipping. Thousands of vessels will engage in whaling, and in a short time we shall have a fleet capable of upholding the honor of France and of gratifying the patriotic aspirations of the undersigned petitioners, chandlers, etc.

But what shall we say of the *specialties of Parisian manufacture?* Henceforth you will behold gilding, bronze, and crystal in candlesticks, in lamps, in chandeliers, in candelabra sparkling in spacious emporia compared with which those of today are but stalls.

There is no needy resin-collector on the heights of his sand dunes, no poor miner in the depths of his black pit, who will not receive higher wages and enjoy increased prosperity.

It needs but a little reflection, gentlemen, to be convinced that there is perhaps not one Frenchman, from the wealthy stockholder of the Anzin Company to the humblest vendor of matches, whose condition would not be improved by the success of our petition.

Commenting upon his own ridiculous example, Bastiat drove home the point:

When a product—coal, iron, wheat, or textiles—comes to us from abroad, and when we can acquire it for less labor than if we produced it ourselves, the difference is a *gratuitous gift* that is conferred upon us. The size of this gift is proportionate to the extent of this difference. It is a quarter, a half, or three-quarters of the value of the product if the foreigner asks of us only three-quarters, one-half, or one-quarter as high a price. It is as complete as it can be when the donor, like the sun in providing us with light, asks nothing from us. The question, and we pose it formally, is whether what you desire for France is the benefit of consumption free of charge or the alleged advantages of onerous production. Make your choice, but be logical; for as long as you ban, as you do, foreign coal, iron, wheat, and textiles, *in proportion* as their price approaches *zero*, how inconsistent it would be to admit the light of the sun, whose price is zero all day long!

Frankly, is it not somewhat humiliating for the nineteenth century to provide future ages with the spectacle of such childish behavior carried on with such an air of imperturbable gravity? To be hoodwinked by someone else is not very agreeable; but to use the vast apparatus of representative government to hoodwink ourselves, not just once, but twice over—and that, too, in a little matter of arithmetic—is surely something to temper our pride in being the *century of enlightenment.*

CHROME-PLATED FANTASY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. BURKE of Florida. Mr. Speaker, I am sure you are aware of the economic sanctions the U.N. imposed upon the Government of Rhodesia in 1966 after Rhodesia broke away from British rule and created a separate government. But you may not be aware of the chrome-plated fantasy that has resulted from these sanctions.

According to our State Department's interpretation, under section 25 of the 1945 U.N. Participation Act, each member nation "is obligated to accept and carry out the decisions of the U.N. Security Council." The State Department confirmed this interpretation at a recent Senate hearing on the Rhodesian situation.

This interpretation is, to some degree, hampering one of our key industries—the ferroalloy industry. The ferroalloy, and in turn the steel industries, are dependent upon chrome ore, which is vital to the production of stainless steel, tool steel, structural steel, and other items, including an impressive list of defense applications ranging from jet aircraft to nuclear submarines to conventional armaments.

Chrome ore is not found in the United States in commercially acceptable deposits. We must therefore import chrome ore to serve our industrial needs and our defense needs.

The main producers of chrome ore are the Soviet Union, Rhodesia, South Africa, Turkey, and the Philippines. Of this group Rhodesia has an estimated two-thirds of the world supply of high-grade chromite ore. Russia, while being the largest supplier today, has less than one-tenth the reserves of Rhodesia.

Even though Rhodesia has the largest chrome reserves in the world, because of U.N. sanctions our Nation is dependent upon importing our high-grade chrome ore from the Soviet Union. Thus, a Communist nation is supplying our free enterprise society with a key ingredient for one of our major industries.

While the Soviets are selling us chrome, we continue to be the patsy as can be seen by the high prices our country and its industries pay for chrome ore. In 1965, the last year Rhodesia sold chrome to the United States, they supplied about 40 percent of our metallurgical needs at a price of about $25 per ton. Today, the Soviet Union supplies about 60 percent of our chrome needs and since they dominate the market the Communists have increased the price to $72 per ton or a 188-percent increase.

Our industrial officials estimate that the increase in chrome prices imposed by

Russia has had a dire financial impact on our steel industry increasing the costs by $100 million. Of course, the American consumer feels the pinch when buying products requiring chrome ore.

But even with the Russians making a profit at our expense by selling America this ore, our industry still has need for more ore. Just recently the U.S. House of Representatives passed legislation allowing the selling of the ore from our stockpile of strategic materials to alleviate this need.

An even stranger part of this story is that while the U.N. has placed stringent economic sanctions on Rhodesia for breaking away from British control, the Rhodesian economy continues to prosper. There is good evidence that many of the countries who have signed the U.N. economic sanctions are still buying chrome from the African nation. In fact, there is evidence that the Rhodesians may be selling the ore to Russia, who in turn sells it to us at inflated prices.

Recently a U.S. industry spokesman testified before the House Foreign Affairs Committee that tests conducted by his company on chrome imports from Russia indicated certain geological marks showing the ore had to have been mined in Rhodesia.

In checking on this further, I was informed by the U.S. Bureau of Mines that their tests on the questionable chrome indicated that it was mined in Russia, however, suspicion still remains and the Bureau suggests tests be continued on the imported ore.

A partner in all this is the British Government which initiated the sanctions against Rhodesia. Yet, England has completely ignored the U.S. economic embargo against the Cuban Government and the Government of North Vietnam. State Department statistics show that Britain imported goods totaling about $13 million from Communist Cuba in 1969 and exported goods to Cuba in excess of $31 million. The British even did $200,000 worth of business with North Vietnam, a country with which we are technically at war.

Another interesting point is that the U.N. has contended that Rhodesia is not a true democratic nation. But, then how democratic are many of the member nations in the U.N. such as Russia, most of the East European nations and many of the African nations?

In a sense, this entire matter is a chrome-plated fantasy, and America is again the victim of a ridiculous foreign policy.

In an effort to help correct this situation, today I am joining with a group of my colleagues in the House and Senate by introducing legislation which will, if passed, amend the U.N. participation Act of 1945 and provide authority—to the President to import strategic materials from free world nations.

I hope this legislation will pass because it would end our dependence upon the Soviet Union for strategic material and hopefully set the path for some commonsense thinking in our State Department.

SENATE—*Friday, September 24, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, infinite, eternal, and unchangeable, may Thy spirit brood over us and be in each of us to quicken our minds and guide our judgments through this day. Guide us in the wise use of money and the moral use of power.

Teach us, good Lord, so to serve Thee as Thou deservest; to give and not to count the cost; to persevere and not to heed the wounds; to toil and not to seek for rest; to labor and not to ask for reward, except the knowledge that we do Thy will. Guide us in the ways of peace for Thy name's sake. We ask not to be kept safe but to be kept loyal to one another and faithful to the high trust placed in us.

We pray in the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 23, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar beginning with No. 362 and ending at No. 376, but not including that measure.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

The resolution (S. Res. 159) authorizing additional expenditures by the Special Committee on Aging was considered and agreed to as follows:

Resolved, That the Special Committee on Aging is authorized to expend from the contingent fund of the Senate not to exceed $2,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 316, Ninety-first Congress, agreed to February 16, 1970, authorizing a complete study of any and all matters pertaining to the problems and opportunities of older people.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–368), explaining the purposes of the measure.

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

Senate Resolution 159 would authorize the Special Committee on Aging to expend not to exceed $2,000 in addition to the amounts it was authorized to expend during the second session of the 91st Congress. During that session, the special committee was authorized pursuant to Senate Resolution 316, agreed to February 16, 1970, to expend $215,000, and pursuant to Senate Resolution 473, agreed to October 14, 1970, to expend an additional $24,000 for a total expenditure authorization of $239,000 for the session.

COMPILATION OF STATEMENTS BY PRESIDENTS OF THE UNITED STATES ON INTERNATIONAL COOPERATION IN SPACE

The resolution (S. Res. 161) authorizing the printing as a Senate document of a compilation of statements by Presidents of the United States on international cooperation in space was considered and agreed to as follows:

Resolved, That the compilation entitled "Statements by Presidents of the United States on International Cooperation in Space—A Chronology: October 1957—July 1971" be printed with illustrations as a Senate document, and that there be printed three thousand additional copies of such document for the use of the Committee on Aeronautical and Space Sciences.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–367), explaining the purposes of the measure.

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

Senate Resolution 161 would provide (1) that the compilation entitled "Statements by Presidents of the United States on International Cooperation in Space—A Chronology: October 1957–July 1971" be printed, with illustrations, as a Senate document; and (2) that there be printed 3,000 additional copies of such document for the use of the Committee on Aeronautical and Space Sciences.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$5,032.58
3,000 additional copies, at $315.87 per thousand	947.61
Total estimated cost, Senate Resolution 161	5,980.19